



Office of the  
Advocate General  
for Scotland

The Right Honourable  
Lord Stewart of Dirleton KC

Advocate General for  
Scotland

Baroness Chakrabarti  
House of Lords  
London  
SW1A 0PW

06 March 2024

Dear Shami

**SAFETY OF RWANDA (ASYLUM AND IMMIGRATION) BILL: HOUSE OF LORDS  
COMMITTEE STAGE**

I am writing to follow up the debate at Lords Committee stage on Clause 5 (*Official Report*, 19 February 2024, columns 454 - 483) in relation to the operation of interim measures indicated by the European Court of Human Rights under Rule 39 of its Rules of Court.

Picking up a point made by Lord Faulks in respect of the interim measures given by the Court in June 2022, I concurred that the United Kingdom had been unable to put its case to the Court; and in response I said that the question of an ability to go the Court after interim measures have been indicated, and to argue the point with the Court, does not form part of the reforms that the Court has announced. I wish to clarify these points.

My response was technically accurate. The Court has indicated its intention to maintain its established practice by which, in cases where there is not extreme urgency, it adjourns its examination of a request for interim measures and requests information from the parties to the case. However, in all cases, it is open to receiving from the parties at any time further submissions as to the continuance of the interim measure and, in certain urgent cases, the Court also allows States to make representations before the indication of interim measures.

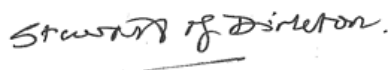
In respect of the three interim measures indicated by the Court in June 2022, I understand that the Government provided the Court with information on the domestic proceedings ahead of receiving, on 14 June, the Court's initial decision to indicate interim measures. The Government then subsequently had the opportunity to make submissions to the Court in respect of the lead case of *NSK v United Kingdom*, in response to which on 1 July 2022 the Court informed the

Government that it had decided to maintain the interim measure. This interim measure has now lapsed, and the other two interim measures did not continue beyond 20 June 2022.

I am copying this letter to Lord Scriven, Lord Faulks, Lord Kerr of Kinlochard, Lord Jackson of Peterborough, Lord Howard of Lymppe, Lord Hannay of Chiswick, Lord Purvis of Tweed, Lord Hoffman, The Lord Bishop of Chichester, Lord Falconer of Thoroton, Lord Etherton, Baroness Butler-Sloss, Lord Inglewood, Lord Anderson of Ipswich, Lord Wolfson of Tredegar, Lord Coaker and Lord Ponsonby of Shulbrede

I will also place a copy of this letter in the library of the House.

Yours sincerely,

A handwritten signature in cursive script that reads "Stewart of Dirleton". The signature is written in dark ink and is positioned above a short horizontal line.

**RT HON LORD STEWART OF DIRLETON KC**