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

SECOND SECTION

DECISION

Application no. 40797/20
Nuh UZUN
against Türkiye

The European Court of Human Rights (Second Section), sitting on 3 February 2026 as a Committee composed of:

Jovan Ilievski*, President*,
Gediminas Sagatys,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 40797/20) 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 4 September 2020 by a Turkish national, Mr Nuh Uzun ("the applicant"), who was born in 1988, lives in Kahramanmaraş and was represented by Mr H. Kaynar, a lawyer practising in Diyarbakır;

the decision to give notice of the complaints under Article 3 of the Convention concerning conditions of detention 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 application concerns, under Article 3 of the Convention, the allegedly inadequate conditions of the applicant's detention – in particular, overcrowding.

2. The applicant, who was detained during the time in question, initiated proceedings before the Gaziantep enforcement judge in relation to the

conditions of his detention; by a decision of 11 August 2017, the judge dismissed his complaints. On 14 September 2017 the Gaziantep Assize Court, ruling on an objection lodged by the applicant, upheld the reasoning of the enforcement judge.

3. On 25 October 2017 the applicant lodged an individual application with the Constitutional Court concerning his conditions of detention.

4. By a decision of 28 January 2020, which was served on the applicant on 10 February 2020, the Constitutional Court dismissed the individual application.

5. Relying on Article 3 of the Convention, the applicant complained of overcrowding and inadequate sanitary conditions in the prisons in which he had been held.

THE COURT'S ASSESSMENT

6. The Court notes that in the proceedings in question the final domestic decision, within the meaning of Article 35 § 1 of the Convention, was adopted on 28 January 2020 and served on the applicant on 10 February 2020 (see paragraph 4 above), whereas he lodged his application with the Court on 4 September 2020 – that is, more than six months later.

7. While the Government did not raise an objection based on non-compliance with the six-month time-limit applicable at the relevant time, the Court reiterates that this is an issue which it must examine of its own motion (see, for example, *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, § 168, 1 June 2023, and the cases cited therein).

8. The Court is mindful that on 16 March and 9 April 2020, in view of the global COVID-19 pandemic, exceptional measures (including in respect of the calculation of the six-month time-limit) were announced by the President of the Court (see, for further details, *Saakashvili v. Georgia* (dec.), nos. 6232/20 and 22394/20, §§ 46-59, 1 March 2022). The Court has found that those measures are applicable to applications in which a calendar six-month period either started to run or was due to expire at any time between 16 March and 15 June 2020; in such cases, the six-month rule under Article 35 § 1 of the Convention should be exceptionally considered to have been suspended for three calendar months in total (ibid., § 58; see also *Kitanovska and Barbulovski v. North Macedonia*, no. 53030/19, § 40, 9 May 2023, and *Masse v. France* (dec.), no. 47506/20, §§ 23-29, 25 March 2025).

9. In the applicant's case, the six-month time-limit started to run on 10 February 2020 and expired on 10 August 2020. Those dates do not fall within the above-mentioned period (from 16 March until 15 June 2020), which coincided with the most critical phase of the pandemic.

10. Accordingly, the exceptional three-month suspension does not apply to the applicant's situation (see *Masse*, §§ 30-32, and *Kitanovska and Barbulovski*, § 40, both cited above).

11. It follows that, in the absence of exceptional circumstances linked to the particular situation of the applicant (see *Masse*, cited above, § 31), the present application is inadmissible under Article 35 § 1 of the Convention for non-compliance with the six-month rule. It must therefore be rejected, pursuant to Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 5 March 2026.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President