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Meeting: 1569th meeting (September 2026) (DH)

Item reference: Action Report (04/08/2026)

Communication from Türkiye concerning the case of Kurt and Others v. Türkiye (Application No. 29715/19) (Nuh Uzun group)

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Réunion : 1569^e réunion (septembre 2026) (DH)

Référence du point : Bilan d'action (04/08/2026)

Communication de la Türkiye concernant l'affaire Kurt et autres c. Türkiye (Requête n° 29715/19) (Groupe Nuh Uzun) **[anglais uniquement]**

ACTION REPORT

Kurt and Others v. Türkiye

(29715/19 and others, judgment of and final on 24 September 2024)

Repetitive to closed

Nuh Uzun and Others v. Türkiye

(49341/18, final on 5 September 2022)

I. CASE DESCRIPTION

1. The present case concerns a violation of the right to respect to private life on account of the electronic recording and storage of the applicants' (ten applicants) correspondence on the computer system of the National Judicial Network System (UYAP) by the prison administrations during their detention.

2. At the material time the applicants were under detention in different prisons in Türkiye. During their detention between 2017-2020, with reference to letters from the General Directorate of Prisons and Detention Centres of the Ministry of Justice dated 10 October 2016 and 1 March 2017, the relevant prison administrations recorded the applicants' correspondence – both incoming and outgoing – on the UYAP system. The applicants objected to the above-mentioned practice. However, the competent domestic courts dismissed their objections, holding that the practice was in line with law and procedure (see §§ 2-4 of the judgment).

3. In its precedent judgment of *Nuh Uzun and Others* (49341/18, judgment of 29 March 2022 and final on 5 September 2022), the Court examined the applicants' complaints on the issue and found a violation of Article 8 of the of the Convention. In the present case, the Court found the same violation by simply referring to its findings in *Nuh Uzun and Others* (see §§ 9-11 of the judgment). To this end, the Court's findings in *Nuh Uzun and Others* may be summarised as follows.

4. In the case of *Nuh Uzun and Others*, the Court firstly held that its examination would be limited to the issue of whether the impugned interference had had a legal basis (see § 90 of *Nuh Uzun and Others*). Having explained the scope of its examination as such, the Court examined the relevant legislative provisions which were in force at the material time. In its assessment within this framework, the Court noted that, at the material time, the monitoring of the correspondence of detainees/convicts in penitentiary institutions was prescribed by Article 68 of the Law on the Execution of Penalties and Security Measures ("Law no. 5275") and Articles

122 and 123 of the By-law on Administration of Penitentiary Institutions and Execution of Penalties and Security Measures (“the By-Law”) dated 20 March 2006. In this connection, the Court concluded that neither the aforementioned provisions as in force at the material time nor the legislative or administrative provisions put forward by the national authorities as constituting the basis of the impugned measure made any mention that detainees/convicts’ correspondence would be recorded and stored in the UYAP system (ibid, § 91). Relying on the information available in the entire case file, the Court however held that the recording of detainees’/convicts’ correspondence in the UYAP system had stemmed directly and specifically from an instruction issued by the General Directorate of Prisons and Detention Centres of the Ministry of Justice on 10 October 2016 and reissued on 1 March 2017 (ibid, § 92).

5. Having established the basis of the interference as such, the Court concluded that the letters dated 10 October 2016 and 1 March 2017 had been intended for dissemination to public prosecutors and prison administrations but that there was not sufficient evidence in the case file to suggest that the letters in question had been made accessible to the public in general or to the applicants in particular (ibid, § 96). Accordingly, the Court held that the letters dated 10 October 2016 and 1 March 2017 were of the nature of unpublished internal documents containing the instructions given by the Ministry of Justice to penitentiary institutions. It therefore concluded that the documents in question could not be regarded as a “law” of sufficient “quality” in the context of its case-law since they had not been communicated to detainees/convicts. Accordingly, the Court held that the impugned interference could not be regarded as having been “prescribed by law” within the meaning of Article 8 § 2 of the Convention (ibid, §§ 96-98).

II. INDIVIDUAL MEASURES

Just Satisfaction

6. Having considered that the finding of a violation constituted sufficient just satisfaction, the Court rejected the applicants’ claim for non-pecuniary damage (see § 14 of the judgment).

7. The Court awarded EUR 500 to each of the four applicants in applications nos. 13438/20, 15379/20, 41244/20 and 52862/20 for costs and expenses (see § 15 of the judgment). These sums were paid to the applicants within the deadline set by the Court. The information regarding payment was published on HUDOC-EXEC.

Other Measures

8. The authorities would first like to note that none of the applicants are currently in prison. The authorities furthermore note that the applicants' correspondence that had been recorded in UYAP and which constitute the subject matter of the present case were deleted in respect of the applicants.

Conclusions on Individual Measures

9. In the light of the foregoing, the authorities consider that no further individual measures are required in the present case.

III. GENERAL MEASURES

10. The authorities would like to recall that general measures aimed at preventing similar violations have been taken within the framework of the closed *Nuh Uzun and Others*.

11. The authorities would like to reiterate the information provided in the action report submitted to the Committee of Ministers within the context of the *Nuh Uzun and Others*. These measures included, amendments made in Law on the Enforcement of Sentences and Security Measures (Law No. 5275) and in the Regulation on the Administration of Penitentiary Institutions, wide range of publication and dissemination.

12. The Committee of Ministers found these measures to be sufficient and decided to close *Nuh Uzun and Others* in September 2025 (see Resolution CM/ResDH (2025)216, 1535th meeting).

13. The authorities finally would like to note that the facts of the present case took place prior to the adoption the general measures in the case of *Nuh Uzun and Others*.

Translation, Publication and Dissemination of the Judgment

14. The judgment was translated into Turkish and was published on the Court's official website.

15. In addition, the Turkish authorities ensured that the translated text of the judgment, with an explanatory note, was circulated to the relevant prison authorities, prosecutor's offices and first-instance courts. The judgment was also circulated to the General Directorate of Prisons and Detention Centres of the Ministry of Justice, the Constitutional Court, the Supreme Administrative Court, the Court of Cassation, the Human Rights and Equality Institution of Türkiye, and the Ombudsman Institution.

July, 2026

IV. CONCLUSION

16. The Turkish authorities would like to invite the Committee of Ministers to close the supervision of this case.