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

FIFTH SECTION

DECISION

Application no. 57965/19
D.D.
against Türkiye

The European Court of Human Rights (Fifth Section), sitting on 4 June 2026 as a Committee composed of:

María Elósegui, *President*,
Gilberto Felici,
Diana Sârcu*, judges*,
and Sophie Piquet, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 57965/19) 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 30 October 2019 by an Uzbek national who lives in Istanbul and was represented by Mr E. Kafadar, a lawyer practising in Istanbul;

the decision to give notice of the complaint concerning Article 3 of the Convention to the Turkish Government ("the Government"), represented by their Agent, and to declare the remainder of the application inadmissible;

the decision not to have the applicant's name disclosed;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court and the fact that this interim measure has been complied with;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant is a national of Uzbekistan and was born in 1979. He was represented by Mr E. Kafadar, a lawyer practising in Istanbul.

2. The application mainly concerns the applicant's threatened deportation to Uzbekistan, where he would allegedly face a real risk of ill-treatment within the meaning of Article 3 of the Convention on account of his religious and political beliefs.

3. The Government were given notice of the applicant's complaints under Article 3 of the Convention concerning the risk of his deportation to Uzbekistan.

4. On 8 November 2019 the Court indicated to the respondent Government, under Rule 39 of the Rules of Court, that the applicant should not be removed from Türkiye for the duration of the proceedings before the Court.

5. The applicant stated that he had fled Uzbekistan and entered Kazakhstan in 2012 owing to his fear of persecution in his home country. Subsequently, he entered Türkiye on 11 December 2013. He was granted a humanitarian residence permit for a duration of one year on 2 September 2015, which was not extended upon its expiry.

6. The present case concerns four distinct sets of deportation proceedings initiated against the applicant on different grounds.

7. On 31 October 2018 an initial deportation order was issued against the applicant on the grounds that he posed a threat to public order and had overstayed his residence permit.

8. On 9 April 2019 the Istanbul First Administrative Court dismissed an annulment request lodged by the applicant. While the court found the allegations regarding the threat posed by him to public order to be unfounded, it upheld the order on the basis of the fact that he was in the country irregularly. On 25 July 2019 the Constitutional Court declared a subsequent individual application manifestly ill-founded, finding the applicant's claims that he would be at risk of ill-treatment in Uzbekistan to be unsubstantiated. However, that first deportation order was subsequently lifted by the Immigration Authority on 12 July 2019.

9. On 17 December 2018 a second deportation order was issued on the basis of the applicant's suspected affiliation with terrorist organisations. On 27 May 2019 the Istanbul First Administrative Court annulled the order, citing a lack of sufficient evidence. No appeal lay against this decision.

10. On 31 May 2024 a third deportation order was issued on the grounds of public security and the applicant's suspected links to terrorist organisations. That order was subsequently annulled by a final judgment of the Istanbul 17th Administrative Court on 26 February 2025.

11. On 26 December 2025, following a police operation and a criminal investigation initiated by the Istanbul Magistrate's Court, the administrative authorities issued a fourth deportation order against the applicant, on the basis of his suspected affiliation with terrorist organisations. On the same date the applicant was placed in administrative detention pending the execution of the removal order.

12. On 2 January 2026 the applicant initiated annulment proceedings before the Istanbul Administrative Court. Those proceedings are currently pending.

13. According to the most recent information in the case file, the applicant continues to reside in Türkiye.

THE COURT'S ASSESSMENT

14. A description of the provisions of Law no. 6458 that govern the procedures to be followed when removing foreign nationals from Türkiye and the judicial review of removal orders can be found in *J.A. and A.A. v. Türkiye* (no. 80206/17, § 21, 6 February 2024).

15. The Court reiterates that in cases where applicants have faced expulsion or extradition, it has consistently held that an applicant cannot claim to be the "victim" of a measure which is not enforceable. It has adopted the same stance in cases where execution of a deportation or extradition order has been stayed indefinitely or otherwise deprived of legal effect, and where any decision by the authorities to proceed with deportation can be appealed against before the relevant courts (see *Babajanov v. Turkey*, no. 49867/08, § 71, 10 May 2016; *Kebe and Others v. Ukraine*, no. 12552/12, § 86, 12 January 2017; and *Kunshugarov v. Türkiye*, nos. 60811/15 and 54512/17, § 89, 14 January 2025).

16. In the present case, it is not disputed between the parties that the first three orders to deport the applicant to Uzbekistan were either lifted by the domestic authorities or annulled by the domestic courts with final effect (see paragraphs 8-11 above). It therefore holds that the applicant can no longer claim to be a "victim" within the meaning of Article 34 of the Convention with regard to the initial three sets of deportation proceedings. It follows that this part of the applicant's complaint is incompatible *ratione personae* with the provisions of the Convention and must therefore be rejected, in accordance with Article 35 § 4.

17. As regards the fourth deportation order, issued on 26 December 2025, the Court observes that the applicant has initiated an action for annulment before the Istanbul Administrative Court (see paragraph 12 above). It notes that, pursuant to the relevant provisions of Law no. 6458, the institution of such proceedings entails an automatic suspensive effect on the enforcement of the removal order. Consequently, as the judicial review is currently pending and the deportation order is not enforceable, there is no indication that the applicant's removal is imminent. The Court therefore considers that the applicant's complaint under this head must be rejected as premature, for failure to exhaust domestic remedies, in accordance with Article 35 §§ 1 and 4 of the Convention (see *Kolesnikova v. the United Kingdom* (dec.), no. 67563/13, § 13, 15 March 2016).

18. The Court nevertheless stresses that the above findings are without prejudice to any examination that it might carry out regarding the implementation of any removal order in the future, and do not prevent the applicant from lodging a new application with the Court or from making use of the available procedures, including under Rule 39 of the Rules of Court, in respect of any new circumstances that may arise, in compliance with the requirements of Articles 34 and 35 of the Convention (compare *Babajanov*, cited above, § 83).

19. The interim measure previously indicated in this application therefore ceases to have any basis.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 25 June 2026.

Sophie Piquet Acting Deputy Registrar	María Elósegui President