

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

THIRD SECTION

DECISION

Application no. 20507/12
Said Ashraf HASHIMI
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 10 July 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 April 2012,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Said Ashraf Hashimi, is an Afghan national, who was born in 1964 and lives in Capelle aan den IJssel. He is represented before the Court by Mr T. Volckmann, a lawyer practising in Zwolle.

The Dutch Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, and Deputy Agent, Ms L. Egmond, of the Ministry of Foreign Affairs.

The applicant complained that his expulsion to Afghanistan would lead to a violation of his right to respect for family life as guaranteed by Article 8 of the Convention as his wife and two children had been granted asylum in the Netherlands and therefore existed an objective obstacle to family life being exercised in Afghanistan.

The applicant's representative introduced the application by fax, requesting the Court at the same time to issue an interim measure under

Rule 39 of the Rules of Court to prevent his client's expulsion to Afghanistan pending the proceedings before the Court. On 18 April 2012 the Acting President refused this request but decided to give notice to the Government of the applicant's complaint detailed above and to invite them to submit their observations on the admissibility and merits of the case. However, as the applicant had not yet submitted an original application form, the Government were informed that the time-limit for submission of their observations would start running upon receipt by the Court and transmission to the Government of the original application form. The applicant's representative was requested to submit the original application form by 4 May 2012 at the latest.

No reply having been received, the applicant's representative was once more requested, by letter dated 8 June 2012, sent by registered post, to submit an original application form by 22 June 2012. He was informed that, in case of failure to do so, the Court might, *inter alia*, conclude that the applicant was no longer interested in pursuing the application and decide to strike it out of its list of cases. The applicant's representative received this letter on 11 June 2012. However, no response has been received.

THE LAW

The Court notes that the applicant, although requested to do so on two occasions, has failed to submit an original application form.

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 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