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STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

Statistical Report on conflict-related applications

Note: the content of this document has been transmitted to the DH-SYSC by the Registry of the European Court on Human Rights on 28 October 2021 in the course of its 6th meeting (26-28 October 2021) following a request of the Drafting Group on the effective processing and resolution of cases related to inter-State disputes (DH-SYSC-IV) as agreed its 4th meeting (22-24 September 2021). This document does not engage the responsibility of DH-SYSC and should not be regarded as placing upon the information contained in it any official interpretation by the members of DH-SYSC capable of binding them.

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Statistical report on conflict-related applications¹

Explanation of terms for statistical purposes

An inter-State case is an application brought by one State against another in accordance with Article 33 of the Convention.

Applications submitted by individuals, physical persons or legal entities, concerning the issue identified in the inter-state case, irrespective of whether they are directed against the applicant State or respondent State or both, are considered particular, they may concern the control of a territory. The degree of the connection required between the inter-state case and the individual applications always depends on particular circumstances surrounding the “conflict” or “general context, and the Court is free in its evaluation of this question. Individual applications that are considered to be linked to the inter-state case can be lodged with the Court both before and after the introduction of the relevant inter-state case.

An application may even if there are no inter-State applications as such, if two States have been/will be called upon to answer before the Court for a situation concerning their jurisdiction. In such cases leading cases are identified to deal with these situations.

It is the need to resolve an overarching issue or issues that should determine whether cases are regarded as related to an inter-State conflict or dispute (an analogy can be drawn with pilot-judgment proceedings in this respect).

I. Applications related to the hostilities in “South Ossetia” and “Abkhazia”

A. Hostilities in “South Ossetia”

In total, 3,414 applications were lodged before the Court with relation to hostilities between Georgia and Russia in “South Ossetia” against Georgia, 178 against Russia and 21 against both States. 1,554 applications³ were struck out of the Court’s list in 2010. Furthermore, three leading cases⁴ were decided by a Chamber in November 2018,

¹ This document has been prepared by the Registry at the request of DH-SYSC. It does not bind the Court.

² The terms “South Ossetia” and “Abkhazia” refer to control of the region by the Georgian Government.

³ See *Abayeva and Others v. Georgia* (dec.), nos. 52196/08, 52200/08, 49671/08, 46657/08 and 53894/08, 23 March 2010; and *Khetagurova and Others v. Georgia* (dec.), no. 43253/08 and 1548 applications, 14 December 2010.

⁴ See *Dzhioyeva and Others v. Georgia* (dec.), nos. 24964/09, 20548/09 and 22469/09; *Kudukhova and Kudukhova v. Georgia* (dec.), nos. 8274/09 and 8275/09; and *Naniyeva and Bagayev v. Georgia* (dec.), nos. 2256/09 and 2260/09.

resulting in six applications being declared inadmissible and one application being communicated to the Government. These leading decisions served the basis for subsequent inadmissibility decisions. On 5 October 2021 9 leading applications were declared inadmissible by a Chamber (see *Bekoyeva and Others v. Georgia* (dec.), nos. 48347/08 and 3 others, 5 October 2021; and *Shavlokhova and Others v. Georgia* (dec.), nos. 45431/08 and 4 others, 5 October 2021). In total, the Court declared inadmissible 1,291 applications and struck out 1,555 applications out of 3,414 applications lodged.

There is currently one pending inter-State case *Georgia v. Russia (II)* (no. 38263/08), in which a judgment on the merits was delivered on 21 January 2021 and the question of the application of Article 41 of the Convention has been reserved. Out of 568 pending applications⁵, 374 are pending against Georgia, 173 are pending against Russia and 21 are pending against both States. Out of these pending applications, 170 were communicated to the respondent Governments.

In addition to that, one pending inter-State case *Georgia v. Russia (IV)* (no. 39611/18) relates to the alleged recent deterioration of the human rights situation along the administrative boundary lines between Georgian-controlled territory and ~~occupied~~ ^{occupied} territory. It was referred to the respondent Government and then adjourned pending the delivery of the judgment in the case of *Georgia v. Russia (II)*. As of today, after the delivery of the judgment in *Georgia v. Russia (II)*, the Court has resumed the proceedings in the fourth inter-State application.

B. A frozen conflict in “Abkhazia”

19 applications were lodged concerning various issues. Three in total were declared inadmissible. 16 individual applications are pending: 3 against Russia, 1 against Georgia and 12 against both States. 11 of these were communicated to the respondent Governments.

C. Arrest, detention and collective expulsion of Georgian nationals from Russia

There were also 10 applications lodged concerning essentially the alleged existence of an administrative practice involving the arrest, detention and collective expulsion of Georgian nationals from Russia in autumn 2006. They were all follow-up cases to the leading case *Georgia v. Russia (I)* [GC] (no. 13255/07)⁶. All 10 applications were decided: 9 resulted in judgments and one was struck out for a friendly settlement.

⁵ The applicants alleged breaches of their Convention rights resulting principally from the hostilities and the absence of adequate investigations by the state authorities.

⁶ See *Georgia v. Russia (I)* [GC] (merits), 3 July 2014, and the subsequent judgment on just satisfaction of 29 January 2019.

II. Applications related to the conflict in eastern Ukraine and Crimea

A. Overview

A total of 11,126 applications have been lodged with the Court concerning the events in eastern Ukraine and Crimea, out of which 8,764 are currently pending. 117 of the pending applications were communicated. Among these pending applications there are five inter-State cases, namely *Ukraine v. Russia (re Crimea)* (nos. 20958/14 and 38334/18)⁷; *Ukraine and the Netherlands v. Russia* (nos. 8019/16, 43800/14 and 28525/20)⁸; *Ukraine v. Russia (VIII)* (no. 55855/18); *Ukraine v. Russia (IX)* (no. 10691/21); and *Russia v. Ukraine* (no. 36958/21). For further details, please see the ECHR factsheet on [Armed conflicts](#) (p. 15-18) and the [Q & A on Inter-State Cases](#).

B. Applications related to the conflict in eastern Ukraine

An inadmissibility decision was adopted in the leading case of *Lisnyy v. Ukraine and Russia*⁹, in which the Court declared inadmissible for `co` complaints concerning, *inter alia*, the shelling of their homes during the hostilities in eastern Ukraine from the beginning of April 2014 onwards.

Concerning the events in eastern Ukraine, 1,677 applications were declared inadmissible¹⁰ and 348 were struck out of the list of cases.

Currently, there are 7,616 pending applications concerning the conflict in eastern Ukraine. 6,722 of these were lodged against Ukraine, 59 were lodged against Russia, 829 were lodged against both States, and 6 applications were lodged against Russia, Ukraine and the United Kingdom. In this group, ten applications relate to the destruction of Malaysia Airlines commercial Flight MH17 over the territory of eastern Ukraine on 17 July 2014 (6 of those 10 applications, lodged by a total of 384 applicants, were communicated¹¹).

C. Applications related to the conflict in Crimea

Concerning the events in Crimea, 320 applications were declared inadmissible and 26 were struck out of the list of cases. In addition, one inter-State case was struck out of the list of cases (see *Ukraine v. Russia (III)* (dec.), no. 49537/14, 1 September 2015).

Currently, there are 1,140 pending applications concerning Crimea. 1,007 of these were lodged against Russia, 9 were lodged against Ukraine and 121 were lodged against both States, one is lodged against Russia and Serbia, one is lodged against Austria and 16 other member States and one is lodged against Ukraine and 31 other member States.

⁷ See *Ukraine v. Russia (re Crimea)* (dec.), nos. 20958/14 and 38334/18, 16 December 2020. The two applications were joined in June 2018.

⁸ These applications were joined in November 2020.

⁹ See *Lisnyy v. Ukraine and Russia* (dec.), nos. 5355/15, 44913/15 and 50853/15, 5 July 2016.

¹⁰ Including the applications in the case *Lisnyy v. Ukraine and Russia*, cited above.

¹¹ See *Ioppa and Others v. Ukraine* (no. 73776/14) and *Ayley and Others v. Russia and Angline and Others v. Russia* (nos. 25714/16 and 56328/18).

One of the inter-State cases mentioned above, *Ukraine v. Russia (re Crimea)*, also concerns the events in Crimea. In its decision of 16 December 2020 the Court declared this application partly admissible.

III. Applications related to the conflict between Armenia and Azerbaijan

A. Overview

In total, 2,565 applications related to this conflict have been lodged. 1,484 of the applications are pending before the Court: 824 against Armenia, 658 against Azerbaijan, one against both those States and one against Turkey. The cases can be divided into the following groups.

B. Displaced persons

These cases concern displaced persons and property owners from which they fled in the years 1988-93. The leading cases *Chiragov and Others v. Armenia* (no. 13216/05) and *Sargsyan v. Azerbaijan* (no. 40167/06) were decided by the Grand Chamber on 16 June 2015 (merits) and 12 December 2017 (just satisfaction). Following these judgments, 582 applications (472 against Armenia and 110 against Azerbaijan) have been finished: 120 did not meet the requirements of Rule 47 of the Rules of Court, 285 were struck out of the list of cases for failure to respond to requests for updated personal information and 177 were declared inadmissible for being unsubstantiated or for having been lodged too late.

At the moment, there are 728 pending applications in this category, 336 against Armenia and 392 against Azerbaijan.

C. Detention and alleged torture/killing of Armenians in Azerbaijan

Seven applications have been lodged in respect of Armenian citizens who have allegedly been captured by Azerbaijani authorities at or near the border to Armenia and placed in detention where they have been tortured or killed. Two judgments have so far been delivered: *Saribekyan and Balyan v. Azerbaijan* (no. 35746/11, 30 January 2020) and *Badalyan v. Azerbaijan* (no. 51295/11, 22 July 2021).

Five applications remain before the Court. They have all been communicated to the respondent Government.

D. The “døyrwar” in April 2016

Shelling along the former line of contact led to 1,085 applications being lodged. Two leading cases concerning damage to property, one against Armenia and the other against Azerbaijan, were rejected as unsubstantiated in February 2019¹². A further 493 applications (255 against Armenia and 238 against Azerbaijan) were subsequently declared inadmissible for the same reason or for having been lodged too late.

590 applications are still pending. There are two categories:

- a) 562 applications (439 against Armenia and 123 against Azerbaijan) predominantly concern damage and destruction of property but a handful of them also involve the death of civilians. Five of these applications have been communicated to the respondent Governments.
- b) 28 applications (5 against Armenia and 23 against Azerbaijan) concern mutilation of dead soldiers (and, in one case, the mutilation of elderly members of a family). All these applications have been communicated to the respondent Governments.

E. The war in September - November 2020

So far, a total of 136 still pending applications (22 against Armenia, 112 against Azerbaijan, one against both those States and one against Turkey) have been lodged in relation to the war in late 2020 and its aftermath. These include five inter-State applications: *Armenia v. Azerbaijan (I)* (no. 42521/20) and *Azerbaijan v. Armenia* (no. 47319/20) – both of which were relinquished to the Grand Chamber on 11 May 2021 and communicated on 8 July 2021 – as well as *Armenia v. Turkey* (no. 43517/20), *Armenia v. Azerbaijan (II)* (no. 33412/21) and *Armenia v. Azerbaijan (III)* (no. 42445/21). Within the framework of the two first-mentioned inter-State cases as well as 77 individual applications lodged against Azerbaijan, requests have been made for interim measures in regard to 297 soldiers and civilians (281 Armenians and 16 Azerbaijanis) allegedly captured and detained. The great majority of the requests have been granted under Rule 39. A further 54 individual applications (21 against Armenia, 32 against Azerbaijan and one against both States) have been introduced. They concern a variety of issues, including ill-treatment and death of captives, death and injury to journalists and civilians, mental suffering of relatives, and destruction or loss of property.

F. Other applications

Another 25 pending applications concern the arrest, alleged torture and sentencing in the Nagorno-Karabakh region of two Azerbaijani nationals in 2015 (one application against Armenia; communicated), the killing of soldiers near the Armenia/Azerbaijan border in December 2016 (one application against Armenia and three against Azerbaijan; all communicated), death and injury due to shelling in July 2017 (one application against Armenia) and death and property damage due to shelling in July 2020 (19 applications against Armenia).

¹² See *Amrahov v. Armenia* (dec.), no. 49169/16, 26 February 2019; and *Khudunts v. Azerbaijan* (dec.), no. 74628/16, 26 February 2019.

IV. Applications related to Transdnestria

In total, 156 applications have been lodged concerning acts committed in the self-proclaimed “Moldavian Republic of Transdnestria” (“ MRT ”)

Three leading cases, concerning 5 applications, were examined and decided by a Grand Chamber¹⁴. The first case concerned the complaint by persons detained by the Transdnestrian authorities who were tried and convicted to different sentences, including death penalty. The second case concerns children and parents from the Moldovan community about the effects of a language policy adopted in 1992 and 1994 by the separatist regime forbidding the use of the Latin alphabet in schools and the subsequent measures taken to enforce the policy. The third case concerned conditions of detention of a man suspected of fraud, as ordered by the courts of the “ MRT ” . For more information, see [Guide on Article 1 of the European Convention on Human Rights](#) (p. 22-23).

In total, the Court decided 123 applications out of 156 applications lodged: 75 applications resulted in judgments, 43 applications were declared inadmissible and 5 were struck out of the list of cases.

33 applications are still pending: 1 against Russia, 2 against the Republic of Moldova, 26 against the Republic of Moldova and Russia and 4 against the Republic of Moldova, Russia and Ukraine. 12 out of 33 applications were communicated to the respondent Governments.

V. Applications related to northern Cyprus

The inter-State case *Cyprus v. Turkey*¹⁵ examined by a Grand Chamber concerned the situation that existed in northern Cyprus since the conduct of military operations there by Turkey in July and August 1974 and the continuing division of the territory of Cyprus¹⁶. For more information, see [Guide on Article 1 of the European Convention on Human Rights](#) (p. 20-21) and the ECHR factsheet on [Armed conflicts](#) (p. 1-3).

Two judgments concerning Cypriot property issues were delivered by the Court. 1,699 applications were declared inadmissible, including a leading post-*Loizidou* case¹⁷. 14 applications were struck out of the list of cases, including one struck out for a friendly settlement. In total 1,715 applications were decided by the Court out of 1,821 lodged.

¹³ The term, which was judgment in the case of *Ilaşcu and Others v. Moldova* ([GC], no. 48787/99, ECHR 2004-VII), refers to a region of Moldova which is currently outside the *de facto* control of the Moldovan Government.

¹⁴ See *Ilaşcu and Others v. Moldova and Russia* [GC], nos. 43370/04 and 2 others, ECHR 2012 (extracts), 19 October 2012; and *Mozer v. the Republic of Moldova and Russia* [GC], no. 11138/10, 23 February 2016.

¹⁵ See *Cyprus v. Turkey* [GC], no. 25781/94, ECHR 2001-IV (merits) and ECHR 2014 (just satisfaction).

¹⁶ See also *Loizidou v. Turkey* (preliminary objections), 23 March 1995, Series A no. 310; *Loizidou v. Turkey* (merits), 18 December 1996, Reports of Judgments and Decisions 1996-VI; and *Loizidou v. Turkey* (Article 50), 28 July 1998, Reports of Judgments and Decisions 1998-IV.

¹⁷ See *Demopoulos and Others v. Turkey* [GC] (dec.), no. 46113/99 and 7 others, ECHR 2010.

106 applications are still pending against Turkey, including 2 applications communicated to the respondent Government.

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