

COUR EUROPEENNE
DES
DROITS DE L'HOMME
CONSEIL DE L'EUROPE
STRASBOURG

EUROPEAN COURT
OF
HUMAN RIGHTS
COUNCIL OF EUROPE
STRASBOURG

AAO ARMW
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FOURTH SECTION

ECHR-LE0.1R
CO/LCA/gn

23 October 2007

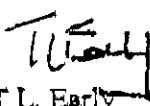
Dear Sir,

You may be aware that the Court is currently considering in a number of communicated cases in which the Acting President has applied Rule 39 the compatibility with Articles 2 and/or 3 of the Convention of the return to Sri Lanka of persons of Tamil origin. In my discussions with Mr Grainger on the matter, I drew attention to the concerns of the Acting President about the increasing number of similar Rule 39 applications being filed with the Court by Tamils facing removal to Sri Lanka. This number has continued to increase unabated. Having regard to the current security situation in Sri Lanka, Rule 39 has been applied on each occasion an interim measure has been requested by an ethnic Tamil.

The Acting President has consulted the Judges of the Section about his concerns including as regards the strain which the processing of numerous Rule 39 applications places on judicial time and resources. The Court has concluded that, pending the adoption of a lead judgment in one or more of the applications already communicated, Rule 39 should continue to be applied in any case brought by a Tamil seeking to prevent his removal.

The Section has also expressed the hope that, rather than the Acting President being required to apply Rule 39 in each individual case, your Government will assist the Court by refraining for the time being from issuing removal directions in respect of Tamils who claim that their return to Sri Lanka might expose them to the risk of treatment in violation of the Convention.

Yours faithfully,


T.L. Early
Section Registrar