



Senhor Dr. Henrique Salinas
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16 April 2018

BY POST AND FAX ((+351) 213 223 599)

Total no. of pages: 02

Application no. 12836/18
Schmidt Fellipe Junior v. Portugal

Dear Sir,

I acknowledge receipt of your correspondence of 16 April 2018 requesting the European Court of Human Rights under Rule 39 of the Rules of Court to prevent the applicant's extradition to Brazil.

Decision on interim measure

On 16 April 2018, 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 Portugal, under Rule 39, that the applicant should not be extradited until 2 May 2018 (included).

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.

Furthermore, on 16 April 2018, the Court (the duty judge) decided to refuse your request as far as it concerns the risk raised in relation to Article 6 of the Convention.

Priority

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

Information requested

It has accordingly instructed me, under Rule 54 § 2 (a), to invite you to submit, by **23 April 2018**, the following information:

"Have diplomatic guarantees been requested by the applicant or the Government in relation to the alleged violations raised by the applicant, in particular as regards the conditions of detention and the high level of violence in Brazil prisons?"

Furthermore, the Government have been invited to submit the following information within the same time-limit:

- “1. When is the extradition of the applicant due to happen?
2. In which detention centre in Brazil will the applicant be held on remand and, in case he is convicted, serve his sentence?
3. Have diplomatic guarantees been requested by the applicant or the Government in relation to the alleged violations raised by the applicant, in particular as regards the conditions of detention and the high level of violence in Brazil prisons?”

The information submitted by one party will be sent to the other for information or comments.

Application form

In order to complete the file, you must send to the Court by **14 May 2018** 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.

Yours faithfully,

p.p. 

K. Reid
Registrar of the Filtering Section

Enc.: Application pack

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