



Investigation into attack on Greenpeace workers was inadequate

In today's **Chamber judgment**¹ in the case of [Kreyndlin and Others v. Russia](#) (application no. 33470/18) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 3 (prohibition on inhuman or degrading treatment) taken in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights in respect of the nine individual applicants, and

that the State had failed to comply with its obligations under Article 38 (obligation to furnish the necessary facilities for the examination of a case).

The case concerned a violent attack on Greenpeace workers in Krasnodar Region, which had potentially been prompted by their connection to Greenpeace or by the assumption they were foreign agents, and the subsequent investigation.

The Court found in particular that the investigation had been inadequate and incapable of deterring similar incidents, in particular as a full investigation had only been opened four years later, and it had failed to examine the potential hate motive behind the attack.

Principal facts

The applicants are nine Russian nationals and Sovet Greenpeace, the Russian branch of the international non-governmental organisation Greenpeace. All the applicants are based in Moscow or Moscow Region. The individual applicants were all personnel of Sovet Greenpeace.

The nine individual applicants were involved in fighting widespread wildfires in Krasnodar Region in 2016 on behalf of Sovet Greenpeace. While temporarily based in the village of Beysug they were threatened by unidentified individuals, and later asked to leave their accommodation by the owner, who had allegedly been approached by "influential people".

They moved to a campsite in the village of Sadki on 8 September 2016. There, a group of people dressed in Cossack paramilitary uniforms blocked the entrance to the campsite, saying the the applicants "came from abroad" and were "American agents", and demanding they leave the Krasnodar area. The police took no action against the people in paramilitary uniforms.

According to the applicants, on the night of 9 September 2016 six masked people, carrying batons, knives, pepper spray, firearms and "stunt explosives", attacked the applicants. Among other assaults, they beat the applicants Mr Kreyndlin, Mr Kuksin, Mr Aksenov and Mr Rebechenko while the others hid in fear; Mr Kreyndlin lost consciousness; they slashed the tyres of the car Mr Kuksin was in and kicked him and threatened him with a gun; they threw a "pyrotechnic item" into the car where Mr Aksenov was sleeping resulting in his losing consciousness; they cut the canvas of the tents and sprayed gas into them; they broke into the house where Ms Kalinina was sleeping and threatened her. Throughout the attack, the attackers insulted them, using derogatory terms for foreigners, in the accent of the region (the applicants alleged they were the same people who had

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.

threatened them earlier in the daytime). The next day they found a sign reading *Pindos* (Пиндосы – a derogatory term for Americans) on the fence of the site.

Doctors noted several injuries in their subsequent report.

The Government did not submit an alternative account or contest overall this version of events.

Three separate sets of criminal proceedings, in respect of minor damage to health, theft and a threat of murder were opened by the local police. These investigations essentially petered out, and the applicants' several requests to consider the events of 9 September 2016 as a single episode and to explore a potential hate motive were rejected. In September 2018 the criminal proceedings were discontinued, as prosecution had become time-barred. In 2021, that is to say after the respondent Government had been informed of the application, the investigation files were destroyed following the expiry of the storage period.

The Government asserted that criminal proceedings in respect of hooliganism committed by a group of persons had been initiated in March 2021. The outcome is unknown.

Three of the applicants made criminal complaints in respect of alleged damage to their property. The investigating officer refused to open a case. Appeals to the courts against that decision were unsuccessful.

The Government did not submit an alternative account or contest overall this version of events.

Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of inhuman and degrading treatment) in conjunction with Article 14 (prohibition of discrimination) and Article 1 of Protocol No. 1 (protection of property), the applicants complained, in particular, that the domestic authorities had failed to conduct an effective investigation into the circumstances of the attack, potentially prompted by the applicants' affiliation to a "foreign" organisation, Sovet Greenpeace.

The application was lodged with the European Court of Human Rights on 5 July 2018.

Following a prior notification to that effect, to which the respondent Government failed to react, the President of the Section appointed an *ad hoc* judge from among the members of the composition, applying by analogy Rule 29 § 2 of the Rules of Court.

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

Pere **Pastor Vilanova** (Andorra), *President*,
Georgios A. **Serghides** (Cyprus),
Yonko **Grozev** (Bulgaria),
Jolien **Schukking** (the Netherlands),
Darian **Pavli** (Albania),
Peeter **Roosma** (Estonia),
Ioannis **Ktistakis** (Greece),

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 Court ruled that Sovet Greenpeace could not claim to be a victim of a violation within the meaning of Article 34 (right of individual petition) and therefore rejected its complaint.

Article 3 in conjunction with Article 14

The Court considered that the attack had been sufficiently severe to have made the applicants feel insecure and fearful, and for it to come under the scope of Article 3.

The authorities had hived off an investigation into several investigations, which had ultimately led nowhere before being discontinued. No genuine effort had been made to identify the attackers despite the existing evidence, such as video recordings. A new holistic formal investigation, opened only four years after the incident, had yielded no result.

The applicants consistently complained to the authorities that the attackers appeared to have been motivated by the applicants' perceived association with a different nationality or ideology. That should have prompted more action on the part of the authorities. Nevertheless, their complaints were rejected in a summary manner.

For the Court, the domestic authorities had failed to take the necessary steps to investigate whether or not a hate motive may have played a role in the attack on the applicants.

The investigation had therefore been inadequate, incapable of acting as a deterrent against future acts of this nature, in violation of Article 3 in conjunction with Article 14.

As the alleged failure to ascertain whether the initial threats had been related to the subsequent attack was related to the ineffective investigation in that connection, and given the overall findings in the case, the Court deemed that it was not necessary to decide whether prior to the incident the authorities ought to have been aware of the real and imminent danger to the applicants and should therefore have acted to protect them.

Article 38 (obligation to furnish the necessary facilities for the examination of the case)

The Court held that the Government had failed to provide copies of the entire investigation file in respect of the events in question, in violation of Article 38 of the Convention.

Other Articles

The Court held that there was no need to examine the complaints under Article 1 of Protocol No. 1 to the Convention and Article 14 in respect of alleged damage to their property during the attack.

Just satisfaction (Article 41)

The Court held that Russia was to pay each individual applicant 4,000 euros (EUR) 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.