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

Press Release
issued by the Registrar of the Court

ECHR 217 (2025)
24.09.2025

Court rejects request for suspension of the applicant's removal to Syria

The European Court of Human Rights has decided to discontinue an interim measure in the case **A.F. v. Austria** (application no. 24394/25).

The case concerns a Syrian national, who alleges that, if sent back to Syria, he would face a real and imminent risk of a violation of his rights under Article 2 (right to life) and Article 3 (prohibition of torture and inhuman and degrading treatment) owing to the volatile security and humanitarian situation there.

On 11 August 2025, the Court decided to apply an interim measure until 8 September 2025 in order to obtain more information from the Government of Austria and ordered that the applicant should not be removed to Syria during this period. On 5 September 2025, the interim measure was extended until 25 September 2025, and additional information was requested from both parties.

Based on the information received, on 23 September 2025 the Court decided not to extend the interim measure indicated on 11 August on the ground that it had not been shown, considering the current general security situation in Syria and the individual circumstances of the case, that if removed, the applicant would face a real and imminent risk of irreparable harm to his rights under Articles 2 and 3 of the Convention.

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Under the Convention system, interim measures may, in exceptional circumstances, whether at the request of a party or of any other person concerned, or of the Court' s own motion, be indicated under Rule 39 of the Rules of Court, where there is an imminent risk of irreparable harm to a Convention right.

Measures under Rule 39 of the Rules of Court are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face an imminent risk of irreparable harm. For further information, see the factsheet on interim measures.

The applicant, A.F., a Syrian national, is currently detained pending his removal from Austria. He is a Sunni Muslim from the Hasaka governorate of Syria.

Having fled the war in Syria in 2022, A.F. arrived in Austria in October 2022, where he applied for international protection. These proceedings were twice discontinued due to the applicant's unknown whereabouts. In 2024 his request was dismissed, and he was issued a return decision.

After criminal convictions in 2024 and 2025 for shoplifting and unarmed robbery, and having served his prison sentence, the applicant was taken into detention pending removal. During these proceedings the applicant maintained, regarding his return to Syria, that he had neither been criminally nor politically persecuted in Syria but that he had left the country due to the war.

After his removal date for Syria was set in August 2025, he lodged another asylum request. In reasoned rulings from August and September 2025, the Austrian courts concluded that his second asylum request had been filed merely to delay the proceedings. They essentially found that there were no risks under Articles 2 (right to life) or 3 (prohibition of inhuman and degrading treatment); the applicant's family still resided in his region of origin, he was young, healthy and able to work, spoke the language and could rely on a social network upon return.

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On 8 August 2025, A.F. made a request to the Court under Rule 39 for an interim measure to suspend his removal to Syria. He alleged that, if deported to Syria, he would face treatment contrary to Articles 2 and 3 of the European Convention.

The Court's decision

On 23 September 2025, on the basis of the facts of the case, the parties' submissions, and the publicly available country of origin materials, the Duty Judge decided to discontinue the application of the interim measure, which was initially issued on 11 August 2025 and then extended on 5 September 2025, on the grounds that it had not been shown, considering the current general security situation in Syria and the particular individual circumstances of the case, that if removed, the applicant would face a real and imminent risk of irreparable harm to his rights under Articles 2 and 3 of the Convention.

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Following the temporary application of Rule 39 on 11 August 2025, the applicant lodged a full application with the Court under Article 34 (right of individual petition) of the Convention on 21 August 2025.

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Press contacts
echrpress@echr.coe.int | tel: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Jane Swift (tel: + 33 3 88 41 29 04)
Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)
Denis Lambert (tel: + 33 3 90 21 41 09)
Inci Ertekin (tel: + 33 3 90 21 55 30)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.
The case concerns a planned removal of a 19-year-old Syrian man from Austria to Syria.