



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

FIRST SECTION

Application no. 21080/09
Natalya Anatolyevna ROMANOVA
against Russia
lodged on 14 April 2009

STATEMENT OF FACTS

The applicant, Ms Natalya Anatolyevna Romanova, is a Russian national, who was born in 1977 and lives in the village of Laskovskiy, the Ryazan Region. She is represented before the Court by Mr G. Avetisyan, a lawyer practising in Moscow.

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant is the wife of Vyacheslav Mikhaylovich Romanov (Mr Romanov), born in 1965, who was found dead at a police station in 2007.

A. The events of 8-10 May 2007

In the morning of 8 May 2007 Mr Romanov became involved in a quarrel with his neighbour, Mrs M., over the repair of a common fence separating their land plots. Sometime later he drove away in his car.

While Mr Romanov was absent, Mrs M. came to his house accompanied by Mr B., the neighbourhood police inspector. After having talked to the applicant, they left.

At 3.30 p.m. on the same day Mrs G., the applicant's other neighbour, witnessed how inspector B. dragged Mr Romanov out of his car and pushed him into a police van. Mrs G. attested that the applicant's husband looked sober and had no visible injuries. She could also identify the voice of her brother, Mr G., coming from inside the van. Mr G. was apparently also arrested by the police.

According Mr G., they, together with Mr Romanov, were brought to the Polyanskiy District Police station, where they were violently beaten up by the policemen.

At 6.40 p.m. on 8 May 2007 Vyacheslav Romanov's dead body with multiple apparent injuries was found in the foyer of the Polyanskiy District police station. His clothes were dirty and ripped.

At around 9.00 p.m. on the same day several policemen came to the applicant's house. They asked the applicant to write a statement saying that Mr Romanov disturbed the public order and behaved violently at home. She refused and inquired where her husband was. The police officers left without reply.

In the morning of 9 May 2007 several policemen came to the applicant's house and informed her that her husband was dead. They stated that Mr Romanov had died of heart failure, but refused to give any further details in that regard.

On 10 May 2007 the applicant arrived at the regional forensic office to identify her husband's corpse. During the procedure she noticed multiple injuries and bruises on Mr Romanov's body and head.

B. Subsequent investigation into Mr Romanov's death

On 10 May 2007 the applicant received her husband's death certificate. It stated that the death had been caused by acute massive internal haemorrhaging and traumatic rupture of liver.

On the same day an investigator of the Ryazan District Prosecutor's Office decided to open an investigation into the grievous bodily harm which caused Mr Romanov's death.

On 14 May 2007 the applicant, being unaware of the above decision and acting in parallel, also requested to open a criminal case regarding the death of her husband.

By letter of 18 May 2007 the Ryazan Regional Prosecutor's Office informed the applicant that the criminal proceedings had already been instituted on 10 May 2007.

On 28 May 2007 the applicant was granted victim status in the proceedings. On the same date she gave statements, accusing the policemen of the Polyanskiy District police station of unlawful detention and ill-treatment of her husband causing his death.

On 20 and 21 June 2007 Mr Romanov's body was examined by a forensic expert, who concluded that:

“The death of Mr Romanov was caused by the traumatic rupture of his liver resulting in acute internal bleeding ...

The examination of Mr Romanov's corpse revealed the following mechanical injuries inflicted before his death:

- closed injury of the body;
- longitudinal rupture of the liver;
- right-sided direct fractures of 9-10 ribs along the scapular anatomical line;
- multiple grouped abrasions and bruises of soft tissues on the back of the body, mostly on the right side;
- graze wounds on the lower front side of the thorax with bruises to the left of that region;
- injury of the soft tissues of the head:

- a bruise on the left temple;
- laceration of the mucous membrane of the upper lip and a bruise under the mucous membrane of the lower lip;
- grouped abrasions on the right side of the head;
- small solitary abrasions on the lower extremities: on the front of the right knee and on the front of the right shin.

The above bodily injuries were inflicted by a solid blunt object/objects shortly, probably several hours, before the death and by their character are qualified as a **grave** harm to [Mr Romanov's] health and **grave** bodily injuries; there is a direct causal link between these injuries and [his] death."

On 26 June 2007 the applicant complained to the Ryazan District Prosecutor's Office about the investigator's inaction. She alleged, in particular, that the forensic examination had been ordered too late, that no investigative actions have been performed for a long time and that there was no proper inquiry into her allegations of 28 May 2007.

On 2 July 2007 the Ryazan Deputy District Prosecutor ("the deputy district prosecutor") allowed the applicant's complaint and instructed the investigator to perform the requested actions.

On 2 August 2007 the applicant lodged with the district prosecutor's office another complaint, accusing the investigation of inaction and asking to perform several other investigative actions.

On 3 August 2007 the deputy district prosecutor ordered an additional forensic examination, putting before the expert the following questions:

"Could the injuries which caused Mr Romanov's death be caused by hitting the protruding parts inside the police van and falling out of it ..?"

On 13 August 2007 the forensic expert delivered his report, which was based on the results of the previous examination of 21 July 2007 rather than the direct inspection of the body. The expert came to the same conclusions, adding that:

"At the same time, a liver rupture is typically caused by hitting a solid blunt object, which has a relatively small contact surface (as compared to the impact surface of a body). Provided there were such objects in the interior of the police van, and there is solid evidence that the victim had repeatedly fallen during his transportation to the police station, it cannot be excluded that the injury leading to his death was inflicted in such a manner."

On 20 August 2007 the deputy district prosecutor allowed the applicant's complaint of 2 August 2007 and ordered that the requested actions be performed.

On 10 October 2007 the investigator of the deputy district prosecutor's office decided to suspend the investigation due to the inability to establish any suspects.

On 19 October 2007 the applicant challenged the above decision to the Ryazan Regional Prosecutor's Office. She alleged, in particular, that the investigative actions, ordered by the deputy district prosecutor on 2 July and 20 August 2007, have not been performed.

By the letter of 2 November 2007 the Regional Prosecutor's Office informed the applicant that on the same day the decision of 10 October 2007 had been quashed and the investigation had been resumed.

On 29 December 2007 a new forensic examination was performed. Once again, it was carried out on the basis of the previous reports rather than the direct inspection of the body, and repeated their wording with the following exception:

“[Even after he had received the described injuries,] the victim could have made active moves, including those demanding special [physical] effort, [like] hitting a door of the van ... At the same time, the above injuries could have no effect on [Mr Romanov’s] behaviour at the moment of performing of these actions.”

On 6 March 2008 the deputy district prosecutor’s office decided that it was still unable to detect any suspects and suspended the investigation.

In April 2008 the applicant complained against the above decision to the supervising prosecutor, claiming that several important investigative actions were not performed.

On 8 May 2008 deputy district prosecutor dismissed the complaint, stating that it was impossible to perform the requested actions.

On 2 June 2008 the applicant challenged the decision of 6 March 2008 by way of judicial review.

On 26 June 2008 the Ryazan District Court quashed the decision of 6 March 2008, noting that it was contradictory and unsubstantiated, and that the investigation did not perform the actions requested by the applicant. The court ordered to remedy the said violations.

On 14 August 2008 the Ryazan Regional Court upheld the judgment on appeal.

On 15 September 2008 the Ryazan Regional Prosecutor’s Office, referring to the judgment of 26 June 2008, ordered to reopen the criminal proceedings.

On 16 October 2008 the investigation was suspended once again. The applicant claims that she was not informed of this decision.

On 13 February 2009 the applicant, having no information about the course of the investigation since the judgement of 14 August 2008 was delivered, lodged a complaint with the district prosecutor’s office.

By the letter of 20 February 2009, the Regional Prosecutor’s Office stated that the applicant was duly informed of all the developments in the case and rejected her complaint of 13 February 2009.

On 15 June 2009 the applicant challenged the decision of 16 October 2008 in courts.

On 19 June 2009 the Regional Prosecutor’s Office quashed the decision of 16 October 2008. The criminal proceedings were reopened.

On 22 June 2009 the Ryazan District Court terminated the proceedings regarding the applicant’s complaint of 15 June 2009, as the decision at issue had already been quashed by a supervising prosecutor.

The investigation appears to be still pending.

C. The applicant’s complaint of 28 May 2007 and the related proceedings

On 28 May 2007 the applicant complained to the Regional Department of Internal Security of the Ministry of Internal Affairs of Russia about the allegedly unlawful arrest and ill-treatment of her husband by policemen of the Polyanskiy District police station, and his subsequent death.

On 17 July 2007 the head of the Ryazan Regional Department of the Ministry of Internal Affairs of Russia, having conducted an internal inquest, acknowledged that during Mr Romanov's arrest, his transport to the police station and upon the discovery of his body the policemen had acted incorrectly and unlawfully. As a result, the involved officers were reprimanded.

COMPLAINTS

1. The applicant complains under Articles 2, 3 and 13 of the Convention about the alleged ill-treatment of her husband by policemen and his subsequent death.

2. With reference to the same Convention provisions, she alleges that the authorities failed to conduct an effective investigation into her husband's death.

3. Under Article 5 of the Convention the applicant complains that Mr Romanov's arrest on 8 May 2007 was unlawful.

QUESTIONS TO THE PARTIES

1. In connection with the discovery of Mr Romanov's body in the Polyanskiy District police station on 8 May 2007, the Government are invited to address the following factual questions:

(a) When and how did Mr Romanov get to the police station?

(b) For how long did he stay there? What activities involving the applicant were conducted at the premises of the Polyanskiy District police station on 8 May 2007?

(c) Under what circumstances was Mr Romanov's body discovered?

2. Was there a breach of Mr Romanov's right to life, as guaranteed by Article 2 of the Convention?

3. Was the investigation into Mr Romanov's death effective, as required by Article 2?

4. Was Mr Romanov subjected to ill-treatment in violation of Article 3 of the Convention?

5. Having regard to the positive obligations of the State under Article 3, was the investigation into the allegations of ill-treatment effective?

6. Was Mr Romanov deprived of liberty on 8 May 2007 within the meaning of Article 5 § 1 of the Convention? If so, was such deprivation compatible with the guarantees of Article 5 §§ 1-5 of the Convention?