



About this application form

This application form is a formal legal document and may affect your rights and obligations. Please follow the instructions given in the Notes for filling in the application form. Make sure you fill in all the fields applicable to your situation and provide all relevant documents.

Warning: If your application is incomplete, it will not be accepted (see Rule 47 of the Rules of Court). Please note in particular that Rule 47 § 2 (a) provides that: "All of the information referred to in paragraph 1 (d) to (f) [statement of facts, alleged violations and information about compliance with the admissibility criteria] that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document."

Barcode label

If you have already received a sheet of barcode labels from the European Court of Human Rights, please place one barcode label in the box below.

Reference number

If you already have a reference number from the Court in relation to these complaints, please indicate it in the box below.

A. The applicant (Individual)

This section refers to applicants who are individual persons only. If the applicant is an organisation, please go to Section B.

1. Surname

Kashin

2. First name(s)

Oleg

3. Date of birth

1	7	0	6	1	9	8	0
D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2012

4. Nationality

RUS

5. Address

Rue Ferdinand - Hodler 9, Geneva 1207, Switzerland

6. Telephone (including international dialling code)

+41787235884

7. Email (if any)

okashin@gmail.com

8. Sex

male

female

B. The applicant (Organisation)

This section should only be filled in where the applicant is a company, NGO, association or other legal entity.

9. Name

10. Identification number (if any)

11. Date of registration or incorporation (if any)

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2012

12. Activity

13. Registered address

14. Telephone (including international dialling code)

15. Email

C. Representative(s) of the applicant

If the applicant is not represented, go to Section D.

Non-lawyer/Organisation official

Please fill in this part of the form if you are representing an applicant but are not a lawyer.

In the box below, explain in what capacity you are representing the applicant or state your relationship or official function where you are representing an organisation.

16. Capacity / relationship / function

17. Surname

18. First name(s)

19. Nationality

20. Address

21. Telephone (including international dialling code)

22. Fax

23. Email

Lawyer

Please fill in this part of the form if you are representing the applicant as a lawyer.

24. Surname

25. First name(s)

26. Nationality

27. Address

28. Telephone (including international dialling code)

29. Fax

30. Email

Authority

The applicant must authorise any representative to act on his or her behalf by signing the authorisation below (see the Notes for filling in the application form).

I hereby authorise the person indicated to represent me in the proceedings before the European Court of Human Rights, concerning my application lodged under Article 34 of the Convention.

31. Signature of applicant

32. Date

1	9	0	9	2	0	1	4
D	D	M	M	Y	Y	Y	Y

 e.g. 27/09/2012

D. State(s) against which the application is directed

33. Tick the name(s) of the State(s) against which the application is directed

- | | |
|--|--|
| <input type="checkbox"/> ALB - Albania | <input type="checkbox"/> ITA - Italy |
| <input type="checkbox"/> AND - Andorra | <input type="checkbox"/> LIE - Liechtenstein |
| <input type="checkbox"/> ARM - Armenia | <input type="checkbox"/> LTU - Lithuania |
| <input type="checkbox"/> AUT - Austria | <input type="checkbox"/> LUX - Luxembourg |
| <input type="checkbox"/> AZE - Azerbaijan | <input type="checkbox"/> LVA - Latvia |
| <input type="checkbox"/> BEL - Belgium | <input type="checkbox"/> MCO - Monaco |
| <input type="checkbox"/> BGR - Bulgaria | <input type="checkbox"/> MDA - Republic of Moldova |
| <input type="checkbox"/> BIH - Bosnia and Herzegovina | <input type="checkbox"/> MKD - "The former Yugoslav Republic of Macedonia" |
| <input checked="" type="checkbox"/> CHE - Switzerland | <input type="checkbox"/> MLT - Malta |
| <input type="checkbox"/> CYP - Cyprus | <input type="checkbox"/> MNE - Montenegro |
| <input type="checkbox"/> CZE - Czech Republic | <input type="checkbox"/> NLD - Netherlands |
| <input type="checkbox"/> DEU - Germany | <input type="checkbox"/> NOR - Norway |
| <input type="checkbox"/> DNK - Denmark | <input type="checkbox"/> POL - Poland |
| <input type="checkbox"/> ESP - Spain | <input type="checkbox"/> PRT - Portugal |
| <input type="checkbox"/> EST - Estonia | <input type="checkbox"/> ROU - Romania |
| <input type="checkbox"/> FIN - Finland | <input checked="" type="checkbox"/> RUS - Russian Federation |
| <input type="checkbox"/> FRA - France | <input type="checkbox"/> SMR - San Marino |
| <input checked="" type="checkbox"/> GBR - United Kingdom | <input type="checkbox"/> SRB - Serbia |
| <input type="checkbox"/> GEO - Georgia | <input type="checkbox"/> SVK - Slovak Republic |
| <input type="checkbox"/> GRC - Greece | <input type="checkbox"/> SVN - Slovenia |
| <input type="checkbox"/> HRV - Croatia | <input type="checkbox"/> SWE - Sweden |
| <input type="checkbox"/> HUN - Hungary | <input type="checkbox"/> TUR - Turkey |
| <input type="checkbox"/> IRL - Ireland | <input type="checkbox"/> UKR - Ukraine |
| <input type="checkbox"/> ISL - Iceland | |

Subject matter of the application

All the information concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the six-month time-limit laid down in Article 35 § 1 of the Convention must be set out in this part of the application form (sections E., F. and G.) (Rule 47 § 2 (a)). The applicant may supplement this information by appending further details to the application form. Such additional explanations must not exceed 20 pages (Rule 47 § 2 (b)); this page limit does not include copies of accompanying documents and decisions.

E. Statement of the facts

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SUMMARY

1. The present complaint arises out of the assault on Mr. Oleg Kashin ("the applicant") and the subsequent lack of an effective investigation of this assault. Mr. Oleg Kashin is a prominent Russian journalist, who at the time of the attack against him was working as a political correspondent for the Kommersant daily, a leading Russian business newspaper. Both the Kommersant newspaper and Mr. Kashin in particular, had an interest in covering youth movements linked to the governing party of Russia, the "United Russia". This coverage had drawn severe reactions by members of those movements, who have openly threatened Mr. Kashin prior to the attack.
2. On 6 November 2010 the applicant was attacked and severely beaten by two unknown individuals waiting for him in front of his house. The assailants beat him up with a metal rod causing severe head injuries, breaking his jaw, legs and fingers. He was admitted to hospital in a critical condition, staying in a coma for a week. Neither money, nor other valuables have been stolen from him and there has been no evidence of a motive for the assault related to his private life. All circumstances surrounding the attack indicated that it was linked to Mr. Kashin's journalistic activities, an interpretation which was widely accepted.
3. Despite early promises by the authorities that a thorough investigation will be carried out, and an initial period of active investigation with an active round of questioning and forensic tests, after 2011 the investigation has ground to a stop. Four years after the assault the investigation has made no progress. At one stage of the investigation the applicant has indicated specific leads, linking the attack to activists of a pro-Kremlin youth movement and its allies among Russian nationalists and soccer fans, but the investigation has refused to follow these leads without an explanation. The investigating authorities have also refused to allow him access to the investigation files, leaving him with the impression that for the last two years no investigation was taking place at all.
4. Due to the refusal of the investigating authorities to grant him access to the investigation file, the applicant is unable to submit to the Court all the relevant documents in support of his complaint. Mr. Kashin's complaint is based on the following facts.

DETAILED DESCRIPTION OF THE RELEVANT FACTS

5. Mr. Oleg Kashin is a prominent Russian journalist and blogger. He started his journalistic career during his studies at the Baltic State Fishing Fleet Academy, writing for Komsomolskaya Pravda newspaper in Kaliningrad. He continued to work for that newspaper up to 2003, when he moved to Moscow, continuing to work for this newspaper in Moscow. After a while he became a staff writer at the Kommersant newspaper, leaving it in 2005 and then rejoining it again in 2009 as a special correspondent. Later in his career, and particularly following the attack against him, he continued his journalistic work as a free lancer and a blogger.
6. Prior to the attack against him, the applicant was actively investigating and reporting on youth political organizations linked to high ranking public officials and their use and abuse for political purposes, including use of violence against political opponents of those controlling them. He had established himself as the leading Russian journalist covering those pro-Kremlin youth political movements. In particular, he was reporting on the Young Guard of United Russia, a youth group associated with the United Russia political party, chaired by Vladimir Putin and the youth movement Nashi, which was created and supported by senior figures in the Russian Presidential administration. The applicants was in particular reporting on the nationalist ideology of those movements, the links with public officials, its use of soccer fans for physical attacks against political opponents of the government. This coverage prompted aggressive responses from members of those pro-Kremlin groups, against journalists of

Statement of the facts (continued)

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Kommersant in general and the applicant in particular. Shortly before the attack against him the applicant has been described by a member of the Young Guard of United Russia as an "enemy of the Russian people", "traitor", threatened that "this could not be left without the most serious consequences" and a photo of the applicant was placed on the website of the organization with a text "Will be punished" written across it. After the attack the photograph of the applicant with the text has been removed.

7. On 6 November 6 2010, at 0:40 in the morning, the applicant was assaulted by two unknown attackers in front of his home in Moscow. The applicant was returning home when the two attackers, who were waiting for him in the street, approached him before he did enter the building. The incident was videotaped by a security camera. One of the attackers was holding a bunch of flowers, in which a metal rod was hidden. The attackers pushed the applicant on the ground and while one of them was holding him, the other was hitting him with the metal rod. The attacker landed a total of 56 blows on the applicant, aiming mostly at the applicant's mouth and hands. The attackers then left the scene of the crime in a car, which was parked nearby, with a third person driving it. Later it was established that the car was stolen.

8. The applicant was taken to hospital, where he was placed in an intensive care unit in a critical condition. He stayed in coma for a week, following which a number of surgeries have been performed on him. He had very serious head injuries, with his upper jaw completely displaced from his skull, broken legs and fingers.

9. On 6 November 2010 the Moscow Investigation Office opened criminal proceedings regarding the attack, against unknown persons. To the applicant's best knowledge, the scene of the crime has been examined and evidence collected. A number of forensic tests have been carried out and a large number of witnesses have been questioned. Due to the fact that the applicant has been refused access to the investigation files he could not provide detailed information on the investigation steps taken or submit documents to the Court.

10. On 3 November 2011 the applicant filed a request to the investigating officer expressing his wish to participate in the criminal proceedings as a party – an injured party – and to receive, accordingly, copies of the decisions and the evidence in the case.

11. On 15 November 2011 the applicant requested the investigating officer to allow him to read the case file and to receive copies of several documents. On 18 November 2011 the investigating officer ruled that the applicant should be allowed to read some of the documents in the case file but he should not be provided copies of any materials. More specifically, the applicant was allowed to read the decree opening the criminal proceedings, the decrees ordering expert reports, the expert reports and the record of his own testimony. In refusing to allow the applicant to read all materials in the file and copies of the materials he was allowed to read, the investigator relied on a decision of the Constitutional Court, according to which the investigating officer has the powers to determine the extent to which the victim of a crime should have access to the case materials, in view of preserving the confidentiality of the investigation.

12. On 18 January 2012, the investigation officer decided to extend the time period of the investigation to 6 August 2012.

13. On 9 October 2012 the applicant filed a request to be interrogated with a polygraph and, more specifically, to answer the questions: what motivated, according to him, the attack against him, whether he was certain that pro-Kremlin activists were involved in the attack and whether he was certain that two individuals, Mr. V.Y. and Mrs. K.P. had ordered the attack.

14. On 12 October 2012 the applicant was interrogated with a polygraph. He stated that, according to him, the attack was related to his professional activities and that according to him Mr. V.Y. ordered his beating and football fans were involved in carrying it out.

Statement of the facts (continued)

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15. On 10 October 2012 the applicant made a request for a linguistic analysis of the article "The journalists-traitors must be punished!" The experts concluded that the article contains negative information about the applicant, his activity, personal and moral qualities. They held that the negative information about the applicant infringes his good name, honor and dignity and diminishes his reputation. The experts also stated that the text of the article contains verbal incitements, challenges and threats, expressing a wish and intent to punish the applicant and other journalists like him.

16. On 4 November 2012 the applicant informed the investigating officer that he had identified one of the attackers on a picture on the internet, and submitted the picture. On 14 November 2012 the investigating officer ruled that the internet photograph should be added to the cases materials, however, the polygraph interrogation and the linguistic analysis should not be joined as evidence as they were not dully signed.

17. On 21 November 2012 the investigating officer decided to extend the time limit for the investigation until 6 May 2013.

18. On 29 November 2012 the applicant submitted to the investigator in charge an analysis of who were the likely attackers.

19. On 23 September 2013 the applicant filed a request with the investigating officer, outlining again the most likely explanation of the attack against him, namely that he was "punished" for his writings, influencing the public opinion on the subject of "pro-Kremlin movements". The applicant made a request for specific investigative actions, namely, a study of criminal cases opened after 2005 concerning crimes against liberal journalists who had conflicts with pro-Kremlin movements and against representatives of the opposition parties. The applicant also asked to read all the case materials as previously he was allowed to read only a small part of them.

20. On 11 October 2013 the investigating officer refused to allow the applicant access to the case file, reasoning that access can be provided only after the completion of the investigation. The investigating officer allowed the applicant to read some case materials regarding crimes committed against other liberal journalists.

21. On 24 October 2013 the investigating officer decided to extend the time limit for the investigation until 6 May 2014.

22. On 12 November 2013 the applicant filed a complaint with the Basmanniy District Court of Moscow for the unlawful inaction of the investigation authorities and their failure to investigate all leads. He argued that he had found a photograph on the internet of one of the attackers, he had submitted different versions regarding the likely attackers and he had given names of witnesses which were not interrogated. The applicant also argued that on grounds of Article 13 in conjunction with Article 2 of the Convention, the investigation authorities were obliged to inform the victim about the course of the proceedings. The applicant asked the court to declare the investigation authorities' inactivity unlawful as well as their refusal to provide him with information regarding the course of the proceedings and overturn the 11 October 20013 ruling.

23. On 3 December 2013 the Basmanniy District Court ruled that it was competent to consider the complaint regarding the lawfulness of the 11 October 20013 ruling of the investigator, however, the rest of the complaints should be submitted to the Meshtanskiy District Court.

24. On 6 February 2014 the Basmanniy District Court ruled on the merits of the complaint. It dismissed it as ill-founded and held that the appealed ruling was not in breach of any procedural provisions, namely, it was issued by a competent person, within the statutory time limit and it contained reasons. The court also held that the effective legislation did not provide for a possibility for the victim to read the case materials before the completion of the investigation. Therefore, the investigator's refusal did not infringe the applicant's constitutional rights and did not hamper his access to justice.

E. Statement of the facts

25. On 15 February 2014 the applicant filed an appeal against the judgment of the Basmanniy District Court to the Moscow City Court. He repeated his arguments of a breach of Article 13 and Article 2 of the Convention. The applicant argued that the lack of access to the case materials, while the pre-trial proceedings were still pending, practically deprived him as a victim of the possibility to control the course of the proceedings, to challenge the actions of the investigator, to make substantive requests and thus to exercise fully his rights as a victim. The applicant further submitted that he had requested the investigating officer to study another investigation of the same investigation office, which might be related to the attack against him, but the investigating officer failed to do that. The applicant eventually asked the court to oblige the investigation authorities to grant him access to all case materials.
26. On 16 April 2014 the Moscow City Court ruled on the appeal holding that it was ill-founded. It held that the investigating officer is an independent authority and the courts did not have the powers to control his actions. Therefore, the court could only analyze whether the ruling of the investigator complied with the formal procedural requirements. Further, the Moscow City Court reiterated that, according to national legislation, the victim had the right to read all case materials only at the end of the investigation.
27. In the meantime, on 3 March 2014, in line with the Basmanniy District Court's instructions, the applicant submitted to the Meshtanskiy District Court his complaint about the unlawful inaction of the investigation authorities and their failure to investigate all the leads related to the attack. He argued that for the last 2 years the investigation was practically idle.
28. On 2 April 2014, the Meshtanskiy District Court decided that the complaint was ill-founded. It held that the applicant had not submitted any evidence that criminal proceedings were initiated and pending and further, it held that the information provided by the applicant was not specific and that there was no evidence that the field officers acted upon orders of the investigator.
29. On 1 August 2014 the applicant appealed this decision to the Moscow City Court. He asked the court to request the case file, including the decree on creating an investigation group of field officers and to summon for questioning at a hearing before the court the investigator in charge. On 15 February 2014 the applicant filed an identical complaint with the Chief Prosecutor, requesting the Chief Prosecutor to exercise control over the investigation and to guarantee its lawfulness.
30. On 23 April 2014 the applicant indicated to the investigation officer the name of a suspect who could be involved in the attack against him – Mr. H.K., and asked for this person's interrogation. On 16 May 2014 the investigator ruled that the applicant's request should be allowed and ordered the interrogation of H.K. in his capacity of a witness, after his whereabouts were established. To the applicant's best knowledge, no steps to find Mr. H.K have been undertaken.
31. On 28 April 2014 the investigating officer decided to extend the time limit for the investigation until 6 August 2014 and then again on 17 July 2014 – until 6 December 2014.