



## Grand Chamber hearing concerning alleged “pushbacks” at the Latvian-Belarusian border

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 12 February 2025 at 1.30 p.m.** in the case of **H.M.M. and Others v. Latvia** (application no. 42165/21).

The case concerns a group of Iraqi nationals of Kurdish origin who allege, among other things, that they were “pushed back” in the vicinity of the Latvian-Belarusian border starting from 11 August 2021. All of them were eventually allowed to enter Latvia, but they were then removed to Iraq on various dates from November 2021 to March 2022.

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This is the second of three hearings today concerning alleged “pushbacks” at the Belarusian borders from summer 2021 to summer 2023. The three cases for which there are public hearings today are among over 30 such cases currently pending before the Court against Latvia, Lithuania and Poland.

*After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A recording of the hearing will be available tomorrow on the Court’s internet site ([www.echr.coe.int](http://www.echr.coe.int)).*

The case stems from an application against the Republic of Latvia lodged by 26 Iraqi nationals of Kurdish origin on 20 August 2021. Twenty-two of the original applicants have expressed the wish to pursue the proceedings before the Court. Those 22 applicants have been removed to Iraq by the Latvian authorities.

According to the applicants, between 11 and 15 August 2021 they crossed the border from Belarus to Latvia on foot on several occasions 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 submit that they were stranded on the border in a forest area for different periods, until either 20 or 24 August 2021.

On 20 August 2021, 11 of the applicants (including five children) were allowed to enter Latvia, while others were allowed into the country on various dates from 26 October 2021 to 18 February 2022. They were all apprehended 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 March 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 Latvian territory for short periods of time.

<sup>1</sup> Under Article 30 of the European Convention on 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.”

## 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 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 allege that they were ill-treated by Latvian officials. They rely on Articles 2 (right to life) and 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 (adults and children) 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 were given [notice](#)<sup>2</sup> 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.

The following have intervened in the written proceedings as third parties: the Council of Europe Commissioner for Human Rights; the Governments of Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, Lithuania, Norway and Poland; Amnesty International; CEU Rule of Law Clinic; and, UNHCR.

The Council of Europe Commissioner for Human Rights and the Government of Finland will also intervene orally in the proceedings as third parties.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Marko Bošnjak (Slovenia), *President*,  
Arnfinn Bårdsen (Norway),  
Mattias Guyomar (France),  
Lado Chanturia (Georgia),  
Ioannis Ktistakis (Greece),  
Stéphanie Mourou-Vikström (Monaco)  
Alena Poláčková (Slovakia),  
Jovan Ilievski (North Macedonia),  
María Elósegui (Spain),  
Erik Wennerström (Sweden),  
Anja Seibert-Fohr (Germany),  
Frédéric Krenc (Belgium),  
Sebastian Rădulețu (Romania),  
Diana Kovatcheva (Bulgaria),  
Gediminas Sagatys (Lithuania),

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<sup>2</sup> 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.

Anna **Adamska-Gallant** (Poland), *judges*,  
Mārtiņš **Mits** (Latvia), *ad hoc judge*,  
Lətif **Hüseynov** (Azerbaijan),  
Péter **Paczolay** (Hungary),  
Anne Louise **Bormann** (Denmark),  
Davor **Derenčinović** (Croatia),  
Juha **Lavapuro** (Finland), *substitute judges*,

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

## Representatives of the parties

### Government

Elīna Luīze **Vītola**, *Agent*,  
Kristīne **Šļujeva**, Vilnis **Vītoliņš**, Līva **Rudzīte-Celmiņa**, Jānis **Laimiņš** and Nadīna **Ozkanli**, *Advisers*;

### Applicants

Kirill **Koroteev**, Naomi **Hart** and Camille **Boileau**, *Counsel*,  
Mikita **Matsiushchankau** and Joshua **Jackson**, *Advisers*.

## Third parties

### Government of Finland

Krista **Oinonen**, Agent of the Government of Finland before the European Court of Human Rights,  
Satu **Sistonen** and Pilvi **Rämä**, *Advisers*;

### The Council of Europe Commissioner for Human Rights

Michael **O'Flaherty**,  
Christian **Mommers** and Charlotte **Piveteau**, *Advisers*.

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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.