

European Court of Human Rights

Grand chamber

MUNLawS 2025

CLIMATE ACTION NOW! and Others

v.

Relandia and Rulonia

Memorandum for the Respondent

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Parties

The Applicants are four minors (Ana, Sarah, Robert and Andy) and the organization Climate Action Now! in Relandia, and the organization Climate Action Now! together with Barbara Renko in Rulonia.

The Respondents are the State of Relandia and the State of Rulonia.

Statement of Facts

In the summer of 2024, both Respondent States experienced extreme climatic conditions, including a severe drought in Relandia and a heatwave in Rulonia. On 15th of July, wildfire *Henrik* broke out in the Littoral Forest and destroyed three houses in Higju (Relandia), but no lives were lost. Consequently, the four minors who lost their homes and the organization Climate Action Now! filed a lawsuit with the first-instance court in Relandia, claiming violations of Articles 2 and 8 of the Convention and Article 72 of the Constitution of Relandia. The district court dismissed their lawsuit on procedural grounds, holding that neither the organisation nor the minors had legal standing. The Applicants appealed, arguing that the decision amounted to an absolute limitation on access to court, but the Court of Appeal and the Supreme Court upheld the judgment. The Applicants subsequently lodged a constitutional complaint to the Constitutional Court of Relandia, which accepted the case but did not find any human-rights violations. After exhausting all remedies, they applied to the ECtHR, alleging violations of Articles 2, 6, 8, 13 and 14 of the ECHR.

The fire spread into Rulonia, where it was quickly contained, but officer Michel Renko died of heatstroke while on duty. His death was followed by a series of protests concerning Rulonia's climate policies. The organization Climate Action Now!, alongside Michel Renko's widow, Barbara, began organizing these protests. On 1st of August, approximately 15,000 people attended the protest, where police prevented Barbara from speaking for national security reasons and dispersed the crowd with water cannons. Climate Action Now! then filed a lawsuit against the State before the first-instance court, on behalf of the organization itself as well as on behalf of Barbara Renko. They claimed that the State had violated their right to life, their right to respect for family and private life, freedom of expression, and freedom of assembly. The first-instance court found no violations and ruled that the case concerned labour law matters. The Applicants then appealed to the second-instance court, arguing that the first-instance court's findings of fact were incorrect. The Court of Appeal upheld the decision, which then became final. Subsequently, the Applicants lodged a constitutional complaint to the Constitutional Court of Rulonia, which concluded that there had been no human-rights violations. After exhausting all remedies, they applied to the ECtHR, alleging violations of Articles 2, 8, 10 and 11 of the ECHR.

Pleadings for Relandia

Inadmissibility

The Respondent primarily submits that the application is inadmissible under Article 35 of the Convention because several essential procedural requirements are not fulfilled. Climate Action Now! lacks victim status, as it did not suffer any individual harm from the wildfire Henrik and seeks instead to advance broad policy interests. The organisation owns no property in Higju, did not experience any environmental interference, and its allegations concern general climate governance rather than a personal impact. The Court has repeatedly held that NGOs may not bring environmental *actio popularis* claims and that Article 34 requires direct, individual affectation, which is absent in this case. Furthermore, the applicants' structural complaints about Relandia's climate strategy, rising temperatures, and insufficient implementation of the 2020 Environmental and Climate Strategy fall outside the material scope of the Convention. The Convention does not guarantee a right to a clean or sustainable environment, and Articles 2 and 8 apply in environmental contexts only when applicants demonstrate a direct, serious, individualised impact on their private or family life or home. Here, the applicants challenge broad climate policy rather than any specific environmental interference with their rights, rendering the application incompatible *ratione materiae*.

Regarding the Right to life (Article 2)

Relandia submits that no violation of Article 2 of the Convention has occurred.

Article 2 obliges States to take appropriate steps to safeguard life, but it imposes obligations of means, not of result. According to the Court's established case-law, Article 2 applies only when individuals face a "real and immediate risk" to life that authorities knew or ought to have known about. This standard is consistently affirmed in *Kolyadenko and Others v. Russia* (§§ 151–155), *Budayeva and Others v. Russia* (§§ 134–135), *Brincat and Others v. Malta* (§ 82), and was recently reiterated in the Grand Chamber's judgment in *KlimaSeniorinnen v. Switzerland* (§§ 511–516). In environmental contexts the Court has emphasised that only sufficiently specific, imminent and identifiable threats fall within Article 2. Broader environmental degradation, long-term climate trends or diffuse hazards do not meet this threshold (see also *Cannavacciuolo v. Italy*, §§ 377–390).

The applicants have failed to demonstrate the existence of any real and immediate threat to their lives prior to or during the wildfire known as Henrik. The fire was caused by spontaneous combustion due to severe drought, *i. e.* an event confirmed by the National Institute of Natural Sciences of Relandia. Although Relandia has, like other Mediterranean States, experienced rising temperatures and more frequent wildfires, these developments constitute broad climatic patterns, not imminent dangers targeted at the applicants. KlimaSeniorinnen expressly held that even severe heat events linked to climate change do not automatically activate Article 2, as climate change does not create the specific proximity and predictability required for applicability. The applicants also produce no evidence that authorities ignored a concrete warning of a pending fire threatening Higju. This stands in direct contrast to *Öneryıldız v. Turkey*, where repeated warnings indicated a predictable methane explosion, and *Budayeva*, where authorities disregarded explicit scientific assessments predicting mudslides. In Relandia, no comparable warnings existed.

Furthermore, once the fire occurred, Relandia met its operational obligations. Article 2 requires States to act once a danger becomes known and to take reasonable steps to prevent loss of life. Relandia acted immediately. Emergency services intervened for twelve days, the village of Higju was evacuated in time, and no human lives were lost. The successful evacuation and the absence of fatalities demonstrate that Relandia took appropriate and proportionate measures. The situation therefore resembles cases where the Court has found no violation due to prompt response, rather than cases such as *Kolyadenko*, where authorities themselves caused the flooding by releasing water from a reservoir, or *Budayeva*, where authorities failed to maintain protective infrastructure.

The applicants argue that Relandia breached Article 2 by not implementing the 2020 Environmental and Climate Strategy concluded with Rulonia. However, both States explicitly described the Strategy as primarily a political document rather than a binding agreement. Article 2 does not require States to implement political or aspirational documents, nor does it mandate the adoption of any particular environmental model. The Court grants States a particularly broad margin of appreciation in environmental governance, spatial planning and prevention of natural hazards (Guide on Article 1 of Protocol No. 1, §§ 196–202; see also *Depalle v. France* [GC], §§ 84–87; *Matczyński v. Poland*,

§§ 101–106). Climate change mitigation belongs to a domain requiring complex scientific assessments and significant political judgment, reinforcing the State’s wide discretion. The absence of full implementation of a non-binding strategy cannot trigger State responsibility under Article 2.

Additionally, the applicants fail to demonstrate a causal link between any State omission and an imminent threat to their lives. The fire originated from natural climatic conditions, not from State-operated hazardous activities or regulatory failures of the type recognised in environmental-disaster cases such as Önerıldız (§§ 134–135) or Dimitar Yordanov v. Bulgaria (where an opencast mine operated unlawfully near homes). No expert indicates that deficient legislation or negligent conduct contributed to the ignition or spread of the fire. The Court has repeatedly held that Article 2 does not make States liable for natural phenomena that cannot be fully controlled, provided that appropriate legislative and operational frameworks exist (*Hadzhiyska v. Bulgaria* (dec.), §§ 15–16; *Vladimirov v. Bulgaria* (dec.), § 35; *Atasagün v. Türkiye* (dec.), 2024).

As regards the procedural limb of Article 2, Relandia has fulfilled all relevant duties. The procedural obligation arises where deaths occur or where circumstances require an investigation into potentially life-threatening events. No deaths occurred in Relandia, and the authorities nonetheless conducted an investigation confirming the cause of the fire and documenting its development. This satisfies the standards in cases such as *Erdal Muhammet Arslan v. Türkiye* (§§ 142–147) and *Durdaj v. Albania*.

Given these considerations, Relandia respectfully submits that Article 2 is not applicable because the applicants did not face a real and immediate risk to their lives and no causal connection exists between the alleged omissions and the wildfire. Alternatively, even if Article 2 were engaged, Relandia fulfilled its positive obligations through timely evacuation, effective emergency-response measures, and the maintenance of an adequate legislative and administrative system for climate and wildfire management. No violation of Article 2 has occurred.

Regarding the Right to a fair trial (Article 6)

The Applicants claim that the procedural limitation under Article 77 of the Civil Procedure Act unlawfully restricted minors' access to a court within the meaning of Article 6 of the Convention. They further claim that the limitation amounted to an absolute restriction of access to court and that it neither pursued a legitimate aim, nor met the requirement of proportionality.

According to the Court's well-established case-law, access to court is not absolute (*Golder v. the United Kingdom*, *Ashingdane v. the United Kingdom*) and may be subject to limitations, provided they pursue a legitimate aim, are proportionate and do not impair the essence of the right (*Stanev v. Bulgaria*, *Běleš and Others v. the Czech Republic*, *Pérez de Rada Cavanilles v. Spain*). Furthermore, Article 6 does not require from the contracting States to grant full procedural capacity to minors, it requires only that they are not deprived of all judicial avenues.

The Respondent submits that the impugned limitation fully satisfies these criteria.

First, the limitation pursues a legitimate aim. Article 77 of Civil Procedure Act, which restricts the independent participation in civil proceedings of minors, aims to protect the rights and interests of minors and to ensure their proper representation in litigation. This constitutes a legitimate aim, recognised in the Court's case law, for instance in *Pérez de Rada Cavanilles v. Spain* and *Koutras v. Greece*. Additionally, it reflects a common approach across European legal systems. Such regulation is entirely compatible with Article 6.

Second, the limitation is proportionate. The minors in Relandia retain alternative avenues to access the court despite this restriction. They may, for instance, participate directly in family proceedings. Consequently, the rule is regulatory in nature rather than exclusionary. The Court has consistently held that Article 6 guarantees access that is practical and effective, not the right to choose any procedural form one prefers (*Běleš v. the Czech Republic*).

Third, the limitation does not impair the essence of the right. The procedural rule does not extinguish the Applicants' access to a court, nor does it restrict it to extent that the essence is impaired, as established in *Golder v. the United Kingdom*.

The Respondent respectfully submits that there has been no violation of Article 6.

Regarding the Right to respect for family and private life (Article 8)

Relandia submits that no violation of Article 8 of the Convention has occurred.

Article 8 applies to environmental cases only where the applicant demonstrates a direct and immediate link between the environmental nuisance and their home, private life, or family life, and where the interference reaches a minimum level of severity (López Ostra, §51; Guerra, §57; Kyrtatos, §§52–54; Ivan Atanasov, §§66–79; KlimaSeniorinnen, §§514–518). The Court repeatedly emphasises that the Convention does not guarantee a general right to a clean and quiet environment (Hatton [GC], §96; Kyrtatos, §52). General environmental deterioration or abstract ecological harm is not sufficient; the impact must personally and concretely affect the applicant's living conditions (Martínez and Pino Manzano, §42).

Firstly, there must be actual interference with the applicant's private or family sphere (Çiçek, §§29–32; Pavlov, §61). The applicants in the present case identify no fumes, smoke, odours, noise, vibrations, waste accumulation, soil contamination, or any other physical nuisance comparable to those recognised by the Court in López Ostra (noxious odours from a waste-treatment plant), Brândușe (persistent landfill smells), or Fadeyeva (toxic industrial emissions far above safety limits). The wildfire never reached the vicinity of Higju; the fire front was stopped several kilometres away, and no homes were burned, damaged, or exposed to smoke levels exceeding normal atmospheric conditions. This places the situation closer to Ivan Atanasov, where mere environmental discomfort without direct personal effect was insufficient (§§76–79), and to Marchiş, where unsubstantiated nuisance claims failed because no impact on daily life was proven.

Secondly, to fall within Article 8, the interference must reach a minimum level of severity, assessed by intensity, duration, and effects on health or quality of life (Fadeyeva, §69; Mileva, §90; Grimkovskaya, §58). The applicants experienced a temporary evacuation lasting only until firefighters ensured safety. The Court has held that even recurrent or long-term noise (Moreno Gómez), decades of industrial emissions (Jugheli; Dubetska), or persistent waste mismanagement (Locascia, §§127–132) are needed to exceed the threshold. A short, precautionary evacuation without later disturbance does not meet the severity requirement. It is analogous to cases where nuisances were found insufficient because effects were minor, occasional, or short-lived (Tolić, §91; Fieroiu, §§22–23).

Thirdly, the Court requires proof that the environmental problem directly affected the applicant, not merely that a hazard existed somewhere in the region (Guerra, §57; Fadeyeva, §70; KlimaSeniorinnen, §§514–515). The wildfire Henrik was fully contained before reaching populated areas, and official meteorological data show no hazardous smoke levels in Higju or surrounding settlements. No applicant presented medical documentation, expert reports, soil or air measurements, or environmental assessments demonstrating any adverse impact. In similar circumstances, where applicants presented no evidence of harmful exposure, the Court declared claims inadmissible (Çiçek, §§30–32; Kožul, §§35–38; Thibaut, §§40–48).

Fourthly, general climate-change concerns cannot replace the requirement of a specific, personally relevant impact. KlimaSeniorinnen confirms that Article 8 applies to climate contexts only where individuals are subject to serious adverse effects or specific, demonstrated risks (§§519–520). The applicants do not claim such personal risks, nor do they belong to a medically identified high-risk group or provide any evidence of exposure comparable to Locascia or Cordella.

Finally, the Court assesses evidence using a flexible “beyond reasonable doubt” standard but requires sufficiently strong, clear, and concordant indications (Fadeyeva, §79). Here, domestic authorities recorded no property damage, no environmental contamination, and no health impacts, and all residents returned home the same day. The absence of measurable effects places this case among those where Article 8 was found inapplicable due to insufficient proof of impact (Calancea, §§27–33; Thibaut, §§38–48).

The applicants failed to show any direct, serious, or sustained impact on their home or private life. The wildfire never reached their properties, caused no pollution, and produced no environmental effects comparable to those recognised in Strasbourg case-law. Relandia took timely and effective measures that protected all residents, and no interference meeting the minimum severity threshold occurred. Accordingly, there is no violation of Article 8 ECHR.

Regarding the Right to an effective remedy (Article 13)

The Applicants state that the procedural limitation under Article 77 of the Civil Procedure Act unlawfully restricted minors' access to a court within the meaning of Article 6 as well as within the meaning of Article 13 of the Convention. In the present case, the Applicants claim they were denied an effective remedy.

As the Court has consistently upheld, Article 13 does not apply where the alleged violation arises in the context of judicial proceedings, as Article 6 operates as *lex specialis* in relation to Article 13 and therefore provides more specific procedural guarantees (*Kudła v. Poland, Boyle and Rice v. the United Kingdom*).

The Applicants' complaint concerns exclusively procedural limitations and access to court, matters falling entirely under Article 6. The Convention does not require an additional remedy beyond those provided under Article 6.

Accordingly, the Respondent respectfully submits that Article 13 is not engaged and gives rise to no separate issues in the present case.

Regarding the Prohibition of discrimination (Article 14)

Relandia submits that no violation of Article 14 of the Convention, taken together with Articles 2 and 8, has occurred.

Article 14 prohibits discrimination in the enjoyment of Convention rights on grounds such as age, birth, or other status. The Court's case-law establishes that Article 14 does not provide a free-standing right; it applies only when the facts fall within the ambit of another Convention provision, and when a difference in treatment between relevantly similar persons is shown, or when the State fails to justify allegedly disproportionate effects on a specific group. The burden lies on the applicants to demonstrate both differential treatment and lack of objective and reasonable justification (*Chassagnou and Others v. France; Chapman v. the United Kingdom; VgT Verein gegen Tierfabriken v. Switzerland*).

In the present case, the applicants allege that young people are disproportionately affected by climate change and that Relandia's inaction discriminates against them compared to older generations. They argue that minors or younger persons will endure the effects of climate change longer, and that this generational disparity constitutes discrimination.

However, the applicants have not demonstrated any differential treatment by law or practice attributable to the State. Relandia's environmental policies, climate legislation, emergency-response measures, and wildfire management frameworks apply equally to all persons in the State's territory, irrespective of age. No legislative provision, administrative practice, or operational decision singles out minors or treats them less favourably compared to adults. Environmental policies that apply uniformly to the entire population do not trigger Article 14 scrutiny simply because their long-term effects may be experienced over differing life spans. The Court's jurisprudence requires a difference in treatment between groups in similar situations; demographic reality, namely that younger individuals will live longer, is not differential treatment within the meaning of Article 14.

Moreover, the applicants fail to identify any comparator group that is "relevantly similar," as required by Article 14. Older generations and minors are not in analogous positions regarding future climate impacts, which arise from global, long-term phenomena and not from State action specifically targeting a group. The ECtHR has consistently rejected attempts to ground discrimination claims on indirect, societal, or demographic effects that are not traceable to a specific State measure (*Wells v. the United Kingdom*; *Chassagnou*; *Chabauty v. France*). The alleged disproportionate impact on young people is therefore not attributable to Relandia's legislation, but to the global evolution of climate patterns, which cannot constitute discriminatory treatment by the State.

Even if the Court were to consider that Article 14 is applicable through Articles 2 or 8, any difference in impact would be objectively and reasonably justified. Relandia's environmental policies fall within the State's broad margin of appreciation in areas involving complex scientific, environmental, and socio-economic choices. The Court recognises that climate regulation and environmental governance require the balancing of scientific uncertainty, competing priorities, available resources, and long-term planning (*Chapman*; *Chassagnou*; *KlimaSeniorinnen*). States must be allowed substantial discretion in designing and implementing climate measures, particularly when dealing with evolving risks and multi-decadal environmental trends. Demographic disparities inherent to long-term climate change do not require States to structure environmental policies around generational distinctions, nor to adopt differential protection regimes for specific age groups. The

absence of age-specific environmental legislation therefore falls squarely within the margin of appreciation.

Furthermore, even if the applicants' argument were interpreted as alleging "indirect discrimination," the claim still fails. Article 14 requires a showing that a neutral measure disproportionately disadvantages a protected group and that the State failed to pursue a legitimate aim by proportionate means. Relandia's environmental legislation clearly pursues legitimate aims recognised by the Court—protection of the environment, biodiversity, forests, public health, and natural resources. These constitute core public-interest objectives under the Convention. The applicants have also not shown that Relandia's environmental response is manifestly disproportionate. Relandia has adopted climate strategies, scientific monitoring systems, emergency regulations, and operational firefighting capacities. That these measures have not fully implemented the non-binding 2020 Relandia–Rulonia Climate Strategy cannot amount to discrimination, as the document itself is a political declaration rather than a binding treaty.

Finally, the applicants' argument that minors are politically underrepresented does not fall within Article 14. Political participation and democratic structure do not form part of the "other status" categories protected under Article 14 in the context of environmental litigation, and the alleged disparity in political influence is not attributable to any State measure relevant to the enjoyment of Articles 2 or 8. The constitutional procedural rule requiring minors to participate only in specific types of proceedings applies uniformly to all minors and serves a legitimate aim—protection of children and the proper administration of justice. The rule does not discriminate, as the Court has repeatedly upheld procedural distinctions that protect vulnerable groups or ensure procedural clarity (Chabauty; Chapman).

For these reasons, Relandia respectfully submits that Article 14 is not engaged on the facts of the case. No differential treatment has been demonstrated, no comparator group has been identified, and no disproportionate impact attributable to State action has been shown. Alternatively, even if Article 14 were considered applicable, any indirect differences in impact pursue legitimate aims through proportionate measures and fall well within Relandia's margin of appreciation. No violation of Article 14 has occurred.

Pleadings for Rulonia

Inadmissibility

Rulonia primarily submits that the application is inadmissible under Article 35 of the Convention since the essential admissibility requirements are not met.

Firstly, Climate Action Now! lacks individual victim status. The organisation itself suffered no personal harm from either the wildfire Henrik or the policing measures at the protest on 1 August 2024. It does not claim to have been present at the protest, subjected to force, or prevented from speaking. Instead, it seeks to litigate broad political concerns about climate governance and public-order policing, which the Court has consistently held to be impermissible *actio popularis* applications. As the Court reaffirmed in *KlimaSeniorinnen*, only individuals directly and personally affected may claim victim status. Climate Action Now! therefore falls outside Article 34.

Secondly, the application is inadmissible *ratione personae* in respect of several claims because Michel Renko, whose death is invoked to found violations of Articles 2 and 8, is not an applicant before the Court, and Climate Action Now! cannot assert rights on his behalf. The only individual applicant is his widow, Barbara Renko, yet she cannot claim violations of her late husband's right to life or of his working conditions.

Thirdly, the Article 2 and Article 8 complaints are manifestly ill-founded. Michel's death was caused by a sudden heatstroke during active service in extreme temperatures, a tragic but natural event. The domestic investigation confirmed that the authorities did not know or have reason to know of any specific, real, and immediate risk to his life. There is no evidence that Rulonia breached any labour-safety regulation or that his working conditions deviated from established national standards. Article 2 does not impose strict liability for deaths occurring in the course of ordinary professional activities. The applicants further attempt to characterise Michel's death as the consequence of State failure to implement climate policy, but the Court has repeatedly held that general climate inaction, without an immediate, personalised, and identifiable risk to the individual, falls outside the scope of Articles 2 and 8.

Fourthly, the Article 10 and 11 complaints are similarly manifestly ill-founded. The prohibition on Barbara Renko speaking at the protest and the dispersal of the crowd were based on concrete police assessments that a gathering of approximately 15,000 people presented a risk of escalation. The decision was upheld by domestic courts, including the Constitutional Court, which examined the proportionality of the measures. The Court has consistently treated public-order assessments and time, place, and manner-based restrictions as falling within the State's margin of appreciation unless arbitrary or clearly disproportionate, neither of which is alleged with sufficient evidence here.

Moreover, the applicants have not suffered a "significant disadvantage" within the meaning of Article 35 §3(b). Barbara Renko did not experience violence, arrest, or injury, and her grievance relates solely to an inability to give a speech at a single demonstration. The broader claims about climate change, environmental degradation, and systemic failures in climate governance concern the general public rather than her personal legal situation. The Constitutional Court fully examined her arguments, thereby satisfying the safeguard clause.

Finally, there are no exceptional reasons requiring examination on the merits. The case concerns a one-off policing decision during a large protest and an isolated workplace accident, not a structural defect, systemic problem, or ongoing hazard comparable to the large-scale environmental-pollution cases in which Article 35 exceptions have been applied. Accordingly, the application against Rulonia is inadmissible in its entirety under Article 35 of the Convention.

Regarding the Right to life (Article 2)

Rulonia submits that no violation of Article 2 of the Convention has occurred.

Article 2 imposes on States a positive obligation to safeguard life, but this obligation is one of means and not of result. The Court's case-law establishes that the State is responsible only where authorities knew or ought to have known of a real and immediate risk to the life of a specific individual and failed to take measures that could reasonably have been expected to prevent that risk. The threshold for applicability is therefore strict and requires a serious, identifiable, proximate threat, not a diffuse or long-term hazard. This interpretation is consistently affirmed in judgments such as *Kolyadenko v. Russia*, *Budayeva*

v. Russia, *Brincat v. Malta*, and the Grand Chamber's recent ruling in *KlimaSeniorinnen v. Switzerland*.

The applicants have not demonstrated that Michel Renko's tragic death from heatstroke occurred in circumstances that triggered Article 2 obligations. Michel was a police officer performing his regular duties during an extreme heat event. While Rulonia, like other Mediterranean States, has experienced rising temperatures, these climate-related risks are broad, general and long-term. The Court has repeatedly held that such background conditions do not meet the standard of a real and immediate risk to an individual's life. In *KlimaSeniorinnen*, the Grand Chamber expressly confirmed that climate change, even when contributing to heat-related mortality, does not automatically satisfy the immediacy and specificity requirements of Article 2. The danger must be identifiable, imminent, and directed at a particular individual or group. No such targeted risk existed here.

Moreover, the authorities in Rulonia did not have prior knowledge that Michel personally faced a specific danger to life. He was part of a broader firefighting and policing operation which was already carefully planned in preparation for the advancing wildfire from Relandia. Fire units were mobilised in advance, and the fire was rapidly contained. The police had no indication that Michel was in a life-threatening condition until he himself reported feeling unwell. Once this occurred, immediate assistance was provided: paramedics were already on the scene responding to the fire, they reached Michel within minutes, and resuscitation attempts were made for approximately forty-five minutes. This rapid response fulfils the standard established in cases such as *L.C.B. v. United Kingdom* and *Kolyadenko v. Russia*, which require authorities to act once a danger becomes known. The State's duty does not extend to anticipating sudden medical emergencies in the absence of concrete indications of imminent harm.

The applicants' argument that Michel's death was caused by the State's failure to implement climate measures under the 2020 Environmental and Climate Strategy must also be rejected. That document was explicitly recognised by both States as primarily political rather than legally binding. Article 2 does not require States to fully implement political strategies, nor does it impose a duty to prevent all environmental or climatic harms. The Court emphasises that States retain a wide margin of appreciation in managing complex scientific, economic

and environmental problems, as reiterated in *Budayeva*, *Cannavacciuolo* and *KlimaSeniorinnen*. Holding a State liable under Article 2 for not achieving broad climate objectives would impose an impossible and disproportionate burden, contrary to the Court's jurisprudence.

There is also no causal link between any alleged State omission and Michel's death. Heatstroke is a multifactorial medical emergency which can occur even with adequate safety regulations. Rulonia has established labour and occupational safety laws requiring access to water, rest periods, shade where possible, and protective equipment. The Constitutional Court confirmed that these frameworks are adequate and were in force at the time of Michel's death. Unlike the situations in *Öneryıldız* or *Brincat*, no evidence suggests that the State tolerated hazardous practices, ignored concrete warnings or maintained a defective regulatory system. The tragic event is therefore not attributable to State negligence, but to an unforeseeable medical emergency.

Finally, the procedural limb of Article 2 is not triggered. The procedural obligation applies where deaths occur in circumstances that potentially engage State responsibility, such as where unlawful action or omission may be involved. However, Rulonia's authorities conducted an autopsy, established the medical cause of death, and evaluated the regulatory framework. There is no allegation of criminal negligence, no indication that the circumstances of the death were known only to the authorities, and no failure to investigate. This satisfies the standards set out in cases such as *Erdal Muhammet Arslan v. Türkiye*, *Smaltini v. Italy* and *Durdaj v. Albania*.

For these reasons, Rulonia respectfully submits that Article 2 is not applicable because the applicants have not demonstrated a real and immediate risk to Michel Renko's life. Alternatively, even if Article 2 were engaged, Rulonia fulfilled its obligation to take reasonable and adequate measures through advance mobilisation of emergency services, immediate medical intervention, and maintenance of a comprehensive regulatory framework. No violation of Article 2 has occurred.

Regarding the Right to respect for private and family life (Article 8)

Rulonia respectfully submits that the applicants' Article 8 complaint is inadmissible *ratione materiae* and, in any event, unfounded.

The Court's well-established jurisprudence requires applicants to demonstrate (i) a *direct and immediate link* between the alleged environmental harm and their private or family life or home, and (ii) an interference attaining a *minimum level of severity* capable of adversely affecting their enjoyment of home life or personal well-being (López Ostra, §51; Guerra, §60; Fadeyeva, §§68–70; Çiçek, §29; Pavlov, §61). In the present case, Barbara Renko does not claim any pollution, nuisance, environmental hazard or degradation of her home environment. Her complaint concerns the tragic death of her husband due to heatstroke while on duty and the general effects of climate change on society. Such circumstances fall well outside the scope of Article 8 environmental case-law, which has consistently rejected attempts to rely on Article 8 for general environmental deterioration or abstract climate impacts (Kyrtatos, §52; Ivan Atanasov, §66; Sdružení Jihočeské Matky, *actio popularis* inadmissibility).

Article 8 applies to environmental cases only when the applicant proves *actual interference* with their private sphere or exposure to a *specific, serious environmental risk* directly affecting their life, well-being or home (Verein KlimaSeniorinnen, §§514–520). The Court has emphasised that the Convention does not guarantee a general right to a clean environment, nor does it provide protection against broad societal risks (Hatton [GC], §96; Kyrtatos, §§52–54). Instead, the applicant must demonstrate both (i) a *direct causal link* and (ii) a *minimum severity threshold*—for example, sustained pollution affecting daily life (López Ostra, Băcilă, Brândușe), harmful emissions exceeding standards (Fadeyeva, Jugheli), or tangible, measurable nuisances such as noise, dust or toxic substances (Apanasewicz; Oluić; Grimkovskaya).

In contrast, Mrs Renko does not allege any environmental pollution, noise, emissions, odours, vibrations, contamination, or degradation of her home environment. Nor does she claim that her residence is located in an area affected by any specific, measurable environmental hazard. Instead, her submission links Article 8 exclusively to the *general*

phenomenon of rising temperatures and to her bereavement following her husband's death. The Court's case-law is unambiguous that Article 8 cannot be used to challenge general environmental phenomena without showing specific, direct impact (Kyrtatos, §53; Ivan Atanasov, §§76–79; Çiçek, §30).

The tragic heatstroke occurred while her husband was performing professional duties as a police officer. This constitutes an *occupational health and safety matter*, falling squarely under domestic labour law, as confirmed by Rulonia's courts. The Constitutional Court established that employers in Rulonia are already subject to comprehensive obligations: ensuring shade, hydration, rest breaks and protective equipment in high temperatures. These are precisely the “reasonable and appropriate measures” required by Article 8 positive-obligation jurisprudence (Fadeyeva, §128; López Ostra, §55). The domestic authorities acted within their margin of appreciation and found no deficiency in the regulation or its enforcement.

Furthermore, even in climate-related cases such as KlimaSeniorinnen, the Court required proof of:

- a *specific risk* to the applicants' health or well-being;
- *medical evidence* of heightened vulnerability;
- *scientific data* showing concrete exposure risks;
- and *individualised impact* beyond general societal trends (§§514–520, 521–526).

Mrs Renko has shown none of these. She does not invoke any heightened medical vulnerability, does not live in an affected geographic zone, and presents no expert report demonstrating exposure to a specific environmental hazard. Her argument is therefore indistinguishable from the type of *actio popularis* climate complaints rejected by the Court (Sdružení Jihočeské Matky; Thibaut, §§40–48).

Finally, Article 8 environmental case-law overwhelmingly concerns *ongoing conditions* affecting daily home life. The applicants identify a *single, unforeseeable occupational tragedy*, not a persistent environmental interference. The Court has never accepted Article 8 applicability for a one-off incident unrelated to the home environment

(Zammit Maempel exception applies only where noise itself recurs annually, here there is no environmental recurrence at all).

Because Mrs Renko has not demonstrated any direct interference with her private or family life, any impact on her home, or exposure to a specific environmental hazard meeting the minimum severity threshold under Article 8, the complaint is inadmissible *ratione materiae* and, in any event, manifestly unfounded. Rulonia's existing labour-safety framework satisfies its positive obligations, and Article 8 cannot be used to challenge broad climate trends or occupational incidents devoid of a direct link to home or private life.

Regarding the Freedom of expression (Article 10)

The Applicants claim that the police's prevention of Barbara Renko's speech at the protest on 1 August 2024 violated her right to freedom of expression under Article 10 of the Convention.

If a speech is likely to exacerbate or justify violence, hatred or intolerance, Article 10 may not apply (*Garaudy v. France; Belkacem v. Belgium; Perinçek v. Switzerland*). Additionally, the Court has repeatedly accepted that States may restrict expression capable of intensifying public hostility or political violence (*Zana v. Turkey; Sürek v. Turkey (No. 1); Erkizia Almandoz v. Spain*). If a speech is protected under Article 10, any interference must satisfy the requirements of Article 10 §2: the measure must be prescribed by law, it must pursue a legitimate aim and be necessary in a democratic society.

The Respondent respectfully submits that Article 10 is not applicable. The events in question took place in the context of heightened political tension, following the death of a police officer on duty – which had triggered large-scale protests attended by approximately 15,000 people. Given the emotionally charged atmosphere, the authorities and the police reasonably feared that the keynote speech could further inflame the crowd and provoke disorder.

Alternatively, the Respondent submits that the measure satisfies Article 10 §2.

First, the measure was lawful. Police intervention in public assemblies forms part of the domestic legal framework governing public order and national security. Nothing in the facts indicates that the authorities acted *ultra vires* or without a legal basis.

Second, the measure pursued a legitimate aim. The impugned interference pursued several legitimate aims, set out in Article 10 § 2, including the protection of national security, the prevention of disorder and the protection of the rights of others. The Court has repeatedly accepted such aims in cases concerning politically sensitive protests and the risk of escalating tensions (*Mariya Alekhina and Others v. Russia*; *Féret v. Belgium*; *Sürek v. Turkey (No. 1)*).

Third, the measure was necessary in a democratic society.

A pressing social need existed. The Court has recognised that States have a certain margin of appreciation in assessing whether there is a pressing social need to take preventative measures and that the States may adopt these measures in situations presenting a real danger of violence or public unrest (*Zana v. Turkey*; *Sürek v. Turkey (No. 1)*; *Erkizia Almandoz v. Spain*).

There were relevant and sufficient reasons. The background of public fear, the scale of the protests and the symbolic weight of the officer's death justified preventive action, in line with the Court's approach in similarly sensitive contexts (*Mariya Alekhina and Others v. Russia*; *Féret v. Belgium*).

Finally, the nature and severity of the measure were limited and proportionate. The Applicants were not prevented from expressing their views generally; only one speech at a critical moment was restricted. No criminal sanctions were imposed.

The Respondent therefore respectfully submits that Article 10 is not applicable. In the alternative, the interference fully satisfies the criteria under Article 10 § 2 and no violation of Article 10 has occurred.

Regarding the Freedom of assembly and association (Article 11)

The applicants claim that the police's prevention of Barbara Renko's speech and the subsequent dispersal of the protest with water cannons on 1 August 2024 constituted an unjustified interference with the Applicants' right under Article 11 of the Convention.

Article 11 protects peaceful assembly. Any interference must be prescribed by law, pursue a legitimate aim listed in Article 11 § 2, and be necessary in democratic society. The dispersal of the protest with water cannons and other forms of crowd control constitutes an interference with the right to peaceful assembly.

The Respondent submits that the measure satisfies Article 11 § 2.

First, the measure was lawful. The police acted under their established legal powers to address national security risks. Since national security is a recognised legal basis for police action and the situation was highly emotionally tense, the consequences of a security assessment were reasonably foreseeable.

Second, the measure pursued a legitimate aim from Article 11 § 2: national security and prevention of disorder. The Court consistently recognises, for instance in *Oya Ataman v Turkey*, that dispersal is legitimate when authorities fear escalation. Given the emotional climate and a large number of protesters, Rulonia's actions are legitimate as they were measures to prevent potential violence.

Third, the measure was necessary in a democratic society.

A pressing social need existed, as a crowd of 15,000 people gathered under highly emotional circumstances, due to grief and fear. This created a real and immediate risk of escalation. In *Primov v. Russia*, the Court accepted that the States may act out of prevention in situations, where they fear the escalation of violence.

There were relevant and sufficient reasons. As the Court confirmed in *Osmani v. Macedonia*, a potentially inflammatory speech can constitute a relevant and sufficient reason. Additionally, this case confirms that the States enjoy a wide margin of appreciation in connection with safeguarding national security and public order.

Finally, the nature and severity of the measure were limited and proportionate. Rulonia demonstrated a general attitude of tolerance towards assemblies, as the State had allowed previous protests related to the death of Michel Renko, governmental and climate-related concerns to proceed without dispersal. The initial step in the protest on 1 August, the prevention of Barbara Renko's speech, was a narrow restriction, as the police prevented only one speech. Dispersal followed only after the authorities assessed the situation became too difficult to control because of high number of attendees as well as the high tensions and emotions. The use of standard crowd-control means, such as water cannons, falls within the scope accepted by the Court in *Oya Ataman v. Turkey* when needed to prevent disorder.

Accordingly, the Respondent respectfully submits that there has been no violation of Article 11.

Prayer for Relief

In light of the submissions above,

The Respondent respectfully requests the Court to:

1. Declare the application admissible, insofar as necessary;
2. Find that there has been no violation of Articles 2, 6, 8, 10, 11, 13 and 14 of the Convention;
3. Dismiss the application in its entirety.

Respectfully submitted,

State of Relandia and State of Rulonia

List of Authorities

I. Treaties and Conventions

European Convention on Human Rights, 4 November 1950.

II. International Cases and Arbitral Decisions

Akelienė and Others v. Lithuania, no. 69153/20, Judgment of 12 March 2024.

Atasagün v. Türkiye (dec.), no. 33249/18, Decision of 14 March 2024.

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Zana v. Turkey, no. 69/1996/688/880, Judgment of 25 November 1997.

Zehentner v. Austria, no. 20082/02, Judgment of 16 July 2009.

III. Municipal Cases and Laws

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Constitution of Relandia, Article 72.