

Application No. 32999/96
by Shahram SOBHANI
against Sweden

The European Commission of Human Rights sitting in private on
10 July 1998, the following members being present:

MM S. TRECHSEL, President
J.-C. GEUS
M.P. PELLONPÄÄ
E. BUSUTTIL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H. DANELIUS
F. MARTINEZ
C.L. ROZAKIS
Mrs J. LIDDY
MM L. LOUCAIDES
B. MARXER
M.A. NOWICKI
I. CABRAL BARRETO
B. CONFORTI
N. BRATZA
I. BÉKÉS
D. SVÁBY
G. RESS
A. PERENIC
C. BİRSAN
P. LORENZEN
K. HERNDL
E. BIELIUNAS
E.A. ALKEMA
M. VILA AMIGÓ
Mrs M. HION
MM R. NICOLINI
A. ARABADJIEV

Mr M. de SALVIA, Secretary to the Commission

Having regard to Article 25 of the Convention for the Protection
of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 12 July 1996 by
Shahram SOBHANI against Sweden and registered on 17 September 1996
under file No. 32999/96;

Having regard to the reports provided for in Rule 47 of the Rules
of Procedure of the Commission;

Having regard to the information submitted by the respondent
Government on 17 June 1998;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is an Iranian citizen born in 1971. Before the
Commission he is represented by Mr. Stig-Åke Petersson, a legal adviser
of the Swedish Federation for Gay and Lesbian Rights (Riksförbundet för
sexuellt likaberättigande) in Stockholm.

On 16 October 1994 the applicant arrived in Sweden where he later applied for asylum. On 12 May 1995 the National Immigration Board (Statens invandrarverk) rejected the application and ordered the applicant's expulsion to Iran. The applicant's appeal was rejected by the Aliens Appeals Board (Utlänningsnämnden) on 11 March 1996.

On 21 May 1996 the applicant lodged a new application with the Appeals Board. On 20 November 1996 the Board stopped the enforcement of the expulsion order and on 6 December 1996 it referred the new application to the Government. By decision of 28 May 1998, the Government quashed the expulsion order and granted the applicant a permanent residence permit.

COMPLAINTS

Invoking Articles 2, 3 and 8 of the Convention, the applicant claimed that he would be arrested and executed upon return to Iran on account of his homosexuality.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 12 July 1996 and registered on 17 September 1996.

On 5 December 1996 the Commission decided, pursuant to Rule 36 of its Rules of Procedure, to indicate to the respondent Government that it was desirable in the interest of the parties and the proper conduct of the proceedings not to expel the applicant to Iran until the Commission had had an opportunity to examine the application. The Commission further decided, pursuant to Rule 48 para. 2 (b), to communicate the application to the Government.

By decision of 23 January 1997, the Commission prolonged the indication under Rule 36 until 18 April 1997. On 17 April 1997 the Commission decided to adjourn the application pending the outcome of the proceedings pending before the Government and to prolong the Rule 36 indication until the Commission had had the opportunity to examine the application in the light of both parties' observations.

On 17 June 1998 the Government informed the Commission of its decision of 28 May 1998 to grant the applicant a permanent residence permit. The Government requested the Commission to strike the application out of its list of cases.

By letter of 1 July 1998, the applicant expressed the wish to withdraw the present application.

REASONS FOR THE DECISION

Having regard to Article 30 para. 1 (a) of the Convention, the Commission notes that the applicant does not intend to pursue his petition. Further, as he has been granted a permanent residence permit, the Commission finds, in accordance with Article 30 para. 1 (b), that the matter has been resolved. Moreover, as regards the issues raised in the present case, the Commission finds no reasons of a general character affecting respect for human rights, as defined in the Convention, which require the further examination of the application by virtue of Article 30 para. 1 in fine.

For these reasons, the Commission, unanimously,

DECIDES TO STRIKE THE APPLICATION OUT OF ITS LIST OF CASES.

M. de SALVIA
Secretary
to the Commission

S. TRECHSEL
President
of the Commission