

EUROPEAN COURT OF HUMAN RIGHTS
Council of Europe
67075 Strasbourg
FRANCE

Person to contact:
tel. +46 **or**

Application under Article 34 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter 'the Convention')

Request for Interim Measures under Rule 39 of the Rules of Court.

I – THE PARTIES

THE APPLICANT

Mr./Ms.....

Swedish case number:

Nationality:

Date of birth:

Place of birth:

Current address:

Name of legal representative:

Occupation of representative:

Address of representative:

THE HIGH CONTRACTING PARTIES

SWEDEN

STATEMENT PURSUANT TO RULE 47 § 3 OF THE RULES OF COURT

1. Applicant does not wish to have his identity disclosed. He is an asylum-seeker and his case concerning international protection has not been decided yet. In event of anonymity being authorised by the President of the Chamber, he wishes to be designated by his initials.

II. STATEMENT OF THE FACTS

2. This application concerns Mr./Ms..... who originates fromsituated in Iraq.
3. The applicant arrived in Sweden and applied for asylum on
4. On Sweden took a final decision to reject Mr/Msapplication for asylum and deport him/her back to Iraq. The deportation is scheduled to take place on.....to Iraq.
5. Because of the urgency of the matter the applicant reserves the right to supplement this application in due course and following instructions by the court.

III – STATEMENT OF ALLEGED VIOLATION(S) OF THE CONVENTION AND/OR PROTOCOLS AND OF RELEVANT ARGUMENTS

6. The applicant is alleging that his/her deportation by the Swedish authorities to Iraq violates his/her rights in breach of Articles 3 of the Convention.

Violation of article 3

7. Taken into account all current information about the deterioration in the security situation in Baghdad and other governorates in Iraq as well as UNHCR's letter to this Court dated 9 November 2010, whereby the UNHCR reaffirms the continued validity of UNHCR's Note issued in July 20 on the Continued Applicability of the April 2009 UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-Seekers* (UN High Commissioner for Refugees, Letter to the European Court of Human Rights on forced returns to Iraq, 9 November 2010, available at: <http://www.unhcr.org/refworld/docid/4cda5c362.html>), it is my opinion that a deportation to Iraq is a breach of Sweden's obligations according to article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
8. In a reasoned Rule 39 decision dated 22 October 2010 the ECtHR indicated to the Government of Sweden that it considers appropriate to apply Rule 39 in respect of any Iraqi who challenges his or her return from Sweden to Baghdad. The court referred to the deterioration in the security situation in Baghdad and other governorates in Iraq and the UNHCR request not to deport Iraqis back.

IV. STATEMENT OF THE OBJECT OF THE APPLICATION

- 9 Following all of the above, the Court is kindly asked to request the Government of Sweden to suspend the decision to transfer the a/m person to Iraq.

Yours Sincerely,

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