

July 2020

Q & A on Inter-State Cases

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 24 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](#).

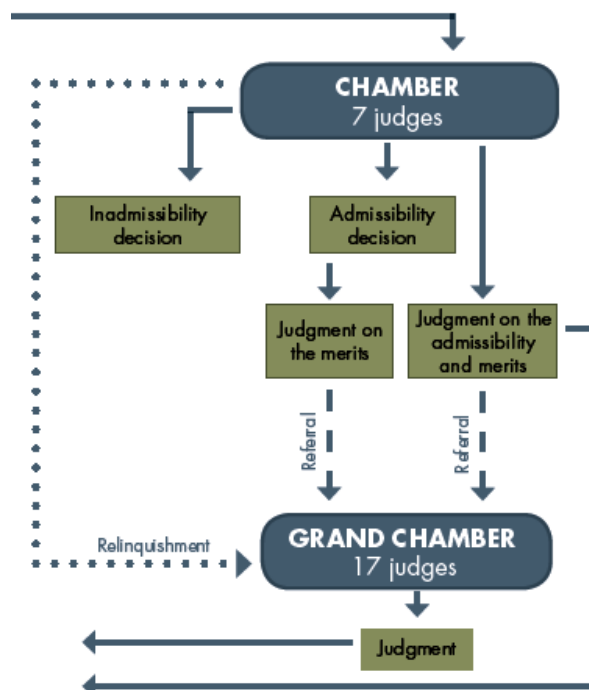
What kind of complaints do States bring against another?

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 Crimea and Eastern Ukraine in 2014.

In contrast, *Slovenia v. Croatia* relates 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 file 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 State are part of the Chamber constituted to consider the case.
- The respondent State is invited to submit written observations, which are then communicated to the applicant State for observations in reply.
- Then follows the usual procedure for a communicated case, as outlined below:



- 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. Most recently 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 **nine inter-State applications pending** before the Court:

- **Slovenia v. Croatia:** concerning allegations of unfairness, a lack of impartiality and discrimination by the Croatian courts in proceedings brought by a Slovenian bank, Ljubljanska banka d.d., to collect debts owed by Croatian companies.
- **Georgia v. Russia, two applications pending:**
 - Before the Grand Chamber, [Georgia v. Russia \(II\)](#), lodged in 2008, concerning the armed conflict between Georgia and the Russian Federation in 2008 and its aftermath;
 - 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;
 - 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, five applications pending:**
 - Two before the Grand Chamber: one re Crimea and the other re Eastern Ukraine
 - Three before a Chamber: one concerning the alleged abduction of children in Eastern Ukraine and their temporary transfer to Russia in 2014; one concerning the detention and prosecution of Ukrainian nationals on various criminal charges; one concerning the naval incident in the Kerch Strait in November 2018, which led to the capture of three Ukrainian naval vessels and their crews.
 - In addition to the five inter-State cases, there are approximately 7,000 individual applications before the Court apparently related to the events in Crimea or the hostilities in Eastern Ukraine.
 - A summary of these cases can be found in press releases issued on: [17.12.2018](#); [30.11.2018](#); [27.08.2018](#).
- **The Netherlands v. Russia:** concerning the downing on 17 July 2014 of Malaysia Airlines flight MH17 over the territory of Eastern Ukraine.

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

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