



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FOURTH SECTION

Application no. 26840/26
Hafed MATOUSSI
against Denmark
lodged on 7 July 2026
communicated on 3 September 2026

SUBJECT MATTER OF THE CASE

The applicant is a Tunisian national, who was born in Denmark in 1991. He has a criminal record. Following criminal proceedings in 2018, he was ordered to be expelled with a permanent re-entry ban.

However, the Danish authorities were unable to implement the expulsion order.

Consequently, on 20 May 2019 the Return Agency (*Hjemrejsestyrelsen*) issued an order requiring the applicant to reside at *Kærshovedgård* return centre overnight and to register with the police at the centre during the day.

This order has been prolonged, most recently on 24 June 2025.

The centre is situated in the countryside, approximately 7 km from the closest town.

In October 2024, the applicant initiated civil proceedings against the Return Agency, claiming that the residence and registration order violated Article 8 of the Convention, both alone and in conjunction with Article 14.

On 28 May 2025, the District Court ruled against the applicant. The High Court upheld the judgment on appeal on 2 December 2025. Leave to appeal to the Supreme Court was refused on 25 March 2026.

It appears that the applicant has left Denmark voluntarily.

The applicant complained that the High Court's judgment, which became final on 25 March 2026, was in breach of Articles 3, 5, 8 and 14 of the Convention.

QUESTIONS TO THE PARTIES

A. Questions to the Government

1. Has the applicant exhausted the domestic remedies available to him, as required by Article 35 § 1 of the Convention, in respect of his complaints under Articles 3 and 5? In particular, did he raise those complaints, at least in substance, before the domestic courts?

2. Did the living conditions imposed on the applicant at Kærshovedgård Return Centre, considered cumulatively and having regard to their duration and the applicant's individual circumstances, amount to treatment contrary to Article 3 of the Convention *Muršić v. Croatia* [GC], no. 7334/13, § 121, 20 October 2016?

3. Did the residence and reporting obligations imposed on the applicant amount to a deprivation of liberty within the meaning of Article 5 § 1, having regard to his concrete situation and to the type, duration, effects and manner of implementation of the measures? If so, was that deprivation justified under Article 5 § 1 (f) (see *Guzzardi v. Italy*, 6 November 1980, §§ 92–95, Series A no. 39)?

4. Was there an interference with the applicant's right to respect for his private and/or family life, within the meaning of Article 8 § 1, on account of the residence and reporting obligations imposed on him? If so, was that interference in accordance with the law and necessary in a democratic society for one or more of the purposes set out in Article 8 § 2?

5. Did the applicant suffer discrimination in the enjoyment of his rights under Article 8, contrary to Article 14 taken in conjunction with Article 8? In particular, on what ground was he allegedly treated differently from persons in an analogous or relevantly similar situation, and did that difference in treatment have an objective and reasonable justification?

The Government are invited to inform the Court whether the applicant left Denmark. If so, on what date and in what circumstances did he leave, and when did the residence and reporting obligations cease to apply to him?

The Government are also invited to describe precisely the residence and reporting obligations imposed on the applicant, including the hours during which he was required to be present at the centre, the frequency and manner of registration, permitted absences, supervision of entry and departure, and the consequences of non-compliance.

B. Questions to the applicant

1. Is the applicant currently detained in Tunisia? The applicant is invited to provide documentary evidence concerning his present whereabouts and detention and to clarify where and in what circumstances he signed the application form dated 24 June 2026.

2. Does he remain in contact with his representative and wish to pursue the application?