

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

THIRD SECTION

DECISION

Application no. 63931/12
Hamdi ABDULLAHI ALI
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 27 May 2014 as a Chamber composed of:

Alvina Gyulumyan, *President,*
Ján Šikuta,
Dragoljub Popović,
Luis López Guerra,
Johannes Silvis,
Valeriu Griţco,
Iulia Antoanella Motoc, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 28 September 2012,

Having regard to the interim measure indicated in the present application to the Netherlands Government under Rule 39 of the Rules of Court, and the fact that this interim measures has been complied with,

Having regard to the information submitted by the applicant as well as the Italian Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Hamdi Abdullahi Ali, is a Somali national, who was born in 1989 and currently staying in the Netherlands. She was represented before the Court by Ms E. de Bonth, a lawyer practising in Schijndel.

2. The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs. The Italian Government, who had been invited to intervene under Article 36 § 2 of the

Convention, were represented by their Agent, Ms E. Spatafora, and their Co-Agent, Ms P. Accardo.

3. The applicant complained that the Netherlands authorities, by transferring her and her young son to Italy under the terms of Council Regulation (EC) no. 343/2003 of 18 February 2003 ("the Dublin Regulation"), would act in breach of Article 3 of the Convention.

4. On 8 October 2012 the Acting President of the Section to which the case had been allocated decided, at the request of the applicant, 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 and her son to Italy (Rule 39 of the Rules of Court). The Acting President further decided to bring the application to the notice of the respondent Government in accordance with Rule 54 § 3 (b) of the Rules of Court without, for the time being, asking the Government to submit written observations on the admissibility and merits. The Acting President also decided to invite the Government of Italy, under Rule 44 § 3 (a) of the Rules of Court, to submit as a third-party intervener information of a factual nature. This information concerned in particular the applicant's situation in Italy.

5. The Italian Government submitted the information requested on 29 October 2012 as well as additional information on 27 November 2012. The applicant was invited to submit comments, which she did on 5 December 2012.

6. On 22 April 2014, the applicant's representative informed the Court that the applicant wished to withdraw her application because she wished to return with her son to Italy.

7. On 25 April 2014, given the applicant's wish to return to Italy voluntarily, the Dutch Government requested the Court to lift the measure indicated under Rule 39 of the Rules of Court.

THE LAW

8. The Court notes that the applicant no longer wishes to pursue her 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.

9. In view of the above, it is appropriate to strike the case out of the list and to discontinue the application of Rule 39 of the Rules of Court.

For these reasons, the Court, unanimously,

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

Marialena Tsirli Deputy Registrar	Alvina Gyulumyan President