



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

Application no. 20815/07  
Svetlana Gennadyevna SISKOVA  
against Russia  
lodged on 19 April 2007

**STATEMENT OF FACTS**

The applicant, Ms Svetlana Gennadyevna Siskova, is a Russian national, who was born in 1973 and lives in Volgograd.

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant was a witness in criminal proceedings against a Mr M. She retained the lawyer Ms Zh. Kapliyeva to represent her in those proceedings.

At 7.40 a.m. on 24 August 2005 the applicant called Ms Kapliyeva on her mobile phone and told her that an officer from the Federal Security Service (“FSB”) had come to her home with a view to bringing her for questioning to the investigator Mr N. from the Volgograd regional prosecutor’s office. While being taken to the prosecutor’s office in the officer’s private car, the applicant asked Ms Kapliyeva to come to the prosecutor’s office at once.

Ms Kapliyeva arrived at about 9 a.m. but found the investigator’s office locked. At 10.30 a.m. she received another phone call from the applicant who told her that the investigator Mr N. had locked her inside the office and exerted pressure on her to give evidence against Mr M. and subsequently, in a different office, arranged a confrontation between her and another witness. The applicant had insisted on the presence of her legal representative and drafted a written request to that effect but the investigator refused it and took away her mobile phone.

At an unspecified time the applicant was set free and went home.

Ms Kapliyeva complained on behalf of the applicant to a court about an unlawful deprivation of liberty and compulsion to give evidence. On 19 October 2005 the Tsentralniy District Court of Volgograd rejected her complaint, finding that it was compatible with the requirements of the Code

of Criminal Procedure that the applicant had been interviewed in the absence of her counsel because “the lawyer had not shown up together with the witness”. Moreover, the District Court noted that the records of the applicant’s interview and of the confrontation between her and another witness did not contain any mention of her wish to be represented. On 31 January 2006 the Volgograd Regional Court upheld the District Court’s judgment on appeal, adding that phone calls were not “an indication of Ms Siskova’s invitation for her representative to take part in the procedural act”.

In parallel proceedings, Ms Kapliyeva on behalf of the applicant complained that she had been brought before the investigator in the morning of 24 August 2005 without justification.

By judgment of 22 September 2005, the Tsentralnyi District Court granted this complaint, finding that the investigator had not issued a separate procedural decision on forced attendance and that he had disposed of no evidence showing that the applicant would not appear. However, on 22 November 2005 the Regional Court quashed that judgment, noting that the applicant had followed the FSB officer voluntarily, and remitted the matter for a new examination.

Following two more rounds of proceedings before the District and Regional Courts, on 8 September 2006 the District Court rejected the complaint. It found that there was no indication of forced attendance because there was no procedural decision on forced attendance, that the summons had been delivered by the FSB officer twenty minutes before the beginning of the interview, and that the use of the officer’s private car for transportation should be viewed as “ensuring an effective possibility for the witness to come to the interview on time”. On 24 October 2006 the Regional Court upheld that judgment in final instance.

## COMPLAINTS

The applicant complains under Article 5 § 1 and 8 of the Convention about the fact that the FSB officer had entered her home early in the morning, gave her a summons and compelled her to follow him to an interview with the investigator. She felt intimidated and did not have time to seek legal advice from her representative or ensure her presence. In addition, the applicant points out that the FSB officer had acted *ultra vires*, as enforcement of attendance of witnesses falls outside of the mandate of the Federal Security Service.

The applicant complains under Articles 6 § 1 and 13 of the Convention about a biased examination of her complaints and about the arbitrary findings which were not supported by the established facts.

## QUESTIONS TO THE PARTIES

1. Did the actions directed at forcing the applicant to appear before the investigator Mr N. and take part in procedural actions and her subsequent

stay in the premises of the Volgograd regional prosecutor's office amount to a deprivation of liberty within the meaning of Article 5 of the Convention?

2. Assuming that the applicant was deprived of her liberty, was that deprivation carried out “in accordance with a procedure prescribed by law”, as required by that provision?