



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

FIRST SECTION

Application no. 887/06
Alevtina Aleksandrovna BURMISTROVA
against Russia
lodged on 1 December 2005

STATEMENT OF FACTS

The applicant, Ms Alevtina Aleksandrovna Burmistrova, is a Russian national, who was born in 1942 and lives in Yaroslavl.

The circumstances of the case

1. Criminal proceedings against the applicant's son

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

On 17 February 1995 criminal proceedings were initiated with regard to the applicant's son, Burmistrov Vadim Olegovich (Mr. B.).

On 28 November 1996 he was apprehended in Moscow and placed into custody.

On 18 November 1998 Mr. B. was released and on 7 November 1999 he died for unknown reason.

On 2 March 2000 the investigator discontinued criminal proceedings against Mr. B. due to his death.

2. Proceedings initiated by the applicant after her son's death

The applicant filed a supervisory review application to quash the above mentioned decision of the investigator. On 3 October 2001 the Presidium of the Yaroslavl Regional Court granted her request.

On 2 June 2003 the case was transferred to the first instance court.

On 2 July 2003 the judge listed a hearing for 10 July 2003.

On 10 July 2003 the hearing was adjourned. The judge scheduled the hearing for 20 November 2003 at the request of another accused person.

From 24 November 2003 to 7 May 2004 several witnesses were interrogated.

On 7 May 2004 the court scheduled a *post mortem* psychiatric inquiry.

On 18 October 2004 the experts informed the court that it was impossible to provide an expert opinion.

From 31 January to 11 April 2005 the court continued to consider the case, assess evidence and documents.

On 5 May 2005 the Krasnoperekopskiy District Court discontinued criminal proceedings owing to a lack of *corpus delicti*.

On 1 July 2005 this decision was upheld on appeal by the Yaroslavl Regional Court.

COMPLAINT

The applicant complained under Article 6 of the Convention about the length of proceedings initiated by the applicant in order to exonerate her late son from any finding of guilt.

QUESTIONS TO THE PARTIES

1. Given the applicant's son's death, does the applicant have standing under Article 34 to raise before the Court the complaint relating to the length of proceedings concerning the discontinuation of the criminal case in respect of her son?

2. Is Article 6 § 1 applicable to these proceedings?

3. If so, was the length of these proceedings in the present case in breach of the "reasonable time" requirement of Article 6 § 1 of the Convention?