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Strasbourg court begins consideration of cases on “borderization” victims in Dvani village

On 5th February 2021, the European Court of Human Rights began consideration of cases of the victims affected by the installed barbed wire fence in the village of Dvani, Kareli district.

In September-October 2013, in the village of Dvani, Russian and Ossetian "border guards" installed barbed wire with the purpose to mark the administrative borderline, which moved the dividing line by 400-600 meters forward, due to which about 80 hectares of agricultural lands belonging to 50 families of Dvani and the residential houses of 3 families had been left beyond the so-called borderline. The population used to cultivate these lands until October 2013 and used the harvest from these

lands to feed their families and livestock. Some families used to sell the harvested crop from those lands, which was the main income source for their families. As a result of the loss of access to the lands, the families suffered significant damage as they will no longer be able to cultivate those lands in the future due to barbed wire.

On 11th April 2014, GYLA filed an application against Russia with the European Court of Human Rights on behalf of 19 people affected by the installation of barbed wire fences. GYLA disputes in the submitted application that the following rights have been violated: the right to peaceful/ unimpeded enjoyment of possessions on Dvani resident's lands and residential houses (Article 1 of Additional Protocol No. 1 to the European Convention), freedom of movement (Article 2 of Additional Protocol No. 4) and the right to an effective remedy (Article 13 of the European Convention).

The European Court of Human Rights began consideration of the merits on 5 February 2021, notifying the applicants and the Russian Federation as the respondent State on 24 February 2021. According to the questions raised by the court, the Russian Federation will have to present its position, including on the extent whether the cases of violation of the applicants' rights fall under Russian jurisdiction; whether there had been an interference with the applicants' 'right to peaceful/unimpeded enjoyment of the property and whether the applicants' freedom of movement had been violated.

Under the new case law of the European Court of Human Rights, the parties were given until 2 June 2021 to agree on the terms of the amicable settlement. If such an agreement is not reached between the parties within the time limit set by the court, Russia shall submit its views on the questions raised by the court within an additional 12 weeks.