

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

THIRD SECTION

DECISION

Application no 46563/14
E.T. against the Netherlands

The European Court of Human Rights (Third Section), sitting on 16 June 2015 as a committee composed of:

Luis López Guerra, *President,*
Johannes Silvis,
Valeriu Griţco, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 18 June 2014,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr E.T., born in 1977, hails from a village in Northern Sudan and belongs to the Nuba population. He is currently living in the Netherlands. The Acting President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 4 of the Rules of Court). He is represented before the Court by Ms M. Stoetzer-Van Esch, a lawyer practising in Lent. The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs.

2. The applicant, whose requests for asylum in the Netherlands were rejected, complained that there were substantial grounds for believing that he would be subjected to treatment in breach of Article 3 of the Convention if he were expelled to Sudan. He further complained under Article 13 of the Convention of not having had an effective remedy for his complaint under Article 3.

3. On 22 December 2014, the Acting President of the Section decided, under Rule 39 of the Rules of Court, to indicate to the Government that it was desirable in the interest of the parties and the proper conduct of the proceedings before the Court not to expel the applicant to Sudan until

further notice. On that same day, the Acting President decided that the Government should be invited to submit their written observations on the admissibility and merits of the case.

4. On 27 February 2015, the Government informed the Court that the applicant had been granted a temporary residence permit for the purpose of asylum, valid until 9 December 2018 and requested the Court to strike the application out of its list of cases.

5. By a letter dated 12 March 2015, the applicant's representative informed the Court that the applicant wished to maintain his application to the Court.

THE LAW

6. The applicant now having been granted asylum in the Netherlands, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) 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.

7. In view of the above, it is appropriate to strike the application out of the list of case and, consequently, 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.

The application of Rule 39 of the Rules of Court thereby comes to an end.

Done in English and notified in writing on 9 July 2015.

Marialena Tsirli
Deputy Registrar

Luis López Guerra
President