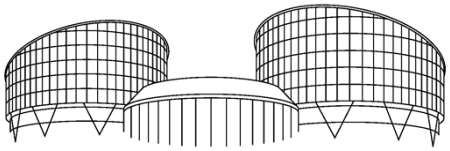

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF EKİCİKOL v. TÜRKİYE

(Application no. 1991/21)

JUDGMENT

STRASBOURG

25 August 2026

This judgment is final but it may be subject to editorial revision.

In the case of Ekicikol v. Türkiye,

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

Jovan Ilievski, *President*,
Péter Paczolay,
Juha Lavapuro, *judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 1991/21) 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 23 December 2020 by a Turkish national, Mr Gürkan Ekicikol ("the applicant"), who was born in 1978 and lives in İzmir, and was represented by Mr M. Orhan, a lawyer practising in İzmir;

the decision to give notice of the complaint under Article 8 of the Convention concerning the prison administration's prohibition on visits at weekends to the Turkish Government ("the Government"), represented by their Agent, Mr Abdullah Aydın, 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 in private on 30 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The application concerns the decisions of prison authorities to restrict visits at weekends. The applicant complained under Article 8 of the Convention that he had been unable to maintain contact with his school-age children on account of this restriction.

2. At the time of the events giving rise to the present application, the applicant was detained in İzmir T-Type Prison because of his conviction for terrorism-related offences in connection with the attempted coup of 15 July 2016.

I. THE PROCEEDINGS AT ISSUE

3. On 20 September 2018 the administration of İzmir T-Type Prison ("the prison administration") delivered a general decision not to allow visits during weekends, relying on reasons such as overcrowding in the prison, shortage of staff during the weekends and security concerns.

4. On 22 October 2018 the Karşıyaka enforcement judge ("the enforcement judge") dismissed a complaint lodged by the applicant against

the prison authorities' decision, finding that decision to be in accordance with law.

5. On 13 November 2018 the Karşıyaka Assize Court dismissed an objection raised by the applicant against that decision.

6. On 18 June 2020 the Constitutional Court declared an individual application lodged by the applicant, in which he had complained, *inter alia*, of the prohibition on visits at weekends, inadmissible as manifestly ill-founded, referring to its case-law in the case of *Orhan Alagöz* (for more information regarding that case see *Subaşı and Others v. Türkiye*, nos. 3468/20 and 18 others, § 41, 6 December 2022).

7. The applicant lodged the present application with the Court on 23 December 2020. He complained that his right to respect for his private and family life under Article 8 of the Convention had been violated as a result of the decision of the prison authorities restricting his visiting rights with his children on weekends. The applicant submitted, in particular, that he had two daughters, one of preschool age and one of school age. The latter had just started her formal education at the beginning of the 2018-19 school year, when the prison authorities had delivered the decision in question. However, she had had to be absent from school on the days when she had visited him, which had affected her well-being and adjustment to school.

II. FURTHER DEVELOPMENTS

8. On 1 November 2019 the prison administration delivered a new general decision allowing the prisoners whose children received formal education to have weekend visits once per month, but not on a weekly basis, relying on reasons such as overcrowding in the prison, shortage of staff during the weekends and security concerns.

9. The applicant lodged a complaint with the enforcement judge against the prison administration's decision, requesting the enforcement judge to order the prison administration to allow weekend visits on a weekly basis.

10. On 18 November 2019 the enforcement judge dismissed the applicant's complaint, finding the decision of the prison administration to be in accordance with law.

11. On 29 November 2019 the Karşıyaka Assize Court dismissed an objection raised by the applicant against that decision.

12. On 9 December 2020 the Constitutional Court declared an individual application lodged by the applicant, in which he had complained of the restrictions on visits at weekends, manifestly ill-founded.

13. On 27 February 2021 the applicant was transferred from İzmir T-Type Prison to Bolvadin T-Type prison.

14. On 10 June 2021 the applicant lodged an application with the Court (application no. 30846/21), complaining that his right to respect for his

private and family life under Article 8 of the Convention had been violated on account of the restriction of weekend visits to once per month.

15. In *Altıntop and Others v. Türkiye* ([Committee], nos. 39386/20 and 28 others, 20 January 2026), the Court held that there had been a violation of the applicant's right to respect for his private and family life under Article 8 of the Convention on account of the restrictions on visits at weekends, and awarded him 1,500 euros, plus any tax that might be chargeable, in respect of non-pecuniary damage.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

16. The applicant complained that his right to respect for his private and family life under Article 8 of the Convention had been violated owing to the decisions of the national authorities to exclude visits of his children at weekends.

A. Admissibility

17. The Government contended, firstly, that the applicant had not suffered a significant disadvantage and challenged his victim status on the grounds that he had still had the opportunity to receive weekday visits from his children and had not been deprived of other means of communicating with them, such as through telephone calls or correspondence. They further submitted that the situation had been of a temporary nature, as the applicant had been unable to see his children at weekends only for reasons related to prison capacity, shortage of staff and security.

18. Secondly, the Government raised the same objections on the grounds that the applicant's two daughters had both been of preschool age and that they had not been obliged to attend school on weekdays. The Government submitted that the applicant's children had been attending kindergarten at the time when the prison administration had adopted the impugned decision concerning weekend visits and that attendance at kindergarten did not form part of compulsory education.

19. The applicant did not submit any arguments specifically challenging the objections raised by the Government and reiterated his general complaints regarding the restriction in question.

20. With regard to the first ground of the Government's objection, that the applicant had still had the opportunity to receive weekday visits from his children and had not been deprived of other means of communication with them (see paragraph 17 above), the Court notes that a similar objection was already dismissed in *Subaşı and Others v. Türkiye* (nos. 3468/20 and 18 others, §§ 61-63, 6 December 2022). It sees no reason to depart from

those findings in the present case. Those objections must, accordingly, be dismissed (compare also, for similar conclusions, *Altıntop and Others v. Türkiye* [Committee], nos. 39386/20 and 28 others, §§ 8-9, 20 January 2026).

21. In respect of the second ground of the Government's objections, that the applicant's children had been attending kindergarten at the time when the prison administration had adopted the impugned decision and that attendance at kindergarten did not form part of compulsory education (see paragraph 18 above), the Court observes that the applicant's older daughter started her formal education at the beginning of the 2018-19 school year. This is, in fact, presented in the documents submitted by the Government. Accordingly, at the time when the prison authorities gave the decision in question on 20 September 2018, she was already a student in the first grade.

22. In view of the findings above, the Court considers that these objections must be dismissed in the light of the reasons set out with regard to the first ground (see paragraph 20 above).

23. The Court must further examine on its own motion (compare *Harkins v. the United Kingdom* (dec.) [GC], no. 71537/14, § 55, 15 June 2017, and *Ekimdzhiev and Others v. Bulgaria*, no. 70078/12, § 253, 11 January 2022) whether the present application is "substantially the same" as application no. 30846/21 which has already been examined by the Court. The Court must therefore ascertain whether the two applications brought before it by the applicant relate essentially to the same persons, the same facts and the same complaints (see, *inter alia*, *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland* (no. 2) [GC], no. 32772/02, § 63, ECHR 2009; and *Vojnovic v. Croatia* (dec.), no. 4819/10, § 28, 26 June 2012).

24. The Court observes that the proceedings at issue in the two applications concerned distinct decisions by the prison administration regarding weekend visits, which were different in scope (the earlier decision here at issue prohibited weekend visits altogether whereas the later decision at issue in application no. 30846/21 restricted weekend visits to once per month), concerned different periods of time and were accordingly contested by the applicant in separate sets of proceedings before the domestic courts (see in detail paragraphs 2-11 above). In these circumstances, the two applications cannot be considered as relating to the same facts. The present application is accordingly not inadmissible for being substantially the same, for the purposes of Article 35 § 2 (b), as application no. 30846/21.

25. The Court considers that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

26. Regarding the scope of the present application, the Court notes at the outset that in *Altıntop and Others* (cited above), the Court examined the prison authorities' decision of 1 November 2019 to restrict weekend visits. By contrast, the prison authorities' decision of 20 September 2018, which is the decision under examination in the present application, differs from the one examined in *Altıntop and Others*, which concerned an application brought by the same applicant in respect of a separate, subsequent set of domestic proceedings relating to a different school year.

27. The Court notes that in the leading case of *Subaşı and Others* (cited above, §§ 77-93), it examined similar complaints by a group of prisoners who had been denied permission to receive visits from their school-age children. In that case, the Court found a violation of Article 8 of the Convention, as the impugned restrictions affecting the applicants had been taken solely on the basis of the capacity of the prisons and without taking into account the prisoners' right to respect for their family life and their relationships with their children (ibid., § 90) and because the domestic courts reviewing those restrictions had failed to make a Convention-compliant assessment (ibid., § 91). The Court concluded that the domestic legal framework as applied in that case had not provided the applicants with sufficient protection against arbitrary interference with their right to respect for their family life, as required by the Convention (ibid., § 93) and had thus not been necessary in a democratic society.

28. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the merits of the present complaint (see, for similar conclusions, *Altıntop and Others*, cited above, §§ 29-30, and *Kaçır and Others v. Türkiye* [Committee], nos. 9587/19 and 36 others, § 59, 10 June 2025, and the references therein). There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

29. The applicant claimed, within the time-limit allowed by the Court, 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses. As regards the latter amount, the applicant did not submit any individualised documents, such as invoices, to prove those costs and expenses. The applicant only submitted the Turkish Bar Association's scale of fees and the İzmir Bar Association's scale of fees concerning the work carried out by his representative before the Court.

30. The Government contested those claims.

31. In respect of the present application, the Court notes at the outset that in *Altıntop and Others* (cited above, § 38), the applicant was awarded, in

respect of application no. 30846/21, EUR 1,500, plus any tax that might be chargeable, in respect of non-pecuniary damage arising from the violation of his right to respect for his family life under Article 8 of the Convention (see paragraph 15 above).

32. The Court observes that the violation found in *Altıntop and Others* (cited above) concerned the prison authorities' decision of 1 November 2019 to restrict weekend visits. Although the prison authorities' decision of 20 September 2018, examined in the present application, differs from the one examined in *Altıntop and Others* and although the applicant pursued a separate set of domestic proceedings, in both applications the applicant complained that his right to respect for his family life had been violated as a result of the national authorities' decisions to restrict his weekend visiting rights with his children.

33. The Court notes that in *Subaşı and Others* (cited above, § 51 and Appendix II), each applicant was awarded the same amount – EUR 1,500 – in respect of non-pecuniary damage arising from the violation of their right to respect for their family life under Article 8 of the Convention, regardless of the period and duration of the restrictions complained of.

34. Accordingly, noting that the applicant was already awarded compensation in respect of non-pecuniary damage on account of the restrictions on weekend visits in respect of application no. 30846/21 and that the applicant is no longer affected by them (see paragraph 13 above), the Court finds it appropriate not to make an award in respect of non-pecuniary damage in the present case.

35. In respect of his costs and expenses, according to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, the Court notes that the applicant's claim is not accompanied by any supporting documents. It therefore dismisses the applicant's claim for costs and expenses (see also *Altay v. Turkey* (no. 2), no. 11236/09, §§ 84-88, 9 April 2019).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 8 of the Convention on account of the restriction on visits at weekends;

3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 25 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Jovan Ilievski President