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

THIRD SECTION

DECISION

Application no. 21262/13
Faysal JAMA DUBAD
against the Netherlands

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

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 29 April 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Faysal Jama Dubad, is a Somali national, who was born in 1979 and was staying in the Netherlands at the time the application was lodged. He was represented before the Court by Ms P. Kramer-Ograjensek, a lawyer practising in Sittard. The Dutch Government ("the Government") were represented by their Agent, Ms L. Egmond, of the Ministry of Foreign Affairs.

The applicant complained that his expulsion to Somalia would be in breach of Article 3 of the Convention.

On 28 March 2013 the Acting President of the Section decided to indicate to the Government 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 Somalia for the duration of the proceedings before it (Rule 39 of the Rules of Court). The Acting President also decided that the Government should be invited to submit their written observations on the admissibility and merits of the case.

On 29 July 2013 the Government submitted to the Registry their observations on the admissibility and merits of the application. These were

forwarded on 30 July 2013 to the applicant, who was invited to submit observations in reply by 10 September 2013.

On 11 September 2013 the applicant's representative informed the Court that she wished to withdraw the application as she had understood that the applicant had voluntarily returned to Somalia.

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, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

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	Alvina Gyulumyan
Deputy Registrar	President