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For immediate release

Georgians take Russia to European Court of Human Rights over August 2008 armed conflict

On 12 February 2010, the Georgian Young Lawyers' Association (GYLA) working together with the European Human Rights Advocacy Centre (EHRAC) at London Metropolitan University will submit 32 groups of full applications to the European Court of Human Rights on behalf of 134 Georgian citizens who allege that Russia committed a number of serious violations of the European Convention on Human Rights (ECHR) during the August 2008 armed conflict between Russia and Georgia.

"I saw that my daughter was lying over her son. She turned onto her back. Her head had been injured by shrapnel and she was bleeding severely. She was dying."

Tsitsino Kushashvili, applicant from Gori about the events of 9 August 2008

"Every day for one week I was waiting to be taken away for execution. I could only think about what kind of death it would be."

Neli Mchedlidze, applicant from Zemo Achabeti who was held hostage in Tskhinvali from 10-21 August 2008

The applications, which originate from Georgian villages within South Ossetia and the surrounding area¹ as well as the city of Gori, primarily concern instances of shelling and air attacks on villages, allegedly by Russian armed forces, resulting in the destruction of property and the killing or injuring of civilians and the deliberate burning and looting of villagers' houses by Russian soldiers or Ossetian militia. Extracts from the statements of three of the applicants are given below.

In their complaints the applicants rely on various provisions of the ECHR: Articles 2 (right to life), 3 (prohibition of torture and inhuman and degrading treatment), 5 (right to liberty and security of the person), 8 (right to respect for private and family life), 13 (effective remedy), 14 (prohibition of discrimination), Article 1 of Protocol 1 (right to peaceful enjoyment of property) and Article 2 of Protocol 4 (freedom of movement).

These cases raise important questions about the applicability of the ECHR to a conflict situation, and they will also test the 'reach' of the ECHR - the applicants are asking the Court to find Russia responsible for violations perpetrated by its armed forces outside Russian territory (including the aerial bombing of villages in Georgia). The Court will also be asked to decide that the Russian Federation was responsible both for the actions of its armed forces and of Ossetian militia.

GYLA and EHRAC have been working in partnership since 2006 and the two organisations have lodged a series of cases against Georgia at the European Court of Human Rights. They have also brought cases against the Russian Federation on behalf of people who were deported from Russia to Georgia in October 2006.

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¹ Achabeti, Argvitsi, Atsriskhevi, Avlevi, Berula, Brotsleti, Dzartsemi, Dvani, Eredvi, Kekhvi, Kere, Kitsnisi, Ksuisi, Kurta, Satskheneti, Tkviavi, Vanati, Zardiaantkari and Zemo Kviti.

Extracts from statements by applicants

Tsitsino Kushashvili (*Kushashvili and Others v Russia*, No. 8960/09)

Tsitsino Kushashvili, a resident of Gori, was 68 at the time of the bombing on 9 August 2008. She saw her daughter killed by a falling bomb. Her home was also destroyed.

"The planes flew at very low altitude; so low that I was scared they would hit the building roof accidentally. There are eight apartment blocks around my house and the planes were cruising above them. They made two circles and on the third one they started to drop bombs."

"I saw lots of people lying on the ground. I saw my neighbour, Zviad Razmadze, who was injured. I turned him on his back but could not find out whether he was dead or alive. Suddenly I heard another injured neighbour, Zoya Muradov, calling my name and I rushed to help her, but then I saw my daughter (Maya) and my grandson (Giviko) also lying on the ground. I ran to them and when I came closer I saw that my daughter was lying over Giviko. She turned onto her back. Her head had been injured by shrapnel and she was bleeding severely. She was dying. The piece of shrapnel was large, around 20 cm in size. It was metal and when I touched it was still hot. Maya did not respond to me. I started to shout: 'Help! My daughter needs help!' and then I heard Giviko saying 'Grandma, help me, my leg hurts'. I looked at him and saw that he had a large piece of shrapnel in his right leg and he was also bleeding. Then I started to ask for help for Giviko because I realised that Maya was going to die anyway."

Goderzi Khaduri (*Khaduri v Russia*, No. 8906/09)

While 60 year-old Goderzi Khaduri's family left their village of Satskheneti, Gori District, after it was bombed on 8 August 2008, he could not bear to leave his home and stayed on.

"On 9 August 2008 I was at home. At about 12.30pm eight men in military uniforms entered my yard. They killed my pig. I recognised seven of them. They were Ossetians from nearby villages. I went out into the yard with raised hands. They shot towards me several times. The bullets went over my head. They told me in Russian to get down on my knees and put my head on the ground. I obeyed. They shot near my head at least seven times."

"After that they began beating me mercilessly. I fell down and all five of them were beating me. It seemed to go on for a long time. As a result of the beating I got cerebral trauma and concussion. My whole body was bruised. When I got out of there on 17 August I was in hospital in Tbilisi until 31 August. I had to have an operation on my leg because of the beating. After having beaten me they told me to follow them. I refused and told them to kill me there. Then one of them hit me on the back with a machine gun. They tied my hands behind my back with a rope, covered my face with my own towel and lead me to a jeep, which was at the gate. One of them kicked me in the bottom and another hit me in the neck with an object and I fainted."

"They took me to Dmenisi village. I was locked in a 3rd floor room of the school building. I was locked in that room for four days. My guard was one of my son's classmates from Vanati School. He knew me. He warned me that many of the Ossetian fighters wanted to kill me and told me to be careful. I was waiting for death every day."

Neli Mchedlidze (*Barbakadze and Others v Russia*, No. 9546/09)

49 year-old Neli Mchedlidze was living in the village of Zemo Achabeti in South Ossetia at the time of the conflict. On 10 August 2008 she was detained by members of the Ossetian military forces and was taken as a hostage to Tskhinvali. She was released by the Red Cross on 21 August 2008. Her house in Zemo Achabeti was burned down while she was in detention.

"Whilst we were walking along the road a white car was driving up and down the road. The young boys inside the car were cursing us in Russian and Ossetian and even spitting at us. They also shot from sub-machine guns at our feet. The old people were frightened and lay down on the ground screaming. We helped them get up and continued on our way. When we came to Kvemo Achabeti we saw that the whole village was on fire. I saw how men at the edge of the road were shooting something at houses and setting them on fire."

"About 40 women were placed into a small cell, about 8 m². We were sweating and could not breathe. It stunk: somebody had diarrhoea; someone else had wet herself out of fear. The cell had no window. They opened a small window in the iron door of the cell. Some of the women were shouting asking to be released, others were crying. One of the guards told us to be quiet otherwise they would close the little window and kill us, and no one would know about it. They only gave us water and bread during the first week. I asked for some water several times through the small window in the door. The guard answered that there was no use in giving us water as we were going to be killed anyway. Every day for one week I was waiting to be taken away for execution. I could only think about what kind of death it would be."