



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

FIRST SECTION

Application no. 8385/07
Olga Aleksandrovna ANUROVA
against Russia
lodged on 29 December 2006

STATEMENT OF FACTS

The applicant, Ms Olga Aleksandrovna Anurova, is a Russian national, who was born in 1955 and lives in Moscow. She is represented before the Court by Mr Yu. Khovrachev, a lawyer practising in the Moscow Region.

The circumstances of the case

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

On 13 October 2003 Mr Z., the applicant's brother, was murdered in his house.

On 15 October 2003 the Moskovskiy Komsomolets national daily newspaper published an article under the title "Four persons were stabbed right at the party" where the incident of 13 October 2003 was described.

On 6 December 2004 the Moscow Regional Court found K. and T. guilty of robbery and murder of the applicant's brother. On 15 March 2005 the Supreme Court of the Russian Federation upheld the verdict on appeal.

The applicant brought a claim for non-pecuniary damage against the newspaper. She claimed that the information on her brother's murder had been published in the absence of his relatives' consent and had interfered with her private life. She further claimed that certain passages in the article had been defamatory and simply not true. Lastly, she asked the court to order that the newspaper publish a retraction. In particular, she challenged the following passages in the article:

"Two out-of-towners ... stabbed to death their four drinking buddies ...

...

Mr Z., who had served a sentence for robbery, always organised loud parties.

...

The men reminisced about their dashing prison past. However, at some point the owner of the flat (Mr Z.) inadvertently hurt his buddy's feelings. He used a word which was a taboo among the convicts. The latter lost temper. The fight started."

According to the applicant, her brother had not had a criminal record and the assertion to the contrary had been defamatory and detrimental to the applicant and her family's reputation.

On 18 November 2005 the Presnenskiy District Court of Moscow dismissed the applicant's claims in full. The court conceded that the allegations in respect of Mr Z.'s criminal record had not been true. However, it further reasoned that such publication did not concern the applicant personally and, accordingly, could not be detrimental to her reputation. Lastly, the court noted that it had not been incumbent on the newspaper to obtain the consent from Mr Z.'s relatives with regard to the publication given that it pursued a legitimate aim of protection of public interests.

On 11 July 2006 the Moscow City Court upheld the judgment of 18 November 2005 in substance on appeal.

COMPLAINT

The applicant complains under Articles 6 and 13 of the Convention that the domestic authorities failed to secure her right to respect for private life by dismissing her claim against the national newspaper.

QUESTIONS TO THE PARTIES

1. May the applicant claim to be a victim of a violation of Article 8 of the Convention, within the meaning of Article 34 (see *Armonienė v. Lithuania*, no. 36919/02, § 9, 25 November 2008)?

2. Has there been an interference with the applicant's right to respect for her private life, within the meaning of Article 8 § 1 of the Convention?

3. If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2?

4. Has the applicant suffered a significant disadvantage as a result of the alleged violation of her rights set out in Article 8 of the Convention?