THIRD SECTION

DECISION

Application no 28686/14  
L.N.T.   
against the Netherlands and Italy

The European Court of Human Rights (Third Section), sitting on 17 November 2015 as a Committee composed of:

Helen Keller, *President,* Johannes Silvis, Pere Pastor Vilanova, *judges,*and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 April 2014,

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:

THE FACTS AND PROCEDURE

1.  The applicant, Ms L.N.T., is an Eritrean national, who was born in 1989 and is currently residing in the Netherlands. The President of the Section decided that the applicant’s identity should not be disclosed to the public (Rule 47 § 4). She was represented before the Court by Ms M. Melchers, 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. She also raised complaints under Article 8 and Article 13 of the Convention.

4.  On 15 April 2014, 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, the Netherlands Government informed the Court that the applicant would be invited to file a fresh asylum request, that this request would be examined in the Netherlands and that the Italian authorities had been informed that the applicant would not be returned to Italy. On this basis, the Netherlands Government requested the Court to strike the case out of the list of pending cases. On 28 August 2015, the applicant informed the Court that she would file a fresh asylum request in the Netherlands and that she did not wish to maintain her application.

THE LAW

6.  In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 in fine.

7.  Accordingly, the case should be struck out of the list and the application of Rule 39 of the Rules of Court comes therefore to an end.

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 10 December 2015.

Marialena Tsirli Helen Keller  
 Deputy Registrar President