



Russia will have to pay compensation to deported citizens on individual cases

Today, on March 26, 2019, the European Court of Human Rights rendered the decision, based on which Russian Federation will have to pay compensation to citizens who were collectively expelled from Russian Federation in 2006, including 8 persons represented by GYLA.

The mentioned persons have lodged complaints to the European Court against Russia in 2007. GYLA represents 8 persons affected by the expulsion in the case *Chokheli and others against Russia*".

The European Court rendered decision on individual cases on December 20, 2016. According to the Court's judgement, in October 2006 the citizens of Georgia became the victims of detain, arrest and expulsion from Russian Federation that violated their fundamental rights. Accordingly, the European Court has established that Russian Federation violated Article 3 (Prohibition of torture), Article 5 (Right to liberty and security) of the Convention and Article 4 (Prohibition of collective expulsion of aliens) and Article 13 (Right to effective remedies for legal protection).

As regards the issue of compensation of damage caused to the applicants, the

European Court has postponed the consideration of this issue with the decision rendered on December 20, 2016 as for that moment the issue of compensation in the complaint *Georgia v. Russia* inter-state case was not decided yet and the case was being discussed at the Grand Chamber.

On January 31, 2019 the Grand Chamber of European Court of Human Rights rendered the decision on the inter-state case *Georgia v. Russia*(I), pursuant to which the Russian Federation has been imposed the payment of 10,000,000 Euros to Georgian citizens. According to the Court, EUR 2,000 from the compensation should be granted to the persons who became victims of collective expulsion and EUR 10,000 to EUR 15,000 shall be allocated to those who had also become victims of inhuman and degrading treatment during the detention process in parallel with the collective expulsion. Furthermore, the Court held in relation to 290 persons the view that the compensation shall not be granted to them for different reasons. One of the reasons indicated by Court was that some of the victims have already lodged the complaints to the Court on the same issue with individual complaints.

After rendering the decision on inter-state case, the Court resumed discussion of individual complaints and with the decision rendered on March 26, 2019 imposed the Russian Federation the compensation of damage caused by the expulsion in favor to Georgian citizens. The Court acknowledged the essence of the violation against each applicant, including the duration of detention, when determining the compensation. Based on today's decision, Russian Federation was imposed the following:

- EUR 2,000 to the applicants that have become the victims of collective expulsion but were not detained;
- EUR 10,000 to those persons that were detained for about 48 hours and were released after the court trial (1 person represented by GYLA);
- EUR 12,500 for the persons that were detained for two to ten days (5 persons represented by GYLA);
- EUR 15,000 for those applicants that were detained for more than 10 days (2 persons represented by GYLA).

Within three months after publishing the mentioned decision any party to the case is authorized to request the transfer of the case to the Grand Chamber. After expiration

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



of this term, the decision enters into force. The Russian Federation shall pay the victims the compensation within three months. Minister ☐ Committee of European Council will supervise the enforcement of the decision.