



Grand Chamber hearing on expulsion from Denmark to Turkey of offender with psychiatric illness

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 24 June 2020 at 10 a.m.** by video conference in the case of **Savran v. Denmark** (application no. 57467/15)

The case concerns the applicant's complaint that, owing to his mental health, his rights would be violated if he were to be returned to Turkey.

On account of the Covid-19 health crisis the Court has had to introduce special measures for holding its public hearings, valid until further notice. All oral submissions will be made by videoconference, and hearings at the Human Rights Building will not be open to the public. However, since all hearings are filmed in their entirety, the video recording of today's hearing will be available on the Court's website (www.echr.coe.int) tomorrow.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will be made at a later stage.

The applicant, Arif Savran, is a Turkish national who was born in 1985. He moved to Denmark as a six year old with his family in 1991.

After being convicted of aggravated assault committed with other people, which had led to the victim's death, the applicant was in 2008 placed in the secure unit of a residential institution for the severely mentally impaired for an indefinite period and ordered to be expelled.

In January 2012 the applicant's guardian *ad litem* asked that the prosecution review his sentence and the prosecution brought the case before the City Court in December 2013. On the basis of medical reports, Immigration Service opinions and statements by the applicant, the City Court in October 2014 changed Mr Savran's sentence to treatment in a psychiatric department. It also held that despite the severity of his crime it would be inappropriate to enforce the expulsion order.

In particular, the medical experts stressed the need for continued treatment and follow-up in order to ensure his recovery, while the applicant highlighted that all his family were in Denmark, that he could not speak Turkish, only some Kurdish, and that he was worried about the availability of the necessary treatment in Turkey.

On appeal by the prosecution, the High Court reversed the City Court's judgment in January 2015. Basing its conclusion on information on access to medicines in Turkey in the European Commission's MedCOI medical database and a report from the Foreign Ministry, the court found that Mr Savran would be able to continue his treatment in Turkey. It also emphasised the nature and gravity of the crime. He was refused leave to appeal to the Supreme Court in May 2015.

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 16 November 2015.

The applicant complains that owing to his mental health it would breach his rights under Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights to send him to Turkey.

In its Chamber [judgment](#) of 1 October 2019, the Court held, by four votes to three, that there would be a violation of Article 3 of the European Convention if the applicant was removed to Turkey. The Chamber found in particular that psychiatrists had recommended that the applicant receive close monitoring and follow-up in order to make his treatment effective and allow for his reintegration into society after committing a serious offence. It had doubts about the applicant receiving such care in Turkey, where moreover he had no family network and would need a regular and personal contact person to help him. Given such doubts, the Danish authorities needed to obtain sufficient and individual assurances on his care, otherwise removing him would violate Article 3. The Chamber further found that it did not need to carry out a separate examination of a complaint by the applicant under Article 8 of the Convention.

On 27 January 2020 the Grand Chamber Panel accepted the Danish Government's request that the case be referred to the Grand Chamber.

France, Germany, the Netherlands, Norway, Russia, Switzerland and the United Kingdom and the organisations, Amnesty International and *Centre de Recherches et d'Études sur les Droits Fondamentaux* (CREDOF), were granted leave to intervene in the written proceedings as third parties.

Composition of the Court

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

Robert **Spano** (Iceland), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Ksenija **Turković** (Croatia),
Síofra **O'Leary** (Ireland),
Yonko **Grozev** (Bulgaria),
Dmitry **Dedov** (Russia),
Egidijus **Kūris** (Lithuania),
Branko **Lubarda** (Serbia),
Armen **Harutyunyan** (Armenia),
Gabriele **Kucsko-Stadlmayer** (Austria),
Pere **Pastor Vilanova** (Andorra),
Georgios A. **Serghides** (Cyprus),
Alena **Poláčková** (Slovakia),
Tim **Eicke** (the United Kingdom),
Ivana **Jelić** (Montenegro),
Lorraine **Schembri Orland** (Malta),
Anja **Seibert-Fohr** (Germany), *judges*,
Helen **Keller** (Switzerland),
Saadet **Yüksel** (Turkey),
Mārtiņš **Mits** (Latvia), *substitute judges*,

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Michael Braad, *Agent*,

Nina Holst-Christensen, *Co-agent*,

Lisbeth Kunnerup, Anna-Sophie Saugmann-Jensen, Øzlem Akar, Christian Wegener, Sarah Larsen Vaabengaard, Cathrine Engsig Sørensen, Maria Korsgård Thomsen, Sofie Bach Andersen, and Lone Zeuner, *Advisers*;

Applicant

Tyge Trier and Anders Boelskifte, *Counsel and Co-Counsel*,

Sabrine Hussain and Thea Husum, *Advisers*.

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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.