



## Grand Chamber hearing in case brought by Georgia against Russia over 2008 conflict

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 23 May 2018 at 9.15 a.m.** in the case of **Georgia v. Russia (II)** (application no. 38263/08).

The case concerns the armed conflict between Georgia and the Russian Federation in August 2008 and its aftermath.

*The hearing will be broadcast from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

### Procedure

The application was lodged with the European Court of Human Rights on 11 August 2008 under Article 33 (Inter-State cases) of the European Convention on Human Rights and it was accompanied by a request for an interim measure under Rule 39 of the Rules of Court<sup>2</sup>. On 12 August 2008, the President of the Court, acting as President of the Chamber, decided to apply Rule 39 and called upon both Parties concerned to comply with their engagements under the Convention, particularly in respect of Articles 2 and 3. The application of Rule 39 has since been prolonged several times and is still in force.

This case raises issues under Articles 2 (right to life), 3 (prohibition of torture, inhuman and degrading treatment), 5 (right to liberty and security), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the European Convention, under Articles 1 and 2 of Protocol No. 1 (protection of property and right to education), as well as under Article 2 of Protocol No. 4 (freedom of movement) to the European Convention.

Georgia alleges in particular that Russian forces and/or the separatist forces they controlled carried out indiscriminate and disproportionate attacks against civilians and their property in different parts of Georgia, including Abkhazia and South Ossetia.

Russia denies Georgia's allegations, describing them as baseless and unconfirmed by any admissible evidence.

Following a [hearing](#) on 22 September 2011, a Chamber to which the case had been allocated declared the application [admissible on 13 December 2011](#), without prejudging the merits of the case.

On 3 April 2012 the Chamber relinquished jurisdiction in favour of the Grand Chamber<sup>3</sup>.

<sup>1</sup> Under Article 30 of the European Convention on 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 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."

<sup>2</sup> Under Rule 39 of the Rules of Court, following a request from a State or a person who has an application pending before it, the European Court of Human Rights can ask the respondent Government on a temporary basis to take or refrain from taking certain measures. The Court will only make an order under Rule 39 where there is an imminent risk of serious and irreversible harm.

<sup>3</sup> Under Article 30 of the European Convention on 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

A delegation of Judges of the Court took evidence from witnesses in Strasbourg from Monday 6 June to Friday 17 June 2016. The Court heard 33 witnesses in total: 15 summoned through the Georgian Government, 12 through the Government of the Russian Federation and six directly by the Court.

The Human Rights Centre of the University of Essex was granted leave to intervene in the written proceedings as third party.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido Raimondi (Italy), *President*,  
Linos-Alexandre Sicilianos (Greece),  
Ganna Yudkivska (Ukraine),  
Helena Jäderblom (Sweden),  
Robert Spano (Iceland),  
Nebojša Vučinić (Montenegro),  
Vincent A. De Gaetano (Malta)  
Helen Keller (Switzerland),  
Paul Lemmens (Belgium),  
Krzysztof Wojtyczek (Poland),  
Dmitry Dedov (Russia),  
Jon Fridrik Kjølbro (Denmark),  
Yonko Grozev (Bulgaria),  
Gabriele Kucsko-Stadlmayer (Austria),  
Georgios A. Serghides (Cyprus),  
Tim Eicke (the United Kingdom),  
Lado Chanturia (Georgia), *judges*,  
Paulo Pinto de Albuquerque (Portugal),  
Armen Harutyunyan (Armenia),  
Síofra O'Leary (Ireland), *substitute judges*,

and also Lawrence Early, *Jurisconsult*.

## Representatives of the parties

### Government of Georgia

Gocha Lordkipanidze, *Deputy Minister of Justice*,  
Beka Dzamashvili, *Agent*,  
Tamar Rostashvili, Mariam Bilikhodze, Nana Tchanturidze, and Giorgi Nakashidze, *Advisers*,  
Ben Emmerson QC and Rodney Dixon QC, *Counsel*;

### Government of the Russian Federation

Mikhail Galperin, *Deputy Minister of Justice*,  
Yana Borisova, Pavel Smirnov, Aleksandr Gorshkov, and Stanislav Shkodenko, *Advisers*,  
Michael Swainston QC, Paul Wright, Richard Blakeley, Edward Harrison, Khristofor Ivanyan,  
Vasily Torkanovskiy and Valentina Podyukova, *Counsel*.

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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.