FOURTH SECTION

DECISION

Application no. 48125/19  
F.O. and Others  
against the Netherlands and Italy

The European Court of Human Rights (Fourth Section), sitting on 15 October 2020 as a Committee composed of:

Armen Harutyunyan, *President,* Jolien Schukking, Ana Maria Guerra Martins, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 13 September 2019,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

The applicants are husband and wife, born in 1994 and 1995, respectively, and their daughter, who was born in 2019. They are Nigerian nationals. The President of the Section decided under Rule 47 § 4 of the Rules of Court to grant the applicants anonymity.

The applicants were represented by Mr S. Coenen, a lawyer practising in Utrecht.

The applicants complained that their transfer from the Netherlands to Italy under Regulation (EU) No. 604/2013 (“the Dublin Regulation”), without guarantees having been obtained from the Italian authorities that they would be provided with adequate reception facilities suited to shelter a family with a baby, would be in breach of Article 3 of the Convention.

On 24 October 2019 the Court decided to give notice to the Government of Italy and to the Government of the Netherlands (“the Dutch Government”) of the applicants’ complaint detailed above.

On 27 August 2020 the Dutch Government informed the Registry that the deadline for the transfer to Italy of the second applicant and her child – who had been granted a special protection status in Italy – had expired and that it had been decided that the asylum applications of all three applicants would be dealt with in the Dutch asylum procedure.

On 17 September 2020 the applicants informed the Registry that, in view of this development, they did not wish to maintain their application to the Court.

1. THE LAW

In the light of the foregoing, the Court concludes that the applicants may be regarded as no longer wishing to pursue the application (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 the Protocols thereto which require the continued 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.

Done in English and notified in writing on 5 November 2020.

Liv Tigerstedt Armen Harutyunyan  
 Acting Deputy Registrar President