



New inter-State application brought by Georgia against Russia

The Government of Georgia has lodged a new application with the European Court of Human Rights against the Russian Federation. It relates to the alleged recent deterioration of the human rights situation along the administrative boundary lines between Georgian-controlled territory and Abkhazia and South Ossetia¹. There are now three Georgia v. Russia inter-State applications pending before the Court.

On 22 August 2018 the Government of Georgia lodged a new inter-State application under Article 33 (Inter-State cases) of the European Convention on Human Rights against the Russian Federation.

The inter-State application has been registered under no. 39611/18.

The Georgian Government alleges, in particular: (a) that Russia has engaged (and continues to engage) in an administrative practice of harassing, unlawfully arresting and detaining, assaulting, torturing, murdering and intimidating ethnic Georgians attempting to cross, or living next to, the administrative boundary lines that now separate Georgian-controlled territory from Abkhazia and South Ossetia; (b) that Russia has engaged (and continues to engage) in an administrative practice of failing to conduct Convention-compliant investigations in this connection; (c) that Archil Tatunashvili was unlawfully deprived of his liberty, tortured and murdered by persons for whom Russia bears responsibility; and (d) that Russia has failed to conduct a Convention-compliant investigation into the unlawful arrests and murders of Davit Basharuli, Giga Otkhozoria and Archil Tatunashvili.

In this regard, the Georgian Government relies on 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 and family life), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights) of the Convention, Articles 1 (protection of property) and 2 (right to education) of Protocol No. 1 and Article 2 (freedom of movement) of Protocol No. 4.

Other cases

In total, since 2007 there have been three other Georgia v. Russia inter-State applications. See below for further details:

- *Georgia v. Russia (I)* (application no. 13255/07) was lodged on 26 March 2007 in connection with the arrest, detention and expulsion from the Russian Federation of Georgian nationals in the autumn of 2006. In a [judgment](#) of 3 July 2014 the Court held that there had been a violation, in particular, of Article 4 of Protocol No. 4 (prohibition of collective expulsion of aliens) to the Convention and Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security) and 13 (right to an effective remedy) of the Convention. The question of the application of Article 41 (just satisfaction) of the Convention is currently still pending before the Court.
- *Georgia v. Russia (II)* (application no. 38263/08) was lodged on 11 August 2008. It relates to the 2008 armed conflict between Georgia and the Russian Federation and its aftermath. On 12 August 2008 the Court adopted an interim measure inviting both Governments to respect their obligations under the Convention. This decision is still in force. A [hearing](#) was held on 22 September 2011. The application was declared [admissible](#) by a Chamber on 13 December

¹ The terms “Abkhazia” and “South Ossetia” refer to the regions of Georgia which are beyond the *de facto* control of the Georgian Government.

2011 and relinquished to the Grand Chamber on 3 April 2012. After several exchanges of observations between the parties, a witness [hearing](#) was held from 6 to 17 June 2016 and a [hearing](#) on the merits was held on 23 May 2018.

- *Georgia v. Russia* (III) (application no. 61186/09) was lodged on 16 November 2009 in connection with the detention of four Georgian minors by the *de facto* authorities of South Ossetia. Following a visit to South Ossetia by the Human Rights Commissioner of the Council of Europe, the four minors and a further one who had been previously detained were released from detention. On 29 January 2010 the Georgian Government informed the Court that they no longer wished to maintain the case. Therefore, on 16 March 2010 a Chamber decided to [strike the application out](#) of its list of cases (Article 37 § 1 (a) of the Convention).

In addition to the inter-State cases, more than 3,300 individual applications against Georgia have been lodged by persons affected by the hostilities in South Ossetia at the beginning of August 2008. In the course of 2010, five communicated cases and 1,549 new applications belonging to that group were struck out of the Court's list as the Court concluded that the applicants no longer wished to pursue their applications within the meaning of Article 37 § 1 (a) of the Convention. Subsequently, the Court dismissed the request for 248 of those cases to be restored to its list. As a result, 1,723 individual applications against Georgia are still pending. Nine of them have been communicated; the parties, and the Russian Federation where the applicants are Russian nationals, have submitted their observations on admissibility and merits.

In addition, 20 applications have been lodged against both Georgia and the Russian Federation in which the applicants (Georgian nationals) allege breaches of their Convention rights resulting from the hostilities in August 2008 and an absence of adequate investigation in both States.

Lastly, the Court has received 189 applications involving 1,035 applicants from Georgia complaining against the Russian Federation; 186 of them have been communicated to the Russian Government for information. The Georgian Government have been informed about the communication as a third party.

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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.