



Judgments and decisions of 9 January 2020

The European Court of Human Rights has today notified in writing seven judgments¹ and 20 decisions²:

one Chamber judgment is summarised below;

a separate press release has been issued for one decision, in the case of *B.L. and Others v. France* (application no. 48104/14);

six Committee judgments, concerning issues which have already been submitted to the Court, and the other 19 decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in French.

Jeddi v. Italy (application no. 42086/14)

The applicant, Sami Jeddi, is a Tunisian national, who was born in 1983 and lives in Castel Volturno (Italy).

The case concerned the applicant's appeal against his placement in the Milan Identification and Expulsion Centre with a view to his removal, despite a court ruling requiring the authorities to grant him a residence permit on humanitarian grounds.

In April 2011 Mr Jeddi was arrested by Italian police on the island of Lampedusa where he had come ashore illegally and without identity documents.

On 21 April 2011 the police authorities issued him with a removal order and, pending its execution, he was placed in the Identification and Expulsion Centre in Santa Maria Capua Vetere; he submitted an application for international protection while he was there. On 31 May 2011 the Territorial Commission for the Recognition of International Protection rejected his request. Mr Jeddi challenged this decision before the Naples District Court. In a judgment of 16 November 2011 the court held that the grounds for seeking asylum or subsidiary protection were not sufficient. However, the court took the view – on the basis of a decree of the President of the Council of Ministers of 6 October 2011 – that the applicant was entitled to a residence permit on humanitarian grounds until 31 December 2012.

On 24 December 2011 Mr Jeddi arrived in Switzerland where he submitted an asylum application. On 19 October 2012 the Swiss authorities sent him back to Italy in accordance with the “Dublin Regulation”. Upon his arrival at Milan airport, he was taken to the border police and on the same day the Prefect of Varese notified him of a removal order against him. Pursuant to this order, he was taken to the Identification and Expulsion Centre in Milan pending his removal.

On 22 October 2012 the Milan Justice of the Peace, after hearing the applicant, who was assisted by an interpreter and a court-appointed lawyer, endorsed the detention measure.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

² Inadmissibility and strike-out decisions are final.

On 2 November 2012, after his lawyer had transmitted the judgment of the Naples District Court of 21 November 2011 to the Milan police authorities, the applicant was released. Upon an appeal by the applicant, the Justice of the Peace of Varese annulled the removal order and found that Mr Jeddi was allowed to remain in Italy until 31 December 2012, the expiry date of his humanitarian residence permit.

The applicant then lodged an appeal before the Court of Cassation against the decision of the Justice of the Peace of Milan who had endorsed his placement in the detention centre. The appeal was dismissed.

Relying in particular on Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights, the applicant claimed that his placement in the Identification and Expulsion Centre in Milan for 14 days in spite of the judgment of the Naples District Court which had required the Italian authorities to grant him a humanitarian residence permit had not met the requirements of the Convention.

No violation of Article 5 § 1

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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.