



Grand Chamber hearing on case of Chechen woman convicted on terrorism charges

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 14 February 2018 at 9.15 a.m.** in the case of **Murtazaliyeva v. Russia** (application no. 36658/05)

The case concerns the applicant's complaint of an overall lack of fairness in the criminal proceedings brought against her for preparing a terrorist attack.

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, Zara Murtazaliyeva, was born in 1983 and lives in Paris (France). She is a Russian national and an ethnic Chechen.

In 2004 the flat Ms Murtazaliyeva shared with two other women was put under secret police surveillance because she was suspected of having connections with the Chechen insurgency movement. She was subsequently stopped in the street by the police for an identity check and taken to a police station. Her bag was searched and two packages were later found to contain explosives. She was arrested and a criminal investigation opened. Her flat was searched and evidence was seized indicating that she had been planning a terrorist attack on a shopping centre. A transcript of videotapes recorded at the flat showed her proselytising to her two flatmates about Islam and discussing her hatred for Russians.

In January 2005 Ms Murtazaliyeva was convicted of preparing an explosion, inciting others – her two flatmates – to commit terrorism and carrying explosives. She was sentenced to nine years' imprisonment. The conviction was based on the statements of prosecution witnesses, including her flatmates, in open court, material (a note with extremist content and photographs) seized from the applicant, forensic examination reports, and transcripts of the police surveillance videotapes recorded at her flat.

She appealed against the conviction. She alleged, among other things, that due 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 police officer and acquaintance of hers who had made a pre-trial statement confirming that he had established a relationship with her at the order of his superiors; and the second, to examine two attesting witnesses who had been present during the search of her bag at the police station.

In March 2005, the Supreme Court upheld her conviction, but reduced 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 manner in which they had been shown; that the police officer could not testify in court because he was on a work-related mission but that his pre-trial statement had been

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

read out in court with the consent of the defence; and, that the two attesting witnesses' presence had not been necessary since Ms Murtazaliyeva claimed that the explosives had been planted in her bag before their arrival.

Procedure

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

Ms Murtazaliyeva alleges that the overall fairness of the criminal proceedings against her was undermined because she was not able to see or effectively examine the surveillance videotapes shown during the hearing on her case as she could not see the video screen in the courtroom; and because she was not allowed to question in court the police officer whose actions, in her opinion, could be considered as police incitement, or the two attesting witnesses, who could have clarified her allegations concerning the planting of the explosives in her bag. She relies on 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.

In its Chamber [judgment](#) of 9 May 2017, the European Court of Human Rights held, unanimously, that there had been no violation of Article 6 §§ 1 and 3 (b) of the Convention, finding that Ms Murtazaliyeva had not been placed at a serious disadvantage *vis-à-vis* the prosecution in respect of the viewing and examination of the surveillance videotapes. The Chamber further held, by four votes to three, that the refusal of the domestic court to call a witness for the defence had not affected the overall fairness of the trial and that there had therefore been no violation of Article 6 §§ 1 and 3 (d) of the Convention in this respect. The Chamber lastly held, by five votes to two, that there had been no violation of Article 6 §§ 1 and 3 (d) of the Convention as regards the complaint concerning the absence of two attesting witnesses from the applicant's trial.

On 18 September 2017 the Grand Chamber Panel accepted Ms Murtazaliyeva's request that the case be referred to the Grand Chamber.

Composition of the Court

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

Guido Raimondi (Italy), *President*,
Angelika Nußberger (Germany),
Linos-Alexandre Sicilianos (Greece),
Ganna Yudkivska (Ukraine),
Robert Spano (Iceland),
Paulo Pinto de Albuquerque (Portugal),
Erik Møse (Norway)
André Potocki (France),
Valeriu Grițco (the Republic of Moldova),
Faris Vehabović (Bosnia and Herzegovina),
Dmitry Dedov (Russia),
Iulia Motoc (Romania),
Carlo Ranzoni (Liechtenstein),
Armen Harutyunyan (Armenia),
Georges Ravarani (Luxembourg),
Marko Bošnjak (Slovenia),
Tim Eicke (the United Kingdom), *judges*,
Péter Paczolay (Hungary),
Síofra O'Leary (Ireland),
Jolien Schukking (the Netherlands), *substitute judges*,

and also Lawrence **Early**, *Jurisconsult*.

Representatives of the parties

Government

Mikhail **Galperin**, *Agent*,
Yana **Borisova** and Olga **Ocheretyanaya**, *Advisers*;

Applicant

Kirill **Koroteev**, *Counsel*.

Ms Zara **Murtazaliyeva**, the applicant in this case, will also attend the hearing.

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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.