

June 2022

## Q & A on Inter-State Cases<sup>1</sup>

*This document is a tool for the press. It does not bind the Court.*

### What is an inter-State case?

Most applications to the European Court of Human Rights are lodged by individuals, groups of people, companies or NGOs.

However, States may also lodge applications against each other in what are called “inter-State applications”.

This possibility is set out under Article 33 of the European Convention on Human Rights, which states that “any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the Protocols thereto by another High Contracting Party”.

### Does this happen often?

There have been over 20 inter-State cases since the European Convention entered into force in 1953.

The first one was *Greece v. the United Kingdom*, lodged in 1957, concerning alleged violations of the Convention in Cyprus.

For the list of all inter-State applications, see [here](#).

### What kind of complaints do States bring against another?

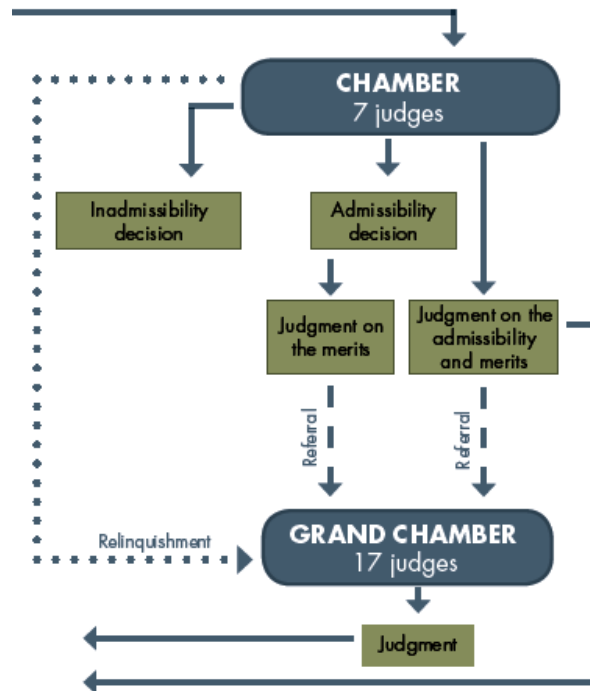
Most have concerned situations of crisis or conflict, such as the UK authorities’ interrogation techniques from 1971 to 1975 during the Troubles in Northern Ireland, Turkey’s military operations in northern Cyprus in 1974, the armed conflict between Georgia and Russia in 2008, and the events in the Crimea and Eastern Ukraine in 2014.

On the other hand, [Slovenia v. Croatia](#) related to proceedings brought by a Slovenian bank to collect debts owed by Croatian companies.

### What is the procedure?

- Any State intending to bring a case before the Court against another State must lodge an application, setting out a statement of facts and alleged violations, with relevant arguments.
- When an inter-State application is made, the Court immediately gives notification of it (“communicates it”) to the other State and assigns it to one of the Sections.
- The judges elected in respect of the applicant and respondent States are part of the Chamber constituted to consider the case.
- The respondent State is invited to submit written observations, which are then forwarded to the applicant State for observations in reply.
- Then follows the usual procedure for a “communicated case”, as outlined below:

<sup>1</sup> There is a [Dutch version](#) of this document



➤ Other procedural steps are:

a request for interim measures under Rule 39 of the Rules of Court. These are urgent measures which apply only where there is an imminent risk of irreparable harm. For example, the European Court granted such a measure in the inter-State case brought by Ukraine against Russia concerning events in the Kerch Strait (see [press release](#) of 4.12.2018);

A hearing on the admissibility or the merits, if one or more of the Contracting Parties concerned requests it or if the Chamber decides to hold one of its own motion, and a hearing if the case is referred or relinquished to the Grand Chamber.

Chamber and/or Grand Chamber hearings have been held in the following cases:

- [Cyprus v. Turkey](#)
- *Georgia v. Russia (I)* ([Chamber](#) and [GC](#)) and *Georgia v. Russia (II)* ([Chamber](#) and [GC](#)), witness hearings were also held in both cases
- [Slovenia v. Croatia](#): a Grand Chamber hearing on the admissibility of the case.

➤ For more detail on procedure, see the Rules of Court, [Rules 46, 48, 51 and 58](#)

**What are the consequences of rulings in inter-State cases?**

In 2000 there was a friendly settlement in the case [Denmark v. Turkey](#) concerning the alleged ill-treatment of a Danish national detained in Turkey. The settlement provided for *ex gratia* payment and expression of regret by the Turkish Government for the ill-treatment inflicted, provision of assistance in police training by the applicant Government and establishment of a continuous dialogue.

In the following inter-State cases, the European Court awarded compensation (“just satisfaction”):

[Cyprus v. Turkey](#) – concerning the situation in northern Cyprus since Turkey carried out military operations there in July and August 1974, and the division of the territory of Cyprus since that time. Turkey was ordered to pay Cyprus 30,000,000 euros (EUR) in respect of the non-pecuniary damage suffered by the relatives of 1,456 missing persons

and EUR 60,000,000 in respect of the non-pecuniary damage suffered by the enclaved Greek-Cypriot residents of the Karpas peninsula.

[Georgia v. Russia \(I\)](#) – concerning the collective expulsion of Georgian nationals by the Russian authorities from October 2006 to January 2007. The Court held that Russia had to pay Georgia 10,000,000 euros in respect of non-pecuniary damage to be distributed to the victims, a group of at least 1,500 Georgian nationals.

### How many inter-State cases are pending?

There are currently **15 inter-State cases pending** before the Court:

➤ **Georgia v. Russia:**

- Before a Chamber, [Georgia v. Russia \(IV\)](#), lodged in 2018. It relates to the alleged deterioration of the human rights situation along the administrative boundary lines between Georgian-controlled territory and Abkhazia and South Ossetia.
- A Grand Chamber judgment was delivered on 21 January 2021 in [Georgia v. Russia \(II\)](#); the question of just satisfaction is pending before the Grand Chamber
- In addition to the inter-State cases, there are almost 600 individual applications concerning the hostilities in 2008, against Georgia, against Russia or against both States.

➤ **Ukraine v. Russia:**

- Two cases before the Grand Chamber:
  - one in respect of events in Crimea (Ukraine v. Russia (re Crimea)), which encompasses three inter-State applications lodged in 2014, 2015 and 2018. It was declared partly admissible on 14.01.2021. See press release issued on [14.01.2021](#);
  - another concerning events in Eastern Ukraine, including the downing of Flight MH17 (Ukraine and the Netherlands v. Russia). This case encompasses three inter-State applications which were joined in November 2020: see press release issued on [04.12.2020](#). A hearing, initially scheduled for 24 November 2021, was postponed until 26 January 2022. See the [press release](#) for more information.
- One case before a Chamber concerning the naval incident in the Kerch Strait in November 2018, which led to the capture of three Ukrainian naval vessels and their crews. See press release issued on [30.11.2018](#).
- Another case lodged on 19.02.2021 concerning the Ukrainian Government's allegations of targeted assassination operations against perceived opponents of the Russian Federation, in Russia and on the territory of other States. See press release of [23.02.2021](#).
- One case lodged on 28.02.2022 concerning Russian military operations on Ukrainian territory. See press releases of [01.03.2022](#), [04.03.2022](#), [01.04.2022](#) and [28.06.2022](#). This case contains allegations of violations of various provisions of the Convention.
- There are over 8,500 individual applications before the Court which appear to be related to the events in Crimea, eastern Ukraine and the Sea of Azov.
- See also press releases issued on: [13.03.2014](#); [26.11.2014](#); [01.10.2015](#); [09.05.2018](#); [17.12.2018](#); [27.08.2018](#); [15.07.2020](#).

- **Russia v. Ukraine:** concerning the Russian Government's allegations 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 complain about the water supply to Crimea at the Northern Crimean Canal being switched off and allege that Ukraine was responsible for the deaths of those on board Malaysia Airlines Flight MH17 because it failed to close its airspace. See press release of [23.07.2021](#).

- **Liechtenstein v. the Czech Republic:** concerning the respondent State's classification of Liechtenstein citizens as persons with German nationality for the purposes of applying the Decrees of the President of Republic of 1945 (also known as the Beneš decrees), which, among other things, confiscated property belonging to all ethnic Germans and Hungarians after the Second World War. A summary of this case can be found in the press release published on [19.08.2020](#).
- **Six inter-State cases** which concern mainly the conflict between Armenia and Azerbaijan/Nagorno Karabakh which took place between 27 September 2020 and 10 November 2020 (the date of entry into force of a ceasefire agreement). These cases contain allegations of widespread violations of the Convention.
  1. **Armenia v. Azerbaijan (no. 1)**, no. 42521/20, lodged on 27 September 2020. Case before the Grand Chamber.
    - Press releases of [28.09.2020](#), [30.09.2020](#) and [04.02.2021](#).
  2. **Azerbaijan v. Armenia** no. 47319/20, lodged on 27 October 2020. Case before the Grand Chamber.
    - Press releases of [27.10.2020](#) and [04.02.2021](#).
- **Other press releases concerning these two inter-State cases (nos. 42521/20 et 47319/20):**
  - Statement on requests for interim measures concerning the conflict between Armenia and Azerbaijan: [04.11.2020](#).
  - The interim measure indicated in the case of *Armenia v. Azerbaijan* and Rule 39 proceedings with regard to alleged captives to remain in force: [16.12.2020](#).
  - *Armenia v. Azerbaijan* and alleged captives: notification to the Committee of Ministers of interim measures indicated : [16.03.2021](#).
  - Relinquishment in favour of the Grand Chamber in the two inter-State cases **Armenia v. Azerbaijan** and **Azerbaijan v. Armenia**: [12.05.2021](#).
- 3. **Armenia v. Turkey** no. 43517/20, lodged on 4 October 2020. Case before a Chamber.
  - Press releases of [06.10.2020](#), [14.10.2020](#), [02.12.2020](#) and [18.05.2021](#).
- 4. **Armenia v. Azerbaijan (no. 2)**, no. 33412/21, lodged on 29 June 2021
- 5. **Armenia v. Azerbaijan (no. 3)**, no. 42445/21, lodged on 24 August 2021
- 6. **Armenia v. Azerbaijan (no. 4)**, no. 15389/22, lodged on 24 March 2022

The three last inter-State cases lodged by Armenia v. Azerbaijan (nos. 33412/21, 42445/21 and 15389/22) contain allegations of various violations under Articles 2 (right to life), 3 (prohibition of torture, inhuman or degrading treatment), 6 (right to a fair trial) and 8 (right to respect for private and family life). However, the Court has not yet received full applications.

There are also about 1,500 individual applications pending before the Court in regard to individuals captured during the conflict in late 2020. Rule 39 of Rules of the Court (Interim measures) has been applied on numerous occasions in these cases.

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