



Inter-State case brought by Russia against Ukraine struck out of list

The case of [Russia v. Ukraine](#) (application no. 36958/21) concerned the Russian Government's allegation of a pattern of violations of the European Convention on Human Rights by Ukraine since 2014.

In its decision today the European Court of Human Rights has decided, unanimously, to:

strike the application out of its list of cases.

The Court concluded that the Russian Government no longer wished to pursue their application as they had repeatedly failed to reply to its correspondence.

Moreover, it found no grounds relating to respect for human rights as defined in the Convention and its Protocols which would require that it should nonetheless continue examination of the inter-State case as there are almost 8,500 – individual – applications which are still ongoing concerning the events since 2014 in various parts of Ukraine, including the Autonomous Republic of Crimea and the City of Sevastopol, as well as various parts of eastern Ukraine.

The decision is final.

Ukraine has four applications pending against Russia. For further information, see the [Q & A on Inter-State Cases](#).

Principal facts and complaints

The case concerned the Russian Government's allegation of a pattern ("administrative practice") since 2014 in Ukraine of, among other things, killings, abductions, forced displacement, interference with the right to vote, restrictions on the use of the Russian language and attacks on Russian embassies and consulates. They also complained of the water supply to Crimea via the North Crimean Canal being cut off after April 2014 and alleged that Ukraine had been responsible for the deaths of those on board Malaysia Airlines Flight MH17 in July 2014 because it had failed to close its airspace.

The Russian Government alleged violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 8 (right to respect for private and family life), 10 (freedom of expression), 13 (right to an effective remedy), 14 (prohibition of discrimination), 18 (limitation on use of restrictions of rights), and Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol no. 1 (right to education), Article 3 of Protocol No. 1 (right to free elections) and Article 1 of Protocol No. 12 (general prohibition of discrimination).

Procedure and composition of the Court

The application was lodged with the European Court of Human Rights against Ukraine by the Government of Russia on [22 July 2021](#) under Article 33 (Inter-State cases) of the European Convention on Human Rights.

Russia ceased to be a Party to the European Convention on [16 September 2022](#). The office of judge in respect of Russia thus having ended, the Court appointed an *ad hoc* judge from among the sitting judges to examine the case.

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

Marko **Bošnjak** (Slovenia), *President*,
Alena **Poláčková** (Slovakia),
Gilberto **Felici** (San Marino),
Lətif **Hüseynov** (Azerbaijan),
Raffaele **Sabato** (Italy),
Erik **Wennerström** (Sweden),
Mykola **Gnatovskyy** (Ukraine),

and also Renata **Degener**, *Section Registrar*.

Decision of the Court

Firstly, the Court noted that the Russian Government had failed to respond to a number of requests made by the Court and had abstained from participating in proceedings since the cessation of their membership of the Council of Europe.

In the present inter-State case, the Russian Government had provided over 2,000 sets of documents in April 2022, via a data storage device, in support of its application. However, they had subsequently failed to reply to the Court's request of May 2022 to provide translations of those documents and to another letter of November 2022 asking them whether they intended to pursue their application against Ukraine.

Given such a repeated failure to respond, the Court considered that the Russian Government no longer wished to pursue their application, within the meaning of [Article 37 § 1 \(a\)](#) (striking out applications) of the Convention and [Rule 44E](#) (failure to pursue an application).

Moreover, it found no grounds relating to respect for human rights as defined in the Convention and its Protocols which would require that it should nonetheless continue examination of the case. The complaints raised in it by the Russian Government overlapped with some of those submitted in the almost 8,500 individual applications which are still ongoing concerning the events since 2014 in various parts of Ukraine, including the Autonomous Republic of Crimea and the City of Sevastopol, as well as various parts of eastern Ukraine. Those individual applications are directed against Ukraine, Russia or both States.

The decision is available only in English.

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.