



Complaints concerning conditions in a temporary tent camp on Metz's Avenue de Blida in 2014 declared inadmissible by the Court

In its decision in the case of [B.L. and Others v. France](#) (application no. 48104/14) the European Court of Human Rights has unanimously declared the application inadmissible.

The case concerned asylum-seekers housed in a tent camp in Metz, who complained about the poor conditions in which they were accommodated.

Noting, firstly, that certain applicants (nos. 2 to 23) had not maintained contact with their lawyer and had failed to keep him informed of their place of residence or to provide him with any other means of contacting them, the Court considered that they had lost interest in the proceedings and no longer intended to pursue their application.

With regard to the applicant E.G., she had been accommodated, according to her submissions, in the tent camp on Avenue de Blida from 20 March 2014 to 18 July 2014. However, she had not provided the Court with any specific information concerning her actual living conditions during that period. She had also failed to show that she had been unable to meet her basic needs. Lastly, she had been allocated housing from 18 July 2014, and had not lacked any prospect of her situation improving. Her allegation of ill-treatment was therefore dismissed.

The decision is final.

Principal facts

The 23 applicants are Albanian, Armenian, Azerbaijani, Bosnian, Kosovar, Serbian and Togolese nationals. As families made up of couples accompanied by children aged four to fourteen at the relevant time, or without children, and seven adults, they all presented themselves as asylum-seekers.

On 19 June 2013 the Prefect of Moselle opened a camp on Avenue de Blida in Metz. Up to 450 people lived in tents on this site. The camp was closed and dismantled on 15 November 2013, then reopened on 17 March 2014 to cater for the occupants of a makeshift camp being re-established nearby.

E.G., the first applicant, who was born in 1958, is a Kosovar national. She arrived in France in January 2012 and applied for asylum. Her temporary leave to remain as an asylum-seeker was refused by the Prefect in February 2012 and her application for international protection was dismissed by the French Office for the protection of refugees and stateless persons (OFPRA) in March 2012. In her application, she stated that she had entered France in February 2014 to seek asylum. On 20 March 2014 she moved into the camp on Avenue de Blida in Metz. On 26 March 2014 she lodged an application with the Strasbourg Administrative Court for urgent relief, relying in particular on Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers. She complained specifically about the extreme precariousness of her housing conditions and the fact that she had never been granted decent accommodation. The other applicants filed a similar urgent application with the Strasbourg Administrative Court. On 27 and 28 March 2014 and 23 June 2014, the urgent-applications judge dismissed these applications on the grounds, *inter alia*, that on account of their very recent arrival in France the Prefect of Moselle could not be accused of failing to provide for their accommodation immediately.

On 4 December 2014 and 25 April 2016 the same applicant applied for a residence permit on the basis of status as an ill foreigner. On 4 November 2016 the Prefect issued an order refusing her a residence permit and requiring her to leave France within 30 days, indicating Kosovo or Montenegro as the destination country.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 3 July 2014.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, the applicants complained about the poor conditions of their accommodation.

The decision was given by a Committee of three judges, composed as follows:

Mārtiņš **Mits** (Latvia), *President*,
 André **Potocki** (France),
 Lətif **Hüseynov** (Azerbaijan),

and also Milan **Blaško**, *Deputy Registrar*.

Decision of the Court

The Court noted that the lawyer had informed it that he had been unable to contact the applicants listed as nos. 2 to 23 in the present application, in spite of several attempts and searches. Those applicants had not maintained contact with their lawyer and had failed to keep him informed of their place of residence or to provide him with any other means of contacting them.

The Court considered that it could conclude on that basis that those applicants had lost interest in the proceedings and no longer intended to pursue their application.

Article 3

The applicant E.G. did not dispute the fact that her asylum claim had been rejected by the OFPRA in March 2012 and that, in consequence, she had been ordered to leave France. Equally, she did not dispute that she had presented herself at the prefecture on 2 April 2014 to lodge an asylum claim and that, summoned to provide evidence that she had returned to her country of origin, she had not attended the relevant appointment or responded to the French authorities' request for justification. The Court noted that the applicant, who had been invited to submit a copy of her asylum claim, of the OFPRA's decision and, as appropriate, of the decision by the National Asylum Tribunal, had added none of those documents to the file. For their part, the Government had submitted the decision of 16 March 2012 by which the OFPRA had definitively rejected her asylum claim.

The Court observed that, although the applicant claimed to have been accommodated in the tent camp on Avenue de Blida from 20 March 2014 to 18 July 2014, she had not submitted specific details about her actual living conditions during that period. Furthermore, the Court questioned the reality of the applicant's status as an asylum seeker during the period from 20 March to 18 July 2014.

The Court noted in consequence that the applicant had not established that she had been unable to cater for her basic needs: food, hygiene and a place to live. The Court also noted that the applicant, who had been allocated housing from 18 July 2014, had not lacked any prospect of her situation improving.

The Court concluded that the applicant's complaint that she had been submitted to treatment exceeding the level of severity required for the application of Article 3 was not sufficiently substantiated and had therefore to be rejected.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.