

**F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments**

| 37. Article invoked   | Explanation   |
|---|---|
| <p><b>Violation of Article 2 and Article 13 of the Convention</b></p>   | <p>33. In arguing this, the applicant relies on the case law developed by the Court under those provisions. The Court had repeatedly ruled, that the absence of any direct State responsibility for the death of an individual, does not exclude the applicability of Article 2, as states have a positive obligation to take appropriate steps to safeguard the lives of those within their jurisdiction (see <i>L.C.B. v. the United Kingdom</i>, judgment of 9 June 1998, § 36). The Court has held, that this positive obligation “requires by implication that there should be some form of effective official investigation when there is reason to believe that an individual has sustained life-threatening injuries in suspicious circumstances. The investigation must be capable of establishing the cause of the injuries and the identification of those responsible with a view to their punishment (see <i>Paul and Audrey Edwards</i> judgment of 14 March 2002, § 69).</p>   |
| <p><b>32. The applicant raises a complaint of a breach of the Government’s positive obligation to ensure the conduct of an effective investigation into the assault on him. He maintains that the Russian investigation authorities failed to comply with their positive obligation to carry out a full, comprehensive and timely investigation into the assault on him, which had placed his life at risk. He relies in this respect on Articles 2 and 13 of the Convention.</b></p> | <p>34. In reviewing whether the authorities have met their obligation in the circumstances of the particular case, the Court has ruled that “the authorities must have take the reasonable steps available to them to secure the evidence concerning the incident, including inter alia eye witness testimony, forensic evidence” among other things. Any deficiency in the investigation which undermines its ability to establish the the person or persons responsible will risk falling foul of this standard” (<i>Hugh Jordan v. the United Kingdom</i>, judgment of 4 May 2001). Of particular importance is that the authorities should act of their own motion, once the matter has come to their attention. They cannot leave it to the initiative of the victims to either to lodge a formal complaint or to take responsibility for the conduct of any investigative procedures (See <i>Ilhan v. Turkey</i>, [GC], no. 22277/93, ECHR 2000-VII, § 63).</p> <p>35. “[I]mplicit in the obligation to investigate deaths is the requirement of promptness and reasonable expedition”(see <i>Paul and Audrey Edwards v. the United Kingdom</i>, no. 46477/99, § 55, ECHR 2002-III, para 71), with the Court noting that a prompt response maintains public confidence in the authorities’ adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts. Of paramount importance is also the requirement to keep victims effectively associated with the conduct of the investigation both for the maintenance of public confidence in the investigation and for safeguarding the victim’s legitimate interests (see <i>Sadık Önder v. Turkey</i>, no. 28520/95, § 44,). According to the Court “there must be a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice, maintain public confidence in the authorities’ adherence to the rule of law and prevent any appearance of collusion in or tolerance of unlawful acts (see <i>Kolevi v. Bulgaria</i>, no. 1108/02, §§ 194, 5 November 2009). In cases where a victim was denied any access to the investigation file, this was considered by the Court as sufficient justification for a finding of a violation of the positive obligation to investigate effectively (see <i>Seidova and Others v. Bulgaria</i>, no.310/04, 18 November 2010).</p> <p>36. In arguing that the Government breached its positive obligations under the procedural aspect of Articles 2 and 13 of the Convention, the applicant points to the serious deficiencies of the official investigation into the attack on him. The applicant submits that the investigation 1) did not proceed with promptness and reasonable expedition, 2) did not allow the applicant full access to the investigation file, thus damaging his confidence in its independence and impartiality and limiting his ability to actively assist the investigation and 3) did not undertake all reasonable steps available to secure the evidence concerning the incident, as the investigation refused to follow the leads suggested by the applicant.</p> |

## F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

| 37. Article invoked | Explanation  |
|---------------------|--|
| ARTICLE 2           | <p>37. As to his first argument, the applicant indicates that the investigation in the attack on him started on the day of the attack, 6 November 2010 and is still pending with no indication of being finalized any time soon. This overall length on four years is in itself, already, a significant breach of the duty to carry out an investigation with reasonable expedition. While during the first year of the investigation a number of steps were taken and the investigation was progressing with a reasonable speed, since 2011 there are no indications, or certainly none that the applicant is aware of, of any action being taken. This inactivity, in combination with the length of the investigation is clearly in breach of the duty of the Respondent state to act promptly and with reasonable expedition.</p>  |
| ARTICLE 13          | <p>38. As to the applicant's second argument, he points to the fact that he was practically denied any meaningful access as to what was investigated and what the course of the investigation was. He points to the fact that he was granted access to a very limited number of documents (see para. 11 supra), namely the decree to open proceedings, the expert reports and the record of his own testimony. This was highly insufficient. In particular, the applicant was not allowed any access to witness testimony, which in the particular case was the crucial evidence. As a result, the applicant's confidence in the investigation was completely destroyed and at present he is convinced that the main goal of the investigation is to cover up the immediate perpetrators and the instigators of the attack against him, as apparently they are in position of power in the government, allowing them complete impunity. This lack of access to the investigation also limits the applicant's ability to actively pursue his own investigation into the attack on him.</p> <p>39. Finally, the applicant complains about the fact that no investigation was taken into the specific leads he had suggested. The attack on him was clearly because of his journalistic activities and he has received specific threats prior to the attack from members of the pro-Kremlin youth movements. On the basis of his own investigation, he has indicated specific individuals likely to have been involved in the attack, in one capacity or another (see paras. 13 and 14 supra). If questioned, those individuals would certainly provide important information about the attack. None of them, however, has been interrogated by the investigating officer.</p> <p>40. In conclusion, the length of the investigation, the lack of access to it and the failure to take crucial steps in investigating the attacks lead to the conclusion that the Respondent Government has failed to meet its obligation to investigate effectively, and there has been a violation of the applicant's rights under Articles 2 and 13 of the Convention.</p> |

**G. For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.**

38. Complaint

Information about remedies used and the date of the final decision

Article 2 and Article 13 of the Convention

41. The applicant complains of the failure of the domestic investigation authorities to carry out a thorough investigation into the attack on him and in particular the failure of the investigation authorities to investigate all the leads suggested by him, to investigate expeditiously and to allow him full access to the investigation file. The applicant respectfully submits that there are no effective remedies, within the domestic legal system, that could provide redress in those circumstances. While it is possible, under domestic law, to challenge decisions of the investigation authorities, and while the applicant has duly undertaken such actions, judicial review has eventually proved to be not effective and incapable of providing redress (see para. 26 supra). As the alleged breach of the Convention derives from the positive duties of the Government to investigate, as the investigation into the attack on him is still pending and as there is no effective remedy against the actions and inactions of the investigating authorities, the applicant considers that this is a case of an ongoing violation of his Convention rights, and that the six month time limit has not yet started to run.

39. Is or was there an appeal or remedy available to you which you have not used?

Yes

No

40. If you answered Yes above, please state which appeal or remedy you have not used and explain why not.

#### H. Information concerning other international proceedings (if any)

41. Have you raised any of these complaints in another procedure of international investigation or settlement?

Yes

No

42. If you answered Yes above, please give a concise summary of the procedure (complaints submitted, name of the international body and date and nature of any decisions given).

43. Do you (the applicant) currently have, or have you previously had, any other applications before the Court?

Yes

No

44. If you answered Yes above, please write the relevant application number(s) in the box below.

**I. List of accompanying documents**

**You should enclose full and legible copies of all documents.**

**No documents will be returned to you. It is thus in your interests to submit copies, not originals.**

**You MUST:**

- **arrange the documents in order by date and by procedure;**
- **number the pages consecutively;**
- **NOT staple, bind or tape the documents.**

**45. In the box below, please list the documents in chronological order with a concise description.**

1. Request of 03/11/2011 for joining in the proceedings in the capacity of victim.
2. Investigation decree of 18/11/2011 partially allowing access to the case file.
3. Notification that the time limit of the investigation is postponed until 06/08/2012.
4. Interrogation of the applicant with polygraph of 12/10/2012.
5. Expert examination of the article "The journalists-traitors must be punished!" of 10/10/2012.
6. Request by the applicant for collection of evidence, of 04/11/2012.
7. Decree of 14/11/2012 partially allowing the above request.
8. Analysis of possible versions of the attack submitted to the investigator on 29/11/2012.
9. Notification that the time limit of the investigation is postponed until 06/05/2013.
10. Request by the applicant for collection of evidence, of 23/09/2013.
11. Decree of 11/10/2013 partially allowing the above request.
12. Notification that the time limit of the investigation is postponed until 06/05/2014.
13. Claim against unlawful inactions of the investigation authorities before the Basmanniy District Court, of 12/11/2013
14. Decision of the Basmanniy District Court of 03/12/2013 finding the claim partially inadmissible
15. Request by the applicant for collection of evidence, of 09/12/2013.
16. Decree of 23/12/2013 allowing the above request.
17. Decision of the Basmanniy District Court of 06/02/2014 finding the claim ill-founded.
18. Appeal before the Moscow City Court of 15/02/2014.
19. Judgment of the Moscow City Court of 16/04/2014 finding the appeal ill-founded.
20. Claim against unlawful inactions of the investigation authorities before the Meshtansk District Court, of 03/03/2014
21. Judgment of the Meshtansk District Court of 02/04/2014 finding the claim ill-founded.
22. Appeal before the Moscow City Court of 01/08/2014.
23. Complaint from unlawful inactions of the investigation authorities before the Chief Prosecutor, of 15/02/2014
24. Request by the applicant for collection of evidence, of 23/04/2014.
25. Decree of 16/05/2014 partially allowing the above request.

I. List of accompanying documents

26. Notification that the time limit of the investigation is postponed until 06/08/2014.
27. Notification that the time limit of the investigation is postponed until 06/12/2014.
28. Letter from the Moscow Investigation Office of 18/04/2014.

**Any other comments**

Do you have any other comments about your application?

## 46. Comments

**Declaration and signature**

I hereby declare that, to the best of my knowledge and belief, the information I have given in the present application form is correct.

## 47. Date

|   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|
| 1 | 6 | 1 | 0 | 2 | 0 | 1 | 4 |
| D | D | M | M | Y | Y | Y | Y |

 e.g. 27/09/2012

The applicant(s) or the applicant's representative(s) must sign in the box below.

48. Signature(s)  Applicant(s)  Representative(s) - tick as appropriate

Yonko Grozev (YONKO GROZEV)

**Confirmation of correspondent**If there is more than one applicant or more than one representative, please give the name and address of the one person with whom the Court will correspond.49. Name and address of  Applicant  Representative - tick as appropriate

адв. Йонко Грозев, бул. "Васил Левски" № 1, вх. Б, ап. 22, гр. София 1142, България

**The completed application form should be signed and sent by post to:**The Registrar  
European Court of Human Rights  
Council of Europe  
67075 STRASBOURG CEDEX  
FRANCE