



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

SECOND SECTION

DECISION

Application no. 29937/20
Süleyman BALTAŞ
against Türkiye
(see appended table)

The European Court of Human Rights (Second Section), sitting on 1 October 2026 as a Committee composed of:

Stéphane Pisani, *President*,

Juha Lavapuro,

Hugh Mercer, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application 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 24 June 2020,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant’s details are set out in the appended table.

The applicant was represented by Mr H. Açıkgöz, a lawyer practising in Hasselt.

The applicant’s complaints under Article 3 of the Convention concerning the inadequate conditions of detention were communicated to the Turkish Government (“the Government”).

THE LAW

Complaints under Article 3 of the Convention (inadequate conditions of detention)

The applicant complained that the cells in which he was detained at the İzmir Type T4 Closed Prison were overcrowded, and that he slept on a mattress on the floor, in breach of Article 3 of the Convention. In their observations, the Government submitted that the applicant had been detained in the said prison between 22 March 2017 and 6 April 2022. The Government further provided a table regarding the physical conditions in the prison and submitted photographs of the facility.

The Government submitted that the cells in which the applicant had been detained complied with the required standards, that a maximum of twenty-five detainees had been accommodated in the cells, and that the cells had a toilet and shower facilities. The Government further stated that detainees had access to an outdoor exercise yard, hot and cold water, telephone calls, and family visits.

According to the information provided by the Government, the applicant spent 391 days in the cells at maximum occupancy and had over 3 sq. m of personal space, and 95 days in a cell at maximum occupancy and had over 4 sq. m of personal space. These calculations were made after deducting the sanitary facilities and the outdoor exercise yard from the total surface area.

The applicant alleged that he had slept on a mattress on the floor in the cells. Having considered the information provided by the Government regarding the maximum and minimum numbers of detainees and the number of bunk beds, it appears that some of the detainees had to sleep on the floor. The Government have not submitted any specific counterargument or records refuting the applicant's allegation. In the light of these findings, the applicant's allegation that he was required to sleep on the floor should be accepted as credible.

The Court next considers that it is not necessary to examine the various inadmissibility objections raised by the Government in the present application, as the application is in any event inadmissible for the reasons set out below.

The Court acknowledges that, to date, it has never found a violation of Article 3 solely because a detainee has been required to sleep on a mattress on the floor, except where the personal space afforded to the applicant in that situation was less than 3 sq. m and there were other unacceptable conditions of detention (see *Yasak v. Türkiye* [GC], no. 17389/20, § 243, 27 August 2024). In the present case, the applicant only complained about the overcrowding and sleeping on the floor in the cells. It is observed that he had never been detained in less than 3 sq. m of personal space, that he had been detained between 15 November 2021 and 6 April 2022 with over 4 sq. m of

personal space, and that he did not raise any other aggravating factors than sleeping on the floor before the Court, that is to say, the applicant did not allege that the circumstance of sleeping on the floor had negatively affected his sleep quality, or otherwise constituted a heavy or psychological burden on him (compare and contrast with *Yasak*, cited above, §§ 245-47, where the Grand Chamber relied on the aggravating factors present in that applicant's case in particular his sleeping in a communal area with no privacy and having constant light).

Having regard to all of the available material, the Court finds that it cannot be established that the applicant suffered from overcrowding of the kind that could entail, on its own, a violation of Article 3 (see *Muršić v. Croatia* [GC], no. 7334/13, § 114, 20 October 2016). Nor can it be found that the cumulative effect of the other aspects of the detention which he complained about reached the threshold of severity required to characterise the treatment as inhuman or degrading within the meaning of Article 3 (see *İlderde and Others v. Türkiye*, nos. 35614/19 and 10 others, §§ 191-95, 5 December 2023 and *Aydın and Others v. Türkiye* (dec.) [Committee], nos. 24077/19 and 18 others, §§ 20-22, and §§ 23-25, 12 June 2025).

Therefore, the complaint should be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention as manifestly ill-founded.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 October 2026.

Viktoriya Maradudina
Acting Deputy Registrar

Stéphane Pisani
President

BALTAŞ v. TÜRKİYE DECISION

APPENDIX

Application raising complaints under Article 3 of the Convention
(inadequate conditions of detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Facility Start and end date Duration	Sq. m per inmate	Specific grievances	Turkish Constitutional Court Decision
29937/20 24/06/2020	Süleyman BALTAŞ 1976	Hayrettin Açıkgöz Hasselt	İzmir No 4 T Type Closed Prison 22/03/2017 to 06/04/2022 5 year(s) and 16 day(s)	25 inmate(s) 3 m ² 1 toilet(s)	sleeping on the floor	Decision number and date, 2018/31519 27/02/2020, Notification date, 05/03/2020