

Grand Chamber to examine case concerning Iraqi nationals' allegations of "pushbacks" from Latvia to Belarus

The Chamber of the European Court of Human Rights to which the case **H.M.M. and Others v. Latvia** (application no. 42165/21) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The case concerns alleged "pushbacks" in the vicinity of the Latvian-Belarusian border starting from 10 August 2021.

There are currently over 30 cases pending before the Court against Lithuania, Latvia and Poland concerning the situation at the Belarusian borders from spring 2021 to summer 2023. A case concerning four Cuban nationals' allegations of "pushbacks" from Lithuania to Belarus was relinquished to the Grand Chamber on [16 April 2024](#), while another concerning 32 Afghan nationals who were left stranded on the border between Belarus and Poland was relinquished on [25 June 2024](#).

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

H.M.M. and Others v. Latvia (application no. 42165/21)

Principal facts

The applicants are 26 Iraqi nationals of Kurdish origin. All applicants have been removed to Iraq by the Latvian authorities, save for one applicant who left for Germany and has applied for international protection.

According to the applicants, on 10 August 2021 they crossed the border from Belarus to Latvia on foot but were pushed back by the Latvian authorities to the Belarusian border, without review of their requests for asylum. As the Belarusian authorities did not allow them to re-enter, the applicants were stranded on the border in a forest area for two weeks.

On 20 August 2021 11 of the applicants (including five children) were allowed to enter Latvia, while 14 others were allowed into the country on various dates from 26 October 2021 to 23 March 2022. They were all detained and placed in an accommodation centre for detained foreigners in Daugavpils (the Daugavpils accommodation centre) and held there until they were removed to Iraq on various dates from November 2021 to April 2022.

The applicants also allege that before being allowed to enter Latvia, they were frequently pushed back to Belarus. Certain applicants allege that before being pushed back to Belarus they were sometimes allowed to stay in a tent on the Latvian territory for short periods of time.

Complaints and procedure

The application was lodged with the European Court of Human Rights on 20 August 2021.

The applicants complain that they were returned to the Latvian-Belarusian border zone without their asylum claims being registered and reviewed by the Latvian authorities and that they suffered

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

frequent “pushbacks” from Latvia to Belarus, which is not a safe third country. They also allege that they did not have access to basic amenities such as food, water, shelter, or medical assistance when stranded in the forest near the Latvian-Belarusian border and that those who were taken to the tent were kept in inadequate conditions. Some of the applicants complain that they were beaten by guards and had their personal belonging taken and their phones destroyed. They rely on Article 3 (prohibition of inhuman or degrading treatment) and Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the European Convention on Human Rights, taken alone and in conjunction with Article 13 (right to an effective remedy) of the European Convention.

Some applicants also complain under Article 5 §§ 1 and 4 (right to liberty and security) about their deprivation of liberty in the Daugavpils accommodation centre.

On 3 May 2022, the Latvian Government was given [notice](#)² of the application, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 2 July 2024.

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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.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of the Section may decide to bring to the attention of a Convention State’s Government that an application against that State is pending before the Court (the so-called “communications procedure”). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.