

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

THIRD SECTION

DECISION

Application no. 71247/13
Y.M.
against the Netherlands

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

Alvina Gyulumyan, *President,*
Dragoljub Popović,
Luis López Guerra,
Kristina Pardalos,
Johannes Silvis,
Valeriu Griţco,
Iulia Antoanella Motoc, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 November 2013,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Y.M., is a Somali national, who was born in 1987 and lives in Zutphen. The Acting President of the Section decided that the applicant's identity should not be disclosed to the public (Rule 47 § 4 of the Rules of Court). The applicant was represented before the Court by Mr I. Vreeken, a lawyer practising in Zutphen.

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

The applicant – a rejected asylum-seeker – complained that his expulsion to Somalia would be in breach of Articles 2 and 3 of the Convention.

On 10 December 2013 the Acting President of the Section decided that the Government should be invited to submit their written observations on the admissibility and merits of the case.

By letter of 13 March 2014 the Government informed the Court that they had recently amended their policy relating to asylum seekers from Somalia and that, in the light of this development, the applicant would be invited to lodge a fresh asylum request.

By fax of 17 April 2014 the applicant's representative informed the Court that the applicant's fresh request for asylum had been granted and that he therefore wished to withdraw the application.

By letter of 23 April 2014 the Government also informed the Court that the applicant's fresh request for asylum had been granted and they requested the Court to strike the case out of the list of pending cases under Article 37 § 1 of the Convention.

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.

Accordingly, the case should be struck 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