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The Registrar
European Court of Human Rights
Council of Europe
Strasbourg
France

Application no. 17764/22
C.O.C.G. v. Lithuania

28 June 2024

Dear President of the Court,

The organisations below, namely, the AIRE Centre (Advice on Individual Rights in Europe), the European Council on Refugees and Exiles (ECRE), the Dutch Refugee Council (DCR), the International Commission of Jurists (ICJ) and the International Refugee Assistance Project (IRAP) request permission to intervene jointly in the case of **C.O.C.G. v. Lithuania, application no. 17764/22**. This request is submitted within twelve weeks following the relinquishment of the jurisdiction for the case in favour of the Grand Chamber.

The AIRE Centre is a London-based NGO which promotes awareness of European law rights and assists individuals in relation to asserting those rights by providing legal advice, direct legal representation to individuals, other advisers and lawyers and submitting third party interventions in national and European Courts. The Centre has been involved in the litigation of over 150 cases either as applicants' representatives or as third-party interveners before the ECtHR including cases related to the subject matter of this case, namely *Mamatkulov and Askarov v. Turkey*, *Olaechea Cahuas v. Spain*, *Khlaifia and others v. Italy*, *N.D. and N.T. v. Spain* as well as *T.I. v. UK*, *M.A.R. v. UK*, *Chahal v. UK*, *Saadi v. UK*, *Saadi v. Italy*, *Sufi and Elmi v. UK*, *Hirsi v. Italy*, *Sharifi v. Italy and Greece*, *MSS v. Greece and Belgium*, *Tarakhel v. Switzerland*, *FG v. Sweden*, *ME v. Sweden*, *Sh.D. v. Greece*, *H.A. v. Greece*, *Darboe and Camara v. Italy*, and *J.B. v. Greece* and some 15 cases before the CJEU including the asylum related cases of *NS v. SSHD*, *ME v. ORAC*, *MA and BT v. SSHD*. The Centre's lawyers have written five editions of the Council of Europe book on Asylum and the ECHR, and the FRA/European Court of Human Rights handbook on 'European law relating to Asylum, Borders and Immigration' and contributed to the ECRE/Dutch Council on Refugees publication on the EU Charter for Fundamental Rights and Asylum.

The Dutch Council for Refugees (VluchtelingenWerk Nederland) is a non-governmental organisation that represents the interests of refugees and asylum seekers across the Netherlands since 1979. With over 10,000 volunteers and 600 staff members, DCR is the primary independent organisation supporting refugees in the country from reception to integration through 310 branch offices. Domestically, DCR provides guidance during the asylum procedure, coordinates a vast network of asylum lawyers and manages the leading asylum law database (Vluchtweb) with up-to-date developments on law, policy, jurisprudence and country of origin information. Internationally, DCR aims to contribute to improving the protection of

asylum seekers and refugees across Europe. To that end, it has provided technical support to a variety of partner organisations across Europe, including Northern Macedonia, Hungary, Croatia and Greece. The Dutch Council for Refugees was a third-party intervener in the case of *A.N. v. the Netherlands* (no. 29043/14) and *S.A. v. the Netherlands* (no. 49773/15), *J.B v Greece*, *H.A. v Greece*, *Darboe and Camara v Italy*, *Ilias and Ahmed v Hungary*, *M.A and others v Poland* and *M.N. v Belgium*.

The European Council on Refugees and Exiles (ECRE) is an international alliance of 110 NGOs across Europe working together to protect and advance the rights of refugees, asylum seekers and displaced persons. Their mission is to promote the establishment of fair and humane European asylum policies and practices in accordance with international human rights law. ECRE engages in legal research and training on the application and interpretation of EU asylum law and relevant international human rights instruments, including the 1951 Refugee Convention and the European Convention on Human Rights. ECRE was a third-party intervener in over thirty cases before this Court. The recent interventions were submitted in the following cases: *T.K. and S.R. v. Russia*, (*Applications Nos. 28492/15 and 49975/15*), *H.T. v. Germany and Greece*, (*Application No. 13337/19*), *Bahoumou Totopa v. Spain* (no. 74048/17, December 2019), *Al H. and others v. Greece* (nos. 4892/18 and 4920/18), *M.H. v Serbia* (no. 62410/17, March 2019), *M.N. v Belgium* (GC), (no. 3599/18, March 2019), *Trawalli and Others v. Italy* (no. 47287/17), *N.D. and N.T. v. Spain* (GC) (nos. 8675/15 and 8697/15), *Ilias and Ahmed v. Hungary* (no. 47287/15). ECRE has also made a number of submissions to the Committee of Ministers of the Council of Europe on the implementation of the ECHR judgments, including jointly with the AIRE Centre and DRC in the case *Khlaifia and others v Italy* and *Ilias and Ahmed v. Hungary*.

The **International Commission of Jurists (ICJ)** is a non-governmental organisation working to advance understanding and respect for Rule of Law as well as the protection of human rights throughout the world. It was set up in 1952 and has its headquarters in Geneva, Switzerland. It is made up of some 60 eminent jurists representing different justice systems throughout the world and has 90 national sections and affiliated justice organisations. It is a regular third-party intervener before the European Court of Human Rights.

International Refugee Assistance Project (IRAP) is a global, non-profit, non-governmental organisation dedicated to defending the rights of refugees and others seeking seeking pathways to safety. Founded in 2008 and operating from offices in the United States, Germany, Jordan, and Lebanon, IRAP pursues its mission through policy advocacy, by providing direct legal assistance free of charge, and through litigation. IRAP regularly advises or litigates on behalf of individuals or groups of individuals in court proceedings before the United States federal courts and national European courts, including those of Germany, France, Belgium, and Sweden. In addition, IRAP has filed numerous third party or *amicus* briefs in the Americas, including in *US Department of State v. Muñoz* (U.S. Supreme Court), *Trump v. Hawaii* (U.S. Supreme Court) and the case of *Instituto para las Mujeres en la Migración* (Supreme Court of Mexico). The IRAP attorney instructed in this intended joint intervention has previously appeared as lead counsel for applicants in litigation before the Grand Chamber of the Court (*F.G. v. Sweden*, *M.E. v. Sweden*).

The proposed interveners wish to assist the Court by putting before it submissions concerning:

- i. The Contracting Parties' obligations to ensure treatment compatible with the *non-refoulement* obligation under Articles 3 ECHR of individuals seeking international protection and seeking access to, or authorisation to remain on, the territory of a Contracting Party in order to guarantee that protection afforded to them by the Convention is practical and effective;
- ii. The importance of an individualised assessment of protection needs of all members of a group of individuals seeking international protection in light of the requirements of Article 4 of Protocol 4 of the Convention.
- iii. The international and EU legal standards applicable to the questions 3 and 4 raised by the Court in relation to Article 3 and Article 4 Protocol 4 ECHR.
- iv. An analysis of the procedural and substantive obligations of Contracting Parties under the European Convention on Human Rights (ECHR) in respect of deprivation of liberty of asylum seekers.
- ii. The international and EU legal standards applicable to the questions raised by the Court in relation to Articles 5 § 1, 5§ 2, 5 § 4 ECHR with specific focus on the EU Charter of Fundamental Rights and EU asylum acquis.

The submissions will be of a general nature and the intervention will not raise arguments relating to the specific merits of the case or comment on its specific facts. These submissions would be limited to the ten pages allocated to the third-party interveners.

In the event of the Court granting this request, in order to ensure that the proposed interveners dispose of the maximum time to draft their intervention we would be most grateful if the Court would **notify ECRE by fax to +32 2 5885676 or email: JZelvenska@ecre.org** as soon as the decision has been taken. Similarly, it would be most appreciated if any additional correspondence concerning the case could be sent to ECRE's address.

Yours faithfully,



Julia Zelvenska
Head of Legal Support & Litigation, ECRE

Contact details of the person responsible for the intervention:

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