

Grand Chamber to examine case concerning Cuban nationals' allegations of "pushbacks" from Lithuania to Belarus

The Chamber of the European Court of Human Rights to which the case **C.O.C.G. and Others v. Lithuania** (application no. 17764/22) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The case concerns four Cuban nationals and their repeated attempts in March and April 2022 to enter Lithuania by crossing the border with Belarus. They submit that on each attempt Lithuanian border guards pushed them back, at gunpoint, into Belarusian territory, without giving them an opportunity to submit asylum applications. They eventually entered Lithuania on 13 April 2022 and were apprehended. The case also concerns their subsequent deprivation of liberty in a centre for asylum seekers.

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

Principal facts

The applicants are four Cuban nationals, C.O.C.G., S.R.H.P., D.G.C. and Y.R.B., born in 1991, 1992, 1995 and 2000, respectively, and live in various locations in Lithuania.

The applicants left Cuba in 2021, allegedly in fear of their safety because they had taken part in anti-government protests. They travelled to Russia and stayed there until 30 March 2022 when they left for Belarus with the intention of crossing into and seeking asylum in Lithuania.

The applicants state that, on several occasions between 31 March and 6 April 2022, they attempted to cross the Belarusian-Lithuanian border on foot, but each time Lithuanian border guards pushed them back, at gunpoint, into Belarusian territory, without giving them an opportunity to submit asylum applications.

They stayed in the forest near the border until 8 April 2022 when they crossed again into Lithuania and contacted volunteers who helped them lodge a request for interim measures (under Rule 39 of the Rules of Court) with the European Court of Human Rights. On the same day, the Court granted their request and notified the Lithuanian Government that, provided that the applicants were on the Lithuanian territory, they should not be expelled from the country until 6 May 2022. The volunteers contacted the border authorities, informing them about the Court's decision, and they sent a copy of that decision to the applicants by text message. The applicants were however apprehended by border guards who returned them to Belarus the following morning. The border authorities later stated that, at that time, they had been unable to verify the accuracy of the information about the interim measures ordered by the Court.

The applicants were eventually apprehended again in Lithuania by border guards on 13 April 2022 and placed at the Foreigners' Registration Centre in Medininkai, without the right to leave the premises.

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."

They have since been allowed to lodge asylum proceedings and on various dates between February and March 2023 were granted asylum and issued permanent residence permits.

Complaints and procedure

The application was lodged with the European Court of Human Rights on 8 April 2022.

The applicants make a number of complaints about the alleged summary returns (“pushbacks”). Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, they complain that they were subjected to repeated summary returns to Belarus, which is not a safe third country, without being given an opportunity to request asylum in Lithuania and that, during each return, the Lithuanian border guards humiliated them, threatened them (including with an electroshock device) and failed to provide them with humanitarian and medical assistance.

They also complain: under Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) that these summary returns, without an examination of each applicant’s individual situation and without them having genuine and effective access to means of legal entry, amounted to collective expulsion; under Article 34 (right of individual petition) that the Lithuanian authorities failed to comply with the Court’s interim measure; and, under Article 13 (right to an effective remedy) that they had no means to raise any of these complaints.

Lastly, they allege under Article 5 §§ 1, 2 and 4 (right to liberty and security) that they were detained without an individualised assessment of their circumstances and that they did not know the reasons for it or have a possibility to challenge it.

On 8 April 2022, at the same time as the granting of the interim measure, the Chamber decided to give the case priority under Rule 41 of the Rules of the Court.

On 4 May 2022 the Court lifted the interim measure which had been granted on 8 April 2022.

On 2 December 2022 the Lithuanian 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 16 April 2024.

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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.

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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.