



## New inter-State application brought by Ukraine against Russia

The Government of Ukraine has lodged a new application with the European Court of Human Rights against the Federation of Russia. The case concerns the detention and prosecution of Ukrainian nationals on various criminal charges. There are now four Ukraine v. Russia Inter-State applications pending before the Court.

On 11 August 2018 the Government of Ukraine 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. 38334/18.

The application concerns Ukrainian nationals arrested and prosecuted, and in some cases convicted, by the Russian Federation on charges of membership of organisations banned by Russian law, incitement to hatred or violence, war crimes, espionage and terrorism.

The Ukrainian Government alleges violations of Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 7 (no punishment without law), 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association), 13 (right to an effective remedy), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights) of the Convention. According to them, the Russian Federation has adopted an administrative practice of suppressing the expression by Ukrainian nationals of political views favouring a return to the pre-2014 borders and penalising Ukrainian nationals' membership of certain organisations that are legal in Ukraine.

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### Other cases<sup>1</sup>

In total, since 2014 there have been six other Ukraine v. Russia Inter-State applications. They have since been regrouped into three applications, which are currently still pending. See below for further details:

- Four complaints by Ukraine against Russia over Crimea and Eastern Ukraine have been brought before the European Court of Human Rights: **Ukraine v. Russia (application no. 20958/14)**, **Ukraine v. Russia (IV) (no. 42410/15)**, **Ukraine v. Russia (V) (no. 8019/16)**, and **Ukraine v. Russia (VI) (no. 70856/16)**.

The cases concern Ukraine's allegations of violations of the European Convention on Human Rights by Russia and armed groups which Russia allegedly controls. The applications were made under several Articles, including Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 5 (right to liberty and security), Article 6 (right to a fair trial).

These applications have been notified to the Russian Government, which have made submissions on them. In May 2018 the Chamber dealing with the applications decided to relinquish jurisdiction over the cases in favour of the Grand Chamber<sup>2</sup>.

<sup>1</sup> See, for further details, the [press release](#) issued on 9 May 2018.

<sup>2</sup> Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might

Shortly afterwards the Grand Chamber decided to join the four cases into two. They remain pending as **Ukraine v. Russia (re Crimea) (application no. 20958/14)** and **Ukraine v. Russia (re Eastern Ukraine) (no. 8019/16)**.

- **Ukraine v. Russia (II) (application no. 43800/14)** was lodged on 13 June 2014. It 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. This case remains pending before a Chamber.
- **Ukraine v. Russia (III) (no. 49537/14)** was struck out by the Court in September 2015 after the Government of Ukraine said it did not wish to pursue the application.

In addition, to the inter-State cases 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 by any evidence. A further 1,170 similarly unsubstantiated cases were rejected in 2016.
- The Court is still considering applications lodged by 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 the case concerning the imprisoned film director, Oleg Sentsov (**Sentsov v. Russia, no. 48881/14**).

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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.

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have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects. "