



## Forthcoming Grand Chamber judgment

The European Court of Human Rights will be delivering a Grand Chamber judgment in the case of **M.S.S. v. Belgium and Greece** (application no. 30696/09) at a public hearing on **Friday 21 January 2011 at 11 a.m.** – local time – in the Human Rights Building, Strasbourg.

This case concerns the expulsion of asylum seekers in application of the EU Dublin Regulation.

*Press releases and texts of the judgments will be available after the hearing on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int))*

The applicant, M.S.S., an Afghan national, left Kabul early in 2008 and, travelling via Iran and Turkey, entered the European Union through Greece.

On 10 February 2009, he arrived in Belgium, where he applied for asylum. By virtue of the "Dublin II" Regulation<sup>1</sup>, the Belgian authorities submitted a request for the Greek authorities to take charge of the asylum application. The applicant objected, arguing that he ran the risk of detention in Greece in appalling conditions, that there were deficiencies in the asylum system in Greece and that he feared ultimately being sent back to Afghanistan without any examination of the reasons why he had fled that country, where he claimed he had escaped a murder attempt by the Taliban in reprisal for his having worked as an interpreter for the air force troops stationed in Kabul.

On 15 June 2009 the applicant was nonetheless transferred to Greece, the Aliens Office considering that Belgium was not the country responsible for examining the asylum application under the Dublin II Regulation and that there was no reason to suspect that the Greek authorities would fail to honour their obligations in asylum matters under Community law and the Geneva Convention on refugee status. On arriving at Athens airport the applicant was immediately placed in detention in an adjacent building, where he says the conditions were overcrowded and insalubrious. Following his release on 18 June 2009, he lived in the street, with no means of subsistence.

### Complaints and procedure

The applicant alleges that by sending him back to Greece the Belgian authorities exposed him to a risk of inhuman and degrading treatment there, and that he was indeed subsequently subjected to such treatment. He also complains that he was sent back to Greece in spite of the risk that the authorities there would order his expulsion to Afghanistan without examining the reasons that made him flee that country. He further contends that he had no effective remedy in Belgium against the expulsion order, and no real guarantee that his asylum application would follow its normal course in Greece, in particular because of the deficiencies in the Greek asylum system. He relies on Articles 2

<sup>1</sup> An EC regulation under which European Union member States are required to determine, based on a hierarchy of objective criteria (Articles 5 to 14), which member State is responsible for examining an asylum application lodged on their territory.

(right to life), 3 (prohibition of inhuman or degrading treatment or punishment) and 13 (right to an effective remedy) of the European Convention on Human Rights.

The application was lodged with the European Court of Human Rights on 11 June 2009.

On 2 July 2009 it was decided to apply Rule 39 of the Rules of Court (interim measures) against Greece pending the outcome of the proceedings before the Court.

On 16 March 2010 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber and on 1 September 2010 a public [hearing](#) was held in public in the Human Rights' building in Strasbourg ([webcast available](#)).

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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.