

Press release issued by the Registrar

**European Court of Human Rights grants
request for interim measures made by 11 Afghan nationals**

Between 11 and 14 November 2008 the European Court of Human Rights received eleven applications lodged by Afghan nationals placed in administrative detention pending their removal to their country of origin on a flight organised by the French and British authorities. The applicants complain essentially, under Article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment) that if they were removed to Afghanistan they would face a real risk of torture or ill-treatment by the Taliban. They also allege a violation of Article 4 of Protocol No. 4 to the Convention (prohibition of collective expulsion of aliens).

The applicants requested the Court to apply Rule 39 of the Rules of Court and to invite the French authorities to suspend their removal to Afghanistan pending consideration of their applications by the Court. On 14 November 2008 the Court informed the French Government, under Rule 40 of the Rules of Court, of the lodging of the applications.

On 17 November 2008 the President of the Chamber to which the cases had been allocated decided, in the interests of the parties and of the proper conduct of the proceedings before the Court, to indicate to the French Government under Rule 39 of the Rules of Court that the applicants should not be removed to Afghanistan.

In 2005, the Court applied Rule 39 in another case brought by an Afghan national (see *Sultani v. France*, no. 45223/05, judgment of 20 September 2007).

Under Rule 39 of the Rules of Court the Court may indicate to the parties any interim measure which it considers should be adopted in the interests of the parties or of the proper conduct of the proceedings before it.

Rule 40 of the Rules of Court (urgent notification of an application) reads as follows:

“In any case of urgency the Registrar, with the authorisation of the President of the Chamber, may, without prejudice to the taking of any other procedural steps and by any available means, inform a Contracting Party concerned in an application of the introduction of the application and of a summary of its objects.”

Further information about the Court can be found on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.