EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
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Court indicates interim measures in respect of Iraqi and Afghan nationals at Belarusian border with Latvia and Poland

The European Court of Human Rights has today decided to indicate interim measures in the cases **R.A. and Others v. Poland** (application no. 42120/21) and **Ahmed and Others v. Latvia** (application no. 42165/21) concerning recent events at the borders of Poland and Latvia with Belarus. The measure will apply for a period of three weeks from 25 August until 15 September 2021 inclusive.

The Court decided, without prejudice to any duties that Belarus may have under international law regarding the situation of the applicants, to apply Rule 39 and request that the Polish and Latvian authorities provide all the applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter. It clarified, at the same time, that this measure should not be understood as requiring that Poland or Latvia 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.

The applicants in both cases are seeking to enter either Latvia or Poland, allegedly with a view to seeking international protection. However, they are currently unable to enter those States nor to return to Belarus (which is not a signatory to the European Convention on Human Rights). They are thus stranded at the borders. The applicants in *R.A. and Others* are 32 Afghan nationals. They are currently at the border between Poland and Belarus. The applicants in *Ahmed and Others* are 41 Kurdish-ethnic Iraqi nationals. They are currently at the border between Latvia and Belarus.

The applicants in both cases rely on Articles 2 (right to life), 3 (prohibition on inhuman and degrading treatment), of the European Convention on Human Rights and Article 4 of Protocol No. 4 (prohibition of collective expulsions of aliens) to the Convention. The applicants in *Ahmed and Others* also rely on Articles 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private and family life), and 13 (right to an effective remedy). The applicants in both cases seek to enter the relevant Contracting State from Belarus, which has been denied to them. They also seek, among other things, legal assistance, aid to help their material conditions (in particular sustenance and sanitation), not to be returned to Belarus, and international protection in the relevant State.

The Rule 39 requests were received on 20 August 2021. A number of questions have been put to the parties, with a time-limit of 10 days for replies.

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.

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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.