



European Court rejects case concerning man stripped of Danish nationality for joining the “Islamic State”

In its decision in the case of [Johansen v. Denmark](#) (application no. 27801/19) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the stripping of the applicant’s Danish nationality following his conviction in 2017 for terrorism offences, in particular for having gone to Syria to join the “Islamic State”. The authorities also ordered his deportation from Denmark with a permanent ban on his return.

The Court found in particular that the decisions concerning the applicant, who has dual Danish and Tunisian nationality, had been made after a thorough, diligent and swift assessment of his case, bearing in mind the gravity of his offences, his arguments and personal circumstances, the Court’s case-law and Denmark’s international obligations.

It emphasised that it was legitimate for Contracting States to take a firm stand against terrorism, which in itself constituted a grave threat to human rights.

Principal facts

The applicant, Adam Johansen, was born in Denmark in 1990 to a Danish mother and a Tunisian father and has dual nationality.

The applicant was arrested in April 2016 shortly after the Danish intelligence services received a list from Interpol of individuals, including the applicant, believed to have been recruited by the terrorist organisation the “Islamic State”.

He was subsequently convicted of going to Syria in September 2013 – returning to Denmark in February 2014 – and accepting recruitment and training by the “Islamic State” in order to commit terrorist acts. A district court sentenced him to four years’ imprisonment, but found no basis for depriving him of his Danish nationality or for expulsion. This judgment was upheld by the High Court in April 2018.

However, the Supreme Court overturned the lower courts’ decisions in November 2018. It ruled that, in view of the seriousness of his offences, he should be deprived of his Danish nationality and expelled from Denmark with a permanent ban on his return. It concluded that such sanctions would not be disproportionate, bearing in mind that he had ties not only to Denmark but also to Tunisia. Although he had been born, raised and educated in Denmark, his mother and siblings lived there and he was married to a Danish woman and they had a son together, he was also familiar with the Tunisian culture and spoke and read Arabic. It emphasised that the applicant’s partner, who had converted to Islam aged 18, and son, who had attended an Islamic school in Denmark, were not entirely unprepared for accompanying him to Tunisia, and that in any case they could visit him and communicate by telephone and via the Internet.

The applicant has served his sentence and is currently in a pre-departure centre, pending expulsion.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 10 May 2019.

He complained that the withdrawal of his Danish citizenship and the order to expel him, with a permanent ban on his return, had been in violation of his rights under Article 8 (right to private and family life).

The decision was given by a Chamber of seven judges, composed as follows:

Carlo **Ranzoni** (Liechtenstein), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Egidijus **Kūris** (Lithuania),
Pauliine **Koskelo** (Finland),
Jovan **Ilievski** (North Macedonia),
Gilberto **Felici** (San Marino),
Diana **Sârcu** (the Republic of Moldova),

and also Hasan **Bakırcı**, *Deputy Section Registrar*.

Decision of the Court

Firstly, the Court was satisfied that the Supreme Court's decision to strip the applicant of his Danish nationality had not been arbitrary, and had carefully taken into account the consequences for the applicant in the light of his ties to both Denmark and Tunisia.

The authorities had also acted diligently and swiftly, between the applicant's arrest in 2016 and conviction in 2018, giving him the opportunity to contest the request to deprive him of his Danish citizenship at three levels of jurisdiction.

Nor were there any shortcomings in the Supreme Court's assessment with regard to the applicant's arguments.

The applicant argued that the Tunisian authorities had never confirmed that he had held Tunisian citizenship and that he would be made stateless if he were stripped of Danish citizenship. The Court noted, however, that the applicant's nationality status had been carefully examined by the authorities before the criminal proceedings against him and by the courts at three instances, which established that he had dual nationality. Moreover, a Tunisian passport had been found in the applicant's home.

As to his submission that the Supreme Court should have attached decisive weight to the fact that he had acquired Danish nationality at birth, the Court was of the view that that did not significantly alter or add to the consequences for the applicant.

Indeed, the consequences for the applicant had been because of his own choices and actions, involving his conviction of serious terrorist offences. The Court emphasised that it was legitimate for Contracting States to take a firm stand against terrorism, which in itself constituted a grave threat to human rights.

Similarly, the Court was satisfied that the Supreme Court had made a thorough assessment when deciding to order his deportation. The court had examined the applicant's personal circumstances, carefully balancing the competing interests, while taking into account the criteria set out in the European Court's case-law and explicitly examining whether the expulsion order was contrary to Denmark's international obligations.

The national authorities had therefore given "very serious reasons" to justify the applicant's expulsion, and the relevant order could not be said to have been disproportionate to the legitimate aim pursued, namely, the protection of the public from the threat of terrorism.

Consequently, both the complaint about the stripping of the applicant's Danish nationality and his expulsion had to be rejected as manifestly ill-founded.

The decision is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.