



## Russia must pay Georgia over 253 million euros for breaches of human rights caused by hardening of boundary lines after 2008 conflict

In today's Chamber judgment<sup>1</sup> in the case of [Georgia v. Russia \(IV\)](#) (application no. 39611/18) the European Court of Human Rights ruled on the question of **just satisfaction (Article 41)**.

The case concerned the human-rights toll caused by the hardening of boundary lines after the 2008 conflict between the two States. In particular the armed conflict had led to a process, which had started in 2009 and was known as "borderisation", blocking people from crossing the administrative boundary lines freely between Georgian-controlled territory and the Russian-backed breakaway Georgian regions of Abkhazia and South Ossetia.

In its [judgment of 9 April 2024](#) the Court found that there had been a pattern or system of violations of the European Convention on Human Rights by Russia: including excessive use of force; ill-treatment; unlawful detention; unlawful restrictions on day-to-day movement across the administrative boundary line and on access to homes, land and families; and, denial of the right to education in Georgian.

In today's judgment the Court, unanimously, **awarded in total 253,018,000 euros (EUR)** in respect of non-pecuniary damage suffered by more than 29,000 victims of that pattern or system of violations, for which Russia had been found responsible in the 2024 judgment.

The Court left it to the Georgian Government to set up an effective mechanism to distribute the sums awarded to the individual victims, within 18 months of payment by the Russian Government. The Court noted that the Committee of Ministers continued to supervise enforcement of the Court's judgments against Russia, which was still bound under **Article 46 (binding force and implementation)** to implement judgments against it concerning facts which had occurred before 16 September 2022, the date on which it had ceased to be signatory.

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There have been three other applications lodged by Georgia against Russia with the Court. For further information, see the [table of inter-State Applications](#).

A legal summary of this case will be available in the Court's database HUDOC ([link](#))

### Principal facts, complaints and procedure

The parties in this case are two States, Georgia and Russia. The application was lodged with the European Court of Human Rights on 22 August 2018.

The case concerned the just satisfaction to be awarded following the European Court's [ruling of 9 April 2024](#) with regard to the human-rights toll caused by the hardening of boundary lines after the 2008 conflict between the two States.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

In the 2024 principal judgment the Georgian Government had alleged in particular that people had been killed while trying to enter or exit Abkhazia or South Ossetia, while others had been arrested, detained and/or ill-treated for “illegally crossing” the administrative boundary lines. People had been deprived of land, which they used for farming, families had been separated and children had been forced to choose between learning in Russian or making long and perilous journeys to Georgian-controlled territory to attend school.

The Court found in that judgment that it had sufficient evidence, in particular lists of victims, testimonies, media reports and international material, to conclude beyond reasonable doubt that the incidents alleged were not isolated and were sufficiently numerous and interconnected to amount to a pattern or system of violations. Moreover, the apparent lack of an effective investigation into the incidents and the general application of the measures to all people concerned proved that such practices had been officially tolerated by the Russian authorities.

The Court therefore found multiple violations of the European Convention by Russia, including: Article 2 (right to life) excessive use of force; Article 3 (prohibition of inhuman or degrading treatment) ill-treatment; Article 5 (right to liberty and security) unlawful detention; Article 8 (right to respect for private and family life and home) and Article 1 of Protocol No. 1 (protection of property) unlawful restrictions on access to homes, land and families; Article 2 of Protocol No. 4 (freedom of movement) unlawful restrictions on day-to-day movement across the administrative boundary line; and, Article 2 of Protocol No. 1 (right to education) denial of the right to education in Georgian.

As the question of the application of Article 41 (just satisfaction) of the Convention was not ready for decision, the Court reserved it.

## Composition of the Court

Today’s judgment on just satisfaction was given by a Chamber of seven judges, composed as follows:

Arnfinn Bårdsen (Norway), *President*,  
Saadet Yüksel (Türkiye),  
Lado Chanturia (Georgia),  
Jovan Ilievski (North Macedonia),  
Lorraine Schembri Orland (Malta),  
Oddný Mjöll Arnardóttir (Iceland),  
Gediminas Sagatys (Lithuania),

and also Hasan Bakırcı, *Section Registrar*.

## Decision of the Court

The Court reiterated the general principles for awarding just satisfaction claims in inter-State cases. It had to be satisfied that the applicant State’s claims concerned victims of violations of Convention rights who were “sufficiently precise and objectively identifiable”; and, that their factual submissions were plausible and their claims adequately substantiated.

As concerned the first requirement, the Court found that the Georgian Government had submitted claims for six groups of victims related to the violations found in the principal judgment. For five of the groups, they had submitted a detailed list of victims. While there was no detailed list for the sixth group - victims of a denial of the right to education in Georgian - the Court considered that they were nonetheless “sufficiently precise and objectively identifiable” and that the Georgian Government were entitled to make a claim for the benefit of individual victims.

As concerned the second requirement, the Court noted that the Russian Government had failed to participate in the just satisfaction proceedings in the case and that it had to base its findings solely on the documents submitted by the Georgian Government. It thus had to make sure that the Georgian Government's factual submissions were plausible and that their claims were adequately substantiated with regard to the six groups of victims.

It went on to find that the claims were sufficiently substantiated for at least 29,746 ethnic Georgians who, as found in the principal judgment, had been the victims of a pattern or system of violations, for which Russia had been responsible.

The Court held that Russia had to pay Georgia the following sums in respect of non-pecuniary damage:

EUR 1,300,000 for the excessive use of force against a group of at least 20 ethnic Georgians, in breach of Article 2 (right to life);

EUR 1,976,000 for the ill-treatment of a group of at least 76 ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian forces following their arrest for a "border violation" and the lack of an effective investigation into their allegations of ill-treatment, in breach of Article 3 (prohibition of inhuman or degrading treatment);

EUR 5,172,000 for the unlawful detention of at least 2,586 ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian forces following their arrest for a "border violation", in violation of Article 5 (right to liberty and security);

EUR 320,000 for unlawful restrictions on day-to-day movement across the administrative boundary line of a group of at least 64 ethnic Georgians, in breach of Article 2 of Protocol No. 4 (freedom of movement);

EUR 224, 250, 000 for the unlawful restrictions on a group of at least 23,000 ethnic Georgians' access to their homes, land and families, in violation of Article 8 (right to respect for private and family life and home) and Article 1 of Protocol No. 1 (protection of property); and,

EUR 20,000,000 for the denial of the right to education in Georgian of a group of at least 4,000 ethnic Georgians, in breach of Article 2 of Protocol No. 1 (right to education).

The Court considered that it was up to the Georgian Government to set up an effective mechanism to distribute these sums to the individual victims, within 18 months of payment by the Russian Government.

The Court noted that the Committee of Ministers continued to supervise enforcement of the Court's judgments against Russia, which was still bound under Article 46 (binding force and implementation) to implement judgments against it concerning facts which had occurred before 16 September 2022, the date on which it had ceased to be a signatory to the Convention.

### Other cases

Since 2007 there have been three other Georgia v. Russia inter-State applications:

- *Georgia v. Russia* (I) (application no. 13255/07) concerning the arrest, detention and expulsion from the Russian Federation of Georgian nationals in the autumn of 2006. See the Court's principal [judgment](#) of 2014 and the [judgment](#) on just satisfaction of 2019.
- *Georgia v. Russia* (II) (application no. 38263/08) concerning the 2008 armed conflict between Georgia and the Russian Federation and its aftermath. See the Court's principal [judgment](#) of 2021 and the [judgment](#) on just satisfaction of 2023.

- *Georgia v. Russia* (III) (application no. 61186/09) concerning the detention of four Georgian minors by the *de facto* authorities of South Ossetia. The Court decided to [strike the application out](#) of its list of cases (Article 37 § 1 (a) of the Convention) in 2010.

For further information, see : [Register of just satisfaction concerning the Russian Federation - Department for the Execution of Judgments of the European Court of Human Rights](#)

*The judgment is available only in English.*

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#### **Press contacts**

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel.: +33 3 90 21 42 08

**We are happy to receive journalists' enquiries via either email or telephone.**

**Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)**

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Jane Swift (tel: + 33 3 88 41 29 04)

**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.