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

THIRD SECTION

DECISION

Application no. 53560/07
N.T.
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 21 January 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 4 December 2007,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr N.T., is an Afghan national, who was born in 1967 and, at the time of the introduction of the application, was staying in the Netherlands. The President decided to grant the applicant anonymity under the terms of Rule 47 § 3 and Rule 33 § 2 of the Rules of Court. He was represented before the Court by Mr M. Berg, a lawyer practising in Amsterdam.

2. The Netherlands Government ("the Government") were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs.

3. The applicant complained that his expulsion to Afghanistan would be in breach of Article 3. He further complained under Article 6 of the Convention that his case had not been treated in accordance with the guarantees of a fair trial as laid down in that provision.

4. On 22 May 2009 the Court decided to give notice of the application to the Government. On 14 September 2009 the Government submitted their observations on the admissibility and merits of the application. These were forwarded on 16 September 2009 to the applicant's representative, who was invited to submit observations in reply by 28 October 2009.

5. On 28 January 2010, no such observations having been submitted and no extension requested of the time-limit fixed for this purpose, the Registry sent a letter by registered mail to the applicant's representative, informing him that under Article 37 § 1 (a) of the Convention the Court can decide to strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application.

6. On 11 February 2010, the applicant's representative informed the Court that the applicant wished to pursue his application and that he had nothing further to add to his submissions.

7. On 1 October 2013 the Court decided to request the parties to submit additional observations, which the Government did on 4 November 2013. On 19 November 2013, the applicant's representative informed the Court that the applicant had sufficiently argued his case before the Court. The representative further informed the Court that he was unaware of the applicant's whereabouts.

THE LAW

8. The Court is of the opinion that the applicant's failure to inform his representative of his current whereabouts must be taken as indicating that he has lost interest in pursuing his application. Although it is true that the applicant did authorise Mr Berg to represent him in the proceedings before the Court, it considers that this authority does not by itself justify pursuing the examination of the case. Given the impossibility of establishing any communication with the applicant, the Court considers that Mr Berg cannot now meaningfully pursue the proceedings before it (see *Ramzy v. the Netherlands* (striking out), no. 25424/05, §§ 64-65, 20 July 2010, with further references; and *Betwata Khoushnauw v. the Netherlands* (dec.), nos. 28244/10 & 32224/11, 13 December 2011).

9. That being so, the Court finds that further examination of the case is not justified. Consequently, the Court concludes that 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	Alvina Gyulumyan President