**Dxxxxx Rxxxxx,**

Rechtsanwalt | Attorney at Law

xxxxx

D-xxxxx
Germany

Telefon: +49 (0) 176 xxxxxxxx

+43 (0) xxxxxxx

Fax: +49 (0) xxxxx

Mail: rxxxxxxxxx

The Registrar

European Court of Human Rights

Council of Europe

67075 STRASBOURG CEDEX

FRANCE

Rechtsanwalt Dxxxx Rxxxx, xxxxxxxxxx

7 October 2021

**Reference number: 21-1**

**Your App. No.: 15293/21**

**In the proceedings of**

**Prousa ./. Bundesrepublik Deutschland – Application No. 15293/21**

Dear Madam or Sir,

1. I refer to your letter of 2 September 2021 in which you have pointed out that the Court does not inform the parties about its internal classification of cases. Please understand that this answer does not do justice to the applicant’s request which was made against the background of her worsening individual situation. This has already been addressed in the written submission of 25/28 June 2021 along with updates on facts and their legal assessment.
2. It is of utmost importance to the applicant if the Court considers her case as urgent. For the applicant, the ECtHR is the last remaining Court which could potentially decide in her favor, thus providing relief for her ever deteriorating situation.
3. Before I will take to describing the applicant’s current life circumstances, let me briefly point out that the untransparent system of internal case classification does harm to the level of protection which the European Convention on Human Rights shall guarantee to individuals under its scope. The applicant has brought a case before the Court which was (and still is) urgent. However – as can only be guessed in light of the Court’s extremely brief decision on the applicant’s request for an interim measure (see the Court’s letter of 23 March 2021) – the Court did not consider her case urgent enough to provide for an interim measure. The applicant is now in an ‘in-between’ state: while the Court declined to apply any measure on her behalf following her request for interim measures, it also declines to inform her whether her case will be dealt with in the near or distant future. At the same time her case is more urgent than ever.
4. The interplay just outlined between the Court’s take on interim measures, its internal case classification for individual complaints and possible years of proceedings before a decision on admissibility is given, due to the Court’s case overload, lead to a gap in the applicant’s legal protection. It is argued here that this interplay amounts for an own violation of the applicant’s rights under Article 6 (1) of the Convention as this Article guarantees that

*“In the determination of his civil rights and obligations […], everyone is entitled to a fair and public hearing within a reasonable time […]*.”

As long as the Court does not deal with the case, although it has a particular urgency, the applicant is in a ‘legal vacuum’, a lawless space where she is helplessly exposed to daily interferences with her fundamental rights.

1. To enable the Court to better assess the circumstances I will now briefly give an update on the applicant’s current situation which is increasingly desperate. The following aspects must be taken into account in addition to the information already provided in the individual application.
2. As already described in the individual application in March 2021, the applicant had no choice but to withdraw from her workplace months ago. She will have no more own means to finance her livelihood, including food, from mid-October 2021. With her medical attestation concerning the wearing of a face mask, as well as her refusal to take part in regular random testing or vaccination based on misleading statistical figures, it is impossible for her to find a new job.
3. Also, the return to Bavaria from her ‘exile’ in Switzerland is impossible. In view of the physical and psychological assaults that have been taking place in Bavaria and throughout Germany against people who are exempt from the mask requirement for medical reasons, the applicant fears the concrete danger of serious damage to her health. The applicant suffers from a detached retina in both eyes. According to her eye doctor, an unfortunate push from another person can cause the detached retina to tear and acutely lead to blindness. A sudden rapid increase in blood pressure due to loud verbal attacks also immediately destabilises the retina with worsening of symptoms. A list documenting such attacks in Bavaria and Germany had been submitted as Nr. 14 of accompanying documents attached to the Application Form.
4. The applicant would be exposed to those threats on a daily basis. She does not possess a driver’s license and relies on public transportation for almost every way in her daily life. She can therefore de facto not further pursue her education as psychological psychotherapist, too, which would require her to travel from Fischen – the village where she lives – to Munich. The fear of being exposed to physical and psychological violence resulting from the strict obligation to wear face masks in all means of public transportation in Bavaria is very present in the applicant’s daily life.
5. The applicant also fears discrimination based on the effects of political fearmongering and police pressure on shops in her home village. Although she is exempted from the obligation to wear a face mask, one of two grocery stores in Fischen still denies her to shop there as it only allow access for persons wearing a mask. The supermarket denying her access is the one with the higher quality food offer and the wider assortment.
6. In addition, the applicant fears political arbitrariness imposed on her by further governmental measures which are based on false and misleading figures. Her feeling of helplessness against these political measures is strengthened by large parts of society which seemingly offhand adapt to the rules.
7. For some weeks, the applicant has suffered from stress symptoms that have physical effects on her. She observes high blood pressure and increased heart rate at times. She suffers from severe sleep disturbances with an urge to move around at night (walks at 3 am). Her menstruation cycle is disturbed and a consulted doctor told her that blood tests speak against physical or primarily hormonal causes for these irregularities.
8. Summarising the previously made observations, the applicant has only left a clearly limited availability over her own life as long as she does not give in to the abandonment of her ethical values, to permanent coercion and to consequential medical damages caused by wearing a face mask.
9. In addition to this, the applicant claims that the present proceedings do not only affect her as an individual person, but is of considerably supra-individual and supra-national significance. Many people in many countries suffer from governmental measures which interfere with their fundamental rights, and which are also based on false and/ or misleading figures.
10. The hardly effective and in many respects harmful obligation to wear masks is based on false data and psychological pressure. People are conditioned to abide by these rules without questioning them. New and ongoing developments critical to human rights are based on the exact same figures, thus perpetuating the negative effects of false and /or misleading data.
11. In our societies, a system is being established in which every citizen is first placed under general suspicion of being dangerous to others. To counter this suspicion, people must abide by measures like wearing masks or obtain medical attestations. This system is solidified through every mask and every medical attestation. The mistrust of each other and the suggestion that everyone is dangerous supports a deeply inhuman conception of humanity.
12. The developments of the past 18 months are highly problematic under the concept of the rule of law, too. Where citizens are granted fundamental rights not unconditionally anymore, but must ‘earn’ their citizen-status by sub-ordinating to questionable rules, the mechanisms of the rule of law are turned into their opposite. It is not the exercise of fundamental rights that must be justified, but an interference with them.
13. In Germany, this becomes visible in the discussions on privileges for 3G (*geimpft, genesen oder getestet* – translated ‘vaccinated, recovered or tested’) or 2G persons (only *geimpft and genesen* – ‘vaccinated and recovered’) as well as one-sided information campaigns on vaccinations. It is therefore essential that the ECtHR deals with the allegations made by the applicant with regard to the false and/ or misleading data as quickly as possible.
14. The applicant sees in the political development that has been going on in Germany for the last 18 months structural violations of fundamental rights unprecedented since the collapse of the totalitarian regimes in the 20th century. It is an epochal turning point where fundamental rights are ideologically appropriated by governments who act increasingly totalitarian themselves. The present case can therefore be a key case to examine the proportionality of these historically unique measures and, if necessary, put a stop to them.

The Court is requested to give its decision in a timely manner.

Yours faithfully

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Rechtsanwalt / Attorney at Law