



## Abuse of right of application by asylum-seeker who claimed to be living on streets in Belgium while actually accommodated in Netherlands

The case of [Mouelhi v. Belgium](#) (application no. 37336/23) concerned an applicant for international protection who complained that he had not been provided with accommodation or material assistance in Belgium, as required by law, despite the final judgment of the Brussels French-Language Employment Tribunal.

In its decision adopted on 28 April 2026 and made public today, the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The Court found that the applicant's conduct amounted to abuse of the right of individual application. It noted that the applicant had deliberately attempted to mislead it by submitting false information in support of his request for an interim measure, in which he had stated that he was reduced to living on the streets in Belgium, when it could be seen from the documents submitted later by the respondent Government that he had been accommodated as an applicant for international protection in the Netherlands for nearly five months. Moreover, he had not corrected this information in the application form submitted after requesting the interim measure nor when he had updated his file at the Court's request. On the contrary, he had expressly reiterated that he was still having to sleep on the streets.

The Court emphasised the duties of applicants and their lawyers, reiterating that they were required to cooperate with the Court in a loyal and constructive manner and thus refrain from submitting requests on the basis of misleading information. Given their large number, cases of this kind brought against Belgium placed significant strain on the Court's capacity to administer justice effectively and carry out the tasks entrusted to it under Article 19 of the Convention, when other applications concerning proven facts simultaneously demanded its utmost attention. It was therefore important that proceedings before the Court were not diverted from their purpose.

### Principal facts

The applicant is a Tunisian national who was born in 1983. He claimed to have arrived in Belgium on 1 September 2020 and to have applied for international protection there on 9 December 2020. In his application to the Court, he complained that he had not been provided with accommodation in Belgium despite a final judgment of the Employment Tribunal.

On 9 December 2020 the applicant was allocated a place in a reception centre, from which he was transferred on several occasions for disciplinary reasons. He was later expelled temporarily three times for breaching the house rules.

On 18 August 2022 the Federal Agency for the reception of asylum seekers (Fedasil) decided to bar him from the asylum network permanently on disciplinary grounds. The applicant applied to the Brussels French-Language Employment Tribunal, which set aside the decision in question and ordered Fedasil to provide him with accommodation and material assistance. Notification of the judgment was given on 24 May 2023 and it became final a month later.

On 13 October 2023 the applicant requested an interim measure from the Court to have the Belgian State provide him with accommodation and thereby enforce the Employment Tribunal's judgment. The Court granted his request on 18 October 2023 and lifted the measure on 15 June 2025.

Information provided by the Government showed that, in the meantime, the applicant had lodged an application for international protection on 18 May 2023 in the Netherlands, where he currently lives.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 13 October 2023.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 6 (right to a fair hearing) and 13 (right to an effective remedy) of the Convention, the applicant complained of the conditions in which he had had to live for several months and of the failure to enforce the Employment Tribunal's judgment ordering the State to provide him with accommodation.

The decision was given by a Chamber of seven judges, composed as follows:

Ivana **Jelić** (Montenegro), *President*,  
Erik **Wennerström** (Sweden),  
Frédéric **Krenc** (Belgium),  
Davor **Derenčinović** (Croatia),  
Alain **Chablais** (Liechtenstein),  
Artūrs **Kučs** (Latvia),  
Anna **Adamska-Gallant** (Poland),

and also Ilse **Freiwirth**, *Section Registrar*.

## Decision of the Court

According to the information provided by the Government, at the time when the applicant had sought an interim measure from the Court directing the Belgian State to provide him with accommodation and material support to meet his basic needs, he was no longer in Belgium but had been accommodated as an applicant for international protection in the Netherlands for nearly five months. He had not, therefore, – contrary to what he had alleged in his request for an interim measure – been reduced to live on the streets in Belgium in the utterly destitute state he had described.

The Court took the view that the fact of having deliberately provided false information in the context of a request for an interim measure under Rule 39 of the [Rules of Court](#) could constitute abuse of the right of individual application in the same way and under the same conditions as it might in the context of an application form lodged under Rule 47.

Moreover, it noted that, in the present case, the applicant had failed to correct the information in question when he had sent his completed application form after the interim measure had been granted. On the contrary, he had expressly reiterated that he was still having to sleep on the streets in conditions which he considered to be contrary to Article 3 of the Convention. Furthermore, when asked to inform the Court of any developments in his case, the applicant had confirmed on 12 February 2024 that he was still in contact with his representative and alleged that he was still having to live on the streets in Belgium. However, those allegations were fundamentally contradicted by the information provided by the Government to the effect that he had been accommodated by the Netherlands authorities since 19 May 2023 following the application for international protection lodged in that country, and that he had been registered in the Netherlands ever since.

In his observations, the applicant had not disputed that information and had confirmed that he had left Belgium for the Netherlands because he had heard that accommodation could be obtained there.

Consequently, the Court found that the applicant had deliberately sought to mislead it by submitting false information in support of his request for an interim measure and, subsequently, in his application

