EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

DECISION

Application no. 38198/19
Mehmet TÜRK
against Türkiye

The European Court of Human Rights (Second Section), sitting on 23 September 2025 as a Committee composed of:

Jovan Ilievski*, President*,
Oddný Mjöll Arnardóttir,
Stéphane Pisani*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 38198/19) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 June 2019 by a Turkish national, Mr Mehmet Türk ("the applicant"), who was born in 1976, was detained in Manisa and was represented by Mr M. Mirza, a lawyer practising in Denizli;

the decision to give notice of the complaint under Article 3 of the Convention about the applicant's medical care in prison to the Turkish Government ("the Government"), represented by their Agent at the time, Mr Hacı Ali Açıkgül, former Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant suffers from certain diseases including thrombosis (blood clotting) and a patent foramen ovale (a heart condition). The case concerns the medical care provided to him in prison and in particular the rejection of his requests to use the sports halls of the prisons where he was detained to exercise.

2. On 18 November 2016 the applicant was placed in pre-trial detention on suspicion of membership of a terrorist organisation ("Fetullahist Terror Organisation/Parallel State Structure") in Manisa T-Type Prison. The cell in which he was detained had an outdoor yard of approximately 30 square metres (sq. m.). In accordance with the prison's practice, inmates had access to the outdoor yard attached to their cell every day from sunrise to sunset and used that space for sports activities such as walking and jogging.

3. While in Manisa Prison, the applicant underwent several medical examinations at Manisa State Hospital. A medical report drawn up on 6 April 2017 by a medical board of ten doctors concluded that the applicant's state of health at the time was compatible with his detention in prison. The board advised regular exercise.

4. On 3 May 2017 the applicant asked the prison administration to provide him with the facilities necessary for him to engage in brisk walking or light jogging as recommended in the medical report of 6 April 2017. The prison administration replied that he could exercise in the outdoor yard attached to his cell for the time being.

5. On 10 August 2017 the applicant was referred to the Manisa State Hospital Haematology Clinic for a medical examination. Following that examination, the specialist doctor in internal medicine and haematology noted that, owing to the applicant's illnesses, prolonged immobility might increase the risk of a new thrombosis attack. He recommended that the applicant walk in prison to the extent possible.

6. A further medical report drawn up on 28 August 2017 by a medical board consisting of nine doctors concluded that the applicant did not suffer from severe illness, disability or old age, and that he could live independently in prison, without assistance in performing basic daily activities. The medical board further noted that it was not necessary for the applicant to be hospitalised and that his prison sentence did not present a direct threat to his life. The board also found that walking was appropriate exercise for him to undertake, in so far as the prison conditions allowed.

7. On 15 January 2018 the applicant submitted a new petition to the prison administration, requesting regular access to the prison's sports hall so that he might engage in brisk walking or light jogging. On 18 January 2018 the prison administration rejected his request, referring to a decision of the Directorate of Prisons, according to which prisoners detained on account of terrorism-related offences were not permitted to use the sports hall until further order in order to prevent escapes and riots owing to staff shortages. The administration decided that the applicant should carry out his sports activities in the outdoor yard attached to his cell. Objections lodged by the applicant against that decision were rejected by the Manisa enforcement judge and the Manisa Assize Court.

8. On 12 February 2018 the applicant was transferred from Manisa Prison to Akhisar T-Type Prison. According to the applicant, the outdoor yards of

the two cells in which he had been held in that prison measured 42 sq. m. According to the Government, the yards measured 40,5 sq. m. and 46 sq. m.

9. On 27 March 2018 the applicant lodged an individual application with the Constitutional Court, claiming that the refusal of his request to use the prison's sports hall in Manisa Prison put his life at risk. He also requested his release as an interim measure. On 9 April 2018 the Constitutional Court rejected his interim measure request, concluding that he was able to access health services in prison and that his detention did not pose a serious threat to his life or his physical or moral well-being. On 19 April 2019 the court found his individual application inadmissible for being manifestly ill-founded.

10. Following his transfer to Akhisar Prison, the applicant requested access to the prison's sports hall. The prison administration rejected his request, stating that he could walk in the outdoor yard attached to his cell. Objections lodged by the applicant against that decision were rejected by the Akhisar enforcement judge and the Akhisar Assize Court. A second individual application lodged by him with the Constitutional Court was rejected on 3 April 2020 for being manifestly ill-founded.

11. The applicant was released from prison on 1 July 2021.

12. Relying on Articles 2 and 3 of the Convention, the applicant argued that the rejection of his requests to use the prisons' sports halls to exercise, which had been recommended by doctors following several medical examinations, constituted inhuman treatment and put his life at risk. In particular, he claimed that he needed to walk briskly, as if jogging, to reduce the risk of thrombosis and that walking in a leisurely manner or performing various stationary exercises did not have the same effect in preventing blood clot formation. He also stated that due to the size of the outdoor yards attached to the cells where he was held and the large number of other inmates, it was not possible for him to walk briskly or to jog. He contended that he had been unable to follow the treatment recommended by his doctors.

THE COURT'S ASSESSMENT

13. The Government argued that the application should be declared inadmissible for non-exhaustion of domestic remedies, and in the alternative, for being incompatible *ratione materiae* with the provisions of the Convention, as the minimum threshold of severity had not been attained under Article 3 of the Convention.

14. The applicant reiterated his complaint and contested the Government's arguments.

15. Being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018), the Court considers that the applicant's complaint falls to be examined under Article 3 of the Convention alone.

16. The Court will not assess the Government's pleas of inadmissibility, as it considers that in any event the application should be rejected for the following reasons.

17. The Court refers to the general principles set out in *Kudła v. Poland* ([GC], no. 30210/96, §§ 91-94, ECHR 2000-XI) and *Valašinas v. Lithuania* (no. 44558/98, § 102, ECHR 2001-VIII), concerning the national authorities' obligation to protect the health of persons deprived of their liberty and to provide appropriate medical care. In particular, the State must ensure that a person is detained in conditions which are compatible with respect for his or her human dignity, that the manner and method of the execution of the measure depriving a person of his or her liberty do not subject him or her to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his or her health and well-being are adequately secured (ibid.).

18. The Court furthermore reiterates that an unsubstantiated allegation that medical care has been non-existent, delayed or otherwise unsatisfactory is normally insufficient to disclose an issue under Article 3 of the Convention. A credible complaint should normally include, among other things, sufficient reference to the medical condition in question; details of medical treatment sought, provided, or refused; and some evidence – such as an expert report – which is capable of disclosing serious failings in the applicant's medical care (see *Valeriy Samoylov v. Russia*, no. 57541/09, § 80, 24 January 2012, and *Yevgeniy Bogdanov v. Russia*, no. 22405/04, § 93, 26 February 2015).

19. Turning to the present case, the Court notes that the applicant underwent multiple medical examinations throughout his detention. The medical reports drawn up following those examinations all concluded that his state of health was compatible with his detention in prison (see paragraphs 3-6 above). The Court observes that while it was recommended in those reports that the applicant "exercise" or "walk", none of them specifically instructed him to use a large space or a sports hall for such activities. On the contrary, the reports noted that he should exercise to the extent the prison conditions allowed. Furthermore, the prison administrations were not indifferent or unresponsive to the applicant's requests. They assessed his demands and, taking into account the necessary security measures and prison conditions, considered it appropriate that he engage in the recommended exercise in the outdoor yard attached to his cell. In this connection, the Court points out that the yards in question measured around 30 sq. m. in Manisa Prison and at least 40.5 sq. m. in Akhisar Prison and that the applicant had access to them every day from sunrise until sunset (see paragraphs 2 and 8 above).

20. While the Court acknowledges that a larger space could have facilitated the applicant's exercise, it concludes that the evidence before it does not disclose any serious failings in the medical care provided to him (compare *Valeriy Samovlov*, cited above, § 80).

21. In the light of the foregoing, the Court cannot conclude that the applicant was subjected to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention or that the prison administrations neglected their obligation to protect his health and well-being.

22. It follows that this complaint is manifestly ill-founded and must be dismissed under Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 October 2025.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President