



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

SECOND SECTION

DECISION

Application no. 62733/19
A.A.
against Finland

The European Court of Human Rights (Second Section), sitting on 1 December 2020 as a Committee composed of:

Valeriu Grițco, *President*,

Branko Lubarda,

Pauliine Koskelo, *judges*,

and Hasan Bakırcı, *Deputy Section Registrar*,

Having regard to the above application lodged on 27 November 2019,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr A.A., is an Iraqi national who was born in 1998. The President granted the applicant's request for his identity not to be disclosed to the public (Rule 47 § 4). He was represented before the Court by Mr E. Saros, a lawyer practising in Hämeenlinna.

2. The Finnish Government ("the Government") were represented by their Agent, Ms K. Oinonen, from the Ministry for Foreign Affairs.

3. The applicant complained under Articles 2 and 3 of the Convention that his removal to Iraq would put him at real risk of ill-treatment and/or loss of life upon return.

4. After the Government had been given notice of the application, on 12 June 2020 the Immigration Service (*Maahanmuuttovirasto*, *Migrationsverket*) granted the applicant refugee status and a continuous residence permit for a renewable period of four years. Consequently, the Government suggested that the circumstances allowed the Court to reach the conclusion that the matter had been domestically resolved, thereby justifying the discontinuation of the examination of the application. The Government invited the Court to strike the application out of its list of cases and to lift the interim measure indicated on 7 February 2020.

5. The applicant agreed that the case could be struck out and the interim measure indicated on 7 February 2020 lifted if the Government covered the applicant's legal costs and expenses in the amount of 6,269.92 euros (EUR) (including value-added tax).

6. The Government considered that there were no grounds for a friendly settlement. Nor could any just satisfaction be awarded since no violation of the Convention had taken place.

THE LAW

I. COMPLAINT UNDER ARTICLES 2 AND 3 OF THE CONVENTION

7. The Court notes that on 12 June 2020 the applicant was granted a continuous residence permit valid for a renewable period of four years. He is thus no longer subject to an expulsion order. There is thus no risk of any imminent *refoulement* as the applicant has been granted a continuous residence permit in Finland.

8. In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights, as defined in the Convention and its Protocols, does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

II. COSTS AND EXPENSES

9. Rule 43 § 4 of the Rules of Court provides:

“When an application has been struck out, the costs shall be at the discretion of the Court ...”

10. The applicant claimed reimbursement of his legal costs and expenses incurred before the Court in the amount of EUR 6,269.92 (including value-added tax). Copies of the relevant invoices have been submitted to the Court.

11. The Government considered that there were no grounds for a friendly settlement. In their view, nor could any just satisfaction be awarded since no violation of the Convention had taken place.

12. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and were reasonable as to quantum.

13. Regard being had to the information in its possession, and the above criteria and considerations, the Court considers it reasonable to award the applicant the sum of EUR 1,500 covering the costs and expenses before the Court.

For these reasons, the Court, unanimously,

Takes note of the fact that the applicant has been granted a continuous residence permit;

Holds that the respondent State is to pay the applicant, within three months, EUR 1,500 (one thousand five hundred euros) in respect of costs and expenses, including any tax that may be chargeable to the applicant;

Holds that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (b) of the Convention.

Done in English and notified in writing on 14 January 2021.

Hasan Bakırcı
Deputy Registrar

Valeriu Grițco
President