



Grand Chamber Hearing concerning a group of migrants intercepted at sea and sent back to Libya

The European Court of Human Rights is holding a **Grand Chamber¹ hearing** today **Wednesday 22 June 2011 at 9.15 a.m.** in the case of **Hirsi and Others v. Italy** (Application no. 27765/09)

The case concerns a group of Somali and Eritrean migrants travelling from Libya who were intercepted at sea by the Italian authorities and sent back to Libya.

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 applicants are 11 Somali and 13 Eritrean nationals. They were part of a group of about 200 people who left Libya in 2009 on board three boats bound for Italy. Among them were women who were pregnant at the time and children. On 6 May 2009, when the boats were 35 miles south of Lampedusa (Agrigento), in waters under Maltese jurisdiction for search and rescue purposes, they were intercepted by Italian Customs and Coastguard vessels. The passengers were transferred to the Italian military vessels and taken to Tripoli. The applicants say that during the journey the Italian authorities did not tell them where they were being taken, or check their identity. Once in Tripoli they were handed over to the Libyan authorities. At a press conference on 7 May 2009 the Italian Minister of the Interior explained that the interception of the vessels on the high seas and the return of the migrants to Libya was in accordance with the bilateral agreements with Libya that entered into force on 4 February 2009, marking a turning point in the fight against illegal immigration.

The applicants consider that their case falls within the jurisdiction of Italy. Relying on Article 3 of the Convention (prohibition of inhuman or degrading treatment), they argue that the decision of the Italian authorities to intercept the vessels on the high seas and send the applicants straight back to Libya exposed them to the risk of ill-treatment there, as well as to the serious threat of being sent back to their countries of origin (Somalia and Eritrea), where they might also face ill-treatment. They also complain that they were subjected to collective expulsion prohibited by Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens). Lastly, relying on Article 13 of the Convention (right to an effective remedy), they complain that they had no effective remedy against the alleged violations of Articles 3 of the Convention and 4 of Protocol No. 4.

Procedure

The application was lodged with the European Court of Human Rights on 26 May 2009. On 15 February 2011 The Chamber to which the case was assigned relinquished jurisdiction in favour of the Grand Chamber² on 15 February 2011.

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, unless one of the parties to the case objects."

The following have been authorized to intervene as a third party (under Article 36 § 2 of the Convention):

- the Office of the United Nations High Commissioner for Refugees,
- the Office of the United Nations High Commissioner for Human Rights,
- the non-governmental organisations *Aire Center*, *Amnesty International*, and *International Federation for Human Rights (FIDH)*,
- the non-governmental organisation *Human Rights Watch*, and
- the *Columbia Law School Human Rights Clinic*.

Composition of the Court

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

Jean-Paul **Costa** (France), *President*,
 Nicolas **Bratza** (the United Kingdom),
 Françoise **Tulkens** (Belgium),
 Josep **Casadevall** (Andorra),
 Nina **Vajić** (Croatia),
 Dean **Spielmann** (Luxembourg),
 Peer **Lorenzen** (Denmark)
 Ljiljana **Mijović** (Bosnia and Herzegovina),
 Sverre Erik **Jebens** (Norway),
 Dragoljub **Popović** (Serbia),
 Giorgio **Malinverni** (Switzerland),
 Mirjana **Lazarova Trajkovska** ("the former Yugoslav Republic of Macedonia"),
 Nona **Tsotsoria** (Georgia),
 Işıl **Karakaş** (Turkey),
 Kristina **Pardalos** (San Marino),
 Guido **Raimondi** (Italy),
 Paulo **Pinto de Albuquerque** (Portugal), *Judges*,
 Vincent A. **de Gaetano** (Malta),
 Egbert **Myjer** (the Netherlands),
 David Thór **Björgvinsson** (Iceland), *Substitute judges*,

and also Michael **O'Boyle**, *Deputy Registrar*.

Representatives of the parties

Government

Silvia **Coppari**, *Co-Agent*,
 Giuseppe **Albenzio**, *Adviser*;

Applicants

Anton Giulio **Lana**, *Counsel*,
 Andrea **Saccucci**, *Counsel*,
 Alice **Sironi**, *Adviser*.

Third party

For the United Nations High Commissioner for Refugees:
 Madeline **Garlick**, *Head of Policy and Legal Support Unit, Bureau for Europe*,
 Cornelis **Wouters**, *Senior Refugee Law Advisor, Division of International Protection*,
 Samuel **Boutruche**, *legal officer, Policy and Legal Support Unit, Bureau for Europe*.

² 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, unless one of the parties to the case objects".

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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.