



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

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 12 February 2025 at 4.30 p.m.** in the case of **C.O.C.G. and Others v. Lithuania** (application no. 17764/22).

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 eventually entered Lithuania on 13 April 2022 and were apprehended. They have since been issued with permanent residence permits.

This is the third 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).

The applicants are four Cuban nationals who live in various locations in Lithuania.

On several occasions between 31 March and 6 April 2022, the applicants crossed the Belarusian-Lithuanian border on foot in unauthorised locations and were apprehended by border guards on Lithuanian territory. The applicants state that each time Lithuanian border guards pushed them back, at gunpoint, into Belarusian territory, disregarding their oral requests for asylum. They submit that between the “pushbacks” they stayed in the forest near the border.

According to the applicants, on 7 April 2022 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 8 April 2022 the Court granted their request and notified the Lithuanian Government that, provided that the applicants were on Lithuanian territory, they should not be expelled from the country until 6 May 2022. 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 allowed to lodge asylum proceedings. From 15 April to 18 October 2022 they were placed at the Foreigners’ Registration Centres in Medininkai and Pabradė, without the right to leave the premises.

On various dates between February and March 2023 the applicants were granted asylum and issued permanent residence permits.

¹ 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 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 by which 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 the detention or have any 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 were 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.

The following have intervened in the written proceedings as third parties: the Council of Europe Commissioner for Human Rights; the Governments of Croatia, the Czech Republic, Denmark, Estonia, Finland, Latvia, Norway and Poland; AIRE Centre; Dutch Council for Refugees; European Council on Refugees and Exiles (ECRE); International Commission of Jurists; International Refugee Assistance Project; Amnesty International; Association for Legal Intervention; Helsinki Foundation for Human Rights; CEU Rule of Law Clinic; European Center for Constitutional and Human Rights (ECCHR); Global Legal Action Network (GLAN); Human Constanta International; Human Rights Monitoring Institute (Lithuania); Lithuanian Red Cross; Médecins sans Frontières; Seimas Ombudsperson's Office (Lithuania); UNHCR; UN Working Group on Enforced or Involuntary Disappearances; UN Working Group on Arbitrary Detention; UN Special Rapporteur on trafficking in persons, especially women and children; UN Special Rapporteur on human rights of migrants; UN Special Rapporteur on the right to food; and the University of Münster.

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

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.

Composition of the Court

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

Marko Bošnjak (Slovenia), *President*,
Arntfinn 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),
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

Ričard Dzikovič, *Agent*,
Lina Urbaitė, *Co-Agent*,
Darius Domarkas, Rūta Jasulaitienė, Vilija Plotnikovienė, Žygimantas Treigys and Silvija Vingytė,
Advisers;

Applicants

Daria Sartori and Ali Al-Karim, *Counsel*;
Ilona Šaltė and Muriel Vicquéry, *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.