



ECHR to adjourn some individual applications on Eastern Ukraine pending Grand Chamber judgment in related inter-State case

The European Court of Human Rights has today adopted a plan for its future processing of thousands of applications from individuals who have raised complaints against Ukraine or Russia or both countries in relation to the conflict in Eastern Ukraine.

The applications include allegations of the detention of individuals by one or another of the States Parties concerned, by the self-proclaimed Donetsk and Luhansk People's republics, and about the destruction of housing during hostile action.

A key issue to be determined in these applications is whether Ukraine or Russia has jurisdiction in relation to the matters complained of, in accordance with Article 1 of the European Convention on Human Rights (Obligation to respect human rights).

As matters now stand, the Court expects to rule on this issue in the related inter-State case of *Ukraine v. Russia (re Eastern Ukraine)* (application no. 8019/16), in which the Government of Ukraine raises various complaints against the Government of the Russian Federation.

To save as much time as possible, the Court has decided that any related individual applications which are not declared inadmissible or struck out at the outset will be communicated to the appropriate respondent Government or Governments for observations in parallel with the inter-State case. After receiving the Governments' and applicants' observations in reply, the Court intends to record an adjournment for each case, pending a judgment in the inter-State case, with a view to having the files complete and ready for decision or judgment as soon as possible thereafter.

Background information

There are over 4,000 individual applications before the Court which are apparently related to the events in Crimea or the hostilities in Eastern Ukraine.

The Court declared one case, *Lisnyy and Others v. Ukraine and Russia* (application nos. 5355/15, 44913/15 and 50853/15), inadmissible in July 2016. It concerned the shelling and damaging of the applicants' homes in eastern Ukraine, but the Court found the allegations had not been substantiated. A further 1,170 similarly unsubstantiated cases were rejected in 2016.

The Court is still considering applications from the relatives of victims of the downing of Malaysian Airlines flight MH17 in July 2014 (*Ioppa v. Ukraine and 3 Other applications*, no. 73776/14, and *Ayley and Others v. Russia*, no. 25714/16); the case of a Ukrainian Air Force servicewoman who was held by armed groups in eastern Ukraine and by Russia for almost two years (*Savchenko v. Russia*, no. 50171/14); and complaints by imprisoned film director, Oleg Sentsov (*Sentsov v. Russia*, no. 48881/14).

There are currently five *Ukraine v. Russia* inter-State applications pending. They are:

Ukraine v. Russia (VIII) (application no. 55855/18) concerning events on the Kerch Strait in November 2018.

Ukraine v. Russia (VII) (application no. 38334/18) alleging the politically motivated detention and prosecution of Ukrainian nationals on various criminal charges.

Ukraine v. Russia (re Crimea) (application no. 20958/14).

Ukraine v. Russia (re Eastern Ukraine) (no. 8019/16).

Ukraine v. Russia (II) (application no. 43800/14) on 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.

Another case, Ukraine v. Russia (III) (no. 49537/14), was struck off after the Ukrainian Government stated that it did not wish to pursue it.

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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.