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CHR/ARI/gdu

21 January 2022

BY POST AND FAX (+381 11 30 85 328)

Total no. of pages: 2

**Application no. 4662/22**  
**Mohamed v. Serbia**

Dear Sir,

I acknowledge receipt of your correspondence of 21 January 2022 requesting the European Court of Human Rights under Rule 39 of the Rules of Court to prevent the applicant's extradition to Bahrain.

**Reference for further correspondence**

The file has been given the above number which you must refer to in any further correspondence relating to this case.

**Decision on interim measure**

On 21 January 2022, the Court (the duty judge) decided, in the interests of the parties and the proper conduct of the proceedings before it, to indicate to the Government of Serbia, under Rule 39, that the applicant should not be extradited until **5 p.m. (French time) on Friday, 25 February 2022**.

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.

Your faxes and the accompanying documents have been sent to the Serbian Government.

**Priority**

The Court further decided to give priority to the application under Rule 41.

### Information requested

The Court decided to request the Government, under Rule 54 § 2 (a), to submit the following information:

1. Was the applicant sentenced to life imprisonment that precludes early release and/or release on parole in Bahrain?

2. What are the concrete mechanisms, if any, and under which legal basis is the applicant entitled to have his life sentence reviewed in Bahrain?

3. Has the Government requested or received any evidence or assurances which confirm that the applicant, if extradited, would have access to "a review mechanism requiring the national authorities to ascertain, on the basis of objective, pre-established criteria of which the prisoner had precise cognisance at the time of imposition of the life sentence, whether, while serving his sentence, the prisoner has changed and progressed to such an extent that continued detention can no longer be justified on legitimate penological grounds"? What is the relevance of the note of the Embassy of the Kingdom of Bahrain that the applicant refers to, containing a guarantee that the applicant would be entitled to re-open his criminal case?

4. Have the Serbian courts taken into consideration the possible risks of torture and/or ill-treatment that the applicant would face if extradited to Bahrain? Did the applicant sufficiently bring those risks to the attention of the Serbian courts?

5. Has the applicant been allowed to access the asylum procedure in Serbia?

The Government have been asked to submit this information by **5 p.m. (French time) on Friday, 11 February 2022**. Their reply will be sent to the applicants for information or comments.

### Application form

In order to complete the file, you must send to the Court by **18 February 2022** the original of the enclosed application form duly completed together with copies of all relevant documents. **Please note that if you send original documents, they will not be returned to you by the Court.** If no such information is received by the above date, the application may be struck out of the list of cases without further notice.

### Barcode labels

Please find enclosed a set of barcode labels which you should stick on the top right-hand corner of the **first page** of any correspondence sent to the Registry in relation to the present case.

Yours faithfully,

p.p. 

K. Ryngielewicz  
Head of the Filtering Section

Enc.: Application pack  
Barcode labels

Please note that the documents appended to this letter will be sent to you by post only.