FIRST SECTION

DECISION

Application no. 52953/18  
H.L.  
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. 52953/18) 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 2 November 2018 by a Tunisian national, Mr H.L. (“the applicant”), who was born in 1996 and lives in Sfax (Tunisia) and was represented by Ms M.C. Romano, a lawyer practising in Palermo;

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*, an organisation which was 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 Trapani and his expulsion to Tunisia.

2.  The applicant submitted that he had been transferred to the Trapani hotspot on 24 April 2018 and had remained there for eleven days. He alleged that he had then been transferred to Palermo airport from where he was expelled to Tunisia on 3 May 2018.

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 Trapani hotspot and expelled to Tunisia without an opportunity to consult a lawyer.

1. THE COURT’S ASSESSMENT

4.  The Government submitted that the applicant had failed to lodge an asylum request during his stay in Italy and that he did not appear to belong to any vulnerable categories that could justify his staying on the national territory. They also underlined that the applicant had not appealed against the expulsion order, which had been notified to him in both Italian and Arabic, although a right of appeal was provided by the domestic legal system.

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

6.  *L’altro diritto*, the third-party intervener, commented on the Italian migrant reception centres, in particular the so-called hotspots.

7.  The Court notes that the applicant failed to explain the reasons why he did not appeal against the expulsion order and did not apply for international protection. In view of this, and in the light of all the material in its possession and in so far as the matters complained of are within its competence, the Court considers that the applicant’s complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

8.  It follows that this application must be rejected in accordance with Article 35 § 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