

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

THIRD SECTION

DECISION

Application no. 33319/11
Wainys Krekor BRBRYAN
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 13 March 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 17 May 2011,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Wainys Krekor Brbryan, is an Iraqi national who was born in 1972 and lives in Ter Apel. He was represented before the Court by Mr W. de Vilder, a lawyer practising in Beek. 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 of the refusal of his request for asylum in the Netherlands and his threatened forced return to Iraq.

On 10 August 2011 the 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 President further decided to give notice

to the Government of the applicants' complaints detailed above (Rule 54 § 2 (b)).

On 22 December 2011 the Government informed the Court that the policy in force in the Netherlands relating to Christian asylum seekers from Iraq had not been applied correctly in the case of the applicant and that it had therefore been decided to withdraw the decision taken on the applicant's asylum request. It had subsequently been decided to grant the applicant a residence permit for the purpose of asylum valid until 4 November 2015.

By fax of 19 January 2012, confirmed by letter of 31 January 2012, the applicant's representative stated that in view of this development the applicant wanted to withdraw his application.

THE LAW

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court considers that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (a) of the Convention.

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