



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

Communicated on 12 March 2014

FIRST SECTION

Application no. 4505/08
Yekaterina Leonidovna SOKIRYANSKAYA and others
against Russia
lodged on 27 December 2007

STATEMENT OF FACTS

A list of the applicants is set out in the appendix. They are represented by lawyers of EHRAC/Memorial Human Rights Centre (Memorial), an NGO with offices in Moscow and London.

A. The circumstances of the case

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

The applicants are members of Memorial.

On 16 October 2006 the applicants tried to take part in a peaceful assembly ('picket') in Nazran, the Republic of Ingushetia. The picket was organised by Mashr, a human rights association based in Nazran and was led by Mr M.

1. Arrangements made by Mashr prior to the picket

On 12 October 2006 Mr M. submitted notification of the planned picket to the authorities in accordance with the Law on Assemblies, Gatherings, Demonstrations and Pickets of 19 June 2004 ("the Public Assemblies Act"), which requires that the authorities be notified at least three days prior to the planned event. The picket was to be held on 16 October 2006 from 4 p.m. to 6 p.m. near the monument to the heroes of the Second World War on Bazorkina Avenue. The purpose of the picket was to commemorate the journalist Anna Politkovskaya, who was murdered on 7 October 2006.

From 12 October 2006 Mashr began to circulate information on the planned picket to prospective participants, including the applicants.

On 15 October 2006 at around 12.40 p.m. the director of Mashr received a handwritten letter from the Head of Nazran City Administration banning

the planned picket on the grounds that Mashr, being a non-commercial organisation, had no right to organise such a picket.

Considering this decision of the city administration to be in breach of the law as, in particular, it had failed to comply with the time-limit laid down in the Public Assemblies Act for the authorities' response, Mr M. went ahead with the organisation of the picket. He intended to challenge the decision later.

2. Events of 16 October 2006

At approximately 4 p.m. on 16 October 2006, the participants arrived at the site of the planned picket. At the site were a group of uniformed police officers and a group of men in civilian clothes, who had arrived earlier. The police group was headed by Mr D., Deputy Minister of the Interior of the Republic of Ingushetia, and Colonel Dz. They demanded the picketers' departure without stating any reasons.

The group of people in civilian clothes colluded with the police forces, acting in an aggressive manner towards the picketers and attempting to provoke clashes with them.

Some of the picketers, including Mr M., tried to explain to Mr D. that they had the right to freedom of peaceful assembly and that banning the picket was in breach of the law. While the picketers kept trying to explain their position, they were attacked by the men in civilian clothes, who beat and injured some of the picketers and subsequently apprehended them without giving any reasons for the arrest. The beatings and the arrests were carried out while Mr D. was present at the scene of the events.

A video-recording of the events that was made by members of Mashr was presented to the Court.

(a) Attacks on the first and second applicants

At approximately 4.10 p.m. on 16 October 2006, the first to fifth applicants arrived at the site of the planned picket. They saw policemen and men in civilian clothes surrounding Mr M. and trying to take from him the papers that he had brought with him. The papers were later trampled on by police officers in front of other picketers. The police were especially aggressive towards picketers who carried portraits of Anna Politkovskaya. When they noticed that the first to fifth applicants were also carrying her portrait, they attacked them. The police insulted them and tried to take the portraits away. When the first to fifth applicants realised that it would be impossible for them to go ahead with the picket, they decided to leave.

When walking back to their car, the second applicant said to Mr D.: "We got the message, we are leaving now. Why are you so rude to the women?" Shortly afterwards he was attacked from behind by two men. He received blows to the body and was pushed forward. When he turned around, he saw that his assailants were wearing civilian clothes. One of them had blond hair and a round face and the other was of medium height, had a round face and was wearing a baseball cap. Mr D. remained at the scene and witnessed the events.

When the first applicant saw the second applicant being beaten, she attempted to approach him. At that moment she received a punch in the face in the area of the nose from one of the second applicant's assailants. When

she started bleeding from the nose, her assailant was approached by Mr D., who had a quiet word with him. The assailant, together with other men in civilian clothes, then left the scene.

The first applicant later established from media sources that she had been hit by Mr T., also known by the nickname “Barmaley”.

The second applicant took the first applicant to the clinical hospital of the Republic of Ingushetia, where she was diagnosed with an open nasal bone fracture, concussion and a closed craniocerebral trauma. She received treatment for these conditions and returned for further treatment the following week.

(b) Arrest and detention of the third, fourth and fifth applicants

After the third to fifth applicants had arrived at the site of the planned picket, the police, acting in an aggressive manner, asked them to leave. When they saw the first and second applicants being attacked, they decided to leave.

Shortly after they had left, about 200 metres away from the picket site they were approached by a man in civilian clothes who had been present at the site. Without introducing himself or showing any identification he asked them to open their bags for inspection.

Several minutes later the applicants saw a van with no police markings pull up. Police officers who were inside used abusive language and ordered the three applicants to get into the vehicle. Being afraid that, should they refuse, the policemen would use physical force, the applicants got into the vehicle. Inside they saw two men, one of whom was wearing military camouflage uniform and the other civilian clothes. The latter was driving the vehicle.

The applicants asked the men to identify themselves and state the reasons for their arrest and where they were being taken. One of the men responded in a mocking tone: “Consider yourselves to have been kidnapped”. The man in civilian clothes then said that they were being taken to the Nazran police department (GOVD).

Upon arrival at the GOVD, the third to fifth applicants were taken to the office of the criminal police, where they were forced to leave their fingerprints and provide their passport details. They were photographed by unidentified officers on their mobile phones. When the applicants asked for permission to contact their counsel, the request was refused and they were told that they would be detained for fifteen days.

Around midnight, after having been held in various rooms of the GOVD for approximately eight hours, the applicants were brought before the Justice of the Peace of the Eighth District of Nazran, who arrived at the police department in a police car.

The Justice of the Peace proceeded with the hearing of the case in the absence of the applicants’ counsel. She read out to the applicants the reports of their arrest drawn up by police officers. The reports stated that the applicants had taken part in the picket and had refused to obey the police order to leave the place of assembly, which constituted an administrative offence under Article 20.2 of the Code of Administrative Offences. The applicants contested the authenticity of the reports. The judge then invited for questioning the police officer who, according to the reports, had arrested

the applicants. When the police officer appeared, the applicants stated that he was not the person who had arrested them and that they had never seen him before. The Justice of the Peace nevertheless questioned the police officer and postponed the hearing of the applicants' case to 17 October 2006 on account of a number of uncertainties. She also ordered the applicants' release from custody.

The applicants were released at approximately 12.30 a.m. on 17 October 2006.

The hearing was subsequently postponed to 31 October 2006.

(c) Arrest and detention of the sixth applicant

At approximately 4.05 p.m. on 16 October 2006 the sixth applicant arrived at the site of the planned picket. Shortly after his arrival he heard Mr D. telling the picketers that their gathering had been banned and ordering everyone to leave the site.

The sixth applicant then saw the groups of policemen and men in civilian clothes attacking the picketers. In particular, he saw the policemen surrounding Mr M. and taking away his papers and then the men in civilian clothes attacking the first and second applicants.

In view of the violent conduct of the police and men in civilian clothes, the sixth applicant decided to leave. However, he then received a call from the Head of the Russian Red Cross in Ingushetia, Mr M.M., who arrived at the site of the planned picket. When the sixth applicant tried to locate Mr M.M., he was approached by a man in civilian clothes who said to him: "We told you to leave!" Notwithstanding the sixth applicant's response that he was intending to leave, the man started pushing him and trying to provoke a clash.

One of the uniformed police officers then said in Ingush to the men in civilian clothes, including the one who had addressed the sixth applicant: "Why are you standing on ceremony with him?! Take him to the GOVD!"

At approximately 4.15 p.m. on 16 October 2006 the sixth applicant was pushed into a car that had no police markings and taken to the GOVD.

Upon arrival at the GOVD the sixth applicant was placed in a cell where he saw Mr M., who had been brought there some time before him. Some time later the police brought to the cell a young man, who told the sixth applicant that he had been curious about what was going on near the monument to the Heroes of the Second World War so he had approached the monument and had immediately been arrested by the police.

About thirty to forty minutes later, the sixth applicant and Mr M. were taken to the second floor of the GOVD, where police officers drew up reports of their arrest. On the reverse side of the report the sixth applicant wrote that he had been invited to the picket as a member of Memorial and had been arrested by the police, who gave no reasons for his arrest.

At approximately 4.30 p.m. the sixth applicant was contacted on his mobile phone by counsel G.-E. The sixth applicant told him that he was being detained at the GOVD along with other participants in the picket.

When the sixth applicant requested a meeting with his defence counsel G.-E., the request was refused. The applicant was only able to talk to counsel G.-E. at around 12.20 a.m. on 17 October 2006.

At approximately 12.30 a.m. on 17 October 2006 the sixth applicant was brought before the Justice of the Peace of the Eighth District of Nazran, who had arrived earlier to examine the cases concerning the detained picketers. Counsel G.-E. was allowed to take part in the proceedings. He represented the sixth applicant and Mr M.

Having heard the sixth applicant and his counsel, the Justice of the Peace postponed the hearing to 12 noon on 17 October 2006. The sixth applicant was released at approximately 1.30 a.m. on 17 October 2006.

The hearing was subsequently postponed to 31 October 2006.

3. Counsel G.-E. 's attempts to contact the applicants after their arrest

At approximately 4.20 p.m. on 16 October 2006 Mr A., the director of the Ingush office of Memorial, contacted counsel G.-E. Mr A. told him that members of Memorial had attended the picket and had been beaten and arrested by the police.

Mr A. then signed an agreement with counsel G.-E. on legal representation of the applicants in proceedings against the police.

Assuming that the applicants had been brought to the GOVD, counsel G.-E. went there and called the sixth applicant on his mobile phone. After the sixth applicant had confirmed that he was being held at the GOVD together with other picketers, counsel G.-E. tried to meet his clients. However, his request was refused on the grounds that it could only be granted by the head of GOVD, officer K., who was out of office at the time and it was not known when he would be back.

After counsel G.-E. explained to the police officer that the refusal of his request contravened the law, they told him that the third to sixth applicants were not being detained and would be released within three hours, which is the maximum period for administrative arrest under Article 27.5 of the Code of Administrative Offences.

Three hours later the four applicants were still in detention., Counsel G.-E. therefore repeated his request to be allowed to meet them, whereupon one of the police officers, who identified himself as Colonel Dz., ordered him to leave the GOVD.

Accordingly, around 7 p.m. on 16 October 2006 counsel G.-E. had to leave the GOVD, but he remained close by until past midnight, when the third to fifth applicants were released.

At this point counsel G.-E was allowed to meet the sixth applicant and Mr M. and to represent him at the hearing that began at approximately 12.30 a.m. on 17 October 2006 (see above).

4. Hearing and subsequent discontinuation of administrative proceedings against the third to sixth applicants

On 31 October 2006 the Justice of the Peace of the Eighth District of Nazran discontinued administrative proceedings against the third to sixth applicants on the ground that their actions on 16 October 2006 did not constitute an administrative offence.

5. *Investigation into the assaults on the applicants and their detention*

The video-recording of the events of 16 October 2006 helped to establish the identity of the man who had attacked the first and second applicants as Mr T. According to the applicants, he was a relative of Mr U.-G., the head of Nazran City Administration, who had banned the picket.

On 18 October 2006 the first applicant complained to the Nazran Prosecutor's Office about the violent attack she had been subjected to on 16 October 2006. She mentioned, in particular, that Mr T. had been the assailant and that she had sustained brain concussion and her nose had been broken.

On the same date, the third to sixth applicants complained to the Nazran Prosecutor's Office about their arrest and detention on 16 October 2006 as well as about the violent attacks to which the first and second applicants had been subjected.

On 7 November 2006 the Nazran Prosecutor's Office refused to institute a criminal investigation into the first applicant's complaint on the grounds that the stated injuries had been sustained two weeks prior to the events of 16 October 2006.

On 23 November 2006 the Nazran Prosecutor's Office reversed its decision of 7 November 2006 stating that: (i) Mr T. should be found and questioned; (ii) the police officers had acted in a rude and aggressive manner towards human rights activists during the picket; (iii) the police had detained some of the activists for a period exceeding three hours; and (iv) an expert examination of the injuries sustained by the first applicant should be carried out.

In a decision of 27 December 2006 the Nazran Prosecutor's Office stated that during the peaceful assembly on 16 October 2006 the picketers had been subjected to attacks by unknown civilians who were not affiliated with the local police. At the same time the prosecutor's office refused to institute a criminal investigation into the actions of Mr D. and Colonel Dz. on the grounds of absence of any *corpus delicti*. It further stated, however, that the case concerning the beating of the first applicant should be re-examined.

6. *Attempts to challenge the decision of the prosecutor's office*

On 26 February 2007 the applicants applied to the Nazran Town Court. Firstly, they challenged the decision of the prosecutor's office dated 27 December 2006. They submitted, *inter alia*, that the attacks on the first and second applicants by men in civilian clothes had taken place in the presence of Mr D., Deputy Minister of the Interior of the Republic of Ingushetia, and Colonel Dz., a high-ranking police officer, who had tolerated the assaults. Furthermore, men in civilian clothes had apprehended the third to sixth applicants and taken them to the GOVD. However, although ample information and video footage of the events had been provided to the prosecutor's office, it had failed to investigate why the attacks had been tolerated by the police. Secondly, the applicants argued that the banning of the picket of 16 October 2006 had breached both Article 31 of the Constitution and the Public Assemblies Act. Thirdly, the third to sixth applicants complained about their detention, which had lasted for

approximately eight hours, in breach of both domestic law and Article 5 of the Convention.

On 24 April 2007 the Nazran Town Court dismissed the applicants' complaint on the grounds that the first applicant had been beaten by men in civilian clothes and not by the police.

On 14 May 2007 the applicants appealed.

On 5 June 2007 the Supreme Court of Ingushetia dismissed the applicants' appeal. Neither the applicants nor their counsel were present at the hearing. The applicants' counsel received a copy of the decision on 3 July 2007.

B. Relevant domestic law

1. Code of Criminal Procedure

Article 125 of the 2001 Code of Criminal Procedure sets out the procedure for the judicial examination of complaints. An appeal may be lodged against an order by an investigator or prosecutor refusing to institute criminal proceedings or terminating a case and other orders and acts or omissions which are liable to infringe the constitutional rights and freedoms of the parties to criminal proceedings or to hinder citizens' access to justice. Such appeals are heard in a local district court with jurisdiction to review the lawfulness and grounds of the impugned decisions. A copy of the court's ruling on the complaint must be sent to the complainant, the prosecutor and the head of the investigative authority.

Under Article 354, as in force at the material time, judicial decisions of first-instance courts that had not entered into force could be appealed against by means of a cassation appeal. Pursuant to Article 388 § 3, the ruling on the cassation appeal must be announced after the judges' return from the deliberation room, but no later than three days after the end of the hearing on the cassation appeal.

2. Code of Administrative Offences

(a) Substantive law

Under the 2001 Code of Administrative Offences, as in force at the material time, non-compliance with a lawful order by a police officer, given within the scope of his or her professional duties, is punishable by a fine or administrative detention of up to fifteen days (Article 19.3).

Any breach of the established procedure for the organisation of public gatherings, meetings, demonstrations, marches or pickets is punishable by an administrative fine of between ten and twenty times the minimum wage, payable by the organisers (Article 20.2 § 1).

Any breach of the established procedure for the conduct of public gatherings, meetings, demonstrations, marches or pickets is punishable by an administrative fine of between ten and twenty times the minimum wage for the organisers, and between five and ten times the minimum wage for the participants (Article 20.2 § 2).

(b) Procedural law

Administrative cases should be examined at a public hearing, except in cases relating to State secrets or other protected secrets or where it is necessary to protect the honour or reputation of the person(s) participating in the proceedings (Article 24.3).

A person who is prosecuted in administrative proceedings has the following rights: to have access to the case file, to make submissions, to adduce evidence, to lodge requests and to obtain legal assistance (Article 25.1 § 1). The administrative case should be examined in the presence of this person (Article 25.1 § 2).

A defendant in an administrative case may be assisted by a lawyer or another person chosen by the defendant (Article 25.5).

Other relevant provisions read as follows:

Article 27.2 Escorting of individuals

“1. The escorting or transfer by force of an individual for the purpose of drawing up an administrative offence report, if this cannot be done at the place where the offence was discovered and if the drawing-up of a report is mandatory, shall be carried out:

(1) by the police ...

...

2. The escort operation shall be carried out as quickly as possible.

3. The escort operation shall be recorded in an escort operation report, an administrative offence report or an administrative detention report. The escorted person shall be given a copy of the escort operation report if he so requests.”

Article 27.3 Administrative arrest

“1. Administrative arrest or short-term restriction of an individual’s liberty may be applied in exceptional cases if this is necessary for the prompt and proper examination of the alleged administrative offence or to secure the enforcement of any penalty imposed by a judgment concerning an administrative offence. ...

...

3. At the request of the detained person, his family, the administrative department at his place of work or study and his defence counsel shall be informed of his whereabouts.

...

5. The arrested person shall have his rights and obligations under this Code explained to him, and the corresponding entry shall be made in the administrative arrest report.”

Article 27.4 Administrative arrest report

“1. The administrative arrest shall be recorded in a report ...

2. ... If he so requests, the arrested person shall be given a copy of the administrative arrest report.”

Article 27.5 Duration of administrative arrest

“1. The duration of the administrative arrest shall not exceed three hours, except in the cases set out in paragraphs 2 and 3 of this Article.

2. Persons subject to administrative proceedings relating to offences involving unlawful crossing of the Russian border ... may be subjected to administrative arrest for up to 48 hours.

3. Persons subject to administrative proceedings relating to offences punishable by administrative detention, among other administrative sanctions, may be subjected to administrative arrest for up to 48 hours ...”

4. The duration of the administrative arrest is calculated from the moment when the person has been escorted under Article 27.2 ...”

Article 28.8 Sending the report (the prosecutor’s ruling) on the administrative offence for examination of the administrative case

“1. The report (the prosecutor’s ruling) on the administrative offence shall be sent to the judge... within twenty-four hours of the drawing up of the report (delivery of the prosecutor’s ruling).

2. The report (the prosecutor’s ruling) on the administrative offence punishable by administrative detention or administrative removal shall be sent to the judge immediately after it has been drawn up (delivered).”

Article 29.6 Time-limit for examination of administrative cases

“1. An administrative case should be examined within fifteen days of receipt by the judge ... of the report on the administrative offence and the other evidence in the case.

...

4. An administrative case concerning an offence punishable by administrative detention or administrative removal should be examined on the day of receipt of the report on the administrative offence and the other evidence in the case and – in the case of a person subjected to administrative arrest – no later than forty-eight hours after the arrest.

...”

3. Public Assemblies Act (Federal Law no. 54-FZ of 19 June 2004)

Under section 5 § 2 of the Act, as in force at the material time, the following persons and/or associations may not act as organisers of a public event:

“1. Any person found by the court to have no or only limited legal capacity, and any person held in custody following a conviction by a court;

2. a political party or other public or religious association, their regional branches and other structural subdivisions whose activities have been either suspended or forbidden or which have been liquidated in accordance with the procedure established by law.”

Section 7 of the Act provided as follows:

“1. Any person organising a public gathering (except for a meeting or a picket conducted by one participant) should notify the competent public authority in writing no earlier than fifteen and no later than ten days before the date of the event ... For a picket by several people, notification may be made no later than three days before the demonstration ...

3. A notification should contain a reference to

(1) the aim of the event;

(2) the type of the event;

(3) the venue(s) and itineraries;

(4) the date and time of the event;

(5) the expected number of participants; ...

(7) the full name, contact address and telephone number of the event organiser ...”

Section 12 provided for the following procedure on the part of the competent public authority following the receipt of the notification:

“1. The authority should proceed as follows:

- (1) acknowledge in writing the receipt of the notification and indicate the date and time of the receipt;
- (2) inform the event organiser ... (on the same day in the case of a notification received less than five days before a picket by several people) of any alternative proposal concerning the event venue and/or time ...”

An organiser of a public gathering had the following obligations under section 5 § 4:

- “(1) to submit a notification of the public event in accordance with the requirements of section 7 ...;
 - (2) to inform ... the public authority in writing whether the alternative proposal concerning the event time and/or venue has been accepted; ...
 - (6) to suspend the event or end it if the participants in the event commit unlawful actions;
5. The organiser of the event shall not be permitted to proceed with it if the above-mentioned notification was not submitted before the specified deadline or if the authority’s proposal for an alternative venue and/or time for the event has not been agreed with the public authority ...”

Under section 8 § 1, a public event could be held in any suitable place, except in a number of prohibited areas listed in section 8 § 2, which include:

- “(a) sites directly adjacent to hazardous production facilities and to other objects the operation of which requires compliance with special safety rules;
- (b) viaducts, main railways and railway rights of way; pipelines for oil, gas and other substances; high voltage transmission lines;
- (c) sites directly adjacent to residences of the President of the Russian Federation, to buildings occupied by courts, or to the sites and buildings of agencies executing punishment in the form of imprisonment;
- (d) the border zone in the absence of a special permission of the competent border authorities.”

Under section 15 the authorities could suspend a public event that was in progress in the following circumstances:

- “1. If during the holding of a public event, through the fault of its participants, there occurs a breach of law and order which does not pose a threat to the life or health of the participants, a representative of the executive authority ... or of a local self-government body has the right to ask the organiser ... to rectify the breach.
2. If the request ... is not complied with, the representative ... has the right to suspend the public event for the period designated by him/her for the breach to be rectified. Upon rectification of the breach as agreed between the organiser and the authorised representative, the public event may be continued.
3. If the breach is not rectified within the period designated by the authorised representative ... the public event shall be terminated in accordance with the procedure laid down in section 17 of the present Act.”

Section 16 set out the following grounds for termination of a public event:

- “1. Emergence of a real threat to the life or health of citizens and to the property of natural and legal persons;

2. Commission of offences by the participants in the public event and a deliberate breach by the organiser of the requirements set forth in the present Act for the conduct of a public event.”

Section 17 laid down the following procedure for termination of a public event:

“1. Should a decision be taken to terminate a public event, the authorised representative of the executive authority ... or of a local self-government body:

(a) shall issue an instruction to the organiser of the public event ordering termination thereof, having indicated the reasons for such termination, and within twenty-four hours shall issue the instruction in writing and shall present it to the organiser;

(b) shall set a deadline for compliance with the instruction ordering termination of the public event;

(c) shall – if the organiser of the public event fails to comply with the instruction ordering termination – address the participants in the public event directly and set an additional deadline for compliance with the instruction.

2. In the event of non-compliance with the instruction ordering termination of the public event, the police shall take the measures necessary to terminate it, acting in accordance with the laws of the Russian Federation.

3. The procedure for termination of a public event provided for in Part 1 of the present section shall not apply in the event of mass disturbances, riots, arson attacks or other cases requiring emergency action. In those instances the termination of the public event shall be carried out in accordance with the laws of the Russian Federation.

4. Failure to comply with the lawful requirements of police officers or disobedience (resistance) directed against such officers by individual participants in the public event shall result in liability on the part of those participants as provided for in the laws of the Russian Federation.”

4. Criminal Code

Article 149 of the 1996 Criminal Code provides:

“Any unlawful obstruction to the holding of a meeting, assembly, demonstration, procession or picket, or to participation therein, or compulsion to take part therein, if committed by an official making use of his official powers, or through the use of violence, or through the threat of its use, shall be punishable by a fine in the amount of up to 300 thousand roubles, or in the amount of the wages or of other income of the convicted person for a period not exceeding two years, or by deprivation of liberty for a term of up to three years, with disqualification from holding specified office or engaging in specified activities for a term of up to three years, or without such disqualification.”

COMPLAINTS

1. The first applicant complains under Article 3 of the Convention that she was subjected to ill-treatment on 16 October 2006 in the presence of high-ranking police officials and that the authorities failed to conduct an effective investigation into the events.

2. The third to sixth applicants complain under Article 5 § 1 (a) and (b) of the Convention that their arrest and detention was not carried out in compliance with a procedure prescribed by law. In particular, they were

apprehended by men dressed in civilian clothes who did not identify themselves; they were not informed of the reasons for their arrest and detention for about an hour after being taken to the GOVD; their right of access to legal advice guaranteed by the domestic law was not respected; and the duration of their detention exceeded the applicable time-limit.

3. Relying on Articles 10 and 11 of the Convention, the applicants allege that by (i) failing to give sufficient reasons for the prohibition of the picket and (ii) by preventing them from holding the picket, not least by means of a violent attack on the first applicant and the detention of the third to sixth applicants, the authorities breached the applicants' rights to hold a peaceful assembly to express their solidarity with Ms Politkovskaya and protest against her murder.

QUESTIONS TO THE PARTIES

1. Having regard to the events of 16 October 2006, was the first applicant subjected to torture or inhuman or degrading treatment, in breach of Article 3 of the Convention?

In particular, what is the outcome of the investigation into the actions of the man dressed in civilian clothes, later identified as Mr Akhmed Tsechoyev, who punched her in the face on 16 October 2006?

Is Mr T. a relative of Mr U.-G., the then head of Nazran City Administration?

Having regard to the positive obligation under Article 3 of the Convention (see paragraph 22 of *A. v. the United Kingdom*, judgment of 23 September 1998, *Reports of Judgments and Decisions* 1998-VI), did the State comply with its duty to ensure that individuals within its jurisdiction are not subjected to torture or inhuman or degrading treatment?

Having regard to the procedural protection from torture and inhuman or degrading treatment (see paragraph 131 of *Labita v. Italy* [GC], no. 26772/95, ECHR 2000-IV), was the investigation by the domestic authorities in the present case in breach of Article 3 of the Convention?

2. Were the third to sixth applicants' arrest and detention on 16 October 2006 compatible with Article 5 § 1 of the Convention?

3. Has there been an interference with the applicants' right to freedom of expression within the meaning of Article 10 § 1 of the Convention?

If so, was that interference prescribed by law and necessary within the meaning of Article 10 § 2?

4. Has there been an interference with the applicants' right to freedom of peaceful assembly within the meaning of Article 11 § 1 of the Convention?

If so, was that interference prescribed by law and necessary within the meaning of Article 11 § 2?