



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

THIRD SECTION

DECISION

Application no. 8108/18
A.R.B.
against the Netherlands

The European Court of Human Rights (Third Section), sitting on 17 January 2019 as a Committee composed of:

Dmitry Dedov, *President*,

Alena Poláčková,

Jolien Schukking, *judges*,

and Liv Tigerstedt, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 7 February 2018,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr A.R.B., is an Afghan national who was born in 1999. He was represented by Ms A.M. Veld, a lawyer practising in Drachten.

The applicant's complaints under Article 3 of the Convention, concerning the treatment to which he feared he would be subjected if he were returned to Afghanistan, were communicated to the Dutch Government ("the Government").

Subsequently, the parties informed the Court that the applicant had been granted a residence permit enabling him to stay in the Netherlands. The Government requested the Court to strike the case out of its list of cases. The applicant was opposed to the case being struck out as he wished to receive compensation in relation to the fact that he had unjustly been living on the streets for 1.5 years.

THE LAW

The Court firstly observes that the applicant no longer faces a risk of being expelled to Afghanistan. Secondly, it reiterates that Article 41 of the Convention allows it to award just satisfaction to the “injured party” only if it has previously “[found] that there has been a violation of the Convention or the Protocols thereto”, which it has not in this case.

In view of the above, the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)) and that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Accordingly, the application should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 7 February 2019.

Liv Tigerstedt
Acting Deputy Registrar

Dmitry Dedov
President