

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

SECOND SECTION

DECISION

Application no. 46715/18
F.S.
against Türkiye

The European Court of Human Rights (Second Section), sitting on 26 March 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 lodged on 26 September 2018,

Having regard to the decision not to have the applicant's name disclosed,

Having regard to the interim measure indicated to the respondent Government under Rule 39 of the Rules of Court,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, a Tajikistani national born in 1982, lives in Istanbul. He was represented before the Court by Mr F. Acar, a lawyer practising in Istanbul.

The applicant's complaints under Articles 2, 3 and 13 of the Convention concerning the risk of his deportation to Tajikistan were communicated to the Turkish Government ("the Government").

On 5 October 2018 the Court decided to indicate an interim measure to the Government under Rule 39 of the Rules of Court, staying the applicant's removal until 22 October 2018. The Court further decided to grant priority to the application under Rule 41 of the Rules of Court. On 22 October 2018 the Court decided to extend the interim measure until further notice.

On 16 January 2017 and 28 January 2023 respectively, two deportation orders were issued against the applicant on the grounds that he posed a threat to public security.

On 13 and 27 November 2025 the parties informed the Court that the deportation order of 28 January 2023 had been revoked by the Istanbul governor's office on 17 October 2025.

Subsequently, on 19 January 2026, the Government informed the Court that the initial deportation order of 16 January 2017 was no longer in force. The applicant did not contest that submission.

According to the information in the case file, the applicant is currently at liberty and continues to reside in Istanbul.

THE LAW

The applicant complained under Articles 2 and 3 in conjunction with Article 13 of the Convention that his removal to Tajikistan would subject him to a risk of death or inhuman treatment due to his religious and political convictions, in particular, his affiliation with the Islamic Renaissance Party of Tajikistan. He further contended that the domestic courts have failed to conduct a proper and timely assessment of his allegations.

The Court reiterates that the nature of the Contracting States' responsibility under Articles 2 and 3 in cases of this kind lies in the act of exposing an individual to the risk of ill-treatment (see *Khasanov and Rakhmanov v. Russia* [GC], nos. 28492/15 and 49975/15, § 106, 29 April 2022). However, when a specific decision takes away the risk of removal the Court has considered whether the case should be struck out, either because it is considered resolved (under Article 37 § 1 (b) of the Convention, as explained in *Khan v. Germany* (striking out) [GC], no. 38030/12, § 33 et seq., 21 September 2016 and the case-law cited therein) or because it is considered no longer justified to continue its examination (under Article 37 § 1 (b) of the Convention, *F.G. v. Sweden* [GC], no. 43611/11, §§ 73-84, 23 March 2016).

The Court observes that the applicant initially complained that the domestic authorities had failed to fulfil their obligation to conduct an adequate examination of his allegations that he would be exposed to a real risk of death or ill treatment if removed to Tajikistan, as required by Articles 2 and 3 of the Convention. However, it is undisputed between the parties, based on the subsequent exchanges of communication, that the two decisions issued in the two sets of the deportation proceedings had been revoked at the domestic level. Consequently, there is currently no enforceable and imminent removal measure pending against the applicant.

In view of the above, the Court considers that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention and that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application under Article 37 § 1 *in fine*. Accordingly, the application should be struck out of the list.

The Court nevertheless stresses that the above finding is without prejudice to any examination that it might carry out regarding the implementation of any new removal order in the future, and does 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 v. Turkey*, no. 49867/08, § 83, 10 May 2016).

The measure indicated to the Government under Rule 39 therefore ceases to have any basis.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 16 April 2026.

Viktoriya Maradudina Acting Deputy Registrar	Stéphane Pisani President