



Forthcoming ruling in a Grand Chamber case concerning the conditions in which a Tunisian national was returned to his country of origin

The European Court of Human Rights will deliver its ruling in the case of **Mansouri v. Italy** (application no. 63386/16) at a public hearing on **29 April 2025 at 11.45 a.m.** in the Human Rights Building, Strasbourg.

The case concerns the lawfulness and conditions of a Tunisian national's confinement on board the ship being used to return him to his country of origin on the basis of a refusal-of-entry order issued by the border police.

Principal facts and complaints

The applicant is a Tunisian national who was born in 1976 and lives in Tunisia.

From 2014 to 2016 the applicant lawfully resided in Italy on the basis of a temporary residence permit with authorisation to work, which was valid until 3 April 2016. In January 2016 he travelled to Tunisia.

In May 2016 he was subjected to an identity check at the Palermo maritime border while on board the Italian cruise ship *Splendid*; he had in his possession his passport, his expired residence permit and a copy of his application for a long-term residence permit, dated 16 October 2015.

During the identity check, the border police established that the applicant's residence permit had expired, that the Ferrara Chief of Police (*Questore*) had refused to renew it on 31 March 2016 and that he did not have a visa to enter the country.

In consequence, the police issued the applicant with a refusal-of-entry order, in accordance with Article 10 § 1 of Legislative Decree no. 286 of 1998, and ordered the captain of the *Splendid* to return him to Tunisia.

The applicant alleges that, during the voyage, which took seven days, he was confined to a cabin under constant and strict supervision by the ship's security officers.

Relying on Article 5 (right to liberty and security) of the European Convention on Human Rights, the applicant complains that he was unlawfully deprived of his liberty on board the ship, that he was not informed of the grounds for this measure and that there was no domestic remedy available to him by which to challenge its lawfulness. He further submits that he was unable to obtain appropriate redress for the violations alleged.

In addition, relying on Articles 3 (prohibition of inhuman or degrading treatment) and 13 (right to an effective remedy) of the European Convention, he complains of the material conditions of his voyage on board the ship and of the lack of a domestic remedy in respect of this complaint.

Procedure

The application was lodged with the European Court of Human Rights on 28 October 2016.

On 20 February 2024 the Chamber relinquished jurisdiction in favour of the Grand Chamber.

A hearing was held on 18 September 2024.

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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.