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

FIFTH SECTION

DECISION

Application no. 14957/11
D.A.M.
against Sweden

The European Court of Human Rights (Fifth Section), sitting on 5 November 2013 as a Committee composed of:

Boštjan M. Zupančič, *President,*
Ann Power-Forde,
Helena Jäderblom, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 6 March 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 observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant D.A.M. is an Iraqi national, who was born in 1978. 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 Mr S-Å. Petersson, Stockholm.

The Swedish Government ("the Government") were represented by their Agent, Ms H. Lindquist, of the Ministry for Foreign Affairs.

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

The applicant worked as a policeman after the fall of the Saddam Hussein regime and was taking part in an operation aimed at terrorists and criminals. He was approached by two militia men and asked to reveal information on planned police actions. As he refused, he received threats.

In June 2008 he was informed by a senior police officer that a warrant of arrest had been issued against him since he was accused of having revealed confidential information to a militia group. He left Iraq a few days later, believing that he would be arrested, tortured and killed if he were to return.

The applicant arrived in Sweden on 14 July 2008 and applied for asylum the following day. His application was rejected and his deportation ordered by the Migration Board (*Migrationsverket*) on 8 October 2009 and by the Migration Court (*Migrationsdomstolen*) on 18 March 2010. They found him to lack credibility and his story to be vague and unsubstantiated. In particular, he had not been able to explain why he was accused of having revealed confidential information. On an unknown date thereafter, the Migration Court of Appeal (*Migrationsöverdomstolen*) refused leave to appeal.

Subsequently, the applicant claimed that there were impediments to the enforcement of his deportation order. On 10 November 2010 and 17 January 2011, respectively, the Migration Board and the Migration Court dismissed the petition, finding that no new circumstances which could constitute an impediment to the enforcement of the deportation order had been presented.

By a decision of 15 November 2012, following the communication of the present application, the Migration Board granted the applicant a permanent residence permit in Sweden. The Board referred to an investigation conducted by the Swedish embassy in Baghdad, according to which there was an arrest warrant against the applicant in relation to suspected dissemination of confidential information, that the crime in question carried the death penalty and that he risked an unfair trial and torture.

COMPLAINTS

The applicant complained that his deportation to Iraq would involve a violation of Article 3 of the Convention.

THE LAW

On 29 November 2012 the Government invited the Court to strike out the case and discontinue the application of Rule 39 since the applicant no longer faced a risk of being deported to Iraq. No response has been forthcoming from the applicant.

The Court notes that the applicant has been granted a permanent residence permit in Sweden and, consequently, will not be deported to Iraq.

The Court considers, in the above circumstances, that the matter has been resolved, within the meaning of Article 37 § 1 (b). 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. Therefore, the application of Rule 39 of the Rules of Court comes to an end.

For these reasons, the Court unanimously

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

Stephen Phillips
Deputy Registrar

Boštjan M. Zupančič
President