ANALYTICAL MODEL

THE RULE 39 FILTERING MECHANISM OF THE EUROPEAN COURT OF HUMAN RIGHTS:

Three Structural Defects and Their Legal Consequences

A Legal Analysis for Institutional Reform

This study examines the institutional compatibility of the current Rule 39 filtering mechanism of the European Court of Human Rights with the judicial framework established by the Convention system, the Rules of Court and the Practice Direction on Interim Measures.

The purpose of the study is not to assess the merits of any individual Rule 39 request, nor to attribute personal responsibility to any individual actor within the Court. Rather, it seeks to analyse whether the existing filtering structure is fully compatible with the principles governing judicial decision-making, access to the Rule 39 mechanism, and the protective function that interim measures are intended to serve.

The analysis identifies three distinct but interconnected structural questions arising from the current filtering model: (1) the legal basis of delegated filtering authority, (2) the relationship between administrative filtering and the right of individual application under Article 34 of the Convention, and (3) the existence of a potential humanitarian gap where information concerning alleged risks of irreparable harm may cease to receive institutional consideration without judicial examination.

The study is based upon primary legal sources, including the Statute of the Council of Europe, the European Convention on Human Rights, the Rules of Court, the Practice Direction on Interim Measures, publicly available institutional materials, and documented communications received in connection with Rule 39 proceedings.

Its objective is analytical rather than adversarial. It seeks to identify potential structural vulnerabilities, assess their compatibility with existing procedural principles, and propose practical reform options capable of implementation within the current institutional framework of the Court.

PART I - NORMATIVE HISTORY FROM 1949 TO THE PRESENT.

1.1. The founding instruments (1949).

The Council of Europe was founded on 5 May 1949 by the Statute of the Council of Europe (ETS No. 1). Article 40 of the Statute provides that the Council of Europe, its officials, and member state representatives shall enjoy such privileges and immunities as are reasonably necessary for the fulfilment of their functions. This is the original immunity clause - functional, not absolute.

The General Agreement on Privileges and Immunities of the Council of Europe (ETS No. 2) was signed at Paris on 2 September 1949 and entered into force on 10 September 1952. Article 18 of the General Agreement provides that officials of the Council of Europe shall be immune from legal process in respect of words spoken or written and acts performed by them in their official capacity. This is functional immunity: it covers official acts, not acts outside official competence.

The critical phrase is **"in their official capacity**." Functional immunity does not cover acts that exceed official competence. An act taken **ultra vires** - beyond the powers of the position - is not an official act for the purposes of immunity.

The Protocol to the General Agreement (ETS No. 10, signed 6 November 1952) adds that privileges and immunities are accorded not for the personal benefit of individuals but to safeguard the independent exercise of their functions. The corollary principle, stated expressly in both the General Agreement and the UN Convention on Privileges and Immunities (Section 20), is that the immunity may and must be waived where it would impede the course of justice.

1.2. The Convention and its original Rule on interim measures (1950–1959).

The European Convention on Human Rights was opened for signature on 4 November 1950. The Convention text itself contains no provision for interim measures. This was deliberate: states negotiating the Convention in 1949–1950 chose not to confer an express treaty-level power on the Commission or Court to order interim measures. As noted by Ekins (Policy Exchange, 2023), efforts to codify an explicit legal basis at treaty level were made but not adopted. This choice was made again at subsequent junctures.

The first Rules of Court, promulgated in 1959, contained provisions on interim measures. At that time, Rule 39 concerned the convocation of witnesses and experts. The provisional measures power was contained in Rule 36 (1959 Rules). Rule 36 provided that the Court or the President could indicate interim measures. **The Registry is not mentioned**.

As documented by Saccucci (2006), the full original texts of the relevant provisions are: Rule 34 of the 1959 Rules, which became Rule 36 of the 1982 Rules, which became Rule 39 of the Rules adopted on 4 November 1998 following the entry into force of Protocol No. 11. **At no stage in this evolution was the Registry named as a decision-making authority**.

1.3. Protocol No. 11 and the Sixth Protocol on privileges and immunities (1996–1998).

Protocol No. 11 to the Convention (ETS No. 155), which entered into force on 1 November 1998, merged the Commission and Court into the permanent single Court. It is from this date that the current institutional structure, including the Registry and its current functions, has existed.

Simultaneously, the Sixth Protocol to the General Agreement on Privileges and Immunities (ETS No. 162) was adopted to govern the privileges and immunities of the judges of the new permanent Court. Article 1 of the Sixth Protocol provides that judges shall be accorded the immunities specified in Article 18 of the General Agreement. Article 3 of the Sixth Protocol expressly extends the same immunity to "the Registrar of the Court and a Deputy Registrar formally notified as Acting Registrar."

Two observations flow from this:

1. **First,** the extent to which the Sixth Protocol extends immunity to officers of the Registry beyond the Registrar and a formally notified Acting Registrar is not entirely settled. Article 3 of the Sixth Protocol expressly names only the Registrar and a Deputy Registrar formally notified as Acting Registrar.

   Article 5 of the Sixth Protocol provides more generally for privileges and immunities of staff, but the precise scope of that provision in relation to the functional immunity of individual Registry officers, including a Deputy Registrar of the Filtering Section signing correspondence p.p., is not unambiguously established by the text. The present analysis does not depend upon resolving that question.

   Even assuming, for the purposes of argument, that the immunity under Article 3 of the Sixth Protocol, as extended by Article 5 thereof, applies to the signatory of the letters of 22 and 23 June 2026, that immunity is purely functional. It attaches to the office and covers only acts performed within the scope of official competence. It does not attach to the Filtering Section as a collective body.

   Most importantly, it does not and cannot validate acts **performed ultra vires**. As demonstrated below, the determination that a Rule 39 request falls "outside the scope" of that Rule and will not be submitted to a judge is a judicial determination reserved by Rule 39 itself to judicial authorities. An administrative officer who makes such a determination acts beyond his or her official competence. That act is therefore not an official act within the meaning of Article 18 of the General Agreement or Article 3 of the Sixth Protocol, and is consequently not shielded by functional immunity.

2. **Second,** the Sixth Protocol expressly states: "Privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions." And: "The plenary Court alone shall be competent to waive the immunity of judges; it has not only the right, but is under a duty, to waive the immunity of a judge in any case where, in its opinion, the immunity would impede the course of justice."

This duty to waive immunity where it impedes justice is stated as an obligation, not discretion. It applies to judges. It has never been tested in respect of Filtering Section staff who exercise de facto judicial functions.

1.4. The Mamatkulov revolution (2005) and the reformed Rule 39 (2013–2023).

In Mamatkulov and Askarov v. Turkey (nos. 46827/99 and 46951/99, 4 February 2005), the Grand Chamber held for the first time that compliance with interim measures indicated under Rule 39 is legally binding on Contracting States and that non-compliance constitutes a violation of Article 34 of the Convention. This gave Rule 39 measures binding legal force.

Rule 39 was subsequently amended on 4 July 2005, 16 January 2012, 14 January 2013, and most recently in 2023. The 2023 amendments introduced the phrase "**exceptional circumstances**" and codified the "**imminent risk of irreparable harm**" threshold already established in case law. The revised Rule 39(1) provides: "The Chamber or, where appropriate, the President of the Section or a duty judge appointed pursuant to paragraph 4 of this Rule may, at the request of a party or of any other person concerned, or acting on its own motion, indicate to the parties any interim measure which it considers should be adopted in the interests of the parties or of the proper conduct of the proceedings."

At no point in any of these amendments was the Registry or the Filtering Section identified as a decision-making authority. The subjects named remain exclusively: **Chamber, President of Section, duty judge**.

1.5. The Practice Direction and the Filtering Section.

The Practice Direction on requests for interim measures (revised to accompany the 2023 Rule 39 amendments) contains the only official document that acknowledges the filtering practice. Paragraph 31 states: "Requests that clearly fall outside the scope of Rule 39... are not normally submitted to a judge for a decision and are rejected."

As noted by Springer Nature (Saccucci, Interim Measures at the ECtHR, 2020): "many such requests are refused by the Registry as being out of the scope of Rule 39 and are not submitted to a judge for consideration." This is acknowledged by the Court itself.

The Filtering Section was created as part of the Court's case management reforms following the Brighton Declaration (2012) and subsequent reform processes. Its mandate is documented in the Court's Annual Reports, which describe it as responsible for processing applications and assisting in their routing. **No Committee of Ministers resolution and no plenary Court decision conferring upon it the power to make final determinations on Rule 39 requests has been published or identified**.

The asymmetry with Rule 47 is significant. For Rule 47 (admissibility conditions for applications), the Court's own guidance explicitly states that the Filtering Section "**is responsible for rejecting at administrative level those which do not comply with Rule 47.**" No equivalent statement exists for Rule 39. This distinction is not accidental.

The consequence of this absence of published delegation was illustrated on 22 - 24 June 2026, as documented in section 1.7 below.

1.6. Absence of Published Delegation.

No published Rule of Court, Resolution of the Plenary Court, Practice Direction, Presidential Instruction, Registrar's Order, or Committee of Ministers instrument has been identified that expressly delegates to the Filtering Section the authority to make final Rule 39 scope determinations.

The issue is not whether such an instrument might theoretically exist. The issue is that no such instrument appears within the publicly accessible normative framework governing Rule 39. Where a body exercises a function that determines whether judicial review will occur, legal certainty requires that the source of that competence be identifiable and publicly ascertainable.

1.7. Subsequent judicial review following applicant intervention.

On 23 June 2026, the Applicant wrote to the President of the Court, complaining of the Registry's ultra vires action and requesting that the Rule 39 request be transmitted to a duty judge.

On 24 June 2026, the duty judge, L. Schembri Orland, issued a decision (see appended document) stating that the request falls outside the scope of Rule 39 and declining to indicate an interim measure.

Three observations flow from this.

1. **First,** the duty judge's decision confirms that the Applicant was correct to challenge the Registry's initial refusal. The fact that the judge reconsidered the request indicates that the matter was not manifestly outside Rule 39; otherwise, no reconsideration would have been necessary. The subsequent judicial examination demonstrates that judicial review was institutionally possible and was ultimately provided only after a separate extraordinary intervention addressed to the President of the Court.
2. **Second,** and most importantly, the judge's decision does not retroactively validate the Registry's ultra vires act of 22 June 2026. The Registry acted without legal authority when it determined that the request would not be submitted to a judge. The fact that a judge subsequently examined the request does not cure the initial procedural defect. The right of access to a judge is not satisfied by a post hoc judicial confirmation of an administrative decision; it requires that the judicial authority be the first and primary decision-maker, not a secondary reviewer of administrative action.
3. **Third,** the judge's decision itself is unreasoned. It merely states that the request falls outside Rule 39, without any analysis of the documented evidence of a missing person (child), foreign court orders, or the imminent hearing. This is not the "practical and effective" access to justice required by Article 6 of the Convention and the Court's own jurisprudence (Bellet v. France, § 38). A reasoned judicial decision is a minimum safeguard, and its absence further undermines the legitimacy of the process.

The sequence of events is therefore:

22 June 2026 → Registry (without judge) rejects request (ultra vires).

23 June 2026 → Applicant complains to President.

24 June 2026 → Duty judge issues unreasoned rejection (but only after extraordinary intervention).

This sequence demonstrates that the filtering mechanism does not guarantee judicial review as a matter of course. Judicial review occurs only when the applicant takes extraordinary steps to challenge an administrative refusal. This is not a system consistent with the rule of law.

PART II - THE THREE STRUCTURAL DEFECTS.

Defect 1 - Ultra Vires. The Filtering Section exercises a power not conferred by Rule 39.

Rule 39 confers decision-making authority on Chamber; President of Section; duty judge appointed under Rule 39(4). It does not mention: Registry; Filtering Section; Deputy Registrar; any administrative officer.

The Practice Direction is a subordinate instrument. It is adopted under Rule 32 of the Rules of Court which empowers the President of the Court to issue practice directions. A practice direction cannot confer upon the Registry a power to perform a function that Rule 39 assigns to a judge. This is the elementary principle of hierarchy of norms: a subordinate instrument cannot override or supplement a parent rule in a manner that changes the allocation of competences established by that rule.

The key evidence is the letter of 22 June 2026 (ECHR-LE2.0aR, Ref. 23642/26):
"This request falls outside the scope of Rule 39 and therefore has not been submitted to a judge for decision. The Court will not, therefore, indicate to the Government of Estonia the interim measure sought."

And confirmed on 23 June 2026 (ECHR-LE2.7R):
"Based on the elements contained in your letter, the information communicated to you on 22 June 2026 still stands. The Court will not, therefore, take the action your request under Rule 39 of the Rules of the Court."

Both letters confirm that, at the time they were issued, no judge had examined the request and that the Registry considered the matter closed without judicial involvement. The determination was made and confirmed by the same administrative officer. Yet both letters speak in the name of "**the Court**", a body whose judges were never engaged.

The question that follows is direct: on what legal basis did the Filtering Section acquire the power to determine, finally and without judicial review, that a Rule 39 request shall not reach a judge?

It is noted, that on 24 June 2026, following the Applicant's complaint to the President, a duty judge did examine the request and issued a decision declining to indicate interim measures. However, this subsequent judicial review does not cure the initial ultra vires act of the Registry.

The Registry had no authority to make the initial determination, and the fact that a judge later confirmed that determination does not validate the Registry's action. At most, it confirms that the Applicant's request was not manifestly outside Rule 39, because the judge considered it necessary to examine it. Furthermore, the judge's decision is unreasoned and does not engage with the documented evidence of a life-threatening situation, which further undermines the adequacy of the judicial review provided.

The decisive question is not whether the Registry possesses a formal power to reject correspondence. Every court administration necessarily performs administrative functions. The decisive question is whether the act performed by the Filtering Section is merely administrative or whether it produces legal consequences equivalent to a judicial determination.

A purely administrative act does not determine rights, obligations, procedural status, or access to a judicial decision-maker designated by law. It merely facilitates the operation of the judicial process. By contrast, where an administrative officer determines that a Rule 39 request falls outside the scope of Rule 39, prevents the request from reaching a judge, communicates that determination in the name of the Court, and thereby brings the Rule 39 proceedings to an end, the act ceases to be merely administrative.

The legal nature of an act is determined by its effects rather than its label. A determination that a request falls outside Rule 39 necessarily presupposes an interpretation of Rule 39 itself. One cannot conclude that a request lies beyond the scope of a legal rule without first construing the meaning, limits, and threshold of that rule. The act of declaring a request "outside scope" is therefore inseparable from the legal assessment it purports to avoid.

A measure that finally excludes judicial examination is functionally indistinguishable from a negative judicial determination for the person affected by it. The question is therefore not whether the Filtering Section calls its action administrative, but whether the action itself performs the function reserved by Rule 39 to judicial authorities.

Instrument	**What it says about Rule 39 decisions**	**What it says about Registry**
Rule 39(1) Rules of Court (2023)	Chamber / President of Section / duty judge "may indicate"	Not mentioned
Rule 39(4) Rules of Court (2023)	President appoints duty judges	Not mentioned
Practice Direction §31	Requests "not normally submitted to a judge"	Implied actor - not named
Sixth Protocol ETS No. 162 Art. 3	Immunity for Registrar and formally notified Acting Registrar	Deputy Registrar is not expressly mentioned in Article 3 of the Sixth Protocol. Whether immunity derives from other Council of Europe instruments is a separate question
General Agreement ETS No. 2 Art. 18	Functional immunity for official acts	Ultra vires acts not covered
Letters 22 - 23.06.2026	"Court will not" - but no judge involved	Deputy Registrar acts as final instance
Letter 24.06.2026 (ECHR-DE1.6)	"The Court considers that the request falls outside the scope of Rule 39" - Duty Judge	First and only judicial act issued only after complaint to President; confirms prior filtering was pre-judicial

<u>Defect 2 - De Facto Adjudication. The Filtering Section performs a judicial function without judicial authority.</u>

A distinction must be drawn between administrative screening and jurisdictional determination. Administrative screening concerns objective procedural defects: missing documents, absent signatures, unreadable submissions, duplication of files, or other matters that do not require interpretation of legal standards. Such screening assists judicial activity but does not replace it.

The determination that a request falls "outside the scope of Rule 39" is of a different character. It requires interpretation of the legal threshold established by Rule 39, assessment of the factual allegations presented, and application of legal criteria concerning imminent risk and irreparable harm. These are inherently legal assessments. They cannot be reduced to purely administrative processing.

Accordingly, once the Filtering Section concludes that a request is outside the scope of Rule 39, it is no longer performing a clerical function. It is applying legal standards to facts and producing a final procedural consequence. That is the essence of adjudication.

The functional test - applicable in all major legal systems and in international law - holds that what matters is the nature of the function performed, not the title of the person performing it. A determination is judicial in character if it is: final (no appeal lies); binding (the institution acts on it); legal (it concerns the application of a legal rule); and preclusive (it forecloses the applicant's access to the decision-maker designated by law).

The determination made by the Filtering Section satisfies all four criteria. It is final: the Court's own documentation states that "no appeal lies against decisions refusing application of Rule 39." It is binding both letters state "the Court will not" act, and the Court does not act. It is legal: it determines whether Rule 39 applies - a question of law. And it is preclusive: once the Filtering Section has determined that the request is outside Rule 39, no judge sees it.

This is de facto adjudication - the exercise of a judicial function by a non-judicial body. The Latin principle is clear: **nemo judex sine iurisdictione** - no one may exercise judicial authority without the corresponding jurisdiction.

"**The system's own corrective response confirms the de facto adjudication analysis.**" When the same matter was presented to the President of the Court and transmitted to a duty judge, a formal Decision was issued on 24 June 2026.

That Decision is substantively identical in outcome to the Filtering Section's letters, but procedurally entirely different. It is issued under the heading "DECISION", by a named judge, from a named Section, on a numbered case.

The contrast between the two procedures, - the administrative letter speaking in the name of "the Court" and the judicial Decision signed by a named Duty Judge, illustrates precisely the distinction this analysis identifies: the filtering act and the judicial act are qualitatively different even when they reach the same substantive conclusion.

"The judicial Decision of 24 June 2026 creates an additional paradox." The Decision (ECHR-DE1.6) states: "The Court considers that the request falls outside the scope of Rule 39." It provides no reasoning. It identifies no criterion applied. It makes no reference to the evidence of, as the example, - missing person (child), foreign court orders establishing a threat to the life, or any of the factual submissions.

It is, by the standards the Court, applies to states under Article 6 § 1, an unmotivated decision. The Court requires states to provide reasoned decisions (Ruiz Torija v. Spain, 9 December 1994, § 29 - 30: courts must indicate with sufficient clarity the grounds on which they base their decisions). A one-sentence decision that a matter is "outside scope" without identifying which criterion, which standard, or which evidence was considered does not satisfy that requirement. **The institution that enforces this standard against states does not apply it to itself.**

The systemic consequence is identified in the Springer/Saccucci analysis (2020): "the number of requests lodged every year with the Court is much higher than it appears in the statistics, considering that many of such requests are refused by the Registry as being out of the scope of Rule 39 and are not submitted to a judge for consideration." The Court's published statistics therefore systematically undercount the actual number of Rule 39 determinations made - because the filtering decisions are not recorded as judicial acts.

Defect 2A - Substitution of Judicial Authority.

The problem extends beyond the mere exercise of an unauthorised power. It concerns the substitution of judicial authority by administrative authority. Rule 39 expressly identifies the judicial actors competent to determine interim measures: a Chamber, a President of Section, or a duty judge.

The rule therefore reflects a deliberate institutional choice that urgent requests affecting fundamental rights shall be examined by judicial officers. Where an administrative body acquires the practical ability to determine which requests will and will not be examined by those judicial officers, the judicial function is not merely assisted; it is partially replaced.

The significance of this substitution lies in judicial independence. Judicial independence is not limited to protection against interference by states, it also requires that judicial decisions be taken by persons vested with judicial authority and subject to judicial guarantees. A system in which access to a judge depends upon an unreviewable administrative assessment risks creating a parallel layer of decision-making that exists outside the judicial structure established by the Rules of Court.

The issue therefore concerns not only the rights of applicants but also the institutional integrity of the Court itself.

Illustrative Analogy: Emergency Medicine.

The structural concern may be illustrated by a simple example from emergency healthcare.

A patient arrives at a hospital during the night. He does not arrive by ambulance. There is no visible bleeding, no obvious fracture, and no outward sign of catastrophic injury. The patient is holding his right side and reports severe abdominal pain.

At the entrance stands a security guard whose function is administrative rather than medical. The guard is not a surgeon, is not trained in emergency diagnosis, and is not competent to assess whether the symptoms indicate a life-threatening condition. Observing no visible injury, the guard concludes that the situation does not require immediate attention and instructs the patient to return in the morning.

The patient leaves. Several hours later he dies from a ruptured appendix and resulting peritonitis.

The central problem in this example is not bad faith. The guard may have acted honestly and with the best intentions. Nor is the problem that the guard failed to perform surgery. No one expects a security guard to perform surgery. The problem is that the guard assumed the function of deciding whether a surgeon should see the patient at all.

A trained surgeon, observing the same symptoms, might immediately recognise a medical emergency and order urgent intervention. The guard lacks the competence necessary to make that assessment. By preventing access to the specialist, the guard effectively substitutes his own judgment for that of the person legally and professionally authorised to decide.

The relevance of this analogy to Rule 39 is limited but instructive. The argument is not that Registry staff act in bad faith, nor that they are expected to perform judicial functions themselves. The argument is that the determination whether a request falls outside the scope of Rule 39 often requires precisely the kind of legal assessment that Rule 39 reserves to judicial authorities. If access to those authorities is blocked by a prior administrative assessment, the administrative actor may effectively replace the very decision-maker whom the legal framework designates to make the decision. ***The issue, therefore, is not misconduct. It is institutional competence.***

Defect 3 - The Self-Immunity Paradox: The institution created to enforce Article 6 raises the same access-to-justice concerns that the Court has repeatedly identified under Article 6. in its own procedure

Article 6 § 1 of the Convention provides: "In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law." The European Court of Human Rights has applied this provision in hundreds of cases against states. Its consistent jurisprudence holds that:

(a) The right of access to a court must be practical and effective, not illusory (Bellet v. France, § 38);

(b) Excessive procedural barriers to accessing a court violate Article 6 § 1 (Miragall Escolano and Others v. Spain);

(c) A system in which an administrative body finally determines whether a person may access judicial protection is incompatible with Article 6 § 1;

(d) Immunity of international organisations from judicial review is compatible with Article 6 only where an "alternative means of dispute resolution" exists that provides "reasonably equivalent protection" (Waite and Kennedy v. Germany, 18 February 1999, § 68; Beer and Regan v. Germany, 18 February 1999, § 49).

The present analysis does not depend upon the proposition that applicants possess a substantive right to obtain interim measures. No such right is asserted.

The issue is narrower and more fundamental. Where the legal framework designates a judge as the authority competent to determine whether interim measures should be granted, the applicant may reasonably expect that the request will at least be examined by that authority. The procedural question is therefore not whether Rule 39 relief must be granted, but whether a non-judicial body may conclusively prevent the judicial authority designated by law from considering request at all.

The distinction is critical. **A judicial refusal of interim measures and an administrative prevention of judicial examination are not equivalent acts. The first is a judicial decision. The second is a restriction on access to the decision-maker identified by the legal framework itself.**

The current Rule 39 filtering mechanism fails every one of these tests as applied by the Court to states:

- Access is not practical and effective: whether a Rule 39 request reaches a judge depends on an administrative determination made without stated criteria, by an unidentified officer, with no procedure for challenge.
- The procedural barrier is absolute: once the Filtering Section determines "outside scope", no judicial examination occurs.
- An administrative body finally determines access: the Filtering Section is the last and only decision-maker on whether the request reaches a judge.
- No alternative means of dispute resolution exists and there is no internal appeal, no automatic referral to a judicial officer, no external review.
- No clearly defined, codified, or automatic review mechanism exists within the publicly available Rule 39 framework. The present case demonstrates that judicial review may occur following extraordinary intervention by the applicant addressed to the President of the Court, but such review is neither guaranteed by any published procedural rule nor forms part of the ordinary operation of the filtering mechanism.

The paradox is structural: the institution that has for 70 years required states to provide access to courts is itself operating an access-to-court mechanism that it would declare incompatible with the Convention if applied by a state.

This is the Radbruch dimension of the problem. Gustav Radbruch's formula, as developed in post-war jurisprudence and applied in the Federal Republic of Germany's Nuremberg-related cases, holds that positive law loses its binding force when the injustice it produces becomes so extreme as to constitute a violation of the elementary demands of justice. Applied institutionally, an immunity provision that shields a mechanism which itself violates the right of access to justice - the foundational right of the very Convention it is meant to serve reaches the threshold where the immunity cannot claim the force of law. This is not an assertion that the Council of Europe's immunity regime is illegitimate. It is an assertion that the immunity regime, correctly understood as functional, does not and cannot protect a mechanism that is itself incompatible with the function it was created to serve.

PART III – THE RESIDUAL PROTECTIVE OBLIGATION AND THE HUMANITARIAN GAP BETWEEN PROCEDURAL REJECTION AND PROTECTION OF LIFE.

3.1. The institutional and personal dimensions are distinct.

The three structural defects identified in Part II are institutional. They concern the design of the mechanism, not the conduct of any individual. However, a fourth dimension arises when the filtering mechanism encounters a request that contains information about a specific and documented threat to the physical safety of an identified person.

This dimension is personal and civil, not institutional. It concerns the obligations of any individual - regardless of their institutional role or title - when they become aware that a specific person is in danger.

3.2. The Residual Protective Obligation.

The purpose of Rule 39 is preventive rather than adjudicative. Interim measures exist because certain forms of harm are irreversible. Once death, disappearance, torture, irreversible medical injury, or unlawful removal of a person has occurred, no subsequent judicial determination can fully restore the position that existed before the harm materialised.

For that reason, the legal significance of a Rule 39 request differs fundamentally from ordinary procedural correspondence. Such requests are submitted precisely because the applicant alleges that waiting for the normal judicial process may render judicial protection meaningless.

This creates a question that is logically independent from the question whether Rule 39 should ultimately be applied. If an institution receives credible and documented information indicating a serious and immediate threat to the life, physical integrity, or safety of an identified person, does the rejection of a particular procedural mechanism exhaust the institution's responsibilities? - The present analysis argues that it does not.

A distinction must be drawn between a procedural obligation and a residual protective obligation. The former concerns whether Rule 39 should be granted. The latter concerns whether an institution that has acquired knowledge of a potentially life-threatening situation may simply disregard that information once a procedural request has been rejected.

The answer given by virtually all modern legal systems is negative. Even where a particular authority lacks jurisdiction to determine the underlying dispute, the acquisition of reliable information concerning a serious danger commonly gives rise to secondary obligations: notification, referral, transmission of information to competent authorities, or activation of emergency mechanisms capable of responding to the danger.

The rationale is straightforward. Protection of life and physical integrity cannot depend exclusively upon the existence of jurisdiction over the underlying legal dispute. Otherwise, every institutional boundary would become a justification for inaction in circumstances where delay itself may be fatal.

The question raised by the Rule 39 filtering mechanism is therefore not whether the Court itself must assume the functions of police authorities, child-protection agencies, medical services, or international organisations. It is whether the complete absence of any protective response following the acquisition of knowledge concerning a documented threat is compatible with the preventive purpose that Rule 39 was created to serve.

A mechanism designed to prevent irreparable harm should not create a situation in which the rejection of a Rule 39 request simultaneously terminates every institutional pathway through which urgent protective action could occur.

3.3. The Civil Duty Dimension: Knowledge of Danger and the Individual

Every legal system of Council of Europe member states recognises, in varying forms, the obligation of persons who become aware of a serious risk to life or physical safety to notify competent authorities. This is not a professional obligation specific to lawyers, doctors, or police. It is a general civil duty.

In French law (Code pénal, Article 223-6): any person who, being in a position to prevent - without risk to themselves or third parties - a crime or offence against physical integrity, voluntarily refrains from doing so, is criminally liable. The obligation to alert competent authorities (autorités aptes à y remédier) is expressly stated.

In German law (StGB § 138 and § 323c): failure to report certain serious crimes and failure to render assistance create criminal liability. The German courts have applied these provisions to persons in administrative positions who acquired knowledge of danger in the course of their duties.

In Estonian law (KarS § 124): failure to render assistance to a person whose life is in danger, when it was possible to do so without significant risk, is a criminal offence. Estonia is the respondent state in the underlying proceedings.

In Ukrainian law (ст. 136 ККУ): abandonment of a person in a life-threatening situation is a criminal offence. The analogue of the *окрема ухвала* (separate ruling) - a mechanism by which Ukrainian courts notify competent authorities of criminal conduct identified in civil proceedings - reflects the same underlying principle: institutional roles do not extinguish civil and legal obligations to act when knowledge of danger is acquired.

3.4. Application to the filtering mechanism

A person employed by the Filtering Section of the Registry who processes a Rule 39 request is, by virtue of that processing, made aware of whatever danger the request describes. When that request contains documented evidence of a threat to the life or physical safety of an identified person - in the present case, a missing child, a restraining order from a foreign court, documented threats to life - the person processing the request acquires knowledge of that danger. Their institutional role, whatever its legal status, does not extinguish their civil obligation, as a natural person and citizen of a member state, to notify competent authorities. **This obligation exists independently of the institutional framework of the Council of Europe, independently of any immunity provision, and independently of any determination about the scope of Rule 39.**

The immunity provisions of the General Agreement and the Sixth Protocol protect official acts within the scope of official competence. They do not immunise a natural person from the civil, and criminal obligations that attach to them as a member of a civil society when they acquire knowledge of danger to life. No provision of the General Agreement or the Sixth Protocol states, or could validly state, that officials of the Council of Europe are exempt from the civil duty to report a known threat to a person's life to competent national or international authorities.

This is not a personalised accusation. It is a statement of legal principle: **institutional immunity does not dissolve the civil person**. The boundary between the institutional role and the civil person is precisely where functional immunity ends and personal civil responsibility begins.

3.5. The Ultra Vires Act and the Collapse of Functional Immunity: Return to Private Person Status.

The legal consequence of an ultra vires act extends beyond institutional illegitimacy. It has a direct and personal effect on the individual who performs it.

Functional immunity, as provided by Article 18 of the General Agreement and Article 3 of the Sixth Protocol, attaches exclusively to official acts – acts performed within the scope of the officer's competence. This is the foundational principle of functional immunity in international law: it protects the function, not the person. Where an act falls outside the officer's competence, it ceases to be an "official act" for the purposes of immunity. The officer is no longer acting as an organ of the Council of Europe. He or she is acting as a private person – a natural person exercising no delegated public authority.

Once the officer's action is classified as ultra vires, the immunity shield dissolves *ab initio* (from the beginning). The officer cannot claim the protection of the General Agreement or the Sixth Protocol because those instruments protect only acts performed in the exercise of official functions. A determination that a Rule 39 request falls "outside the scope" of that Rule, when made by an administrative officer rather than by a judge as required by Rule 39 itself, is precisely such an ultra vires act.

The consequence is that the officer who made and confirmed the determination on 22 and 23 June 2026 was not acting as a protected official of the Council of Europe when performing those acts. He or she was acting as a private individual. As a private individual, that person is subject to the ordinary law of the forum – including the law of the host state (France) and the law of his or her state of nationality or residence.

This is not a theoretical proposition. Every Council of Europe member state, including France, imposes liability for failure to assist a person in danger (non-assistance à personne en péril, Article 223-6 of the French Criminal Code) and for failure to report crimes against persons (Article 434-1 of the French Criminal Code). Similar provisions exist in German law (StGB § 323c, failure to render assistance), Ukrainian law (ст. 136 ККУ, abandonment in a life-threatening situation), and the domestic law of virtually all member states.

These obligations apply to every natural person within the territory of the state. They do not distinguish between private citizens and international organisation staff. The only distinction relevant to international organisation staff is that functional immunity may temporarily shield them from prosecution for official acts. But once the act is ultra vires, the basis for that shield disappears. The officer stands before the law as any other private person would.

The question that follows is direct, did the officer who processed the Rule 39 request of 22 June 2026 containing documented evidence of a missing child, foreign court orders establishing a threat to that child's life, and a request for judicial examination – acquire knowledge of a life-threatening situation? If the answer is yes (and the letter itself confirms that the request was read and assessed), then the officer acquired knowledge of a specific and documented danger to an identified person.

Having acquired that knowledge, and having determined that the request would not be transmitted to any competent authority (judicial or otherwise), the officer now acting as a private person following an ultra vires act – was, and remains, subject to the criminal and civil obligations that attach to any natural person who possesses such knowledge.

No provision of the General Agreement, the Sixth Protocol, or any other Council of Europe instrument has ever been interpreted to exempt a private person from the law of the host state simply because that person holds an institutional position. Functional immunity is not a personal privilege; it is a shield for the official function, and it does not operate as a blanket exemption from domestic law for acts that are not official. It protects the institution's functions, not the individual's private conduct. Where the function is exceeded (*ultra vires*), the protection ceases, and the individual is exposed to the same legal responsibilities as any other citizen.

This is the consequence that the Filtering Section's practice has never confronted. The argument that "the Court has decided" or "the Registry has acted" collapses where the Registry's act is itself without legal foundation. The institutional cloak does not cover an ultra vires act, and those who perform such acts cannot invoke the institution's immunity as a shield against personal legal responsibility.

The present study does not assert that any specific crime was committed. That determination lies with the competent national authorities of France, Estonia, or any other state with jurisdiction. The study asserts only the legal principle that ultra vires acts are not protected by functional immunity, and that persons who perform such acts are subject to the same legal obligations as any other private person who acquires knowledge of a serious and imminent threat to life.

3.6. The Humanitarian Gap.

The structural concern identified in this Part is not that the Court must grant every Rule 39 request. Nor that Registry staff become emergency responders merely by receiving urgent correspondence. The concern is narrower and more fundamental.

At present, the filtering mechanism appears capable of producing a situation in which information concerning an alleged and documented threat to life is received, assessed as falling outside Rule 39, not transmitted to a judge, not subjected to judicial review, and not referred to any other competent protective authority. When all of those conditions occur simultaneously, a humanitarian gap emerges between procedural inadmissibility and protective action.

The existence of such a gap is difficult to reconcile with the preventive rationale that underlies Rule 39 itself. A mechanism created to prevent irreparable harm should not permit a chain of events in which the rejection of the procedural request becomes the final institutional response to information describing the very harm that Rule 39 was designed to avert.

The subsequent intervention of a duty judge on 24 June 2026 does not eliminate the humanitarian gap identified above. It merely demonstrates that judicial review remained institutionally possible after additional intervention by the applicant. **The structural question remains whether access to such review should depend upon extraordinary procedural escalation rather than forming part of the ordinary operation of the Rule 39 mechanism itself.**

PART IV - THE TRIANGLE. THREE FORCES CONVERGING.

The three structural defects and the civil duty dimension converge into a single analytical triangle. Each angle of the triangle is distinct but reinforces the others:

Angle	Proposition	Legal consequence
ULTRA VIRES	The Filtering Section exercises a power not conferred by Rule 39 or any valid delegating instrument	Acts of the Filtering Section on Rule 39 requests lack legal basis and cannot speak in the name of "the Court"
SELF-IMMUNITY PARADOX	The institution enforcing Article 6 operates an access-to-court mechanism that would violate Article 6 if operated by a state	Functional immunity does not and cannot protect a mechanism incompatible with the function it was created to serve - Radbruch threshold
CIVIL DUTY	Knowledge of a threat to life acquired in an institutional role does not extinguish the civil obligation of the natural person to notify competent authorities	Institutional immunity does not dissolve the civil person; personal civil responsibility persists where functional immunity ends

The triangle produces a single conclusion: the current Rule 39 filtering mechanism is simultaneously outside its legal mandate (ultra vires), paradoxically incompatible with the Convention it serves (self-immunity paradox), and incapable of extinguishing the personal civil obligations of those who operate it when they encounter knowledge of danger (civil duty). These three propositions are independent of each other. Any one of them is sufficient to raise a serious institutional question. Together, they constitute a structural defect requiring institutional rather than purely administrative correction.

PART V - SCOPE AND LIMITS OF THE STUDY.

The present study is limited in scope. It does not seek to determine whether any particular decision, communication, or action taken in a specific Rule 39 case was correct or incorrect on its merits.

Nor does it seek to attribute personal responsibility to any member of the Registry, the Filtering Section, the judiciary of the Court, or any other individual actor involved in the processing of Rule 39 requests. The purpose of the study is not disciplinary, accusatory, or retrospective. Its purpose is institutional and analytical.

The study examines whether the existing structure of Rule 39 filtering, as currently understood from publicly available materials, the Rules of Court, the Practice Direction, and documented communications received in connection with Rule 39 proceedings, is fully compatible with the judicial framework established by Rule 39 itself and with the principles governing judicial decision-making within the European Court of Human Rights.

The analysis is therefore directed at institutional architecture rather than individual conduct. Similarly, the study does not contend that every request rejected as falling outside the scope of Rule 39 should have resulted in the indication of interim measures.

The present analysis does not address the substantive merits of individual requests. The central question is procedural rather than substantive: who possesses the authority to determine whether Rule 39 applies, and what procedural safeguards should exist when a request is excluded from judicial examination.

The study likewise does not argue that the Convention requires creation of new international bodies, expansion of the Court's jurisdiction, or transformation of the Court into an emergency response institution.

The proposed reforms are limited to procedural safeguards intended to ensure, that judicial functions remain within the judicial framework established by the Rules of Court and that information concerning alleged risks of irreparable harm does not become institutionally invisible without appropriate consideration.

Finally, the study does not purport to provide definitive answers to every institutional question arising from Rule 39 practice. Its objective is more modest. It seeks to identify a structural vulnerability, examine its compatibility with existing procedural principles, and propose a range of practical reforms capable of implementation within the current institutional framework of the Court without amendment of the Convention itself.

PART VI - STRUCTURAL CORRECTIVE MEASURES AND REFORM MODEL.

The present analysis does not merely identify a structural defect. It also permits identification of the minimum safeguards necessary to remedy that defect. The question is therefore not whether reform is possible. The question is what institutional changes would be sufficient to ensure that Rule 39 determinations remain within the judicial framework established by the Rules of Court while preserving the Court's operational efficiency.

Three minimum safeguards emerge from the analysis:

1. **First,** judicial gatekeeping. Every Rule 39 request must ultimately be examined by a judicial authority designated under Rule 39. The category "out of scope" may continue to exist, but only as a judicial determination. The analogy is judicial confirmation of non-jurisdiction: even to conclude that a court lacks jurisdiction, the court itself must sit and decide. A court secretary cannot determine that a court lacks jurisdiction without judicial consideration.
2. **Second,** an independent review mechanism. Any determination excluding judicial examination must be capable of review by a different judicial authority. The current

situation, in which the same administrative structure may effectively make and reconsider the same determination, is difficult to reconcile with the principle that no body should be the judge of its own decision.

3. **Third,** an emergency escalation and notification protocol. Where a Rule 39 request contains documented evidence of an immediate threat to life, physical integrity, disappearance, torture, unlawful detention, or another form of potentially irreparable harm, a mechanism should exist to ensure that the information is transmitted to a competent authority capable of evaluating whether protective action is required.

   This function is conceptually distinct from Rule 39 itself. It arises from the acquisition of knowledge concerning an alleged danger.

None of these reforms requires amendment of the Convention itself. They may be implemented through amendments to the Rules of Court, amendments to the relevant Practice Direction, judicial procedural safeguards, or administrative measures adopted within the Registry framework.

The reforms proposed below are cumulative alternatives. The Court may adopt one, several, or all of them simultaneously.

6.1. Judicial Confirmation of All Rule 39 Scope Determinations.

The most direct solution would require that any determination that a request falls outside the scope of Rule 39 be confirmed by a judicial officer designated under Rule 39.

Under this model, the Filtering Section would retain its administrative screening function. Registry staff would continue to examine incoming requests, prepare recommendations, identify manifestly deficient submissions, and assist judicial officers.

The decisive difference would be that the final determination would belong to a duty judge, a Section President, or another judicial authority designated under Rule 39. The resulting model would be:

Applicant → Rule 39 Request → Filtering Section Recommendation → Judicial Confirmation → Decision

This reform would eliminate the problem of de facto adjudication while preserving administrative efficiency.

6.2. Automatic Judicial Transmission upon Applicant Request.

A narrower alternative would preserve the current filtering system while creating a procedural safeguard, where the Filtering Section determines that a request falls outside Rule 39, the applicant would possess a right to request automatic transmission of the file to a duty judge.

The applicant would not acquire a right to interim measures. The applicant would not acquire a right to a hearing. The applicant would acquire only one procedural guarantee, that the judicial authority, identified in Rule 39, may personally decide whether Rule 39 applies.

This reform would require minimal institutional change while preserving the judicial character of Rule 39 determinations.

6.3. Independent Review Mechanism.

A further structural safeguard would involve creation of a review mechanism for Rule 39 filtering decisions.

At present, administrative determinations excluding judicial examination may remain effectively insulated from independent review. A review mechanism should ensure that no determination preventing judicial consideration remains beyond examination by an independent judicial authority. The review authority could be: (a) a duty judge; (b) a Section President; (c) a designated judicial review panel; or (d) another judicial body established by the Court. The essential requirement is independence from the original decision-maker.

6.4. Emergency Escalation Protocol.

The humanitarian gap identified in Part III requires a separate solution.

Certain submissions contain allegations of circumstances that, if true, may involve immediate risks to life, physical integrity, disappearance, torture, unlawful detention, or other forms of potentially irreparable harm. Even where such submissions ultimately fall outside Rule 39, the complete absence of any emergency escalation mechanism creates an institutional vacuum.

Accordingly, the Court should establish an Emergency Escalation Protocol.

Where a request contains credible allegations of an immediate threat to life or physical integrity, the file should automatically be transmitted to a designated emergency judicial authority, emergency registry unit, or other competent institutional actor capable of determining whether additional protective action may be required. The purpose of the protocol would not be to expand Rule 39. Its purpose would be to ensure that information concerning immediate threats does not disappear into an administrative dead end.

6.5. Transparency and Publication of Delegated Powers.

Legal certainty requires that applicants know who exercises authority, under what legal basis, and according to what criteria.

If the Filtering Section possesses delegated authority affecting access to judicial examination, the source of that authority should be publicly identifiable. The Court should therefore publish:

(a) the legal basis of any delegated filtering powers;

(b) the criteria used in determining that a request falls outside Rule 39;

(c) the procedure for reconsideration;

(d) the identity of the authority responsible for review.

Transparency would reduce uncertainty and strengthen confidence in the institutional legitimacy of the process.

6.6. Preferred Reform Model.

The most balanced solution combines four elements: (1) administrative screening by the Filtering Section; (2) judicial confirmation of all final Rule 39 scope determinations; (3) a right of automatic transmission to a duty judge upon applicant request; (4) an emergency escalation protocol for situations involving alleged immediate threats to life or physical integrity.

This model preserves efficiency, maintains the role of the Registry, respects the institutional structure of the Court, and ensures that judicial functions remain within the judicial framework established by Rule 39.

The objective of reform is not to increase the number of interim measures granted. The objective is to ensure that decisions concerning access to the Rule 39 mechanism are made, or at minimum reviewable, by the judicial authorities designated by the Rules of Court themselves.

6.7. Extended Emergency Notification Protocol (EENP).

The Emergency Escalation Protocol described above addresses the internal institutional response of the Court. This proposal directly addresses the humanitarian gap identified in Part III.

A separate question arises where a Rule 39 request contains documented information indicating an immediate threat to the life, physical integrity, liberty, or safety of an identified person, yet the request is ultimately rejected or considered outside the scope of Rule 39.

In such circumstances, the complete absence of any notification mechanism may create a humanitarian vacuum. Information concerning an alleged danger may be known to the institution yet never reach any authority capable of evaluating whether protective action is required.

Accordingly, the Court should consider establishment of an Extended Emergency Notification Protocol – EENP.

The purpose of such a protocol would not be to determine the merits of the allegations, to replace judicial examination, or to expand the scope of Rule 39. Its purpose would be limited to ensuring that documented information concerning an alleged immediate danger may be transmitted, where appropriate and subject to necessary safeguards, to a competent authority capable of evaluating whether protective measures are required.

The precise institutional form of such a mechanism falls outside the scope of the present study. The essential principle is that acquisition of knowledge concerning a potentially imminent threat should not automatically terminate in administrative closure without any possibility of protective referral.

The objective is not intervention. The objective is prevention of institutional silence in circumstances involving alleged risks of irreparable harm.

The existence of such a protocol would not transform the Court into a police authority, a child protection agency, or an emergency response service. It would merely ensure that the acquisition of credible information concerning a potentially imminent threat does not end with administrative closure and institutional inaction. The proposed protocol therefore serves not as an expansion of jurisdiction, but as a safeguard against the humanitarian consequences of procedural finality.

Similar principles already exist in numerous domestic legal systems. Medical professionals, educators, social workers, and other persons entrusted with safeguarding responsibilities may be required to notify competent authorities when they acquire information suggesting a serious risk to life, safety, or welfare.

Such notification duties do not transform those actors into police authorities, emergency services, or judicial bodies. They merely ensure that information concerning a potentially urgent danger reaches an institution capable of assessing whether protective intervention may be required.

The proposed protocol rests upon the same principle. It does not expand the Court's jurisdiction, confer investigative powers, or create a system of international supervision. It merely seeks to prevent situations in which credible information concerning an alleged risk of irreparable harm becomes institutionally invisible solely because the receiving body lacks competence to determine the underlying dispute.

VII. CONCLUSION.

The Rule 39 filtering mechanism as currently constituted, has three structural defects that are independent, cumulative, and each sufficient to raise a serious question of institutional legality and legitimacy.

The first defect is normative: the power exercised by the Filtering Section is not conferred by Rule 39 or any valid delegating instrument in the hierarchy from the 1949 Statute to the current Rules of Court.

The second defect is paradoxical: the mechanism by which the institution that enforces Article 6 controls access to its most urgent protection is itself incompatible with the standards Article 6 requires of states. The Radbruch formula applies where positive law, in this case the unwritten norm of filtering practice, reaches a level of injustice that strips it of legal force. A mechanism that denies access to a judge on the grounds that the situation is “out of scope” - when that determination is itself unreviewable, unmotivated, and made without judicial participation, reaches that threshold.

The third defect is personal: institutional immunity is functional. It does not dissolve the civil person. A natural person who acquires knowledge of a threat to life in the course of institutional duties retains the civil obligations of any member of civil society.

No immunity provision in the Council of Europe framework has ever been interpreted to exempt a natural person from the duty to alert competent authorities when they acquire knowledge of a specific and documented threat to life.

These three defects were simultaneously instantiated in three documents: the letters of 22 and 23 June 2026 (Ref. 23642/26) and the Decision of 24 June 2026 (ECHR-DE1.6, Duty Judge Schembri Orland). In the Decision of 24 June 2026, the first and only judicial examination of the matter, the Court stated its conclusion in a single sentence without any engagement with the evidence of a missing child or the foreign court orders documenting a threat to his life. No notification was made to any competent child protection authority. The humanitarian gap identified in this model persists at the judicial level as well as at the administrative level.

The subsequent judicial decision of 24 June 2026, issued only after the Applicant's complaint to the President, does not cure the initial defect. The fact that judicial review occurred only upon the Applicant's extraordinary intervention, and that the resulting decision was unreasoned, confirms rather than disproves the structural vulnerability identified in this study.

The documents speak for themselves. The model presented here provides the analytical framework for understanding what they reveal about the mechanism that produced them.

The central issue identified by this model is not whether interim measures should have been granted in any particular case. It is whether the legal system of the Court permits an administrative actor, operating outside the judicial structure identified by Rule 39, to make the determination that a request will never reach the judicial authority designated to decide that very question.

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This analytical model was prepared in connection with Rule 39 Request No. 10043 (Ref. 23642/26). It is presented as a contribution to the ongoing scholarly and institutional discussion on the reform of the Rule 39 mechanism.

Submitted: 25 June 2026

E. Kepler IECO Expert	Y. Ratner-Welt IECO Expert	I. Kaessa IECO Expert	A. Estel IECO Expert	L. Orvel IECO Expert

Appendix A
Letter of 22 June 2026 (redacted)

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

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www.echr.coe.int

[redacted]

ECHR-LE2.0aR
VMA/zra

22 June 2026

BY E-TRANSMISSION ONLY

Our Ref.: 23642/26

Dear Sir,

I acknowledge receipt of your correspondence of 22 June 2026 requesting the European Court of Human Rights under Rule 39 of the Rules of Court to indicate to Estonia the adjournment of the examination of the case by the County Court in order to ensure that the applicant's procedural rights be respected.

This request falls outside the scope of Rule 39 and therefore has not been submitted to a judge for decision. The Court will not, therefore, indicate to the Government of Estonia the interim measure sought.

The Court applies Rule 39 only where an applicant faces an imminent risk of irreparable harm to a Convention right. In most cases where Rule 39 is applied, the evidence available points to a clearly arguable case of a genuine threat to life and limb, with the ensuing real risk of grave harm in breach of the core provisions of the Convention.

Yours faithfully,

p.p.

M. Bingöllü
Deputy Registrar of the Filtering Section

EUROPEAN COURT OF HUMAN RIGHTS
COUNCIL OF EUROPE
67075 STRASBOURG CEDEX
FRANCE

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
CONSEIL DE L'EUROPE
67075 STRASBOURG CEDEX
FRANCE

Personal identifying information has been redacted. The documents are reproduced solely for the purpose of illustrating the procedural circumstances that triggered the present study.

Appendix B
Letter of 23 June 2026 (redacted)

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

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www.echr.coe.int

[redacted]

ECHR-LE2.7R
VMA/zra

23 June 2026

BY E-TRANSMISSION ONLY

Our Ref.: 23642/26

Dear Sir,

I acknowledge receipt of your letter of 23 June 2026, the content of which has been noted.

Based on the elements contained in your letter, the information communicated to you on 22 June 2026 still stands. **The Court will not, therefore, take the action your request under Rule 39 of the Rules of the Court.**

Yours faithfully,

p.p.

M. Bingöllü
Deputy Registrar of the Filtering Section

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Appendix C
Letter of 24 June 2026 (redacted)

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

THIRD SECTION

DECISION

[redacted]

(no. 23642/26)

Request for interim measures lodged on 22 June 2026

The European Court of Human Rights (L. Schembri Orland, the duty judge) has, on 24 June 2026, reconsidered the application.

The Court considers that the request falls outside the scope of Rule 39 of the Rules of Court, and therefore decides not to indicate to the Government of Estonia the interim measure sought.

Lorraine Schembri Orland
Duty Judge

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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