FIRST SECTION

DECISION

Application no. 33803/18  
H.B.  
against Italy

The European Court of Human Rights (First Section), sitting on 22 November 2022 as a Committee composed of:

Péter Paczolay*, President*,  
 Gilberto Felici,  
 Raffaele Sabato*, judges*,  
and Liv Tigerstedt, *Deputy* *Section Registrar,*

Having regard to:

the application (no. 33803/18) against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 13 June 2018 by a Tunisian national, Mr H.B. (“the applicant”), who was born in 1997 and whose whereabouts are unknown. The applicant was represented by Ms L. Gennari and Ms L. Leo, lawyers practising in Rome;

the decision to give notice of the complaints concerning the alleged violation of Article 5 §§ 1, 2 and 4 of the Convention, Article 13 of the Convention and Article 4 of Protocol No. 4 to the Convention to the Italian Government (“the Government”), represented by their Agent, Mr L. D’Ascia, and to declare the remainder of the application inadmissible;

the decision not to have the applicant’s name disclosed;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the comments submitted by *L’altro diritto* andthe Tunisian Forum for Economic and Social Rights, organisations which were granted leave to intervene by the President of the Section;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1.  The case concerns the applicant’s detention in the hotspot situated within the Early Reception and Aid Centre at Pozzallo and his expulsion to Tunisia.

2.  The applicant alleged that he had reached the Italian coast aboard a makeshift vessel on 9 December 2017 and had been given the provisional identification number 28/D. He had then been transferred to the Pozzallo hotspot, where he remained for five days. The applicant alleged that he had been taken to Palermo airport from where he was expelled to Tunisia on 14 December 2017.

3.  The applicant complained that Article 5 §§ 1, 2 and 4 of the Convention, Article 13 of the Convention and Article 4 of Protocol No. 4 to the Convention had been violated. He alleged that he had been detained in the Pozzallo hotspot and deported to Tunisia without an opportunity to consult a lawyer.

1. THE COURT’S ASSESSMENT

4.  The Government submitted that the applicant’s name was not to be found in the authorities’ database. They also noted that the provisional identification number 28/D, allegedly attributed to the applicant on the Italian coast, corresponded to a different person.

5.  The applicant replied with general and confused observations and failed to address the above arguments presented by the Government.

6.  The third-party interveners (*L’altro diritto* and the Tunisian Forum for Economic and Social Rights) commented on the Italian migrant reception centres and the situation in Tunisia.

7.  In the light of the applicant’s failure to oppose the arguments raised by the Government or give any reasonable explanation for his name not being found in the Italian authorities’ database or the discrepancy as to the identification number and the name linked thereto, the Court considers that the present application has not been duly substantiated and that it must therefore be rejected as manifestly ill-founded in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 15 December 2022.

Liv Tigerstedt Péter Paczolay  
 Deputy Registrar President