



Grand Chamber hearing concerning the rejection of an Afghan family's application for asylum in Switzerland and the order to deport them to Italy

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 12 February 2014 at 9.15 a.m.** in the case of **Tarakhel v. Switzerland** (Application no. 29217/12)

The case concerns a couple of Afghan nationals and their five children. The Swiss authorities rejected their application for asylum and ordered their deportation to Italy. The applicants complain that the conditions in which they would be accommodated in Italy as asylum-seekers would not satisfy the requirements of the Convention.

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 an Afghan couple and their five children. After living in Iran for 15 years, they left for Turkey and from there travelled to Italy illegally by boat. They were taken in by the Italian police; the first two applicants were then registered in the EURODAC system (the European fingerprint database for identifying asylum seekers and irregular border-crossers) in July 2011 and taken to a reception centre in Bari. Later, they travelled to Austria, where they lodged an application for asylum, which was rejected. In November 2011 they entered Switzerland and applied for asylum there. The Federal Migration Office rejected their application in January 2012 and made an order for their deportation to Italy. The applicants appealed to the Federal Administrative Court, submitting that the conditions in which asylum seekers were accommodated in Italy were in breach of Article 3 of the Convention and that the federal authorities had not given due consideration to that factor. Their appeal was dismissed and the applicants applied to the Court, seeking an interim measure (under Rule 39 of the Rules of the Court) preventing their deportation to Italy. On 18 April 2012 the Court indicated to the Swiss Government, under Rule 39, that the applicants should not be deported to Italy for the duration of the proceedings.

Relying on Articles 3 (prohibition of torture and of inhuman or degrading treatment), 8 (right to respect for private and family life) and 13 (right to an effective remedy), the applicants submit that the conditions in which they would be accommodated in Italy as asylum-seekers would not satisfy the requirements of the Convention and would be incompatible with the presence of young children. They complain that the Swiss authorities did not give sufficient consideration to their personal circumstances and did not take into account their family situation.

Procedure

The application was lodged with the Court on 10 May 2012. On 25 June 2012 the Court gave notice of the application and put questions to the Swiss Government under Article 3 (prohibition of inhuman or degrading treatment) of the Convention. On 24 September 2013 the Chamber to which the case had been assigned decided to relinquish jurisdiction in favour of the Grand Chamber (Article 30 of the Convention).

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."

Composition of the Court

The case will be heard by a Grand Chamber of 17 judges, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Guido **Raimondi** (Italy),
Ineta **Ziemele** (Latvia),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Peer **Lorenzen** (Denmark),
András **Sajó** (Hungary),
Ledi **Bianku** (Albania),
Işıl **Karakaş** (Turkey),
Nebojša **Vučinić** (Montenegro),
Julia **Laffranque** (Estonia),
Linos-Alexandre **Sicilianos** (Greece),
Helen **Keller** (Switzerland)
André **Potocki** (France),
Helena **Jäderblom** (Sweden),
Paul **Mahoney** (United Kingdom), *judges*,
Nona **Tsotsoria** (Georgia),
Paul **Lemmens** (Belgium),
Elisabeth **Steiner** (Austria), *substitute judges*,

and also Lawrence **Early**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government of Switzerland

Frank **Schürmann**, *Agent*,
Bernard **Dubey**, Dominique **Steiger Leuba**, Juerg **Horni** and Valérie **Hofer**, *Counsel*;

Applicants

Chloé **Bregnard Ecoffey** and Karine **Povlakic**, *Advisers*;

Third parties

Italian Government

Paola **Accardo** and Gianluca **Mauro Pellegrini**, *co-Agents*.

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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.