



Grand Chamber hearing concerning imminent removal of criminal convict with serious health issues from Belgium to his country of origin, Georgia

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 16 September 2015 at 9.15 a.m.** in the case of **Paposhvili v. Belgium** (application no. 41738/10).

The case concerns the order for Mr Paposhvili's deportation to Georgia together with a ban on entering Belgium.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Georgie Paposhvili, is a Georgian national who was born in 1958 and lives in Brussels.

Mr Paposhvili arrived in Belgium on 25 November 1998, accompanied by his wife and the latter's six-year-old child. The couple subsequently had a child in August 1999 and another one in July 2006.

Between 1998 and 2007 Mr Paposhvili was convicted on several occasions of offences including robbery and involvement in a criminal organisation. While in prison he was diagnosed with a number of serious medical conditions, including chronic lymphocytic leukaemia and tuberculosis, for which he was treated in hospital. In addition, he submitted several unsuccessful applications for regularisation of his residence status on exceptional or medical grounds. In August 2007 the Minister for the Interior issued an order for Mr Paposhvili's deportation and barred him from re-entering the country for ten years on account of the danger he posed to public order. The order became enforceable once Mr Paposhvili had completed his sentence but was not in fact enforced as he was still undergoing medical treatment. On 7 July 2010 the Aliens Office issued an order for him to leave the country, together with an order for his detention. He was transferred to a closed facility for illegal immigrants with a view to his return to Georgia, and a laissez-passer was issued for that purpose. On 23 July 2010 Mr Paposhvili applied to the European Court of Human Rights for an interim measure under Rule 39 of the Rules of Court suspending his removal; the request was granted. He was subsequently released. The validity of the order to leave the country was extended several times. In November 2009 his wife and her three children were granted indefinite leave to remain in Belgium.

Relying on Article 2 (right to life) and Article 3 (prohibition of torture and inhuman or degrading treatment) of the Convention, Mr Paposhvili alleges that, if deported to Georgia, he would face a real risk of being subjected to inhuman or degrading treatment and of premature death, since the medical treatment he needs does not exist or is inaccessible in that country. Under Article 8 (right to respect for private and family life), he complains that his return to Georgia and exclusion from Belgium for ten years would result in separation from the rest of his family, who have been granted leave to remain in Belgium.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Procedure

The application was lodged with the European Court of Human Rights on 23 July 2010.

In its Chamber [judgment](#) of 17 April 2014, the Court found that there were no compelling humanitarian considerations in Mr Paposhvili's case and that, as matters stood, there would be no violation of Article 3 in the event of his deportation to Georgia. The Court reached the same conclusion in relation to Article 2. Under Article 8, having regard in particular to the nature and seriousness of the offences committed by Mr Paposhvili and the fact that his links with his country of origin had not been severed, the Court took the view that the Belgian authorities, in refusing to regularise his residence status, had not attached disproportionate weight to the public interest compared with the applicant's rights.

The Court decided to maintain the interim measure (Rule 39 of the Rules of Court) indicated on 23 July 2010 to the effect that Mr Paposhvili should not be deported until the judgment became final or a new decision was given.

On 14 July 2014 the applicant requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 20 April 2015 the Panel of the Grand Chamber accepted that request.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Guido **Raimondi** (Italy),
İşıl **Karakaş** (Turkey),
Luis **López Guerra** (Spain),
Khanlar **Hajiyev** (Azerbaijan),
Kristina **Pardalos** (San Marino)
Julia **Laffranque** (Estonia),
André **Potocki** (France),
Paul **Lemmens** (Belgium),
Helena **Jäderblom** (Sweden),
Johannes **Silvis** (the Netherlands),
Valeriu **Grițco** (the Republic of Moldova),
Faris **Vehabović** (Bosnia and Herzegovina),
Ksenija **Turković** (Croatia),
Egidijus **Kūris** (Lithuania),
Jon Fridrik **Kjølbro** (Denmark), *judges*,
Robert **Spano** (Iceland),
Dmitry **Dedov** (Russia),
Nebojša **Vučinić** (Montenegro),
Elisabeth **Steiner** (Austria), *substitute judges*,

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Isabelle **Niedlispacher**, *Co-agent*,
Francois **Motulsky** and Konstantin **de Haes**, *Counsel*,

Valérie *Demin* and Bie *Coenen*, *Advisers*,

Applicant

Céline *Verbrouck* and Jana *Kern*, *Counsel*.

Third parties

Georgian Government

Aleksandre **Baramidze**, *First Deputy Minister of Justice*,

Tamar **Rostiashvili**, *Ministry of Justice*,

Marina **Darakhvelidze**, *Ministry of Labour, Health and Social Affairs*.

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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.