

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

FIFTH SECTION

DECISION

Application no. 60723/10
M.A.M.
against Sweden

The European Court of Human Rights (Fifth Section), sitting on 25 June 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 13 October 2010,

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 is a national of Zimbabwe, who was born in 1980. 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 A. Lindblad and Mr B. Johansson lawyers practising in Stockholm.

The Swedish Government ("the Government") were represented by their Agents, Ms I. Kalmerborn and 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's father was a high-ranking member of the Movement for Democratic Change (MDC) and the applicant took part in party meetings from 2002 to hear his father speak. In July 2006 government agents killed the father and burnt down the family house. The applicant himself was beaten and imprisoned and was, after his release in March 2007, interrogated and beaten on two or three occasions.

On 6 September 2007 the applicant arrived in Sweden and applied for asylum. His application was rejected by the Migration Board (*Migrationsverket*) on 23 June 2008 and by the Migration Court (*Migrationsdomstolen*) on 22 December 2008. They found that the applicant had failed to prove his identity, that many of his statements lacked credibility and that he had not shown that he would be subjected to ill-treatment upon return to Zimbabwe. On 30 January 2009 the Migration Court of Appeal (*Migrationsöverdomstolen*) refused leave to appeal.

The applicant subsequently claimed that there were impediments to the enforcement of the deportation order. He stated that he had been active within the MDC in Sweden and that these activities had come to the knowledge of the Zimbabwean authorities.

By decisions of 26 February and 1 April 2010, 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. On 2 June 2010 the Migration Court of Appeal refused leave to appeal.

By a decision of 8 May 2013, following the communication of the present application, the Migration Board granted the applicant refugee status and a permanent residence permit in Sweden. The Board took into account a great number of documents submitted by the applicant concerning his involvement with the MDC and found them to show that he was active at a relatively high and public level and that this had been noted by Robert Mugabe's party, Zanu-PF, in Zimbabwe. It further had regard to updated country information according to which MDC supporters were subjected to frequent attacks in the country.

COMPLAINT

The applicant complained that his deportation to Zimbabwe would involve violations of Articles 2 and 3 of the Convention.

THE LAW

On 14 and 21 May 2013, respectively, the applicant and the Government informed the Court of the Migration Board's decision of 8 May 2013. The applicant expressed the wish to withdraw the present application and the Government invited the Court to strike it out.

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

The Court notes that the applicant does not intend to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Moreover, 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 and discontinue the application of Rule 39 of the Rules of Court.

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