

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

THIRD SECTION

DECISION

Application no. 71702/10
A.K.
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 10 April 2012 as a Committee composed of:

Luis López Guerra, *President,*
Egbert Myjer,
Kristina Pardalos, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 December 2010,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr A.K., is an Iraqi national who was born in 1979 and lives in Amsterdam. The President of the Section has granted the applicant's request that his identity should not be disclosed to the public (Rule 47 § 3). He was represented before the Court by Mr B.D. Lit, a lawyer practising in Amsterdam. The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs.

The applicant complained under Article 3 of the Convention that his expulsion to Iraq would expose him to a real risk of being subjected to treatment to torture or to inhuman or degrading treatment or punishment.

On 29 September 2011 the Acting President of the Section decided to indicate to the Government of the Netherlands that it was desirable in the interests of the parties and the proper conduct of the proceedings before the Court not to expel the applicant to Iraq for the duration of the proceedings

before it (Rule 39 of the Rules of Court). The Acting President further decided to give notice to the Government of the applicants' complaint detailed above (Rule 54 § 2 (b)).

By fax dated 17 January 2012 the applicant's representative informed the Court that the applicant wanted to withdraw the application since he had been granted asylum in the Netherlands after all.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to lift the interim measure indicated under Rule 39 of the Rules of Court and to strike the case out of the list.

For these reasons, the Court unanimously

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

Marialena Tsirli
Deputy Registrar

Luis López Guerra
President