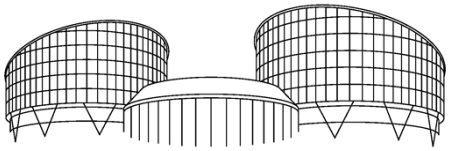

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF GEORGIA v. RUSSIA (IV)

(Application no. 39611/18)

JUDGMENT
(Just satisfaction)

Art 41 • Just satisfaction • Award of non-pecuniary damages to the applicant Government, for the benefit of identified victims of multiple Convention violations found in the principal judgment • Jurisdiction of the Court confirmed as facts giving rise to breaches occurred prior to cessation of Russian Federation's Council of Europe membership • Application of the methodology used in *Georgia v. Russia (I) (just satisfaction)* [GC] • Committee of Ministers' supervision of execution of Court's judgments against the Russian Federation continued • Setting up of an effective mechanism to distribute awarded sums to individual victims left to applicant Government

Prepared by the Registry. Does not bind the Court.

STRASBOURG

14 October 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Georgia v. Russia (IV),

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen*, President*,
Saadet Yüksel,
Lado Chanturia,
Jovan Ilievski,
Lorraine Schembri Orland,
Oddný Mjöll Arnardóttir,
Gediminas Sagatys*, judges*,

and Hasan Bakırcı, *Section Registrar,*

Having deliberated in private on 23 September 2025,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 39611/18) against the Russian Federation lodged with the Court under Article 33 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by Georgia ("the applicant Government") on 22 August 2018. The applicant Government were represented before the Court by their Agent, Mr B. Dzamashvili. The Russian Government ("the respondent Government") were represented by the General Prosecutor's Office of the Russian Federation.

2. After the Russian Federation had ceased to be a member of the Council of Europe and a High Contracting Party to the Convention on 16 September 2022, the President of the Chamber decided to appoint an *ad hoc* judge from among the members of the composition, applying by analogy Rule 29 § 2 (b) of the Rules of Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-9, 24 January 2023).

3. The applicant Government complained in essence about various human rights consequences of the "borderisation" process between the breakaway regions of Abkhazia and South Ossetia[1] and the territory controlled by the Georgian government. That process started in 2009. In a judgment delivered on 9 April 2024 ("the principal judgment"), the Court held that there had been various administrative practices contrary to the Convention: excessive use of force, loss of life and the lack of an effective investigation into those

[1] "Abkhazia" and "South Ossetia" refer to regions of Georgia which are currently outside the *de facto* control of the Georgian government. Abkhazia has about 200,000 inhabitants, including about 50,000 ethnic Georgians concentrated in the Gali district; South Ossetia has about 30,000 inhabitants, including a small number of ethnic Georgians concentrated in the Akhalgori district (see International Crisis Group report "Abkhazia and South Ossetia: Time to Talk Trade", 2018, p. 1). Russia recognised those two Georgian regions as independent States in 2008. That recognition was not followed by the international community.

incidents, in breach of the substantive and procedural aspects of Article 2; ill-treatment and the lack of an effective investigation into those incidents, in breach of the substantive and procedural aspects of Article 3; unlawful detention contrary to Article 5 § 1 in conditions contrary to Article 3; unlawful restrictions on access to homes, land, other property, cemeteries and families, in breach of Article 8 of the Convention and Article 1 of Protocol No. 1 to the Convention; denial of the right to education in the Georgian language, in breach of Article 2 of Protocol No. 1 to the Convention; and unlawful restrictions on the day-to-day freedom of movement across the administrative boundary line ("the ABL"), in breach of Article 2 of Protocol No. 4 to the Convention (for more details, see *Georgia v. Russia (IV)*, no. 39611/18, §§ 33, 34, 45, 46, 55, 59, 64, 73 and 83, 9 April 2024).

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the parties to submit, within six months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (ibid., § 86 and point 4 of the operative provisions).

5. As the parties did not reach an agreement, the applicant Government submitted their claims for just satisfaction under Article 41 on 8 January 2025 and an English translation of the enclosures to those claims on 29 April 2025. On 14 May 2025 the claims for just satisfaction were sent to the respondent Government for comments by 30 June 2025. The respondent Government did not submit any comments.

THE LAW

I. JURISDICTION

6. The Court notes that the facts giving rise to the violations found in the principal judgment took place before 16 September 2022, the date on which the Russian Federation ceased to be a Party to the Convention (see *Georgia v. Russia (IV)*, cited above, § 17). The Court thus has jurisdiction to deal with the claims for just satisfaction under Article 41 of the Convention in this case (see *Georgia v. Russia (II)* (just satisfaction) [GC], no. 38263/08, § 23, 28 April 2023).

II. CLAIMS FOR JUST SATISFACTION

7. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. The parties' submissions

1. The applicant Government

8. The applicant Government submitted claims for just satisfaction for the following individuals in respect of non-pecuniary damage:

(a) 51 alleged victims of the administrative practice contrary to both limbs (substantive and procedural) of Article 2 of the Convention (130,000 euros (EUR) per victim);

(b) 166 alleged victims of the administrative practice of ill-treatment by Russian or *de facto* Abkhaz and South Ossetian agents of ethnic Georgians following their arrest for a "border violation", and of the lack of an effective investigation into those instances of ill-treatment (EUR 35,000 per victim);

(c) 2,587 alleged victims of the administrative practice of unlawful detention of ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian agents for a "border violation" (EUR 16,000 per victim);

(d) 32,488 alleged victims of the administrative practice contrary to Article 2 of Protocol No. 4, preventing the return of ethnic Georgians to their homes in Abkhazia and South Ossetia (EUR 6,500 per victim);

(e) 719 alleged victims of the administrative practice of unlawful restrictions on the day-to-day freedom of movement across the ABL of ethnic Georgians who had already lodged individual applications with the Court (EUR 6,500 per victim);

(f) 64 alleged victims of the administrative practice of unlawful restrictions on the day-to-day freedom of movement across the ABL of ethnic Georgians who had not lodged individual applications with the Court (EUR 6,500 per victim);

(g) 32,488 alleged victims of the administrative practice contrary to Article 8 of the Convention and Article 1 of Protocol No. 1 of unlawful restrictions on the access of ethnic Georgians to their homes, land, other property, cemeteries and families (EUR 35,000 per victim);

(h) 719 alleged victims of the administrative practice of unlawful restrictions on the access of ethnic Georgians who had already lodged individual applications with the Court to their homes, land, other property, cemeteries and families (EUR 35,000 per victim); and

(i) several thousands of ethnic Georgians who had been denied the right to primary and/or secondary education in the Georgian language in Abkhazia and South Ossetia, in breach of Article 2 of Protocol No. 1 (a lump sum as deemed appropriate by the Court).

2. The respondent Government

9. As mentioned above (see paragraph 5), the respondent Government did not submit any comments.

B. The Court's assessment

1. General principles

10. The general principles concerning just satisfaction claims in inter-State cases have been set out in *Georgia v. Russia (II)* (cited above, §§ 30-33). Notably, the question of whether it is justified to grant just satisfaction to an applicant State must be assessed and decided by the Court on a case-by-case basis. This assessment must take into account, *inter alia*, the type of complaint made by the applicant Government, whether the victims of violations could be identified, and the main purpose of bringing the proceedings. The key point of this assessment is that the Court must satisfy itself that the applicant State has submitted just-satisfaction claims in respect of violations of the Convention rights of "sufficiently precise and objectively identifiable" groups of people who were victims of those violations. In addition, the applicant Government's factual submissions must be plausible and their claims must be sufficiently substantiated (ibid., § 32).

2. Application of the above principles to the facts of the present case

11. The Court first notes that the applicant Government's claim for just satisfaction under (d) in paragraph 8 above does not relate to any of the violations found in the principal judgment. Indeed, in the principal judgment, the Court expressly excluded from the scope of the present case the issue of the inability of ethnic Georgians to return to their homes in Abkhazia and South Ossetia under Article 2 of Protocol No. 4 (see *Georgia v. Russia (IV)*, cited above, § 59). The claims under (e) and (h) in paragraph 8 above should also be entirely excluded because they concern alleged victims who have lodged individual applications with the Court (see *Georgia v. Russia (I)* (just satisfaction) [GC], no. 13255/07, § 70, 31 January 2019).

12. By contrast, the claims under (a), (b), (c), (f), (g) and (i) in paragraph 8 above relate to the violations found in the principal judgment and it would appear that the alleged victims have not lodged individual applications with the Court. Furthermore, the applicant Government submitted a detailed list of alleged victims of the breaches of Article 2, Article 3, Article 5 § 1 and Article 8 of the Convention as well as Article 1 of Protocol No. 1 and Article 2 of Protocol No. 4 (the claims under (a), (b), (c), (f) and (g)). While it is true that there is no detailed list of alleged victims of the breach of Article 2 of Protocol No. 1 (the claim under (i)), the Court finds that the group of alleged victims of that breach is nonetheless "sufficiently precise and objectively identifiable" (see *Cyprus v. Turkey* (just satisfaction) [GC], no. 25781/94, §§ 51-55 and 58, ECHR 2014, in which the Court accepted the claim in respect of an indefinite number of the Greek Cypriots of the Karpas peninsula; contrast *Georgia v. Russia (I)*, cited above, §§ 56-58, in which the Court distinguished that case from *Cyprus v. Turkey*, cited

above). Just satisfaction has thus not been sought to compensate the State for a violation of its rights, but rather for the benefit of individual victims. That being the case, and in so far as those alleged victims are concerned, the Court considers that the applicant Government are entitled to make a claim under Article 41 of the Convention, and that granting just satisfaction in the present case would be justified.

13. As regards those claims, the Court reiterates the duty of the High Contracting Parties to cooperate as set forth in Article 38 of the Convention and Rule 44A of the Rules of Court. Indeed, "it is of the utmost importance for the effective operation of the system of individual petition instituted under Article 34 of the Convention that States should furnish all necessary facilities to make possible a proper and effective examination of applications. This obligation requires the Contracting States to furnish all necessary facilities to the Court, whether it is conducting a fact-finding investigation or performing its general duties as regards the examination of applications" (see, *mutatis mutandis*, *Janowiec and Others v. Russia* [GC], nos. 55508/07 and 29520/09, § 202, ECHR 2013). The Court has held that this duty to cooperate is particularly important for the proper administration of justice where it awards just satisfaction under Article 41 of the Convention in inter-State cases (see *Georgia v. Russia (I)*, cited above, § 60). It applies to both parties to the proceedings: the applicant Government, who, in accordance with Rule 60 of the Rules of Court, must substantiate their claims, and also the respondent Government, in respect of whom the existence of an administrative practice in breach of the Convention has been found in the principal judgment.

14. In accordance with those principles and the methodology applied in *Georgia v. Russia (I)* (cited above, §§ 68-71), the Court has examined the groups of alleged victims referred to in paragraph 12 above, to ensure that the factual submissions of the applicant Government were plausible and that their claims were adequately substantiated. In conducting this examination, the Court has based its findings solely on the documents submitted to it by the applicant Government, the content of which is to be considered unchallenged in the absence of any documents or comments submitted in response by the respondent Government (contrast *Georgia v. Russia (I)*, cited above).

15. The Court has thus drawn inferences from the failure of the respondent Government to participate in the proceedings (see *Georgia v. Russia (II)*, cited above, § 39; see also Rule 44C).

16. As to the list of fifty-one alleged victims of the administrative practice contrary to the substantive and procedural limbs of Article 2 (the claim under (a) in paragraph 8 above), that practice was defined in the principal judgment (§§ 29-34) as follows: the use of force against ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian agents at the ABL or after an arrest for a "border violation" where such force had not been "absolutely necessary" for the achievement of one of the purposes set out in Article 2 § 2 of the Convention, and the incidental loss of life of ethnic Georgians while trying to

cross the ABL by alternative routes with the intention of collecting their pension or medication from the territory controlled by the Georgian government. In the principal judgment (§ 29), the Court found that at least twenty incidents fell within the scope of the present case. The Court further found in the principal judgment (§ 34) that the Russian Federation had failed to comply with its procedural obligation under Article 2 of the Convention to carry out an adequate and effective investigation into those incidents. The applicant Government have failed to demonstrate that the number of victims of this administrative practice was higher than the number indicated by the Court. Therefore, for the purposes of awarding just satisfaction, the Court considers that at least twenty ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. Making its assessment on an equitable basis, the Court deems it reasonable to award the applicant Government a lump sum of EUR 1,300,000 (one million three hundred thousand euros) in respect of non-pecuniary damage sustained by this category of victims.

17. As regards the list of 166 alleged victims of the administrative practice of ill-treatment by Russian or *de facto* Abkhaz and South Ossetian agents of ethnic Georgians following their arrest for a "border violation", and of the lack of an effective investigation into those instances of ill-treatment (the claim under (b) in paragraph 8 above), the Court found in the principal judgment (§ 39) that at least fifty incidents fell within the scope of the present case. The Court further found in the principal judgment (§ 46) that the Russian Federation had failed to comply with its procedural obligation under Article 3 of the Convention to carry out an adequate and effective investigation into those incidents. However, the applicant Government have now demonstrated that the actual number of victims of this administrative practice was higher – at least seventy-six. Therefore, for the purposes of awarding just satisfaction, the Court considers that at least seventy-six ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. Making its assessment on an equitable basis, the Court deems it reasonable to award the applicant Government a lump sum of EUR 1,976,000 (one million nine hundred and seventy-six thousand euros) in respect of non-pecuniary damage sustained by this category of victims.

18. As to the list of 2,587 alleged victims of the administrative practice of unlawful detention of ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian agents for a "border violation" (the claim under (c) in paragraph 8 above), the Court notes that one of the incidents included in that list actually took place after 16 September 2022 and thus falls outside the temporal scope of this case (see paragraph 6 above). In view of the general numerical framework on which the Court relied in its principal judgment to conclude that there had been a violation of Article 5 § 1 of the Convention (§ 52), the Court considers that, for the purposes of awarding just satisfaction,

at least 2,586 ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. The Court further found in that the general conditions of detention in this context had been contrary to Article 3 of the Convention (§§ 41-42). Making its assessment on an equitable basis, the Court considers it reasonable to award the applicant Government a lump sum of EUR 5,172,000 (five million one hundred and seventy-two thousand euros) in respect of non-pecuniary damage sustained by this category of victims.

19. As regards the list of sixty-four alleged victims of the administrative practice of unlawful restrictions on the day-to-day freedom of movement of ethnic Georgians across the ABL (the claim under (f) in paragraph 8 above), the Court finds that the applicant Government have sufficiently substantiated their claim. Notably, they have provided a detailed account of each case and different pieces of evidence, such as testimonies. Therefore, for the purposes of awarding just satisfaction, the Court considers that at least sixty-four ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. Making its assessment on an equitable basis, the Court deems it reasonable to award the applicant Government a lump sum of EUR 320,000 (three hundred and twenty thousand euros) in respect of non-pecuniary damage sustained by this category of victims.

20. As to the list of 32,488 alleged victims of the administrative practice contrary to Article 8 of the Convention and Article 1 of Protocol No. 1, involving unlawful restrictions on ethnic Georgians' access to their homes, land, other property, cemeteries and families (the claim under (g) in paragraph 8 above), the applicant Government have asserted that all those persons fled Abkhazia and South Ossetia in 2008 and have never been able to return. The Court found in *Georgia v. Russia (II)* (cited above, § 44) that the Russian and the *de facto* Abkhaz and South Ossetian authorities had prevented the return to those regions of some 23,000 ethnic Georgians (although the applicant Government also claimed in that case that the number was significantly higher). There is no reason to decide otherwise in the present case. Furthermore, there is no reason to doubt that the access of those persons to their homes, land, other property, cemeteries and/or families in Abkhazia and South Ossetia has been restricted because of their inability to return to those regions. Therefore, for the purposes of awarding just satisfaction, the Court considers that at least 23,000 ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. Making its assessment on an equitable basis, the Court deems it reasonable to award the applicant Government a lump sum of EUR 224,250,000 (two hundred and twenty-four million two hundred and fifty thousand euros) in respect of non-pecuniary damage sustained by this category of victims.

21. Lastly, as to the claim for just satisfaction in respect of alleged victims of the administrative practice contrary to Article 2 of Protocol No. 1 (the claim under (i) in paragraph 8 above), it appears from the materials cited in the principal judgment (§ 78) and other available materials (see, for example, the 2023 report of the United Nations High Commissioner for Human Rights on cooperation with Georgia, A/HRC/54/80, §§ 52-54, 17 July 2023) that the transition of Georgian schools to Russian as the language of instruction was completed in Abkhazia in 2022 and in South Ossetia in 2023. It also appears from those materials that more than 4,000 schoolchildren were concerned. Therefore, for the purposes of awarding just satisfaction, the Court considers that at least 4,000 ethnic Georgians were victims of this administrative practice, for which the Russian Federation was found to be responsible. Making its assessment on an equitable basis, the Court deems it reasonable to award the applicant Government a lump sum of EUR 20,000,000 (twenty million euros) in respect of non-pecuniary damage sustained by this category of victims.

22. In accordance with Article 46 § 2 of the Convention, it falls to the Committee of Ministers to supervise the execution of the Court's judgments. In this context, the Court notes that Article 46 requires that the Committee of Ministers should also set forth an effective mechanism for the implementation of the Court's judgments in cases against a State which has ceased to be a Party to the Convention. The Court observes in this connection that the Committee of Ministers continues to supervise the execution of the Court's judgments against the Russian Federation, and the Russian Federation is required, pursuant to Article 46 § 1 of the Convention, to implement them, despite the cessation of its membership of the Council of Europe (see *Georgia v. Russia (II)*, cited above, § 46).

23. In accordance with the Court's case-law, the above-mentioned sums are to be distributed by the applicant Government to the individual victims (see *Cyprus v. Turkey*, cited above, § 58; *Georgia v. Russia (I)*, cited above, § 77; and *Georgia v. Russia (II)*, cited above, § 47). As in the aforementioned cases, the Court considers that it must be left to the applicant Government, under the supervision of the Committee of Ministers, to set up an effective mechanism to distribute the above-mentioned sums to the individual victims while having regard to the indications given by the Court (see paragraphs 11-12 and 16-21 above). Such distribution must be carried out within eighteen months from the date of the payment by the respondent Government or within any other period deemed appropriate by the Committee of Ministers.

24. Finally, the Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Holds* that it has jurisdiction under Article 58 of the Convention to deal with the applicant Government's claims for just satisfaction under Article 41 of the Convention notwithstanding the cessation of the Russian Federation's membership of the Council of Europe and that the respondent Government's failure to cooperate does not present an obstacle to their examination;

2. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 1,300,000 (one million three hundred thousand euros) in respect of non-pecuniary damage suffered by a group of at least twenty victims of the administrative practice contrary to the substantive and procedural limbs of Article 2 of the Convention;

3. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 1,976,000 (one million nine hundred and seventy-six thousand euros) in respect of non-pecuniary damage suffered by a group of at least seventy-six victims of the administrative practice of ill-treatment by Russian or *de facto* Abkhaz and South Ossetian agents of ethnic Georgians following their arrest for a "border violation", and of the lack of an effective investigation into those instances of ill-treatment;

4. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 5,172,000 (five million one hundred and seventy-two thousand euros) in respect of non-pecuniary damage suffered by a group of at least 2,586 victims of the administrative practice of unlawful detention of ethnic Georgians by Russian or *de facto* Abkhaz and South Ossetian agents for a "border violation";

5. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 320,000 (three hundred and twenty thousand euros) in respect of non-pecuniary damage suffered by a group of at least sixty-four victims of the administrative practice contrary to Article 2 of Protocol No. 4 to the Convention;

6. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 224,250,000 (two hundred and twenty-four million two hundred and fifty thousand euros) in respect of non-pecuniary damage suffered by a group of at least 23,000 victims of the administrative practice contrary to Article 8 of the Convention and Article 1 of Protocol No. 1 to the Convention;

7. *Holds* that the respondent State is to pay the applicant Government, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 20,000,000 (twenty million euros) in respect of non-pecuniary damage suffered by a group of at least 4,000 victims of the administrative practice contrary to Article 2 of Protocol No. 1 to the Convention;

8. *Holds* that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

9. *Holds* that the above amounts shall be distributed by the applicant Government to the individual victims under the supervision of the Committee of Ministers within eighteen months from the date of the payment or within any other period considered appropriate by the Committee of Ministers;

10. *Dismisses* the remainder of the applicant Government's claims for just satisfaction.

Done in English, and notified in writing on 14 October 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar	Arnfinn Bårdsen President