



## Grand Chamber to examine case about sentencing policy in Russia

Jurisdiction has recently been **relinquished in favour of the Grand Chamber** of the European Court of Human Rights in the following case<sup>1</sup>:

**Khamtokhu and Aksenchik v. Russia** (application nos. 60367/08 and 961/11) concerning allegedly discriminatory age- and gender-related differences in life sentences.

### Khamtokhu and Aksenchik v. Russia (application nos. 60367/08 and 961/11)

The applicants, Alsan Bachmizovich Khamtokhu and Artyom Aleksandrovich Aksenchik, are Russian nationals, born in 1970 and 1985 respectively. They are currently serving life sentences in the Yamalo-Nenetskiy Region following their convictions of a number of serious crimes.

Mr Khamtokhu was found guilty in December 2000 of multiple offences, including escape from prison, aggravated assault on police officers and illegal possession of firearms. His conviction was upheld on appeal by the Supreme Court first in October 2001 and, following a quashing by way of supervisory review and fresh consideration of the case, again in June 2008.

Mr Aksenchik was found guilty of three counts of murder in April 2010. His conviction was upheld on appeal by the Supreme Court in August 2010.

Both men were sentenced to life imprisonment under Article 57 of the Russian Criminal Code which provides that a sentence of life imprisonment may be imposed for certain particularly serious offences. However, such a sentence cannot be imposed on women, persons under 18 when the offence was committed or over 65 when the verdict was delivered.

In their applications to the European Court, the applicants allege that, as adult males serving life sentences for criminal offences, they are discriminated against as compared to other categories of convicts who are exempt from life imprisonment by operation of law. They rely on Article 5 (right to liberty and security) taken in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights.

The applications were lodged with the European Court of Human Rights on 22 October 2008 and 11 February 2011 respectively. A [decision on the admissibility](#) was adopted by the Court on 13 May 2014 declaring admissible the applicants' complaints under Articles 14 in conjunction with Article 5 of the Convention. The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 1 December 2015.

<sup>1</sup> 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."

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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.