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Order of the General Court in Case T-136/22 | Hamoudi v Frontex

The action for damages against Frontex brought by a Syrian national, allegedly sent back out to sea from Greece in the direction of Turkey, is dismissed

A Syrian national claims that he arrived in Greece from Turkey to seek asylum but that, on that same day, he was sent back out to sea. The day after, a vessel of the Turkish coast guard took him aboard and relocated him to Turkish territory. According to him, during his time at sea, a private surveillance aeroplane, operated by the European Border and Coast Guard Agency (Frontex), flew over the scene several times. Since he did not have access to the asylum system in Turkey, he lived as a clandestine under threat of refoulement to Syria.

By his action before the General Court of the European Union, that Syrian national requests that Frontex be ordered to pay him a total sum of €500,000 in damages as compensation for the non-material damage he claims to have suffered on account of the unlawful measures allegedly taken against him by the Greek authorities.

By its order, the General Court, after assessing the evidence adduced by the Syrian national, **dismisses the action as manifestly lacking any foundation in law, since he did not demonstrate the actual damage he claims to have suffered**. More specifically, the Court held that the evidence produced was manifestly insufficient to demonstrate conclusively that he was present at and involved in the alleged incident. Consequently, the condition relating to reliance on actual damage, which must be satisfied in order for Frontex to incur non-contractual liability, was clearly not met.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

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The [full text](#) of the order is published on the CURIA website.

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