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

Press Release
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Court indicates interim measure in respect of Afghan nationals at the Lithuanian Belarusian border

The European Court of Human Rights has today decided to indicate an interim measure in the case **A.S. and Others v. Lithuania** (application no. 44205/21) concerning five Afghan nationals who have been attempting to enter Lithuania from Belarus and now assert that they are in hiding in Lithuania. The measure will apply until 29 September 2021 inclusive.

The Court also recently indicated interim measures in respect of Iraqi and Afghan nationals at the Belarusian border with Latvia and Poland (application nos. 42165/21 and 42120/21). See press release of 25.08.2021.

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.

The applicants are citizens of Afghanistan. They arrived in Belarus in August 2021. Since then they have been repeatedly attempting to enter Lithuania, with a view to seeking international protection. They allege that they fled Afghanistan because, as westernised and educated Afghan nationals, they are particularly vulnerable to Taliban reprisals.

However, on several occasions they were unable to enter Lithuania nor to return to Belarus (which is not a signatory to the European Convention on Human Rights). They were thus stranded at the border. They have apparently been in hiding on Lithuanian territory since 5 September.

Under Rule 39 the applicants requested that the European Court halt their removal to Belarus. They rely on Articles 2 (right to life), 3 (prohibition on inhuman and degrading treatment) and 13 (right to an effective remedy) of the European Convention on Human Rights and Article 4 of Protocol No. 4 (prohibition of collective expulsions of aliens) to the Convention.

Today the Court decided to apply Rule 39 until 29 September 2021, indicating to the Government of Lithuania that the applicants should not be removed to Belarus, provided that they are already on Lithuanian territory.

The Rule 39 request was received on 7 September 2021. A number of questions have been put to the parties, with a time-limit of ten days for replies.

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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.