



## Forthcoming hearings in February 2025

The European Court of Human Rights will be holding four hearings in February 2025.

The first three hearings all concern alleged “pushbacks” at the Belarusian borders from summer 2021 to summer 2023. The three cases which will have public hearings in February are among over 30 such cases currently pending before the Court against Latvia, Lithuania and Poland.

**R.A. and Others v. Poland** (application no. 42120/21), concerning a group of Afghan nationals who allege that they were left stranded in a makeshift camp on the border between Belarus and Poland from 8 August until 23 October 2021. They maintain that they were eventually returned from Belarus to Afghanistan, where they currently reside.

**H.M.M. and Others v. Latvia** (no. 42165/21), concerning 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.

**C.O.C.G. and Others v. Lithuania** (no. 17764/22), concerning 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.

**Tsaava and Others v. Georgia** (nos. 13186/20, 16757/20, 20129/21, 20175/21 and 39382/21), concerning the dispersal of a protest from the front of the Parliament building in Tbilisi on 20-21 June 2019.

*After these hearings the Court will begin its deliberations, which will be held in private. Its ruling in the cases will, however, be made at a later stage. A limited number of seats are available for the press in the hearing room. To be sure of a place, you need to book in advance by contacting the Press Unit at [echrpress@echr.coe.int](mailto:echrpress@echr.coe.int). If you wish to attend a hearing, we recommend reading the document [How to attend a hearing](#).*

### On 12 February 2025 at 9.15 a.m.: Grand Chamber hearing in the case **R.A. and Others v. Poland** (application no. 42120/21)

The case stems from an application against the Republic of Poland lodged by 32 Afghan nationals on 20 August 2021. Only two of the original applicants have expressed the wish to pursue the proceedings before the Court. These two applicants allege that they were eventually returned from Belarus to Afghanistan, where they currently reside.

The applicants say that they crossed the Belarusian-Polish border in early August 2021 before being forcibly “pushed back” to Belarus by Polish border guards. They set up a makeshift camp near the Belarusian-Polish border, where they were allegedly left stranded in problematic sanitary and humanitarian conditions between the Polish border guards, on the one hand, and their Belarusian

counterparts, on the other. The applicants allege that, while staying in the camp, they made claims for asylum in Poland but that those claims were not considered by the Polish authorities.

On 20 October 2021 a number of the migrants, including one of the two remaining applicants, crossed the barbed-wire fence along the Belarusian-Polish border. They were allegedly then apprehended by the Polish border guards, who took them to the border crossing and sent them back to Belarus.

The application was lodged with the Court on 20 August 2021, accompanied by a request for an interim measure (Rule 39 of the Rules of Court).

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights, the applicants complain of having been deprived by the Polish authorities of access to asylum procedures and of being exposed to the risk, if returned to Afghanistan, of treatment in breach of the Convention and, if sent to Belarus, of chain *refoulement*. They also complain about their material and sanitary conditions in the camp. Relying on Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention and on Article 13 (right to an effective remedy) taken together with Article 3 of the Convention and Article 4 of Protocol No. 4 to the Convention, the applicants further complain that they have been subjected to a collective expulsion and that no effective remedy was available to them. Lastly, under Article 34 (right of individual application) of the Convention, they complain of the failure by Poland to apply the interim measures indicated by the Court (see below).

On 25 August 2021 the Court granted the request for an interim measure and indicated to the Polish Government, without prejudice to any duties that Belarus may have under international law regarding the situation of the applicants, to provide the applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter. It also clarified that the interim measure should not be understood as requiring that Poland let the applicants enter its territory.

On 27 September 2021 the Court extended the interim measure and gave notice to the Polish Government of the application, with questions from the Court. The Court also decided to give priority to this application under Rule 41 of the Rules of Court. In addition, the Court indicated two new measures to the Government under Rule 39, asking them (i) to allow the applicants' lawyers to make necessary contact with them, for the purpose of the proceedings before the Court, either by authorising direct contact between them, provided that the applicants were on Polish territory, or by allowing the lawyers to approach the Polish border near the location of the applicants; and (ii) not to send the applicants to Belarus, provided that they were actually on Polish territory.

The Chamber of the European Court of Human Rights to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 25 June 2024<sup>1</sup>.

**On 12 February 2025 at 1.30 p.m.: Grand Chamber hearing in the case H.M.M. and Others v. Latvia (no. 42165/21)**

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

<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".

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.

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<sup>3</sup>.

On 12 February 2025 at 4.30 p.m.: Grand Chamber hearing in the case C.O.C.G. and Others v. Lithuania (no. 17764/22)

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

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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.

<sup>3</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”.

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.

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](#)<sup>4</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 16 April 2024<sup>5</sup>.

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<sup>4</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.

<sup>5</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".

On 26 February 2025 at 9.15 a.m.: Grand Chamber hearing in the case Tsaava and Others v. Georgia (nos. 13186/20, 16757/20, 20129/21, 20175/21 and 39382/21)

The applicants are 26 Georgian nationals.

The case concerns the dispersal of a protest on 20-21 June 2019 from the front of the Parliament building in Tbilisi. The protest was sparked by a prominent member of the Russian Duma sitting in the Speaker's chair in the Georgian Parliament and delivering a speech in Russian as part of a session of the Interparliamentary Assembly on Orthodoxy. The applicants were either participants in the demonstration, or journalists reporting on the protests. They allege, in particular, excessive use of force by the authorities resulting in their injury. They rely on Articles 3 (prohibition on inhuman and degrading treatment), 10 (freedom of expression), 11 (freedom of assembly) and 13 (right to an effective remedy) of the Convention.

The applications were lodged between 29 February 2020 and 4 August 2021.

In its [judgment](#) of 7 May 2024, the Court found, unanimously, a violation of the procedural aspect of Article 3 in respect of 24 of the applicants; refrained, by 6 votes to 1, from taking a decision regarding the merits of the substantive aspect of Article 3, and, by 6 votes to 1, from taking a decision regarding the admissibility and merits of the complaints under Article 10 and Article 11; held, unanimously, that Georgia had complied with the obligations under Article 38 (obligation to furnish all necessary facilities during an examination of the case); and held, unanimously, that there was no need to examine the complaint under Article 13.

On 23 September 2024 the case was referred to the Grand Chamber at the request of the applicants<sup>6</sup>.

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#### Press contacts

[echrpresse@echr.coe.int](mailto:echrpresse@echr.coe.int) | tel: +33 3 90 21 42 08

**We are happy to receive journalists' enquiries via either email or telephone.**

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)

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

**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.

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<sup>6</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17 judge Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.