

December 4, 2012 - European Convention of Human Rights

## Roma woman awarded €17,000 after Italy's 'Rule 39' court defiance

A Bosnian Roma woman has been awarded €17,000 after Italy defied European Court of Human Rights rules and deported her for staying illegally in the country.



### Hamidovic v. Italy (no. 31956/05)

The applicant, Nevresa Hamidovic, is a Bosnian national of Roma origin who was born in 1975 and lives in a travellers' encampment in Rome (Italy) with her husband and five children. Having initially been lawfully resident between January 1996 and October 1997, Hamidovic applied to have her residence permit renewed but her request was refused in May 1999 on the ground that she had committed criminal offences.

Following an identity check in July 2005, she was placed in a detention centre, and in September 2005 she was deported for staying illegally in Italian territory.

Relying on Article 8 (right to respect for private and family life), Hamidovic complained that her deportation to Bosnia and Herzegovina had resulted in a violation of her right to respect for her private and family life as she had been obliged to leave her husband and children behind in Italy.

The applicant had been deported even though the Court had indicated that the deportation order should be stayed as an interim measure under Rule 39 of the Rules of Court.

### Violation of Article 8

Just satisfaction: EUR 15,000 (non-pecuniary damage) and EUR 2 000 (costs and expenses)

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