

Grand Chamber hearing in case concerning conditions in which Tunisian national was removed to country where he had embarked

The European Court of Human Rights is holding a **Grand Chamber** hearing today **Wednesday 18 September 2024 at 9.15 a.m.** in the case of **Mansouri v. Italy** (application no. 63386/16).

The case concerns the lawfulness and conditions of a Tunisian national's confinement, on board the ship transporting him back to the country where he had embarked, on the basis of a refusal-of-entry order issued by the border police.

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. A recording of the hearing will be available this afternoon on the Court's internet site (www.echr.coe.int).

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 April 2016. In January 2016 he travelled to Tunisia.

In May 2016 the applicant was subjected to an identity check at the Palermo maritime border while on board the Italian cruise ferry *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 the applicant did not have a visa to enter the country. In consequence, the police issued him with a refusal-of-entry order under Article 10 § 1 of Legislative Decree no. 286 of 1998 and instructed the captain to remove the applicant to Tunisia.

During the journey, which took seven days, the applicant submits that he was confined to a cabin under constant and strict supervision by the ship's security officers.

Procedure

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

Relying on Article 5 (right to liberty and security) of the European Convention on Human Rights, the applicant submits that he was unlawfully deprived of his liberty on board the ship and that there was no domestic remedy available to allow him to raise this complaint before the national authorities.

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

On 20 November 2018 the Italian Government was given notice of the application, with questions from the Court. A [statement of facts](#), in French only, is available on the Court's website.

On 24 January 2024 the parties were informed that the Chamber intended to relinquish the case and were invited to submit any comments they wished to make.

On 20 February 2024 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber¹.

Composition of the Court

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

Marko **Bošnjak** (Slovenia), *President*,
Gabriele **Kucsko-Stadlmayer** (Austria),
Arnfinn **Bårdsen** (Norway),
Pere **Pastor Vilanova** (Andorra),
Mattias **Guyomar** (France),
Ivana **Jelić** (Montenegro),
Krzysztof **Wojtyczek** (Poland)
Alena **Poláčková** (Slovakia),
Tim **Eicke** (the United Kingdom),
Péter **Paczolay** (Hungary),
Darian **Pavli** (Albania),
Raffaele **Sabato** (Italy),
Peeter **Roosma** (Estonia),
Ana Maria **Guerra Martins** (Portugal),
Andreas **Zünd** (Switzerland),
Diana **Sârcu** (the Republic of Moldova),
Sebastian **Rădulețu** (Romania), *judges*,
Georgios A. **Serghides** (Cyprus),
Anne Louise **Bormann** (Denmark),
Erik **Wennerström** (Sweden), *substitute judges*,

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

Representatives of the parties

Government

Lorenzo **D'ascia**, *Agent*,
Davide Giovanni **Pintus**, Massimo **Di Benedetto** and Adele Berti **Suman**, *Advisers*;

Applicant

Massimo **Cipolla** and Luca **Masera**, *Counsel*,
Alessandra **Annoni**, Francesca **De Vittor**, and Irina **Carnat**, *Advisers*.

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¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber".

We are happy to receive journalists' enquiries via either email or telephone.

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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.