THIRD SECTION

DECISION

Application no. 49929/11  
U.A.H.M.  
against the Netherlands and Italy

The European Court of Human Rights (Third Section), sitting on 30 August 2016 as a Committee composed of:

Helen Keller, *President,* Johannes Silvis, Alena Poláčková, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 11 August 2011,

Having regard to the interim measure indicated to the Netherlands Government under Rule 39 of the Rules of Court and the fact that this interim measure has been complied with,

Having regard to the parties’ submissions,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1.  The applicant, Ms U.A.H.M., stated that she is a national of Somalia, who was born in 1982. At the time of the introduction of the application, she was in the Netherlands. The President decided that the applicant’s identity was not to be disclosed to the public (Rule 47 § 4). The applicant was initially represented before the Court by Ms J. van Veelen-de Hoop, a lawyer practising in Rotterdam, who was succeeded by Mr V. Senczuk, a lawyer practising in Utrecht.

2.  The Netherlands Government were represented by their Agent, Mr R.A.A. Böcker, of the Ministry of Foreign Affairs. The Italian Government were represented by their Agent, Ms E. Spatafora, and their co‑Agent, Mr G. Mauro Pellegrini.

3.  The applicant, whose asylum request was not taken up for examination in the Netherlands, complained that her transfer from the Netherlands to Italy under the “Dublin Regulation” (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national) would be in violation of her rights under Article 3 of the Convention.

4.  On 12 August 2011, the President of the Section decided, under Rule 39 of the Rules of the Court, to indicate to the Netherlands Government that it was desirable in the interest of the parties and the proper conduct of the proceedings before the Court not to remove the applicant to Italy until further notice.

5.  After the two respondent Governments had been given notice of the application and each had submitted both factual information as well as written observations to which the applicant had replied, the Netherlands Government informed the Court on 23 May 2016 that the applicant had been granted a Netherlands residence permit and that her transfer to Italy was no longer at issue. On this basis, the Netherlands Government requested the Court to strike the case out of the list of pending cases.

6.  On 16 June 2016 the applicant informed the Court that she did not wish to maintain her application.

THE LAW

7.  The applicant complained that her transfer to Italy under the Dublin Regulation would be contrary to Article 3, which reads:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

8.  The Court notes that the applicant no longer risks being transferred to Italy under the Dublin Regulation as the Netherlands have granted her a residence permit. Reiterating the relevant principles as set out recently in *F.G. v. Sweden* ([GC], no. 43611/11, § 73, ECHR 2016) and *M.E. v. Sweden* ((striking out) [GC], no. 71398/12, §§ 32-35, 8 April 2015), and noting the content of the applicant’s letter of 16 June 2016, the Court finds 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 has found no special circumstances relating to respect for human rights as defined in the Convention and its Protocols which require it to continue the examination of the application.

9.  Accordingly, it is appropriate to strike this part of the application out of the list of cases 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.

Done in English and notified in writing on 22 September 2016.

Fatoş Aracı Helen Keller  
 Deputy Registrar President