



Grand Chamber hearing concerning ban on long-term family visits to life prisoners

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 3 September 2014 at 9.15 a.m.** in the case of **Khoroshenko v. Russia** (application no. 41418/04).

The case concerns the complaint by a life prisoner that no long-term family visits were allowed during his detention in a special regime correctional colony.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Andrey Khoroshenko, is a Russian national who was born in 1968 and is currently serving a life sentence. Having been convicted of murder and sentenced to death penalty in 1995, his sentence was changed to life imprisonment in 1999.

The case concerns, in particular, Mr Khoroshenko's complaint about the conditions of his detention in a special regime correctional colony, namely the fact that he was not allowed to receive long-term visits – of more than four hours – by relatives. In August 2004, he lodged a complaint with the Russian Constitutional Court, challenging the constitutionality of the ten-year ban on long-term family visits for convicts sentenced to life imprisonment contained in the Code of Execution of Criminal Sentences. He alleged that those conditions had a discriminatory effect on him and breached his right to respect for private life. The Constitutional Court rejected his complaint.

Relying in particular on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination) of the European Convention on Human Rights, Mr Khoroshenko complains that during the first ten years of his detention in a special regime correctional colony he was not allowed to receive long-term family visits. He further complains, under Article 6 (right to a fair trial), that civil proceedings which he had brought against his legal counsel, for improper performance, were not fair, in particular because Mr Khoroshenko was absent from the hearing in the case. He also alleges breaches of Article 6 and Article 13 (right to an effective remedy) in respect of, in particular, the civil proceedings which he brought against the prosecutor's office and the Ombudsman.

Procedure

The application was lodged with the European Court of Human Rights on 6 October 2004. On 11 February 2014 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber. A group of legal experts from the University of Surrey (United Kingdom) was granted leave to submit written comments as a third party.

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Guido **Raimondi** (Italy),
Ineta **Ziemele** (Latvia),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Elisabeth **Steiner** (Austria)
Khanlar **Hajiyev** (Azerbaijan),
Mirjana **Lazarova Trajkovska** (“The former Yugoslav Republic of Macedonia”),
Julia **Laffranque** (Estonia),
Paulo **Pinto de Albuquerque** (Portugal),
Linos-Alexandre **Sicilianos** (Greece),
Erik **Møse** (Norway),
Paul **Mahoney** (the United Kingdom),
Ksenija **Turković** (Croatia),
Dmitry **Dedov** (Russia),
Egidijus **Kūris** (Lithuania), *judges*,
Angelika **Nußberger** (Germany),
Boštjan M. **Zupančič** (Slovenia),
Zdravka **Kalaydjieva** (Bulgaria), *substitute judges*,

and also Michael **O’Boyle**, *Deputy Registrar*.

Representatives of the parties

Government

Georgy **Matyushkin**, *Agent*,
Nikolay **Mikhaylov**, *Counsel*,
Yana **Tsimbalova** and Stanislav **Kovpak**, *Advisers*;

Applicant

Oxana **Preobrazhenskaya**, *Counsel*, and Marina **Makarova**, *Adviser*.

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Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

Nina Salomon (tel: + 33 3 90 21 49 79)
Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)
Céline Menu-Lange (tel: + 33 3 90 21 58 77)
Denis Lambert (tel: + 33 3 90 21 41 09)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.