



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

Rechtsanwälte
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FIFTH SECTION

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13 February 2013

BY MAIL AND FAX 0049 ¹⁶⁹ 707 977 22

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Application no. 81498/12
Isse and Mousa v. Germany

Dear Sir,

I acknowledge receipt on 10 and 12 February 2013 of your faxes requesting the European Court of Human Rights under Rule 39 of the Rules of Court not to transfer the applicants to Italy.

On 13 February 2013 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 Germany, under Rule 39 of the Rules of Court, that the applicants should not be transferred to Italy until **Wednesday, 6 March 2013 (midnight)**.

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:

1. Which measures will the German authorities take in order to accompany the applicants' transfer to Italy in the framework of the Council Regulation No. 343/2003 of 18 February 2003 (Dublin Regulation)?
2. Which guarantees can the German Government obtain from the Italian Government to assure that the applicants will receive a sufficient level of protection, in particular in terms of reception conditions and accommodation in Italy especially in view of the applicant's particular family situation?

The Government have been asked to submit this information by 6 March 2013. Their reply will be communicated to you for information or, if appropriate, for comments in reply on behalf of the applicants.

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

Please inform me of any change in your address or those of your clients.

Yours faithfully,

P.P.

K. Reid

Deputy Section Registrar