

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

FIFTH SECTION

DECISION

Application no. 4401/11
A.H.H.
against Sweden

The European Court of Human Rights (Fifth Section), sitting on 3 July 2012 as a Committee composed of:

Mark Villiger, *President,*
Ganna Yudkivska,
André Potocki, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 January 2011,

Having regard to the interim measure indicated to the respondent Government under Rule 39 of the Rules of Court and the fact that this interim measure has been complied with,

Having regard to the comments submitted by the Swedish Government,

Having deliberated, decides as follows:

THE FACTS

The applicant is an Iraqi national who was born in 1993. The President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 3). He was represented before the Court by Ms E. Hökfelt, a lawyer practising in Malmö.

The Swedish Government ("the Government") were represented by their Agent, Mr A. Rönquist, of the Ministry for Foreign Affairs.

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant, originating from Sulaymaniyah in the Kurdistan Region of Iraq, had an illicit relationship with a young woman. In December 2007 the couple were caught having sexual intercourse by the woman's mother. Relatives of the woman searched for the applicant, who went into hiding. Mediation attempts between the two families were unsuccessful, as the woman's father wanted both his daughter and the applicant dead. The applicant was smuggled out of Iraq. From what the applicant had heard, a relative of the woman helped her flee.

On 15 October 2008 the Migration Board (*Migrationsverket*) rejected the asylum application. The Board held that there was nothing to suggest that the local authorities were unable to protect the applicant. It pointed out that, according to the applicant, the police had come on every occasion when there was a fight between the families and had also visited both families, trying to calm them down. The decision was upheld by the Migration Court (*Migrationsdomstolen*) on 25 March 2009. On 28 April 2009 the Migration Court of Appeal (*Migrationsöverdomstolen*) refused leave to appeal.

On three subsequent occasions the applicant applied to the Migration Board for a re-examination of his case. In addition to what had been claimed earlier, the applicant asserted that his mental health was bad and that he had a chronic kidney dysfunction due to which he would need a kidney transplantation in the future. The Migration Board rejected all applications. The second decision was appealed against and upheld by the Migration Court on 1 July 2010. On 27 July 2010 the Migration Court of Appeal refused leave to appeal.

On 13 March 2012, following the communication of the present application, the Migration Board granted the applicant a permanent residence permit in Sweden. The Board now concluded that the authorities of the Kurdistan Regional Government were unable to provide him with sufficient protection.

COMPLAINT

The applicant complained under Articles 2 and 3 of the Convention that he would be subjected to serious ill-treatment or killed by the family of the woman or by his own family if he were to return to Iraq. Under Article 3, he also referred to his state of health.

THE LAW

On 11 April 2012 the Government informed the Court of the Migration Board's decision of 13 March 2012 and invited the Court to strike out the application.

The Court notes that the applicant has been granted a permanent residence permit in Sweden and that he thus no longer faces a deportation to Iraq.

Consequently, the Court notes that the matter has been resolved, within the meaning of Article 37 § 1 (b) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stephen Phillips	Mark Villiger
Deputy Registrar	President