



Requests for interim measures concerning the situation at the borders with Belarus

The European Court of Human Rights is receiving and processing requests for interim measures on a daily basis concerning the situation at the borders with Belarus. In most cases, the applicants claim to be on Polish territory allegedly with a view to seeking international protection.

Relying principally on Articles 2 (right to life) and 3 (prohibition on inhuman and degrading treatment) of the European Convention on Human Rights, the applicants seek, among other things, legal assistance, material aid (in particular sustenance, medical care and sanitation), not to be removed from Poland, and international protection. They allege that their lives will be in danger if they are sent back to Belarus and, in some cases, subsequently to their countries of origin.

Measures under Rule 39 of the Rules of Court are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

Between 20 August and 3 December 2021, the European Court of Human Rights processed a total of 47 requests for interim measures brought by a total of 198 applicants. Thirteen of the requests were received between 20 August and 31 October 2021, and 34 requests were received in November and December. Forty-four of those requests were lodged against Poland, with one request being lodged against Lithuania and two against Latvia.

The European Court applied Rule 39 of the [Rules of Court](#) in a total of 43 of the applications. In some, the Court indicated to the Governments to provide the applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter for a limited amount of time. It clarified, at the same time, that this measure should not be understood as requiring that they let the applicants enter their territories. The Court also noted that this decision was taken in accordance with the fact that Contracting States have the right, as a matter of well-established international law and subject to their treaty obligations, including the Convention, to control the entry, residence and expulsion of aliens.

In the majority of applications, where the applicants claimed to be in Poland and asked not to be pushed back to Belarus, the Court applied Rule 39 for a set amount of time and ruled that the applicants should not be removed from Poland if they were indeed on Polish territory. The Court also put a number of questions to the parties to clarify the circumstances of the cases. In one application concerning 32 Afghan nationals stranded at the border between Poland and Belarus (see press releases of [25.08.2021](#) and [28.09.2021](#)), the Court further requested that the Polish Government allow direct contact between the applicants and their lawyers, provided that the applicants were on Polish territory or, failing that, that they grant the applicant's lawyers access to the Polish border near to the applicants' whereabouts.

So far, all of the Rule 39 measures have been indicated for a set period of time except for the cases of *R.A. and Others v. Poland* (no. 42120/21), *I.A. and Others v. Poland* (no. 53181/21), *A.H.A. and N.A.A.H. v. Poland* (no. 53566/21), *A.R. and O.S. v. Poland* (no. 53808/21), *J.D. and D.M. v. Poland* (no. 54016/21), *D.A.M. and Others v. Poland* (no. 54275/21) and *A.A. v. Poland* (no. 54849/21) in which interim measures not to remove the applicants from Poland are in force until further notice. In *R.A. and Others v. Poland* (no. 42120/21), an initial measure was supplemented by a measure not

to remove the applicants from Poland until further notice whilst the Government of Poland were given notice of the application and were asked to submit their observations on its admissibility and merits, whereas in the remaining cases the interim measures were recently extended until further notice after an initial set period.

The interim measures indicated against Lithuania and Latvia as well as those in 13 cases against Poland have subsequently been lifted. In application no. 42165/21 against Latvia, the Court decided to lift the interim measure as some of the applicants had been admitted onto Latvian territory and the other applicants no longer appeared to be at or near the border zone. In the application against Lithuania (no. 44205/21), the Court decided not to extend the interim measure as the Government had, in the meantime, assured the Court that the applicants would not be expelled from Lithuania until their asylum requests had been examined.

In the applications against Poland where the interim measures have been lifted or not prolonged, those decisions were taken due to the applicants' representatives having lost touch with the applicants, or the applicants having left Poland, or because the applicants' representatives had failed to respond to the Court's correspondence. Where the applicants' representatives had failed to submit application forms within the time-limit, the applications were struck out of the Court's list of cases. Seven applications have thus been struck out in this way.

Requests for interim measures were rejected in two applications and, one application being incomplete, the applicant was asked to complete the request. In one of the two applications against Latvia the examination of the request was adjourned.

As of 3 December 2021, interim measures indicated by the Court were in force in 28 applications, all of which were lodged against Poland.

[Previous press releases](#)

[Court indicates interim measures in respect of Iraqi and Afghan nationals at Belarusian border with Latvia and Poland](#) (25.08.21)

[Court indicates interim measure in respect of Afghan nationals at the Lithuanian Belarusian border](#) (08.09.21)

[Court lifts interim measures in respect of Iraqi nationals at Belarusian border with Latvia](#) (15.09.21)

[Court gives notice of "R.A. v. Poland" case and applies interim measures](#) (28.09.21)

[Court decides not to extend interim measure in respect of Afghan nationals at the Lithuanian Belarusian border](#) (29.09.21)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpres@echr.coe.int | tel.: +33 3 90 21 42 08

Jane Swift (tel : + 33 3 88 41 29 04)

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Neil Connolly (tel : + 33 3 90 21 48 05)

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.