



Mr Roeland BÖCKER and
Ms Liselot EGMOND
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THIRD SECTION

ECHR-LE2.2G mod
AVS/avs

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BY E-TRANSMISSION ONLY

Dear Sir, Dear Madam,

I write to confirm the indication, conveyed by the Registry to Ms Egmond yesterday evening, to the effect that the President considers that no expulsions of rejected asylum seekers should take place to Baghdad until 24 November 2010.

The President has requested me, in the first place, to express to you his gratitude for your Government's willingness to comply with his indication and not go ahead with the expulsions scheduled for today.

The President has further instructed me to assure your Government that it remains the Court's general practice to issue interim measures only in individual cases where a request for such measures has been made to the Court (and, of course, only if it is considered that the interests of the parties and the proper conduct of the proceedings before the Court require such a measure).

Nevertheless, the President recalls that in its letter of 22 October 2010, your Government were informed that the decision to apply Rule 39 of the Rules of Court in respect of any Iraqi who challenges his or her return from the Netherlands to Baghdad was taken in view of the increasing number of such requests and the reported deterioration in the security situation in Baghdad and other governorates. The Court thus wished to have some time to reflect on the question whether that security situation imposed a different assessment of Rule 39 requests in respect of returns to Baghdad and other governorates, and to that end requested to be provided with relevant information from your Government, as well as other Governments and also UNHCR.

The President, already having applied Rule 39 in respect of a number of Iraqis who were scheduled to be expelled from the Netherlands to Baghdad on 3 November 2010, was yesterday evening confronted with a situation where the Court had received information from a lawyer – who is representing named applicants in proceedings before the Court – to the effect that he was unable to gain access to a group of between 15 and 30 Iraqi rejected asylum seekers who were to be expelled to Iraq this morning and who may not have been able to contact the Court or a lawyer in order to apply for an interim measure. In these circumstances the President felt compelled to give to your Government, under Rule 39 of the Rules of Court, the exceptional indication which was communicated to Ms Egmond yesterday evening.

As indicated in our letter of 22 October 2010, the matter of returns to Baghdad will be reconsidered by the Court at its earliest opportunity and your Government will be informed accordingly.

Yours faithfully,



S. Quesada
Section Registrar