



No effective investigation of fatal bomb explosion in Chechnya in 2001

The case [Mezhiyeva v. Russia](#) (application no. 44297/06) concerned a bomb explosion in Grozny (the Chechen Republic, Russia) in 2001, which killed a bus driver and left his wife – the applicant in this case – severely injured.

In today's **Chamber** judgment¹ in the case the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 (right to life) of the European Convention on Human Rights, on account of the ineffectiveness of the investigation into the events that led to the death of the applicant's husband, and

no violation of Article 2 as regards the authorities' failure to protect the life of the applicant and her husband.

The Court found in particular that there had been unreasonable delays in the investigation and that Ms Mezhiyeva, who was a witness and a victim, had not been sufficiently involved in the investigation.

Principal facts

The applicant, Kisa Mezhiyeva, is a Russian national who was born in 1961 and lives in Grozny (Chechen Republic, Russia).

On 6 March 2001, a bomb, planted on a bridge in Grozny, exploded under the wheel of a bus driven by Ms Mezhiyeva's husband. Ms Mezhiyeva, who worked as a conductor, was also on the bus. Her husband was severely injured by the explosion and required urgent medical aid. However, according to her submissions, the military servicemen, who controlled the checkpoint at the bridge, refused to let anybody approach the bus and fired shots at the bus and in the air. As a result, her husband was only taken to hospital 50 minutes after the explosion. He died shortly after his arrival at the hospital. Ms Mezhiyeva, who had head, arm, and leg injuries, was also taken to hospital, where one of her arms was amputated above the elbow. She was only informed about her husband's death one month later, as her relatives wanted to spare her the worry while she was recovering and told her that he had been taken to hospital in another city.

On the day of the explosion, the Grozny Prosecutor opened a preliminary investigation into the events. The investigators photographed the scene of the explosion and heard military servicemen at the checkpoint. Two months later the investigation was suspended. Following Ms Mezhiyeva's request, the investigation was reopened in November 2003, and she was questioned and granted victim status. A medical examination of Ms Mezhiyeva and an expert examination of the bus wreck were carried out. The investigation was subsequently suspended and reopened on several occasions. As she had not been provided with any information since her questioning in 2003, Ms Mezhiyeva contacted the prosecutor's office in May 2006 requesting to study the case file. She was then able to see several documents and photos from the explosion scene, but was not allowed to make

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

photocopies and was not provided with a record of witness statements or other procedural steps taken. The investigation was still pending in June 2011.

Complaints, procedure and composition of the Court

Relying in particular on Article 2 (right to life), Ms Mezhiyeva complained that the authorities had failed to protect her husband's and her own life and that the investigation into the explosion was ineffective.

The application was lodged with the European Court of Human Rights on 15 September 2006.

Judgment was given by a Chamber of seven judges, composed as follows:

Mark **Villiger** (Liechtenstein), *President*,
Angelika **Nußberger** (Germany),
Boštjan M. **Zupančič** (Slovenia),
André **Potocki** (France),
Helena **Jäderblom** (Sweden),
Aleš **Pejchal** (the Czech Republic),
Dmitry **Dedov** (Russia),

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

Article 2

The Court noted that the Russian authorities had complied with their obligation to promptly open an investigation, as it had been started on the very day of the explosion. However, there had subsequently been unreasonable delays. The duration of more than ten years could not be considered adequate in view of the circumstances of this case, and there had been periods of no apparent activity in the investigation.

Moreover, Ms Mezhiyeva had not been sufficiently involved in the investigation for her to safeguard her legitimate interests. Although she was a witness in the case, she had not been called to the prosecutor's office for questioning or been informed about the investigative measures taken for over a year from the beginning of the investigation. Indeed, she had had to submit a request to be informed of the progress of the investigation. As she had not been provided with any information on the progress of the investigation for more than two years after having been questioned, she had to take the initiative again to request to study the case file, and was then only provided with limited information. There had thus not been a sufficient degree of public scrutiny in this case.

Those considerations were sufficient for the Court to conclude that the investigation of the explosion had been ineffective. It had not been capable of establishing the circumstances surrounding the explosion and the identity of the perpetrator or perpetrators. There had accordingly been a **violation of Article 2 on account of the ineffectiveness of the investigation**.

At the same time, as a result of the ineffective investigation, there was no sufficient factual basis to enable the Court to find that the Russian authorities had been responsible for the incident leading to the death of Ms Mezhiyeva's husband and her own serious injuries, or to find that Ms Mezhiyeva and her husband had not been provided with the necessary help quickly enough after the explosion.

There had accordingly been **no violation of Article 2 as regards the authorities' failure to protect the life** of Ms Mezhiyeva and her husband.

Just satisfaction (Article 41)

The Court held that Russia was to pay Ms Mezhiyeva 30,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

The judgment is available only in English.

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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.