



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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9 September 2015

BY POST AND FAX (0043 512317928)
Total no. of pages: 2

Dear Sir,

I acknowledge receipt on 9 September 2015 of your fax of 9 September 2015 requesting the European Court of Human Rights under Rule 39 of the Rules of Court to stop the applicant's removal to Hungary.

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

On 9 September 2015 the Acting President of the Section 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 Austria, under Rule 39 of the Rules of Court, that the applicant should not be returned to Hungary until 21 October 2015.

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 Acting President also decided to request the Government, under Rule 54 § 2 (a) of the Rules of Court, to submit the following information:

"Did the Austrian authorities contact the Hungarian authorities to ensure that the latter have the capacity to receive the applicant in conditions that are in compliance with the Article 3 requirements, taking into account the recent very important increase of migrants/refugees in Hungary?"

The Austrian authorities are invited to submit all relevant documents in that respect."

The Government have been asked to submit this information by 7 October 2015. Their reply will be communicated to you for information or, if appropriate, for comments in reply on behalf of the applicant.

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

Yours faithfully,

p.p. 

K. Reid
Registrar of the Filtering Section