



Forthcoming Grand Chamber judgment in the case of a Chechen woman convicted on terrorism charges

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Murtazaliyeva v. Russia** (application no. 36658/05) at a public hearing at 11 a.m. on 18 December 2018 in the Human Rights Building, Strasbourg.

The case concerns the applicant's complaint that she was not able to see a police surveillance videotape played during her trial, where she was found guilty of terrorism, and that the domestic courts did not call witnesses she requested.

Principal facts and complaints

The applicant, Zara Khasanovna Murtazaliyeva, is a Russian national who was born in 1983 and lives in Paris.

Ms Murtazaliyeva was convicted in January 2005 of preparing an act of terrorism, inciting others to commit an act of terrorism, and of carrying explosives. She was sentenced to nine years' imprisonment.

The conviction was based on the statements of prosecution witnesses, including her flat mates, in open court, material (a note with extremist content in favour of the insurgency in Chechnya, and photographs) seized from the applicant, forensic examination reports, and transcripts of police surveillance videotapes recorded at her flat.

She appealed against the conviction. She argued, among other things, that owing to technical reasons she had not been able to point out inaccuracies between the transcripts and the recordings of conversations on the videotapes. She also complained about the refusal of two of her requests to summon witnesses: the first, to examine A., a police officer and acquaintance who had made a pre-trial statement that he had established a relationship with her at the order of his superiors; and the second, to examine two attesting witnesses, B. and K., who were present during a police search of her bag.

In March 2005, the Supreme Court upheld her conviction, reducing the sentence to eight and a half years. It notably held that no objections had been lodged with the trial court about the quality of the videotapes or the way they had been shown; that A. had not been able to testify in court because he was on a work-related mission, but that his pre-trial statement had been read out with the consent of the defence; and that the presence of the two attesting witnesses had not been necessary as Ms Murtazaliyeva had said that the explosives had been planted in her bag before their arrival.

Ms Murtazaliyeva complains under Article 6 §§ 1 and 3 (b) and (d) (right to a fair trial / right to adequate time and facilities for preparation of defence / right to obtain attendance and examination of witnesses) of the European Convention on Human Rights.

She alleges that the fairness of the proceedings against her was undermined as she was not able to see or effectively examine the surveillance videotapes shown during the trial as she was not able to see the screen in the courtroom. She was also not allowed to question in court the police officer, A.,

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

whose actions, in her opinion, could be considered as police incitement, and that she was unable to call and examine the two attesting witnesses, who could have clarified her allegations concerning the planting of the explosives in her bag.

Procedure

The application was lodged with the European Court of Human Rights on 16 September 2005.

In a [Chamber judgment](#) of 9 May 2017, the Court held, unanimously, that there had been no violation of Article 6 §§ 1 and 3 (b) as she had not been placed at a serious disadvantage in relation to the prosecution with respect to the viewing and examination of the surveillance videotapes.

The Chamber further held, by four votes to three, that the trial court's refusal to call A. for the defence had not affected the overall fairness of the trial and there had therefore been no violation of Article 6 §§ 1 and 3 (d).

The Chamber lastly held, by five votes to two, that there had been no violation of Article 6 §§ 1 and 3 (d) owing to the absence of the two attesting witnesses, B. and K..

Ms Murtazaliyeva requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 18 September 2017 the panel of the Grand Chamber accepted that request. A [hearing](#) was held on 14 February 2018.

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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.