



Ms A.M.I. ELEVELD  
Het Noorderhuis Advocaten  
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### THIRD SECTION

ECHR-LE2.2R mod  
AVS/kje

3 June 2010

**BY FAX AND MAIL (fax no. + 31 50 317 317 1  
Total no. of pages: 2)**

**Application no. 30383/10**

**Others v. the Netherlands**

Dear Madam,

I acknowledge receipt of your fax of 3 June 2010 requesting the European Court of Human Rights under Rule 39 of the Rules of Court not to expel your clients to Greece pending the proceedings before the Court.

**Your file has been given the above number. You must refer to it in any further correspondence relating to this case.**

On 3 June 2010 the President of the Chamber to which the case has been allocated decided, in the interests of the parties and the proper conduct of the proceedings before the Court, to indicate to the Government of the Netherlands, under Rule 39 of the Rules of Court, that the applicants should not be expelled to Greece for the duration of the proceedings before the Court. In reaching this decision, the President had regard to:

- the applicants' assertion that they might be returned (directly or indirectly) to Somalia without a rigorous scrutiny having been conducted by the Greek authorities of their claim that such a return would expose them to treatment prohibited by Article 3 of the Convention;
- the alleged risk of expulsion from Greece without the applicants having a proper opportunity to request the Court to intervene;
- the current security situation in South and Central Somalia; and
- the fact that the Court is currently considering in a number of cases the compatibility of Article 3 of the Convention of the transfer to Greece pursuant to Council Regulation (EC) No. 343/2003 of 18 February 2003 ("the Dublin Regulation") of persons who claim they originate from South or Central Somalia.

The parties' attention is drawn to the fact that failure of a Contracting State to comply with a measure indicated under Rule 39 may entail a breach of Article 34 of the Convention. In this connection, reference is made to paragraphs 128 and 129 of the Grand Chamber judgment of 4 February 2005 in the case of *Mamatkulov and Askarov v. Turkey* (applications nos. 46827/99 and 46951/99) as well as point 5 of the operative part.

The President decided to give priority to the application under Rule 41.

Since we only received your application by fax, you are hereby requested to send a duly completed and signed hard copy of the original application form as well as the original letters of authority by post without delay, but in any case before **17 June 2010**. Should you fail to do so, I should draw your attention to the fact that your application may be rejected as unsubstantiated. The Court will deal with the case on the basis of the information and documents submitted by you. The proceedings are primarily in writing and you will only be required to appear in person if the Court invites you to do so. You will be informed of any decision taken by the Court.

In order to process your application more efficiently, please find enclosed with the hard copy of this letter a set of 10 barcode labels for your use exclusively in this case. If you send the Registry a letter or any other correspondence, please stick one of the barcode labels on the top right-hand corner of the **first** page of the correspondence. **Please note that if you wish to send any documents in addition to your application, you should not send original documents as they will not be returned to you by the Court.** If you consider sending documents other than on paper, you should first get in touch with the Registry. For safety reasons, any object sent to the Court without having being expressly requested by the Registry will be destroyed immediately together with the cover letter.

Please inform me of any change in your address or those of your clients.

Yours faithfully,



S. Naismith  
Deputy Section Registrar