



## Court says Russia must pay up to 15,000 euros to Georgians whose rights were violated by 2006 expulsions

In today's Chamber judgment<sup>1</sup> in the case of [Berdzenishvili and Others v. Russia](#) (application no.14594/07 and six others) the European Court of Human Rights held, unanimously, that,

**Russia had to pay sums ranging from 2,000 euros (EUR) to EUR 15,000** to Georgian citizens who were subjected to an administrative practice of arrest, detention and expulsion in October 2006.

In its [principal judgment](#) the Court found that most of the 19 applicants in the case had suffered violations of their rights under various Articles of the European Convention on Human Rights. It delayed a decision on just satisfaction pending a ruling on the same issue by the Grand Chamber in *Georgia v. Russia (I)* related to a large number of other Georgian applicants.

The Grand Chamber delivered its just satisfaction decision in January 2019. It awarded EUR 10 million to be divided between the victims in that case and laying down principles for the distribution of that sum. The Chamber applied the same principles in the present case.

### Principal facts

The applicants in *Berdzenishvili and Others v. Russia* (applications nos. 14594/07, 14597/07, 14976/07, 14978/07, 15221/07, 16369/07 and 16706/07) are 19 Georgian nationals who were born between 1948 and 1991 and live in Kareli, Bagdady, Tbilisi, Rustavi, Zugdid and Telavi (Georgia). One application was continued by the son of the original applicant, who died before the Court had considered his case.

The applicants complained that they had been among the Georgians who had been arrested and expelled from Russia in the autumn of 2006, incidents which prompted the Georgian Government to bring a case against the Russian Government.

The Grand Chamber found in the inter-State case (application no. 13255/07) in 2014 that Russia had had a coordinated policy of arresting, detaining and expelling Georgians, which had amounted to an administrative practice. In January 2019 the Grand Chamber held that Russia had to pay EUR 10 million to Georgia to distribute to at least 1,500 Georgians in respect of non-pecuniary damage.

In *Berdzenishvili and Others* a Chamber of the Court in 2016 found violations of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) in respect of 14 applicants. It also found that 13 applicants had suffered violations of Article 5 §§ 1 and 4 (right to liberty and security / right to have lawfulness of detention decided speedily by a court); of Article 3 (prohibition of inhuman and degrading treatment); and of Article 13 (right to an effective remedy) in conjunction with Article 3.

Among other things, the Court held that most of the applicants had been arrested by the police or immigration officers, had been detained for certain periods of time and fined. Some of them had been deported and some had made their own way out of Russia. It found three applicants had not substantiated their allegations, while another applicant withdrew his application.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

It decided to reserve a decision on just satisfaction until the Grand Chamber had decided on the same issue in the case of Georgia v. Russia (I).

## Complaints, procedure and composition of the Court

Judgment was given by a Chamber of seven judges, composed as follows:

Vincent A. **De Gaetano** (Malta), *President*,  
 Branko **Lubarda** (Serbia),  
 Helen **Keller** (Switzerland),  
 Dmitry **Dedov** (Russia),  
 Pere **Pastor Vilanova** (Andorra),  
 Alena **Poláčková** (Slovakia),  
 Georgios A. **Serghides** (Cyprus),

and also Stephen **Phillips**, *Section Registrar*.

## Decision of the Court

### Application of Article 41 (just satisfaction award)

The Chamber applied principles that the Grand Chamber had set down in Georgia v. Russia (I) for the distribution of the just satisfaction it awarded in that case. In particular, the Grand Chamber held that EUR 2,000 was payable to those who had been victims of a violation of Article 4 of Protocol No. 4 alone, and that an amount ranging from EUR 10,000 to EUR 15,000 should go to victims of violations of Article 5 § 1 and Article 3, with account being taken of the length of detention.

In the present case, the Chamber awarded all the applicants who had been detained for up to 48 hours the minimum amount of EUR 10,000 set out in Georgia v. Russia (I) (Just satisfaction).

It also awarded EUR 12,500 to applicants who had been detained between two and 10 days and EUR 15,000 to those who had been held for longer than 10 days.

On that basis the Chamber held that Eka Chkaidze and David Jaoshvili, who had suffered a violation of their rights under Article 4 of Protocol No. 4 alone, should receive EUR 2,000 each, and that Vaja Berdenishvili, Abram Givishvili and Tato Norakidze, as the successor of Koba Norakidze, should be awarded EUR 10,000 each as they had been detained for up to 48 hours.

It awarded EUR 12,500 to Tengiz Kbilashvili, Irina Chokheli, David Latsabidze, Irina Kalandia, Kakha Tsikhistavi, Khatuna Dzadzamia and Inga Gigashvili owing to their detention for between two and 10 days, and EUR 15,000 to Liana Nachkebia, Levan Kobaidze and Koba Kobaidze as they had been detained for more than 10 days.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.