



## European Court of Human Rights communicates to Russia new inter-State case concerning events in Crimea and Eastern Ukraine

On 29 September 2015 the European Court of Human Rights invited the Russian Government to submit its observations on the admissibility of a new inter-State application lodged by the Government of Ukraine on 27 August 2015, under Article 33 (Inter-State cases) of the European Convention on Human Rights, against the Russian Federation. The case of **Ukraine v. Russia (IV) (application no. 42410/15)** concerns the events in Crimea and Eastern Ukraine mainly as from September 2014.

Including the new case there are currently three inter-State applications lodged by Ukraine against Russia pending before the Court. Further details of the first two applications are set out in a [press release](#) issued by the Court on 26 November 2014. **Ukraine v. Russia (no. 20958/14)**, lodged on 13 March 2014, concerns the events leading up to and following the assumption of control by the Russian Federation over the Crimean peninsula from March 2014 and subsequent developments in Eastern Ukraine up to the beginning of September 2014. **Ukraine v. Russia (II) (no. 43800/14)**, lodged on 13 June 2014, concerns the alleged abduction of three groups of children in Eastern Ukraine and their temporary transfer to Russia on three occasions between June and August 2014.

At the request of the Russian Government, the Court has agreed to extend to 31 December 2015 the time allowed for submission of the Government's observations on the admissibility of the first two inter-State applications.

Another inter-State application, **Ukraine v. Russia (III) (no. 49537/14)**, was struck out of the Court's list of cases on 1 September 2015. The decision was adopted after the Government of Ukraine had informed the Court that they did not wish to pursue the application, given that an individual application (no. 49522/14) concerning the same subject matter was pending before the Court. The case concerned the deprivation of liberty and the alleged ill-treatment of a Ukrainian national belonging to the Crimean Tatars ethnic group, in the context of criminal proceedings conducted against him by the Russian authorities.

In addition to the inter-State applications, there are currently more than 1,400 individual applications apparently related to the events in Crimea or the hostilities in Eastern Ukraine pending before the Court.

In their submissions in the case of **Ukraine v. Russia (IV) (no. 42410/15)**, which mainly covers the period as from September 2014, the Ukrainian Government maintain that Russia has exercised and continues to exercise effective control over Crimea and – by controlling separatists and armed groups there – de facto control over the regions of Donetsk and Luhansk. According to the Ukrainian Government, Russia is therefore responsible for numerous violations of the European Convention on Human Rights in those areas falling within its jurisdiction.

The Government of Ukraine rely on Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 8 (right to respect for private life), 9 (freedom of religion), 10 (freedom of expression), 11 (freedom of assembly and association), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights) of the Convention and Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol No. 1 (right to education) and Article 3 of Protocol No. 1 (right to free elections) to the Convention.

In particular, according to the submissions of the Government of Ukraine, in Crimea there have been cases of disappearances of opposition activists and members of the Crimean Tatar community. In

the regions of Donetsk and Luhansk deaths of civilians and military personnel have occurred almost daily due to the use of force by armed groups controlled by Russia. The Government of Ukraine also maintain that, both in Crimea and in the Donetsk and Luhansk regions, Ukrainian civilians and military personnel have been tortured and ill-treated by armed groups controlled by Russia. The Government of Ukraine further refer to arbitrary arrests of Crimean Tatars and pro-Ukrainian activists, to searches and seizures of churches and to the abduction and detention of priests as hostages. The Ukrainian Government state that, due to the Russian control of Crimea, the operation of the Ukrainian law-enforcement and judicial authorities there is suspended, while some of the judicial personnel continue to work there, applying Russian law. In the Donetsk and Luhansk regions, Ukrainian TV channels can no longer operate, and freedom of journalists is further restricted by compulsory registration of all media. The Government of Ukraine also complain of misreporting and the use of derogatory expressions in respect of Ukraine, its representatives and population in the media both in Russia and the South-East of Ukraine, referring in this context to “hate speech”. According to the submissions, there have been further measures of unlawful expropriation of property; and in schools in Crimea and certain districts of the Donetsk and Luhansk regions there is no instruction in Ukrainian and the Crimean Tatar language. Finally, according to the submissions, in the areas controlled by Russia, citizens could not participate in the elections to the Ukrainian Parliament, while the elections which took place in those areas did not meet the requirements of the Convention.

The European Court of Human Rights invited the Russian Government to submit their observations on the admissibility of the application within 16 weeks.

In addition to the inter-State applications, **more than 1,400 individual applications** apparently related to the events in Crimea or the hostilities in Eastern Ukraine are currently pending before the Court. They have been lodged against both Ukraine and Russia or exclusively against one of those States. Of those applications, more than 200 have been lodged by soldiers and/or their relatives following the abduction and subsequent captivity of soldiers; more than 800 have been lodged by civilians who mainly complain about their property having been damaged in the course of military action in Eastern Ukraine; and in more than 100 cases the applicants complain that they have been injured or tortured, or that their relatives have been killed or disappeared as a result of actions of members of the separatist movement or in the course of military action.

In more than 150 cases, interim measures under Rule 39 of the Rules of Court were applied inviting the respective Government/s – of Russia and/or Ukraine – to ensure respect for the Convention rights of persons deprived of liberty or those whose whereabouts are unknown.

The Court has communicated to the Governments of both Russia and Ukraine five individual applications which concern the death, alleged death, or disappearance of the applicants’ relatives in Eastern Ukraine. The applicants allege breaches of Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 8 (right to respect for private life), 10 (freedom of expression) and 13 (right to an effective remedy) of the Convention.

One individual application, **Savchenko v. Russia (no. 50171/14)**, has been lodged by a servicewoman of the Ukrainian Air Force who was captured in June 2014 by armed formations operating near Luhansk in Eastern Ukraine and subsequently detained by the Russian authorities on suspicion of murder and illegal crossing of the Russian border. On 31 March 2015 the Court has decided to communicate the case to the Russian Government and has invited them to submit written observations on the admissibility and merits of the complaints under Article 5 of the Convention related to Ms Savchenko’s deprivation of liberty in the period from 30 June to 30 August 2014.

On 9 June 2015 the General Secretariat of the Council of Europe registered a declaration by the Government of Ukraine to the effect that it exercises the right of derogation (under Article 15 of the Convention – derogation in time of emergency) from its obligations under Articles 5, 6, 8 and 13 of the Convention in respect of those areas in the Donetsk and Luhansk regions where Ukrainian

authorities have been conducting an anti-terrorist operation in view of the actions of armed groups there. The text of the declaration is available [here](#).

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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.