



Investigation into Nemtsov assassination inadequate

In today's **Chamber judgment**¹ in the case of [Nemtsova v. Russia](#) (application no. 43146/15) 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.

The case concerned the investigation into the assassination of the applicant's father, Boris Nemtsov, a prominent politician and opposition leader, who had been murdered next to the Moscow Kremlin in 2015.

The Court found in particular that the Russian authorities had failed to adequately investigate who had organised and commissioned the assassination; to explore the allegations of a possible political motive behind the assassination, as well as possible involvement of certain State officials; and to identify a motive for the actions of those who could have offered a reward to the perpetrators to assassinate Mr Nemtsov. The investigation overall had been ineffective.

Principal facts

The applicant, Zhanna Borisovna Nemtsova, is a Russian national who was born in 1984 and lived in Moscow at the time of the events in this case. She is the daughter of Boris Nemtsov, who was, among many other political positions held, deputy prime minister of Russia, co-founder of the Union of Right Forces political party, later co-leader of the Republican Party of Russia – People's Freedom Party, and one of the leaders of the Russian opposition. He was a member of the Yaroslavl Regional Duma at the time of the events in question.

Assassination of Boris Nemtsov

On 27 February 2015 Boris Nemtsov was shot dead on the Bolshoy Moskvoretskiy bridge in the immediate vicinity of the Kremlin in Moscow.

Investigation

An investigation into the murder was opened on 28 February 2015. Basic investigative steps were taken immediately, such as examining the crime scene, securing evidence, obtaining CCTV footage from cameras located along the route taken by the victim on the night of the murder and in surrounding areas (according to the applicant, the investigators failed to obtain footage from cameras pointed at the section of the bridge where Mr Nemtsov had been assassinated) and questioning witnesses. Ms Nemtsova was later given victim status in the case and granted access to the case file.

In March 2015 five suspects were arrested, while a sixth died during his arrest. One of the men confessed, implicating the other suspects, stating that the assassination had been in response to Mr Nemtsov's support for the publication of cartoons of the prophet Muhammed in the French satirical magazine *Charlie Hebdo*. However, this confession was later retracted, with the suspect

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.

alleging it had been given under duress. Another suspect also confessed and later retracted his confession. The remaining suspects denied involvement.

Ramzan Kadyrov, president of the Chechen Republic, expressed support for one of the suspects via a social-media platform, stating that he knew him as a “true patriot” and a “courageous soldier”. During the investigation, friends and colleagues of Mr Nemtsov who were interviewed in connection with his activities and statements towards Islam stated that, among many other things, he had systematically and openly criticised both the Federal and Chechen authorities. He did so, in particular, on account of corruption at all levels of government and referring to the authoritarian “State within a State” built up in Chechnya by Ramzan Kadyrov, including, most recently, the latter’s sending Chechen military personnel to Ukraine in 2014.

Among the extensive evidence concerning the five suspects collected by the investigation, several items of evidence, including witness testimony, documents and camera footage, flight records and call logs pointed to interaction between certain individuals including officers of the Interior Ministry of the Chechen Republic and the suspects both before and after the assassination. In October 2015 the investigators attempted to deliver summonses to some of those individuals at their registered addresses but in vain, as “no one had opened the door”.

It was also established that the suspects had started preparing for the assassination in autumn 2014. In October 2015 a certain R.Mukh. was charged in connection with the crime as it was alleged that he, together with “other unidentified persons”, had commissioned the murder and had offered a reward of 15 million Russian roubles (RUB) to the alleged perpetrators. That part of the investigation was severed from the case against the other five suspects in January 2016, despite Ms Nemtsova’s objections.

Trial

In January 2016 the investigation was completed and the five suspects were indicted in June of that year on charges of murder committed in a group that had been hired or motivated by the promise of a reward. The investigators argued, among other things, that R.Mukh. and “other unidentified persons” had instigated and financed Mr Nemtsov’s assassination. Extensive evidence and testimony was examined in a jury trial. The presiding judge disallowed some questions to witnesses pertaining to possible political undertones of the murder, and refused requests for certain witnesses including federal and Chechen Republic officials to be questioned, ruling the respective questions and testimonies irrelevant. He also refused a request for issuance of an order for certain witnesses (who failed to appear) to be brought to court, on procedural grounds. The five suspects were found guilty as charged, receiving prison sentences of between 11 and 20 years.

Ms Nemtsova appealed, arguing that the five co-defendants’ actions should have been classified as assassination of a public figure aimed at putting an end to his or her political activities or in revenge for such activities. That appeal was dismissed in October 2017.

According to the latest information received from the parties in 2021, the severed investigation into the organisation of the assassination remained ongoing.

Complaints, procedure and composition of the Court

Relying on Article 2 (right to life) and Article 13 (right to an effective remedy), the applicant complained that the investigation into her father’s assassination had been ineffective.

The application was lodged with the European Court of Human Rights on 27 August 2015.

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

Jolien **Schukking** (the Netherlands), *President*,
Yonko **Grozev** (Bulgaria),

Georgios A. Serghides (Cyprus),
Darian Pavli (Albania),
Peeter Roosma (Estonia),
Ioannis Ktistakis (Greece),
Oddný Mjöll Arnardóttir (Iceland),

and also Milan Blaško, *Section Registrar*.

Decision of the Court

The Court established that it had jurisdiction to deal with the case, as the facts giving rise to the alleged violations of the Convention had taken place before 16 September 2022, the date on which Russia ceased to be a Party to the European Convention.

Among other facts, the Court noted the following: the investigation had started promptly; urgent investigative steps had been taken immediately; and extensive evidence had been collected, and the case against the alleged perpetrators had been promptly sent for trial and examined by the courts.

However, the five convictions notwithstanding, the Russian authorities had an obligation to investigate who had commissioned and organised the murder.

The Court pointed out that it had barely received any information from the Government regarding this case, and certainly not enough to establish clearly the thoroughness of the investigation into who had ordered and organised the assassination. It stated that a failure on a Government's part to submit material which was in their hands without a satisfactory explanation could give rise to the drawing of inferences as to the well-foundedness of an applicant's allegations. It noted that the investigation into the people behind the assassination had been severed from the main criminal proceedings in 2016, despite Ms Nemtsova's objections. That severed investigation had not advanced in at least five years by the time of receipt of the parties' latest submissions in 2021. The protracted nature of proceedings was a strong indication that they had been severely defective, and as the Government had failed to provide any clarification on that point, the Court had to conclude that this inactivity had seriously impacted the chances of establishing the facts around Mr Nemtsov's death and had led to a failure to identify who had ordered the killing.

Furthermore, the allegations that Mr Nemtsov's murder could have been politically motivated, and that certain State officials could have been involved in the events, were not implausible. Mr Nemtsov had been a prominent politician, one of the opposition leaders in Russia, and very critical of his opponents including senior Chechen Republic officials; the applicant had consistently pointed to profuse family and professional links between the alleged perpetrators and various senior Chechen Republic officials, and had referred to threats reportedly issued in the past against Mr Nemtsov by Ramzan Kadyrov. The investigators themselves had obtained substantial evidence pointing to possible involvement of certain officers of interior security forces of the Chechen Republic in the events. There had been an obligation on the Russian authorities to pursue that line of enquiry. The Court highlighted the failure to follow-up on summonses issued in connection to this strand of the investigation, and the termination of enquiries into the alleged involvement of some individuals. A number of persons who could have provided information of crucial importance for the case had either never been examined nor asked key questions. The investigation had singularly failed to either explore the political motive for the assassination with particular diligence or to come up with another plausible explanation for the motives behind the murder – that is to say to establish the context within which the hitmen had operated, and the reason why a reward had been offered.

The deficiencies of the investigation had not been rectified by the national courts later on in any proceedings including the trial.

The Court concluded that the investigation into Mr Nemtsov's death had been inadequate and ineffective. There had therefore been a violation of Article 2 of the Convention in respect of the investigation.

Given this finding, the Court considered that there was no need to examine the complaint under Article 13 of the Convention taken in conjunction with Article 2.

[Just satisfaction \(Article 41\)](#)

The Court held that Russia was to pay Ms Nemtsova 20,000 euros in respect of non-pecuniary damage.

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.