



Grand Chamber to examine case concerning the conditions of a Tunisian national's return to his country of origin

The Chamber of the European Court of Human Rights to which the case **Mansouri v. Italy** (application no. 63386/16) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

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

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

Between 2014 and 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 returned to Tunisia.

In May 2016 the applicant 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 head 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, in accordance with Article 10 § 1 of Legislative Decree no. 286 of 1998, and ordered the captain to return the applicant to Tunisia.

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

Complaints

Relying on Article 5 (right to liberty and security), 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), 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.

¹ Under Article 30 of the European Convention of 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."

Procedure

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

On 20 November 2018 the Italian Government was given [notice](#)² 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 Chamber.

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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.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of the Section may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.