

2 February 2010
For immediate release

European Court judgment paves way for Georgian victims of Soviet political repression to be compensated

Today, in the case of *Kiladze v Georgia* (No. 7975/06), the European Court of Human Rights found that a 'legislative void' had prevented Klaus and Yuri Kiladze from obtaining compensation to which they were entitled as victims of political repression. This judgment potentially has significance for thousands of others in a similar position. The applicants (who are aged 83 and 81 respectively) were represented by the European Human Rights Advocacy Centre (EHRAC) based at London Metropolitan University and the Georgian NGO, The Georgian Young Lawyers' Association (GYLA). The applicants were awarded 4,000 euros each in damages.

Klaus and Yuri's father was executed in 1937 and their mother was sent to a GULAG (corrective labour camp) in 1938 for alleged crimes against the Soviet regime. The parents' flat in Tbilisi and all their belongings were confiscated. The applicants were sent to an orphanage in Russia where they lived in cramped and unsanitary conditions for two years before returning to Georgia to live with their grandmother. In 1956 and 1957 the applicants' mother and father were rehabilitated.

Having been recognised as victims of political repression in 1998, in 2005 the Kiladzets applied to the Georgian courts seeking compensation under a 1997 law on the recognition of citizens of Georgia as victims of political repression and social security of the repressed. However, the domestic courts rejected their claims as a further law, which was necessary to determine the sum of moral damages due to them, and to stipulate how to pay the damages, had not been adopted. In 2006 they applied to the European Court.

The European Court found a violation of Article 1 of Protocol 1 to the European Convention on Human Rights (the right to property). By not adopting the law, Georgia was found to have placed a disproportionate and excessive burden on the applicants that could not be justified by the public interest and had prevented them from enjoying their right to moral damages.

"... the Court does not see any reason why the State has failed, after more than 11 years, to take even the smallest step to starting the process of adopting the law [...]." Furthermore, the State is apparently not ready to start this task, thus denying the elderly applicants any hope of enjoying, during their lifetime, the rights envisaged in Article 9 of the law of 11 December 1997."

The judgment also requires the Georgian authorities to rapidly introduce the necessary legislative, administrative or budgetary measures to ensure that those people who are entitled to, can benefit from their rights under the 1997 law.

EHRAC's Director, Prof. Philip Leach, said:

"As the Court has pointed out, many other people are negatively affected by this 'legislative void'. Georgia should immediately take the necessary legislative steps backed up by sufficient funding, to allow these people to exercise their rights."

[End]

Note: The full text of the judgment is available on the website of the European Court of Human Rights (http://www.echr.coe.int/echr/Homepage_EN) in French. The original of the quote from the judgment is provided below:

Notamment, la Cour n'aperçoit pas de raisons pour lesquelles l'Etat faillit, alors même qu'il a disposé de plus de onze ans, d'entreprendre le moindre pas vers le début du processus d'adoption de la loi [...]. S'ajoute à cela le fait que l'Etat n'est apparemment pas prêt à engager ce travail, privant ainsi les requérants, âgés, de toute perspective de bénéficier, de leur vivant, du droit que leur reconnaît l'article 9 de la loi du 11 décembre 1997."