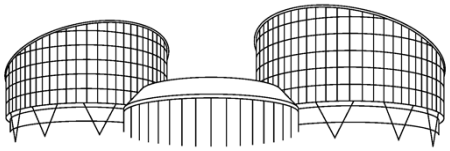

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF PEREVEDENTSEVY v. RUSSIA

(Application no. 39583/05)

JUDGMENT

STRASBOURG

24 April 2014

FINAL

13/10/2014

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Perevedentsevy v. Russia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Isabelle Berro-Lefèvre, *President,*
Elisabeth Steiner,
Khanlar Hajiyev,
Mirjana Lazarova Trajkovska,
Erik Møse,
Ksenija Turković,
Dmitry Dedov, *judges,*
and Søren Nielsen, *Section Registrar,*

Having deliberated in private on 1 April 2014,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 39583/05) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Russian nationals, Ms Vera Ivanovna Perevedentseva ("the first applicant) and Mr Sergey Ivanovich Perevedentsev ("the second applicant"), on 25 October 2005.

2. The applicants were represented by lawyers of the NGO EHRAC/Memorial Human Rights Centre. The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants complained about the death of their son during his mandatory military service and the absence of an effective and prompt investigation into his death.

4. On 27 August 2010 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicants were born in 1962 and 1963 respectively and live in Snovo-Zdorovo, a village in the Ryazan Region.

6. On 26 May 2003 the applicants' son, Mr Mikhail Perevedentsev ("M.P."), born on 12 January 1985, was drafted into the army to perform

two years' mandatory military service. He was assigned to military unit no. 52157 in the village of Mulino-1 in the Volodarskiy District of the Nizhniy Novgorod Region.

7. The applicants regularly received letters from their son. In those letters he described various abuses that he and his fellow new recruits were suffering at the hands of more senior conscripts (*Dedy*) (under a system called *dedovshchina* or "rule of the grandfathers"): extortion, beatings, deprivation of sleep, and so on.

8. In a letter dated 29 June 2003 M.P. wrote:

> "*Stodnevka* [the last hundred days before a recruit is demobilised] is hard here, guys have paid 1000 roubles each in ten days. I can't imagine where I'm going to get such money ..."

9. In his next letter (undated) he wrote:

> "It's been a nightmare here, the *dembels* are not being discharged. And we *dukhi* have our own problems. We are being punished, each of us has to find 1000 roubles [to be paid] to the *cherpaks*. It's probably going to be like that every month ..."

10. In the following letter M.P. wrote:

> "The *Dedy* were offended that I did not bring them vodka and money, and now I do work-outs at night for two hours, the sweat is pouring ..."

11. In a letter dated 17 November 2003 he wrote:

> "Our demobbees have left and tough times have begun. Flying in the day and working out at night. I counted that I slept eight hours [this] week. That is supposed to be a soldier's sleep per day .... [No more easy life for us], we get bullied every day, so that it has become a routine, even though I think I've got a broken rib [as] I can hardly breathe, but they stop us from seeing the medics and they have dislocated my jaw, which creaks like a rusty cart.
>
> ... Mum, I'll wait for you for one and a half weeks and then I'll go on the run on my own, maybe with a friend. I don't know, maybe you won't understand, but this will be for the best as the *dedy* are getting wilder by the hour."

12. In a letter dated 30 December 2003 M.P. wrote:

> "Although I've left the battery I'm still assigned to it and continue to carry out my *stodnevka*. I now owe 2000 roubles. The *Dedy* say that I have to pay off 500 roubles a month and have given me a deadline of 15 January. If I don't pay I'll be in trouble. Mum, I understand that this is a lot of money, but believe me [when] I come back home [I will pay it back]."

13. In a letter dated 11 January 2004 he wrote:

> "The *Dedy* are waiting for my payment, I borrowed 500 roubles here and gave them some. I am lucky that I have at least given them some, as some guys here got in trouble, half of them are in the medical unit with injuries and the other half all have bruises, and our commander cannot do anything about it."

14. On 16 February 2004, at 11.30 a.m., M.P. was found dead with a noose around his neck.

15. On the same date the Military Prosecutor's Office of the Mulino Garrison ("the Garrison Prosecutor's Office") instituted criminal proceedings into the death of M.P. under Article 110 of the Russian Criminal Code (Incitement to suicide). An on-site inspection and an inspection of M.P.'s body were carried out.

16. Also on the same date, sergeant Kolyadova O., M.P.'s immediate superior, was questioned. She stated that she was in charge of the guard dogs' kennels to which M.P. had been assigned in November 2003. He had been responsible for helping Kolyadova O. to take care of the dogs and the premises. According to Kolyadova O., M.P. was only at the kennels during the day; from 6 p.m. to 9 a.m. he was at the watch house. M.P. was lazy and unreliable, neither too communicative nor too reserved. His behavior was normal; he never expressed suicidal thoughts or voiced any plans of running away from the military unit. Kolyadova O. had been told by M.P. that he had grown up in a happy, well-to-do family; he regularly received letters from home. He also regularly received money transfers and parcels from his parents. She knew that he had received over 1,000 Russian roubles (RUB) for his birthday and RUB 1,500 recently. Kolyadova O. criticised M.P. for asking his parents for money. She was unhappy with M.P.'s work, and often told him so. She also warned him that if he did not change his attitude she would ask the commander to send him back to the battery. Yet nothing changed. Kolyadova O. again reprimanded M.P. on 14 February [2004] and asked for his parents' telephone number. She noticed that M.P. became frightened and asked her why she needed it. She replied that she wanted to inform M.P.'s parents of his attitude to his military service and request them not to send him so much money. M.P. reluctantly gave Kolyadova O. his mother's mobile phone number. That evening Kolyadova O. telephoned M.P.'s mother, the first applicant, told her that M.P. was lazy and did not want to work, and asked her not to send him money too often. She also asked M.P.'s mother to come to the military unit to try and influence her son. Kolyadova O. arrived at work on the morning of 16 February 2004 to find that the kennels were once again uncleaned and the dogs unfed. She again reprimanded M.P. and told him about her conversation with his mother. M.P. took her words calmly. Kolyadova O. then left on business. On leaving it did not appear to her that M.P. was disturbed. She got back at around 10 a.m. The gate to the kennels was locked from the inside. It could be opened from the outside, but a new dog whom Kolyadova O. was still afraid of was running loose. She called to M.P., but he did not respond. Kolyadova O. thought that M.P. had gone out and started looking for him, but could not find him. She then asked the warrant officer to assign her a soldier to help her catch the dog. Afterwards Kolyadova O. entered the kennels and saw M.P. with a noose around his neck.

17. Again on 16 February 2004, the commander of the 22nd guards army, general lieutenant Merkuryev A. submitted to the commander in chief of the

Moscow Military Command, general lieutenant Yefremov I. the following report:

"On 16 February 2004 at about 2 p.m., in the 99th mobile artillery unit of the 3rd mobile artillery division private M.P, was found hanged ....

Facts of the matter: At about 2.40 p.m. private M.P. was found hanging under the roof of a wooden shed ... by [sergeant] Kolyadova O. ...

At about 3 p.m. the commander of 99th mobile artillery unit, lieutenant colonel Mamakin I., reported the incident to the commander of the 3rd mobile artillery division and the Garrison Prosecutor's Office.

During the inspection of the body by representatives of the Garrison Prosecutor's Office and forensic medical experts, no abrasions or other injuries were discovered. Amongst [M.P.'s] personal items was found a letter from [M.P's] friend [informing the latter] that his girlfriend had cheated on him.

[M.P.] received positive references during his military service. However, the results of a psychological examination which was carried out in June and December 2003 showed that the soldier belonged to the third group in respect of psychological stability [out of four, the fourth group being for the least psychologically stable who were at the highest risk for nervous breakdown]; [he] was reserved, uncommunicative, had no friends among his fellow soldiers. ...

The Garrison Prosecutor's Office instituted criminal proceedings in connection with [M.P.'s] death.

On-the-spot inquiries are being carried out by the deputy commander of the educational unit, colonel Lazarev V.

...

The causes of the incident: 1. The possible reason for [M.P.'s] death could be suicide resulting from momentary nervous breakdown fuelled by a breakup with his girlfriend.

2. Serious omissions in the work of the command of the unit in studying the individual features of the soldiers.

3. Failure to take the necessary measures by the unit officials for the psychological monitoring of soldiers in need of increased psychological and pedagogical care.

Measures taken: 1. (Institution of criminal proceedings in connection with [M.P.'s] death.)

2. The circumstances and possible causes of the incident reported to [the command].

3. Additional measures by the deputy commanders of the military units and formations and military psychologists for the detection of soldiers with an increased risk of suicide to be carried out until 25 February 2004."

18. On 17 February 2004 a post-mortem examination of M.P.'s body was completed. It was established that M.P. had died as a result of strangling which could have been caused by the noose submitted for examination. M. P. could have applied the noose himself. He had no traces of any injuries typical of self-defence. M.P. had died twenty to twenty-four hours prior to the examination. No alcohol was detected in his body.

19. On 18 February 2004 private Shuper V., a driver in the military unit, submitted that he had known M.P. since November 2003 when the latter had started working at the kennels. According to him, M.P. was calm, communicative and kindhearted. He had many friends and never complained about his military service. M.P. never told Shuper V. that he had been subjected to any bullying by other conscripts, but M.P. constantly clashed with sergeant Kolyadova O., who was in charge of the kennels. She always reprimanded M.P. for his work even though, in the opinion of Shuper V., M.P. carried out his work dutifully. In the opinion of Shuper V., M.P. had committed suicide because of his conflict with sergeant Kolyadova O., who shouted at him every day and had threatened to send him back to the battery and to telephone his mother.

20. On the same date, major Ogorodov N., who had been carrying out military service in military unit no. 52157 on a contract basis since 27 January 2004, submitted that on 16 February 2004, at approximately 9.30 a.m., he had heard loud noise, a crash as if something had fallen, and a woman shouting "You vagabond, not doing what you've been told to ...". The shouting was coming from the kennels. He saw the door open and a soldier come out, followed by a woman shouting; her right arm was holding a ladle lifted against the soldier. Ogorodov N. then saw the woman hit M.P. on the back of his head and throw the ladle at him. He later found out that the woman was the head of the kennels and the soldier was M.P., who later the same day committed suicide by hanging himself.

21. On 19 February 2004 sergeant Kolyadova O. was questioned again. She submitted that on 14 February 2004 [Saturday] she had come at work at about 10 a.m. She had instructed M.P. to clean the kennels and gone to the commander to discuss the issue of a money transfer which had arrived for M.P. The commander told her that M.P. would not get any money until his mother telephoned to explain what the money was for. At about 1 p.m. Kolyadova O. returned to the kennels and saw the gate closed and a dog running loose. She then called M.P. and asked him to lock up the dog. Then, together with M.P., she entered the kennels and saw that nothing had been done. She asked M.P. what he had been doing, to which the latter replied that she would see his work on Monday. Then she told M.P. that if he continued doing nothing she would send him back to the battery, to which he responded that he would then run away. She knew that he was very afraid of going back to the battery. Kolyadova O. then ordered M.P. to chop some wood and to clean everything up until Monday, and went home.

22. On the same date, the statements of the witness Ogorodov N. were verified at the scene.

23. Also on the same date, the witness Ms Buzunova (M.P.'s aunt) submitted that she had seen and read M.P.'s letters to the applicants in which he had informed them about the beginning of *stodnevka* and asked them to send him money. She further submitted that the first applicant had

sent M.P. RUB 1,050 in November 2003, RUB 1,000 in January 2004 and RUB 1,500 at the beginning of February 2004.

24. Again on 19 February 2004, the witness Mr Buzunov (M.P.'s uncle) submitted that he had known M.P. since he was eight years old. According to him M.P. was very calm, polite, and communicative; he did not suffer from any serious illnesses, had had no head injuries and had never been called to account for any administrative or criminal offences. On 26 May 2003 M.P. had been drafted into the army. In September or October 2003 Mr Buzunov had learned from the first applicant that M.P. was being subjected to beatings and extortion in the army, but that it was bearable. Later he learned that M.P. had been transferred to the kennels, that he felt much better there and was not complaining. Some time went by and then M.P. started writing in his letters that money was being extorted from him; he did not specify by whom. Then there started telephone calls from a mobile phone; but M.P. did not have a mobile phone; M.P. asked the first applicant to put credit on the account of the phone he was calling from and also to send him some credit. Once a senior conscript from M.P.'s military unit called the first applicant's mobile phone and asked her to put credit on that telephone account. The first applicant was receiving calls on her mobile phone at all times of the day and night. In the first applicant's last telephone conversation with M.P. he asked her to send him RUB 1,500, which he needed in order to repay a debt and to give RUB 1,000 to senior conscripts. On 14 February 2004 a woman dog handler called the home number of M.P.'s grandmother and told her that M.P. had broken a radio and that M.P.'s family needed to contact a staff officer to settle the issue by reimbursement. On 15 February 2004 the first applicant tried to contact this woman, but, when she did, the woman did not give her any clear information. The first applicant became very worried. On 16 February 2004 she tried to contact the command staff, but without success, and became even more worried. On 17 February 2004 she managed to contact the staff office and was told that M.P. had hanged himself. Mr Buzunov could not believe it, because M.P. had been a normal, even-tempered person.

25. On 20 February 2004 M.P.'s personal items were inspected. No money was found among them.

26. On 10 March 2004 lance sergeant Yelkin Ye., performing his mandatody military service since June 2003 and in military unit no. 52157 since October 2003, submitted that there were three senior conscripts in the battery – sergeant Brovkin R., private Kosarev A. and private Prudnikov Ye., all three calm and communicative. He submitted that he had not known of any brutalisation by them of the new recruits. Yelkin Ye. had not known private M.P., as the latter had always been at the kennels, and could not therefore give any impressions of him. He further submitted that he did not know when *stodnevka* had started for Brovkin R., Kosarev A. and Prudnikov Ye., because it did not affect his military service.

27. On the same date private Stryukov A., performing his mandatody military service since June 2003 and in military unit no. 52157 since November 2003, submitted that he had known M.P. for about ten days, after which the latter had been transferred from the battery to the kennels. He characterised M.P. as reserved, uncommunicative and calm. He further submitted that he had not witnessed any brutalisation of M.P. by senior conscripts Brovkin R., Kosarev A. and Prudnikov Ye., or by any other conscripts. He further submitted as follows:

> "On 17 December [2003] *stodnevka* began for Brovkin R., Kosarev A. and Prudnikov Ye. *Stodnevka* began as usual. We made their beds, whichever of us was free. One of them would approach the recruits and tell them to bring them 200 roubles. They never approached me about money and never demanded money from me. Once when a parcel from home arrived for me, I decided to share it with Brovkin R., Kosarev A. and Prudnikov Ye. so that they would not touch me. I took cheese, biscuits and sweets and we ate everything together; they did not threaten me with any violence."

Stryukov A. further submitted that M.P. would not have wanted to be transferred back to the battery, because he had been reserved and had liked it better at the kennels.

28. On the same date (10 March 2004), private Pavlyukovskiy V., carrying out his mandatory military service in military unit no. 52157 since November 2002, submitted that in November 2003 he had had ten days' home leave. While at home he bought himself a mobile phone. Upon his return to the military unit he at first used his Moscow SIM card, then decided that it was too expensive and decided to buy a local (Nizhniy Novgorod) SIM card. He went to lieutenant Pestsov A., gave him some money and asked him to buy him the local SIM card; he had got the money from his parents. Lieutenant Pestsov A. bought the card at some time between 20 and 25 January 2004. Pavlyukovskiy V. used the mobile phone mostly himself and did not tell anyone that he had it for fear that the officers might take it away from him as the soldiers were not allowed to use mobile phones. Pavlyukovskiy V. had known M.P. since January 2004. According to him the latter had been reserved, uncommunicative, calm and slightly untidy. They had met at the beginning of January 2004 when M.P. had invited Pavlyukovskiy V. for tea at the kennels. The latter had told M.P. that he had a mobile phone and had decided to leave it with M.P. so that nobody would see it and steal it. He let M.P. make phone calls home. He also gave his mobile phone to privates Belov D. and Koshkin D. He never charged M.P., Belov D. or Koshkin D. for calls. At the end of January-beginning of February 2004 M.P. asked Pavlyukovskiy V. for the mobile phone to call his mother. He overheard M.P. asking his mother to send him RUB 1,500. When Pavlyukovskiy V. asked M.P. why he needed the money, the latter told that he wanted to buy himself a mobile phone. Knowing that *stodnevka* was beginning, Pavlyukovskiy V. asked M.P. whether he had been

subjected to extortion or bullied by anyone, to which he received a negative reply. A day later Pavlyukovskiy V. received a text message informing him that his mobile phone account had been credited with RUB 100. Belov D. told him that it was his sister who had put the money on the account. M.P. also suggested calling his mother to ask her to credit Pavlyukovskiy's mobile phone account, because he wanted to communicate with his family and friends by text messages. Pavlyukovskiy V. gave M.P. the details of his SIM card. When Pavlyukovskiy V. asked M.P. why he did not want to go back to the battery, the latter answered that he was better off at the kennels and that *stodnevka* had started in the battery and he did not want to be bullied by the senior conscripts. On 14 February 2004 Pavlyukovskiy V. took the mobile phone from M.P. On 16 February 2004 he was going to leave the phone with M.P. to charge the battery; however, he learned from another soldier that M.P. had committed suicide. On 18 February 2004 he received a phone call from an unknown number and a man's voice asked: "Sanyek, is that you?", and then "Sanya Pestsov, is that you?" Pavlyukovskiy replied to the man that he had the wrong number. The man started threatening him and he hung up. The same man called several more times on the same day. When Pavlyukovskiy answered the man introduced himself as Ismail Ibragimov. Pavlyukovskiy came to the conclusion that he had been calling about M.P. He became frightened and switched off the mobile phone. He subsequently destroyed the SIM card.

29. Again on 10 March 2004, private Belov D., carrying out his mandatory military service in military unit no. 52157 since 18 June 2002, gave statements identical to the statements of Pavlyukovskiy V.

30. Again on the same date, private Shkola V., carrying out his mandatory military service since 29 June 2003 and in military unit no. 52157 since 20 November 2003, submitted that he had known M.P. as reserved, uncommunicative and quiet. Mr Shkola further characterised Brovkin R., Kosarev A. and Prudnikov Ye. as calm and communicative and submitted that he did not know of any brutalisation by them of new recruits. He submitted that on 17 December 2003 *stodnevka* had started for Brovkin R., Kosarev A. and Prudnikov Ye., but that he had not seen them approaching any new recruits and extorting money from them. He personally had never had money demanded from him. Neither he nor other conscripts in the battery had been subjected to any violence by Brovkin R., Kosarev A. or Prudnikov Ye.

31. On the same date, private Kozarezov S., carrying out his mandatory military service in military unit no. 52157 since May 2003, gave statements identical to those given by the witness Shkola V.

32. Also on the same date the applicants asked the Garrison Prosecutor's Office to grant them victim status in the proceedings.

33. On 11 March 2004 M.P.'s medical record was examined. Lieutenant Kolentsov S. and private Andriyantsev D., carrying out their mandatory

military service in military unit no. 52157 since August 2002 and May 2003 respectively, were questioned. They gave statements similar to those given by the witnesses Shkola V. and Kozarezov S.

34. On 12 March 2004 sergeant Kolyadova O. was questioned again. She confirmed that she had phoned the first applicant on 14 February 2004 asking her to come and talk to M.P. because he had not been complying with his duties and risked being transferred back to the battery. The first applicant replied that she could not come because she had been feeling unwell. Then Kolyadova O. told the first applicant to call the commander and explain the reason for the money transfer made to M.P. and that otherwise M.P. would not get the money. She further stated that on 16 February 2004 she had come to work at about 9 a.m. She had seen that the dogs had been left unfed, and that the kennels had not been cleaned. She had started scolding M.P. and had told him that she had spoken to his mother, that he had squeezed the last money out of his mother and was unwilling to do anything himself. When M.P. had gone outside she had lightly and unintentionally thrown a ladle in his direction. M.P. had not paid any attention to this, and Ms Kolyadova had gone to the commander to discuss the issue of M.P.'s transfer back to the battery.

35. On the same date the commander of military unit no. 52157, major Ivanov A., submitted as follows: in November 2003 private M.P. was transferred to the kennels. From January 2004 sergeant Kolyadova O. began complaining that M.P. was not complying with his duties. The commander repeatedly spoke to M.P. so that the latter might change his attitude to his service duties. M.P. had been receiving money transfers from home in the amount of RUB 1,000 each time. The last money transfer had been in the amount of RUB 1,500. He had personally asked M.P. why he needed this money and asked him to get his mother to phone him, to which M.P. had replied that he wanted to buy a mobile phone and that his mother would certainly phone. On 14 February 2004 major Ivanov had called for M.P. to find out why his mother had still not contacted him. M.P. replied that she would do so. After that Ivanov had not spoken to M.P. and had received no telephone call from the first applicant.

36. On 15 March and 17 March 2004 privates Pribylov V. and Nikitin D., carrying out their mandatory military service in military unit no. 52157 since November 2003, submitted that by the time they joined the battery M.P. had already left for the kennels. Their subsequent statements were identical to those given by the witnesses Shkola V., Kozarezov S., Kolentsov S. and Andriyantsev D.

37. On 17 March 2004 sergeant Brovkin R. and lance sergeant Prudnikov Ye., carrying out their mandatory military service since June 2002 and in military unit no. 52157 since November 2002, denied having subjected M.P. or any other conscripts to any violence or extortion.

38. On 22 March 2004 M.P.'s fellow recruits Chemusov V. and Tsyganov A. made statements identical to those made by the witnesses Shkola V., Kozarezov S., Kolentsov S., Andriyantsev D., Pribylov V. and Nikitin D.

39. In the meantine, on 23 March 2004 the investigator in charge refused to grant victim status to the first applicant since the investigation had failed to identify those responsible for her son's death. No reply followed with regard to the second applicant's request.

40. On 24 March 2004 captain Volkhin S., who had been carrying out his military service in military unit no. 52157 on a contract basis since April 2000, submitted that he used to go to the kennels twice a week to check how M.P. was carrying out his military service. It was always dirty there and he made M.P. clean up. He knew from M.P.'s fellow recruits that M.P. was often reprimanded by the head of the kennels for failure to comply with his duties and forgetting to feed the dogs. He did not know if M.P. had had money extorted from him by Brovkin R., Kosarev A. and Prudnikov Ye.

41. On 26 March 2004 the head of the medical unit, captain Gusev V., submitted that M.P. had never come to the medical unit with any fractures.

42. On 29 March 2004 M.P.'s fellow recruits, Mironov K., Fedotov M., Tikhonov S. and Koryabin P., made statements identical to those made by the witnesses Shkola V., Kozarezov S., Kolentsov S., Andriyantsev D., Pribylov V., Nikitin D., Chemusov V. and Tsyganov A.

43. On 30 March 2004 M.P.'s fellow recruits Podkopayev V., Kozhemyakin A., Kosarev A. and Tibayev A. made statements identical to those made by the witnesses Shkola V., Kozarezov S., Kolentsov S., Andriyantsev D., Pribylov V., Nikitin D., Chemusov V., Tsyganov A., Mironov K., Fedotov M., Tikhonov S. and Koryabin P.

44. On 2 April 2004 the first applicant was questioned. She submitted that from November 2003 M.P. had started to complain in his letters that senior conscripts were making him do push-ups at night, that he had slept only eight hours in a whole week, that it had become unbearable in the military unit, and that he was planning to run away. Later M.P. wrote a letter informing the applicants that he had been transferred from the battery to the kennels, and that he was okay. M.P. informed the applicants that on 17 December 2003 *stodnevka* had started for senior conscripts and that he had to pay them RUB 1,000 every month. For the first payment he had borrowed RUB 500 from another recruit. The first applicant had sent M.P. RUB 1,050. In January 2004 the first applicant sent M.P. RUB 1,000 and in February 2004 RUB 1,500. M.P. told her that out of this sum he was planning to pay RUB 1,000 to senior conscripts and with the rest of it he was planning to buy a mobile phone. On 14 February 2004 the first applicant spoke to the woman in charge of the kennels on the phone. The latter informed the first applicant that some soldiers had broken everything at the place where M.P. was staying, including a radio. The first applicant

replied that she had sent M.P. RUB 1,500 and that RUB 300 could be taken for the broken radio and the remaining sum given to M.P. The first applicant was told that she should contact the commander to resolve the money issue. When she phoned on 16 February 2004 she was told that M.P. had committed suicide. She submitted that she had not complained about the beatings and extortion because M.P. had told her that if she did, the senior conscripts would kill him.

45. On 6 April 2004 forensic medical expert L. submitted that aside from marks from the strangling there were no injuries of traumatic origin or signs of struggle on M.P.'s body

46. On 5 April 2004 attesting witnesses Sannikov A. and Mavledshin Ay., who had taken part in the on-site inspection and the inspection of M.P.'s body, submitted that they had seen no injuries on M.P.'s body.

47. On 12 April 2004 a post-mortem psychological and psychiatric expert report was drawn up in respect of M.P. It established that M.P.'s decision to commit suicide could have been influenced by his individual psychological peculiarities, such as immature mental processes, difficulty adapting to new conditions, sensitivity, emotionalism and a tendency to overdramatise events. M.P. had been frightened of going back to the battery because of the more difficult conditions of service there and fears of possible oppression by fellow conscripts. M.P. had been in a depressed mood and because of the immaturity of his mental processes he had not been able to constructively resolve the possible problems and had therefore consciously committed an act of autoagression. The experts excluded that M.P. could have committed suicide owing to a breakup with a girlfriend or as a result of his conflict with sergeant Kolaydova O.

48. On 16 April 2004 investigator B. of the Garrison Prosecutor's Office discontinued the criminal proceedings owing to lack of any evidence that a crime had been committed. It was established that M.P. had committed suicide of his own accord on account of his individual psychological make-up and for fear of being transferred back to the battery where the conditions of service were more difficult and where he feared oppression by his fellow recruits. The decision relied on the record of the on-site inspection, the record of the inspection of M.P.'s body, a forensic medical examination report, the statements of witnesses Kolyadova O., Shuper V., Pavlyukovskiy V. and other fellow recruits of M.P., and M.P.'s post-mortem psychological and psychiatric report.

49. In September 2004 the applicants applied to the Military Court of the Mulino Garrison ("the Garrison Court") seeking the setting aside of the decision of 23 March 2004.

50. On 22 October 2004 the Garrison Military Court held that since those responsible for the applicants' son's death had not been identified during the pre-trial investigation, there was no evidence that a crime had been committed and hence no victims.

51. On 21 December 2004 the Military Court of the Moscow Command quashed the decision of 22 October 2004 and referred the matter back to the Garrison Court.

52. On 21 January 2005 the Garrison Court allowed the applicants' claim and instructed the Garrison Prosecutor's Office to grant them victim status in the criminal proceedings instituted in connection with their son's death.

53. On 22 March 2005 the Military Court of the Moscow Command upheld that decision on appeal.

54. In May 2005 the applicants asked the Garrison Prosecutor's Office to provide them with copies of the court decisions regarding the instituting of the criminal proceedings, the granting to them of victim status and the termination of the proceedings.

55. On 16 June 2005 the Deputy Prosecutor of the Mulino Garrison refused to enforce the decision of 21 January 2005 granting the applicants victim status. He justified the refusal on the grounds that the criminal case-file was still with the court and the proceedings had not been resumed.

56. On 1 July 2005 the applicants' representative asked the Garrison Prosecutor's Office to send the case file to the applicants.

57. On 6 July 2005 the applicants were provided with copies of the decisions on the institution and termination of the criminal proceedings. They were further informed that there was no possibility that the instructions of the court granting them victim status would be enforced, because the criminal case was still with the court and, therefore, criminal proceedings had not been resumed.

58. On 9 January 2006 the applicants challenged the investigator's decision of 16 April 2004 before the Garrison Court.

59. On 31 January 2006 the Garrison Court granted the applicants' claim and ordered the Garrison Prosecutor's Office to quash the decision of 16 April 2004. The court held as follows:

> "... As established at the court hearing, by a judgment of 21 January 2005, upheld on appeal on 22 March 2005, the Military Prosecutor's Office of the Mulino Garrison was ordered to grant [the applicants] victim status in the criminal proceedings. However, at the present moment they have not been granted victim status, [they] are not acquainted with the material in the case file, [they] have had no opportunity to give evidence, to file applications or challenges, or to exercise other powers provided for by the law. [The aforesaid], in the court's opinion, represents a substantial violation of [the applicants'] rights. For this reason the court considers the decision to drop the criminal proceedings to be unjustified ..."

60. In autumn 2007 the applicants again tried to see the case file, but in vain.

61. In spring 2008 the case file was submitted to the Military Prosecutor's Office of the Ryazan Region, and the applicants' representative photographed the documents it contained with a digital camera.

62. On 18 August 2009 the acting head of the Military Investigations Department of the Investigative Committee of the Garrison Prosecutor's Office quashed the decision of 16 April 2004 discontinuing the criminal proceedings. On the same day the criminal investigation into the death of the applicants' son was resumed.

63. On 1 September 2009 the applicants were granted victim status in the proceedings.

64. On 18 September 2009 investigator S. of the Garrison Prosecutor's Office discontinued the criminal proceedings owing to lack of evidence that a crime had been committed. The decision was worded identically to the decision of 16 April 2004.

65. On 22 September 2009 the deputy head of the Military Investigations Department of the Investigative Committee of the Garrison Prosecutor's Office quashed the decision of 18 September 2009. It found that the investigation was incomplete, the circumstances of the death of the applicants' son had not been fully investigated, and the decision was unjustified and perfunctory. In particular, the applicants had not been informed of the decision of 1 September 2009 granting them victim status in the proceedings and they had not been questioned. The criminal proceedings were resumed.

66. On 4 October 2010 the applicants were again granted victim status.

67. On 6 October 2010 the applicants were informed of the decision of 4 October 2010 and were questioned by investigator Kh. of the Military Investigations Department of the Investigative Committee of the Garrison Prosecutor's Office.

68. On 11 October 2010 the proceedings were yet again discontinued owing to the absence of any evidence that a crime had been committed. The decision was worded identically to the decisions of 16 April 2004 and 18 September 2009.

II. RELEVANT DOMESTIC LAW

69. The Statute of Military Service of the Russian Federation, adopted by Presidential Decree no. 2140 on 14 December 1993 (in force until 1 January 2008), provided that the commander of a military unit bore personal responsibility before the State for all aspects of the life and functioning of the unit, its subdivisions and each serviceman (clause 30). The military commander of the unit was responsible for constantly maintaining strict military discipline and high standards with regard to the morale and psychological well-being of the personnel under his command (clause 76). The military commander was required to thoroughly study the personnel under his command by way of personal communication, to be familiar with the personal and psychological features of his subordinates and to be engaged in their daily education (clause 81).

III. RELEVANT COUNCIL OF EUROPE AND OTHER MATERIAL

70. On 20 October 2004 Human Rights Watch published a report entitled *"The Wrong of Passage: Inhuman and Degrading Treatment of New Recruits in the Russian Armed Forces"* (vol 16 no. 8 (D)), documenting abuses under a system called *dedovshchina*, or "rule of the grandfathers", which hundreds of thousands of new recruits in the Russian armed forces faced at the hands of more senior conscripts. The report resulted from the three years of research in several regions across Russia. The relevant parts of the report read as follows:

> "Under a system called *dedovshchina*, or 'rule of the grandfathers', second-year conscripts force new recruits to live in a year-long state of pointless servitude, punish them violently for any infractions of official or informal rules, and abuse them gratuitously. Dozens of conscripts are killed every year as a result of these abuses, and thousands sustain serious – and often permanent – damage to their physical and mental health. Hundreds commit or attempt suicide and thousands run away from their units. This abuse takes place in a broader context of denial of conscripts' rights to adequate food and access to medical care, which causes many to go hungry or develop serious health problems, and abusive treatment by officers ...
>
> *Dedovshchina* exists in military units throughout the Russian Federation. It establishes an informal hierarchy of conscripts, based on the length of their service, and a corresponding set of rights and duties for each group of the hierarchy. As in militaries around the world, newcomers have essentially no rights under the system—they must earn them over time. At the beginning of their service, conscripts are 'not eligible' to eat, wash, relax, sleep, be sick, or even keep track of time. Thus, any restrictions placed on these functions are considered permissible. The life of a new recruit consists of countless obligations to do the bidding of those conscripts who have served long enough – a year or more – to have earned rights in the informal hierarchy. Second-year conscripts, called the *dedy*, have practically unlimited power with respect to their junior colleagues. They can order them to do whatever they like, no matter how demeaning or absurd the task, while remaining beyond the strictures of the Military Code of Conduct or any other set of formal rules. If a first-year conscript refuses to oblige or fails in the assigned task, the senior conscript is free to administer whatever punishment he deems appropriate, no matter how violent.
>
> *Dedovshchina* is distinguished by predation, violence, and impunity. During their first year of service, conscripts live under the constant threat of violence for failing to comply with limitless orders and demands of *dedy*. Many conscripts spent entire days fulfilling these orders, which range from the trivial, like shining the seniors' boots or making their beds, to the predatory, such as handing over food items to them at meal time, or procuring (legally or illegally) money, alcohol or cigarettes for them. First-year conscripts face violent punishment for any failure – and frequently not only for their own individual failure, as punishment is often collective – to conform to the expectations of *dedy*. As a rule, punishment happens at night after officers have gone home. *Dedy* wake the first-year conscripts up in the middle of the night and make them perform push-ups or knee bends, often accompanied by beatings, until they drop. First-year conscripts also routinely face gratuitous abuse, often involving severe beatings or sexual abuse, from drunken *dedy* at night. *Dedy* sometimes beat new recruits with stools or iron rods.

Dedovshchina has all the trappings of a classic initiation system; indeed, it likely emerged as one several decades ago. Such systems, which exist in many social institutions around the world, including schools, athletic clubs, and especially the armed forces of many countries, can play a legitimate role in military structures by enhancing group cohesion and esprit de corps. Initiation systems license the group to erase a certain degree of individuality in its members, and the possibility of abuse is inherent in that license.

While *dedovshchina* may once have served the purpose of initiation, it has in the past twenty years degenerated into a system in which second-year conscripts, once victims of abuse and deprivation themselves, enjoy untrammelled power to abuse their juniors without rule, restriction, or fear of punishment. The result is not enhanced esprit de corps but lawlessness and gross abuse of human rights. The collapse of *dedovshchina* as an initiation system has occurred at both the command level and at the conscript level.

At the command level, abusive practices associated with *dedovshchina* have persisted due to an almost universal failure on the part of the officers' corps to take appropriate measures. Our research found that the vast majority of officers either chose not to notice evidence of *dedovshchina* or, worse, tolerate or encourage it because they see *dedovshchina* as an effective means of maintaining discipline in their ranks. Indeed, we found that officers routinely fail to send a clear message to their troops that abuses will not be tolerated, reduce existing prevention mechanisms to empty formalities or ignore them altogether, and fail to respond to clear evidence of abuse.

The perversity of this attitude toward 'maintaining discipline' in the short run is that it so clearly undermines the effectiveness of Russia's armed forces over time. Horror stories about *dedovshchina* motivate tens of thousands of Russian parents every year to try to keep their sons out of the armed forces. As the most affluent and educated families do so most successfully, the armed forces increasingly draw recruits from poor segments of the population, and many of the recruits suffer from malnutrition, ill-health, alcohol or drug addiction, or other social ills even before they start to serve. Moreover, as mentioned above, thousands of the young men who are drafted each year run away from their units, and hundreds commit suicide.

At the conscript level, the degeneration of the system is more contemptible than perverse: instead of initiating new recruits into their new role of soldiers, *dedy* use *dedovshchina* primarily as a means of avenging the abuses they themselves faced during their first year of service and of exploiting new recruits to the fullest extent possible, both materially and otherwise ...

Although international law requires the Russian government to take immediate measures to end these abuses, it has thus far failed to take the appropriate steps. Instead of taking a clear and public stance against the abuses, government officials have largely ignored the issue in their numerous speeches about military reform. The government has yet to adopt a clear and comprehensive strategy to deal with the abuses. Instead of vigorously examining the reasons why first-year conscripts flee their units, military officials routinely threaten runaways with prosecution for unauthorised departure from their bases. Military commanders and the military procuracy routinely shield their perpetrators from justice, rather than investigate reported incidents of abuse."

71. On 26 March 2006 the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe prepared a

report entitled *"Human Rights of Members of the Armed Forces"* (Doc. 10861), which described the situation in the Russian armed forces as "extremely worrying":

> "22. The situation of the Russian armed forces is extremely worrying. In the view of both NGOs and conscripts themselves, young recruits live through real torment, a nightmare. Every year, deaths occur among young conscripts who have been ill-treated, subjected to initiation rites, suffered accidents, committed suicide or suffered untreated illnesses. Between 50 and 80% of all conscripts and young servicemen are said to be subjected to physical violence, initiation rites, beatings, rape or humiliation on the orders of superiors or their peers. *Dedovshchina* is unfortunately still very widely practised, and the authorities still seem unable to gauge the extent of the problem.
>
> 23. Human Rights Watch, an international human rights NGO, published a report on 20 October 2004 condemning yet again ill-treatment and physical and psychological cruelty in the Russian armed forces. According to this report, hundreds of thousands of young recruits run the risk of abuse and ill-treatment by former conscripts during their first year of military service in the Russian forces. *Dedovshchina* results in dozens of deaths every year, and inflicts on thousands of other conscripts serious, and sometimes permanent, damage to their physical and mental health. Hundreds of recruits commit suicide or attempt to do so every year, and thousands more desert.
>
> 24. According to the Russian NGO *Mother's Right*, 3 000 servicemen die every year. In 2005, this foundation received 6 083 letters from mothers announcing the deaths of their sons during military service. In 35% of cases the authorities explained the serviceman's death by suicide, and in 15% of cases by murder or the result of abuse. According to the NGO one third of these "suicides" were actually murders and another third suicides prompted by the "initiation ordeals". 23% of such soldiers died in road accidents. In a further 11% of cases the servicemen died "as the result of illness". The NGO specifies that the illnesses quoted are ones that are quite easy to treat in civilians. Lastly, ten per cent of the letters announced the serviceman's death without providing an explanation.
>
> 25. The Russian general public has been devastated by media revelations of particularly despicable cases, and has a very negative image of its armed forces. A recent poll by the Levada Research Centre shows that over 80% of those polled consider ill-treatment to be endemic in the army.
>
> 26. The Russian army and government continue to minimise the phenomenon and have made no serious efforts to put a stop to these abuses. The Defence Minister, Sergei Ivanov, has stated that 80% of the armed forces have never seen any problems of abuses or bullying. The great majority of officers choose to ignore abuses or even encourage them, regarding *dedovshchina* as a useful way of maintaining discipline in the ranks. The authorities have adopted none of the requisite measures for a resolute attempt to stop these practices. Proper investigations are seldom ordered into such cases, and the victims are often put under severe pressure if they declare their intention of making an official complaint. In July 2005, Vladimir Lukin, the Human Rights Ombudsman, published a special report on abuse in the armed forces which recommended the adoption of certain measures.
>
> 27. The tragic case of a 19-year-old conscript, Andrei Sychyov, has once again drawn the attention of the Russian and international media to the situation in the Russian armed forces. On 31 December 2005, Mr Sychyov was bullied, beaten and

tortured by several drunken soldiers while on service at the Cheliabinsk military school. He had to have his legs, genital organs and a finger amputated and to undergo a kidney operation after having been left without treatment for several days, because his superiors and the military medical officers had not realised the seriousness of his injuries. Reacting to this case, President Putin announced the setting up of a military police corps. This measure is one of the proposals put forward by Vladimir Lukin, who has denounced and condemned *dedovshchina* on several occasions. The NGOs doubt the public authorities' will to implement effective measures to put an end to such tragic situations.

28. In November 2003, the Russian Minister of Defence stated that 337 servicemen had died other than in combat situations since the start of that year, one-third of these deaths being suicides. For 2004, the official figure was 954 non-combat deaths, while for 2005 it was 1 064, including (only?) 16 servicemen who died as the result of bullying, 276 accidents and 276 suicides."

72. On 11 April 2006 the Parliamentary Assembly of the Council of Europe issued Recommendation 1742 (2006) on the human rights of members of the armed forces, emphasising the following points:

"9. The Assembly asks member states to ensure genuine and effective protection of the human rights of members of the armed forces, and in particular:

...

9.8. to urgently adopt, where necessary, the requisite measures to put an end to the scandalous situations and practices of bullying in the armed forces and to put an end to the conspiracy of silence in the armed forces which ensures impunity for such acts;

9.9. to ensure that every case of violation brought to the authorities' attention is thoroughly, openly and rapidly investigated, and that the perpetrators are prosecuted and brought to justice.

10. The Assembly recommends that the Committee of Ministers prepare and adopt guidelines ... to member states designed to guarantee respect for human rights by and within the armed forces ... Guidelines on the rights of army personnel, whatever their status – conscripts, volunteers or career servicemen – should include at least the rights listed below.

10.1. Members of the armed forces must enjoy the following fundamental rights and freedoms:

10.1.1. the right to life (bearing in mind, however, the inherent dangers of the military profession);

10.1.2. the right to protection against torture and inhuman or degrading treatment or punishment;

10.1.3. the prohibition of slavery, servitude, employment in tasks incompatible with their assignment to the national defence service and forced or compulsory labour;

10.1.4. the right to legal protection in the event of violation of their rights, the right to freedom and safety, and the right to a fair trial by independent tribunals, as well as the right to appeal;

...

10.5. Members of the armed forces must be informed of their rights and receive training to heighten their awareness of human rights.

11. The Assembly further recommends that the Committee of Ministers:

...

11.3. provide the Assembly with its full and firm support for the implementation of a zero-tolerance policy on bullying in the armed forces."

73. On 24 February 2010 the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2010)4 concerning the enjoyment of human rights and fundamental freedoms by members of the armed forces in the context of their work and service life. The relevant parts read as follows:

"6. Members of the armed forces should not be exposed to situations where their lives would be avoidably put at risk without a clear and legitimate military purpose or in circumstances where the threat to life has been disregarded.

7. There should be an independent and effective inquiry into any suspicious death or alleged violation of the right to life of a member of the armed forces.

...

10. Member states should take measures to protect members of the armed forces from being subjected to torture or inhuman or degrading treatment or punishment. Particular attention should be given to more vulnerable categories such as, for example, conscripts.

11. Where members of the armed forces raise an arguable claim that they have suffered treatment in breach of Article 3 of the Convention, or when the authorities have reasonable grounds to suspect that such treatment has occurred, there should promptly be an independent and effective official investigation.

..."

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION

74. The applicants complained under Article 2 of the Convention about the death of their son during his mandatory military service and the absence of an effective and prompt investigation into his death. Article 2 of the Convention reads, in so far as relevant, as follows:

Article 2

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. ..."

A. The parties' submissions

1. The Government

75. The Government submitted that neither the applicants nor M.P. himself had reported the alleged violations of the latter's rights to the competent domestic authorities. M.P.'s letters testifying to the alleged violations of his rights had been submitted to the domestic authorities only after his death. These allegations had been examined during the criminal investigation, but no objective confirmation had been found. Relying on the evidence collected during the investigation, the Government argued that the domestic authorities could not have foreseen that M.P. would commit suicide: during his service M.P. had showed no tendencies to autoagression; he had not reported any conflict situation and had not applied for any type of medical treatment. They could not, therefore, have been expected to take any measures to prevent him from committing suicide.

76. The circumstances of M.P.'s death had been duly investigated. The investigation had been prompt and comprehensive. The decision to discontinue the criminal proceedings had been based on sufficient evidence. The failure to grant the applicants victim status in the proceedings could not affect the conclusion of the investigation authority as to the lack of evidence of a crime. The Government considered that there had therefore been no violation of Article 2 of the Convention in either its substantive or procedural aspect.

77. In their additional observations the Government drew the Court's attention to the fact that *dedovshchina* was very widely practised in the Russian armed forces in 2003-2004 and was still practised at present. In this connection they pointed out that the existence of the Human Rights Watch Report of 2004 (see paragraph 70 above) was not evidence that the applicants' son had been incited to suicide by State agents. The Russian authorities instisted that every single case should be examined with reference to its specific circumstances and features. They moreover argued that the applicants' allegations were speculative in nature and that there was no causal link between the applicants' son's death and any act or omissions by State agents.

2. The applicants

78. The applicants submitted that their son M.P. had been a military serviceman within the exclusive control of the military authorities, the representatives of the State. There had been no reason for him to commit suicide unprovoked. The post-mortem medical examination had shown that the deceased had not been in any way intoxicated at the time of his death. The post-mortem psychiatric examination had established that the deceased had not suffered from any chronic or temporary mental illness which could

have led him to commit suicide or to act with disregard for his life and bodily integrity. M.P.'s relatives had submitted that he was a mentally stable person and unlikely to commit suicide unprovoked. Despite the depressed tone with which the deceased had spoken of his military service, he had not once mentioned suicide or made any previous suicide attempt. Instead, in one of his letters he had mentioned running away from the military unit as a solution to his problems.

79. The applicants relied on M.P.'s letters in which he had written that the *dedy* had been extorting money from him and other new recruits and used physical and psychological violence against them. Although the applicants had not complained about their son being subjected to beatings and extortion (for fear of putting his life at risk), the military commander had known or should have known of the existence of the phenomenon of "hazing" that was endemic in the Russian armed forces, and should have taken all the necessary measures to prevent the life of their son from being unnecessarily exposed to danger and, ultimately, from being lost.

80. The applicants had regularly sent money to the deceased. They noted that a conscript did not receive his money transfers directly but through the commander of the military unit. Therefore, the commander of the military unit had been aware of the fact that large sums of money had been regularly transferred to M.P. Taking into consideration the fact that conscripts were provided with food and clothes by the military unit, the military commander should have become alerted, especially given that *stodnevka* had begun on 17 December 2003 for senior conscripts, it being common knowledge that hazing usually intensified during that period. The military commander of the unit should have, therefore, attempted to establish why the deceased needed so much money and how he was going to spend it, which had not been done. The contents of M.P.'s letter of 11 January 2004 confirmed that the military commander had been aware of hazing practices in his unit, but could not do anything about them.

81. In the applicants' view, the submissions of M.P.'s fellow recruits to the effect that there had been no harassment in the military unit could not really be relied on. The applicants believed that some of these witnesses might themselves have been involved in physical violence against their son and consequently could have had an interest in concealing incriminating evidence from the investigating authorities, and some could have themselves been ill-treated and afraid of reprisals. Nor was it strictly accurate to state that there had been no objective confirmation of the contents of their son's letters. The applicants referred, in particular, to statements by M.P.'s fellow recruit Stryukov A. The testimony of that witness showed that extortion of money had taken place in the military unit. Furthermore, the fact that witness Stryukov A. had shared cheese, biscuits and sweets with Brovkin R., Kosarev A. and Prudnikov Ye. so that "they would not touch him", pointed towards the former being afraid of them or

of what they could do to him. This supported a conclusion that hazing was practised in the military unit where M.P. had served.

82. The applicants further noted that it could be seen from the testimony of Kolaydova O. that their son had been afraid of going back to the battery. Two other witnesses, Belov A. and Pavlyukovskiy V., had also mentioned in their statements that M.P. had been afraid of returning to the battery. It also appeared that M.P.'s relationship with his immediate senior, Kolyadova O., was likely to have contributed to his death.

83. Their son's letters and the above witness statements together proved, in the applicants' view, that the allegations of abuse and extortion of money had not been imaginary, but real. The applicants found it inconceivable that the commander of the military unit had not been aware of the violence and harassment among the recruits under his command, especially since the signs of such violence must have often been visible and given the large sums of money that had been regularly sent to M.P. The military commander should also have known that such violence and abuse could lead to psychological distress for young recruits and even push them into committing suicide. Therefore he should have tackled the problem of abuse and offered protection to young recruits, which he had not done. The Russian authorities had thus breached the substantive limb of Article 2 of the Convention.

84. The applicants further submitted that the domestic authorities had failed to carry out an effective investigation, as required by the procedural aspect of Article 2. First of all, the applicants had been completely excluded from the criminal investigation into the death of their son and thus the requirement of public scrutiny of the investigation had been disregarded. Although the criminal proceedings had been instituted on 16 February 2004 – the same day the applicants' son was found hanged – the applicants had not been granted victim status until 1 September 2009, and even then they had not been notified of that decision. It had not been until 6 October 2010 that they had been granted victim status in the proceedings and notified of that decision accordingly. By refusing to admit the applicants to the proceedings as victims the domestic authorities had denied them the opportunity to intervene in the investigation, access the investigation file, or even to be in any way informed about the progress of the investigation.

85. Secondly, a number of important witnesses had never been questioned. The father of the deceased had been questioned for the first time only in October 2010. The sister of the deceased, his close friends and former classmates had never been questioned. The questioning of those witnesses was, however, crucial in order to determine M.P.'s psychological state before he had been drafted into the army, determine his personality, and establish whether there had been any suicidal tendencies. This evidence could have contributed the psychological and psychiatric study of M.P. carried out after his death, making it more objective and thorough. Although

a large number of witnesses had been questioned by the investigating authorities, the written statements of those witnesses were suspiciously identical in wording, style and even in grammatical mistakes, which undermined the independence and reliability of the witness testimony.

86. Thirdly, there had been certain failings in the examination of the key witness Kolyadova O., who had had daily contact with their son and who was the last person to have seen him alive. In particular, she had not been asked about the violent incident in which she had beaten M.P. only an hour or two before he died. There were also contradictions in the evidence with regard to the content of the telephone conversation between Kolyadova O. and M.P.'s family on 14 February 2004, the former submitting that she had called to inform the applicants of their son's lazy attitude and to tell them not to send money, and the latter submitting that it was about compensation for a broken radio and damage caused by unknown soldiers. Another significant avenue of investigation thus appeared to have been left unexamined. No attempt had been made to locate the man who had threatened the witness Pavlyukovskiy on the mobile phone that had been in M.P.'s possession and who Pavlyukovskiy had clearly concluded was connected with the deceased, despite the man being identified as Ismail Ibragimov. Nor did it appear that the witness Pestsov A. had been asked about the incident, despite the fact that the man in question had appeared to think he was initially talking to him ("Sanya [Alexandr] Pestsov").

87. Furthermore, the on-site inspection had also been superficial and contained no details which would help ascertain how M.P. could technically have planned the suicide. Nor had a forensic examination of M.P.'s uniform been conducted. Despite the allegations of extortion, no attempt had been made by the investigating authority to establish when and how M.P. had spent the money that the first applicant had sent him in the months preceding his suicide. At no time during the investigation had the investigating authority advanced any possible explanation for M.P.'s death other than suicide, or considered any responsibility that the army could have borne for his death.

88. The applicants concluded that the criminal investigation into the death of their son, plagued by a lengthy period of inactivity, had been a superficial formality. It had not been sufficiently objective or effective and had failed to provide a plausible explanation for the death of their son. The institutional connection between the military investigators and those implicated cast legitimate doubts on the independence of the investigation.

B. The Court's assessment

1. Admissibility

89. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

2. Merits

(a) Positive obligation under Article 2 of the Convention

(i) General principles

90. The Court reiterates that Article 2, which safeguards the right to life, ranks as one of the most fundamental provisions in the Convention. Together with Article 3, it also enshrines one of the basic values of the democratic societies making up the Council of Europe. The object and purpose of the Convention as an instrument for the protection of individual human beings requires that Article 2 be interpreted and applied so as to make its safeguards practical and effective (see *McCann and Others v. the United Kingdom*, 27 September 1995, §§ 146-47, Series A no. 324).

91. The first sentence of Article 2 § 1 enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction (see *L.C.B. v. the United Kingdom,* 9 June 1998, § 36, *Reports of Judgments and Decisions* 1998-III). This involves a primary duty on the State to secure the right to life by putting in place effective criminal-law provisions to deter the commission of offences against the person backed up by law-enforcement machinery for the prevention, suppression and punishment of breaches of such provisions. It also extends in appropriate circumstances to a positive obligation on the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual or, in certain particular circumstances, against him/herself (see *Osman v. the United Kingdom*, 28 October 1998, § 115, *Reports of Judgments and Decisions* 1998-VIII; *Keenan v. the United Kingdom*, no. 27229/95, § 89, ECHR 2001-III; and *Kılınç and Others v. Turkey*, no. 40145/98, § 40, 7 June 2005).

92. Not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. A positive obligation will arise where it has been established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual and, if so, that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid

that risk (see *Shumkova v. Russia*, no. 9296/06, § 90, 14 February 2012; *Branko Tomašić and Others v. Croatia*, no. 46598/06, §§ 50-51, 15 January 2009; and *Keenan*, cited above, §§ 89 and 92).

93. In the context of persons undergoing compulsory military service, the Court has previously had occasion to emphasise that, as with persons in custody, conscripts are within the exclusive control of the authorities of the State since any events in the army lie wholly, or in large part, within the exclusive knowledge of the authorities, and that the authorities are under a duty to protect them (see *Beker v. Turkey*, no. 27866/03, §§ 41-42, 24 March 2009, and *Mosendz v. Ukraine,* no. 52013/08, §§ 92 and 98, 17 January 2013).

94. In the same context the Court has further held that the primary duty of a State is to put in place rules geared to the level of risk to life or limb that may result not only from the nature of military activities and operations, but also from the human element that comes into play when a State decides to call up ordinary citizens to perform military service. Such rules must require the adoption of practical measures aimed at the effective protection of conscripts against the dangers inherent in military life and appropriate procedures for identifying shortcomings and errors liable to be committed in that regard by those in charge at different levels (see *Kılınç and Others*, cited, above, § 41, and *Mosendz*, cited above, § 91).

(ii) Application to the present case

95. In the light of the above, the Court will examine whether the authorities knew or ought to have known of a real and immediate risk to the life of M.P. and, if so, whether they did all that could reasonably have been expected of them to avoid that risk.

96. The Court notes at the outset that the domestic law in force at the material time provided that a commander of a military unit bore personal responsibility before the State for all aspects of the life and functioning of the military unit, its subdivisions and each soldier. It further provided that the military commander of the unit was responsible for, among other things, maintaining high standards with regard to morale and the psychological well-being of the personnel under his command; that he was to thoroughly study the personnel under his command by way of personal communication and to be familiar with the personal and psychological features of his subordinates (see paragraph 69 above).

97. The Court further notes the conclusions of M.P.'s post-mortem psychological and psychiatric expert examination which established that M.P. had immature mental processes and experienced difficulties adapting to new conditions, that he was sensitive, emotional and inclined to overdramatise events, and that he was in a depressed mood (see paragraph 47 above).

98. The Court observes furthermore that, according to the document drawn up on 16 February 2004 by the commander of the 22nd guards army reporting the incident of M.P.'s death to the commander in chief of the Moscow Military Command, in June and December 2003 M.P. had been subjected to psychological examinations which revealed that he was reserved, uncommunicative, had no friends among his fellow soldiers and belonged to group three with regard to psychological stability, the fourth group being for those less psychologically stable and at the highest risk for nervous breakdown. Among the possible causes of the incident the document in question listed, in particular, serious omissions in the work of the command of the unit in studying the individual features of the soldiers and failure on the part of the unit officials to take the necessary measures for the psychological monitoring of those soldiers in need of increased psychological and pedagogical care (see paragraph 17 above).

99. The Court also notes the general context behind the dramatic circumstances of this particular case, which could not have been ignored by the authorities, namely the existence of *dedovshchina* in the Russian armed forces faced by new recruits at the hands of more senior conscripts, bringing about lawlessness and gross abuse of human rights (see paragraphs 70-71 and 77 above).

100. Having regard to the foregoing, the Court considers that the domestic authorities have thus been aware of M.P.'s psychological difficulties, but failed to determine the seriousness of those difficulties which were of a nature and degree capable of putting M.P.'s life at risk, regard being had to the general context of *dedovshchina* endemic in the Russian army, and to take appropriate measures to prevent that risk from materialising. The Court has no reason to hold otherwise. It finds, therefore, that the State failed to comply with its positive obligation to protect the life of M.P.

101. Accordingly, there has been a violation of Article 2 of the Convention under its substantive limb.

(b) The procedural obligation to carry out an effective investigation

(i) General principles

102. The Court reiterates that where lives have been lost in circumstances potentially engaging the responsibility of the State, Article 2 entails a duty for the State to ensure, by all means at its disposal, an adequate response – judicial or otherwise – so that the legislative and administrative framework set up to protect the right to life is properly implemented and any breaches of that right are repressed and punished (see *Öneryıldız v. Turkey* [GC], no. 48939/99, § 91, ECHR 2004-XII, and, *mutatis mutandis*, *Paul and Audrey Edwards v. the United Kingdom*, no. 46477/99, § 54, ECHR 2002-II).

103. In this connection the Court has held that, if the infringement of the right to life or to physical integrity was not caused intentionally, the positive obligation to set up an "effective judicial system" does not necessarily require criminal proceedings to be brought in every case and may be satisfied if civil, administrative or even disciplinary remedies were available to the victims (see, for example, *Vo v. France* [GC], no. 53924/00, § 90, ECHR 2004-VIII; *Calvelli and Ciglio v. Italy* [GC], no. 32967/96, § 51, ECHR 2002-I; and *Mastromatteo v. Italy* [GC], no. 37703/97, §§ 90, 94 and 95, ECHR 2002-VIII). However, the minimum requirement for such a system is that the persons responsible for the investigation must be independent from those implicated in the events. This means hierarchical or institutional independence and also practical independence (see *Paul and Audrey Edwards,* cited above, § 70, and *Mastromatteo*, cited above, § 91).

104. The Court further notes that, in cases of homicide, the interpretation of Article 2 as entailing an obligation to conduct an official investigation is justified not only because any allegations of such an offence normally give rise to criminal liability, but also because often, in practice, the true circumstances of the death are, or may be, largely confined within the knowledge of State officials or authorities. Therefore the applicable principles are rather to be found in those which the Court has already had occasion to develop in relation notably to the use of lethal force, principles which lend themselves to application in other categories of cases (see *Öneryıldız*, cited above, § 93).

105. Accordingly, where a positive obligation to safeguard the life of persons in custody or in the army is at stake, the system required by Article 2 must provide for an independent and impartial official investigation that satisfies certain minimum standards as to effectiveness. Thus, the competent authorities must act with exemplary diligence and promptness and must of their own motion initiate investigations capable of, firstly, ascertaining the circumstances in which the incident took place and any shortcomings in the operation of the regulatory system and, secondly, identifying the State officials or authorities involved. There must be a sufficient element of public scrutiny of the investigation or its results to secure accountability in practice as well as in theory. The degree of public scrutiny required may well vary from case to case. In all cases, however, the next of kin of the victim must be involved in the procedure to the extent necessary to safeguard his or her legitimate interests (see, for example, *Kelly and Others v. the United Kingdom*, no. 30054/96, § 114, 4 May 2001; *McCann and Others*, cited above, § 161; *İlhan v. Turkey* [GC], no. 22277/93, § 63, ECHR 2000-VII; *McKerr v. the United Kingdom*, no. 28883/95, § 115, ECHR 2001-III; and *Trubnikov v. Russia*, no. 49790/99, § 88, 5 July 2005).

(ii) Application to the present case

106. The applicants' son, M.P., was a conscript carrying out his mandatory military service under the care and responsibility of the authorities when he died as a result of what appeared to be suicide. An investigation was necessary to establish, firstly, the cause of death and to rule out an accident or manslaughter and, secondly, once suicide was established, to examine whether the authorities were in any way responsible for failing to prevent it. The investigation had to fulfill the requirements set out above (see paragraph 105 above).

(α) Independence of the investigation

107. The Court observes that the investigation into the death of the applicants' son was at all stages conducted by the investigators of the Military Prosecutor's Office, which was not connected to military unit no. 52157 either hierarchically or institutionally. There are also no objective reasons to suggest that the persons conducting the criminal investigation were not independent in practice (compare *Putintseva v. Russia*, no. 33498/04, § 52, 10 May 2012; *Sergey Shevchenko v. Ukraine*, no. 32478/02, §§ 70-71, 4 April 2006; and, in a different context, *Shumkova*, cited above, § 116). The Court is therefore satisfied that the requirement for the criminal investigation to be independent was complied with in the present case. It remains to be assessed whether the investigation was prompt and thorough and whether there was a sufficient element of public scrutiny.

(β) Promptness of the investigation

108. The Court reiterates that it is crucial in cases of deaths in contentious situations for the investigation to be prompt. The passage of time will inevitably erode the amount and quality of the evidence available and the appearance of a lack of diligence will cast doubt on the good faith of the investigative efforts, as well as drag out the ordeal for the members of the family (see *Paul and Audrey Edwards*, cited above, § 86, and *Trubnikov*, cited above, § 92).

109. Turning to the circumstances of the present case, the Court notes that the investigation was opened on 16 February 2004, the date of M.P.'s death, immediately after the authorities became aware of the incident. An on-site inspection and an inspection of M.P.'s body were carried out on the same date, as was the questioning of M.P.'s immediate senior, sergeant Kolyadova O. Over the following days, between 17 February and 20 February 2004, a post-mortem examination of M.P.'s body was carried out, personal items belonging to M.P. were inspected, four witnesses were questioned: private Shuper V. who had known M.P. from November 2003 when the latter started working at the kennels, major Ogorodov N. who had

never known M.P. but who had witnessed a conflict between M.P. and sergeant Kolyadova O. shortly before the former had been found dead with a noose around his neck, and M.P.'s aunt and uncle, who submitted that they had learned from the applicants that M.P. had been subjected to bullying and extortion by senior conscripts. Sergeant Kolyadova O. was also questioned on a further occasion. It was not, however, until 10 March 2004, that is, three weeks later, that the investigation authority resumed the questioning of the witnesses and other investigative actions. No explanation was provided by the Government for this gap in the investigation.

110. The Court further observes that in the period between 10 March and 12 April 2004 the investigation authority questioned M.P.'s fellow recruits, examined M.P.'s medical record, additionally questioned sergeant Kolyadova O., questioned the commander of the military unit, the head of the medical unit, the first applicant, the forensic medical expert, and the attesting witnesses who had taken part in the on-site inspection of M.P.'s body, and examined the post-mortem psychological and psychiatric expert report drawn up in respect of M.P. Relying on the evidence collected, on 16 April 2004 the Garrison Prosecutor's Office arrived at the conclusion that M.P. had committed suicide of his own accord on account of his individual psychological makeup and for fear of being transferred back to the battery, where the conditions of service had been more difficult and where he feared he would be oppressed by his fellow recruits. The criminal proceedings were discontinued owing to the absence of any evidence of a crime.

111. Later, on 31 January 2006 the Garrison Court ordered the Garrison Prosecutor's Office to quash the decision of 16 April 2004. It was not, however, until three and a half years later, on 18 August 2009, that the Garrison Prosecutor's Office quashed the decision of 16 April 2004 and resumed the proceedings. No explanation was put forward by the Government for such an inordinate delay in complying with the court order and resuming the criminal proceedings.

112. Subsequently, the proceedings were again discontinued on 18 September 2009, only to be again resumed five days later, on 22 September 2009, with the final decision to discontinue the proceedings being taken on 11 October 2010.

113. The proceedings in question lasted, therefore, over six and a half years, from 16 February 2004 to 11 October 2010. Having regard to the overall duration of the proceedings and the fact that they were marked by substantial delays for which no reason was given by respondent Government, the Court concludes that the investigation carried out in the instant case did not meet the requirement of promptness.

(γ) Thoroughness of the investigation

114. As to the thoroughness of the investigation, the Court notes a number of discrepancies and omissions in the investigation which undermine the plausibility of its findings and give grounds for serious misgivings regarding the good faith of the authorities concerned and the genuineness of their efforts to establish the truth.

115. To name but a few: although it was established that M.P. committed suicide because he feared being transferred back to the battery and possible oppression by fellow soldiers (see paragraphs 48, 64 and 68 above), no genuine effort was made to establish with certainty whether in fact M.P. had been bullied and had money extorted from him as he stated in his letters to the applicants (see paragraphs 7-13 above), which circumstance was plausible given the widespread hazing practices plaguing the Russian army (see paragraphs 70, 71 and 77 above). In particular, no attempt was made to reconcile the statements made by private Stryukov A., who confirmed the existence of hazing practices in the military unit, including extortion (see paragraph 27), and the statements by other soldiers denying any such practices. No attempt was made to establish whether any of M.P.'s fellow soldiers had asked for medical treatment for any injuries or had had any unreported injuries. In this connection the Court notes with concern that none of M.P.'s fellow soldiers were questioned about the circumstances of the case until three weeks after M.P.'s death, by which time most of the injuries, had there been any, would have disappeared. Furthermore, it was not verified whether any of M.P.'s fellow soldiers, like M.P., received regular money transfers from home, especially in the period when *stodnevka* started for senior conscripts. No money had been found among M.P.'s personal belongings at the time of his death, but the investigation authority did not try to establish how M.P. had spent it. The investigation authority neither verified any recent spending by M.P.'s fellow soldiers. Furthermore, the investigation authority did not ascertain the exact contents of the telephone conversation of 14 February 2004 between sergeant Kolyadova O. and the first applicant (compare paragraphs 16 and 44 above), or verify whether in fact there had been an incident involving soldiers breaking things at the quarters where M.P. was staying at the kennels, including the radio for which sergeant Kolyadova O., according to the first applicant, was claiming compensation.

116. The Court observes in this connection that on 22 September 2009 the Garrison Prosecutor's Office quashed the decision of 18 September 2009 discontinuing the proceedings, finding that the investigation was incomplete, the circumstances of the death of the applicants' son had not been fully investigated, and that the decision was unjustified and perfunctory. It further observes that after the resumption of the proceedings they were again discontinued on 11 October 2009 on the ground that there was no evidence that a crime had been committed. The relevant decision

was a word-for-word repetition of the previous decision to discontinue the proceedings of 18 September 2009 (see paragraphs 65-68 above). It does not, therefore, appear that the defects in the investigation detected by the Garrison Prosecutor's Office on 22 September 2009 were duly addressed and remedied. In any event, by that time, so many years after the events in question, the prospect of any meaningful investigation was already very doubtful.

117. Having regard to the above, the Court considers that the investigation conducted into the death of the applicants' son did not satisfy the requirement of thoroughness.

(δ) Public scrutiny/ involvement of the next of kin of the victim

118. The Court has stressed on many occasions that the involvement of next of kin serves to ensure the public accountability of the authorities and public scrutiny of their actions in the conduct of the investigation. The right of the family of the deceased whose death is under investigation to participate in the proceedings requires that the procedures adopted ensure the requisite protection of their interests, which may be in direct conflict with those of the police or security forces implicated in the events (see *Anusca v. Moldova*, no. 24034/07, § 44, 18 May 2010, and *McKerr*, cited above, § 148).

119. In the case at hand, the applicants had a strong and legitimate interest in the conduct of the investigation, which would have been served by granting them the official status of victims in criminal proceedings, a procedural role which would have entitled them to intervene during the course of the investigation.

120. The Court observes that on 10 March 2004 the applicants asked the Garrison Prosecutor's Office to grant them victim status in the proceedings. However, on 23 March 2004 the investigator in charge of the case refused the first applicant's request and did not reply to the second applicant's request (see paragraphs 32 and 39 above). Thereby the applicants were denied the possibility of intervening during the course of the investigation. They were never informed or consulted about any proposed evidence or witnesses, including the post-mortem psychological and psychiatric expert reports, so they could not take part in giving evidence to the experts. The applicants had no access to the investigation file and were not kept informed of the progress of the investigation. The Court notes that the applicants only received a copy of the decision of 16 April 2004 discontinuing the proceedings fifteen months later, on 6 July 2005 (see paragraph 57 above).

121. The Court further observes that even when by its decision of 31 January 2006 the Garrison Court ordered the Garrison Prosecutor's Office to quash the decision of 16 April 2004 owing to the failure of the investigation authority to grant the applicants victim status in the proceedings, it was not until three and a half years later, on 18 August 2009,

that the Garrison Prosecutor's Office complied with the court's instruction (see paragraphs 59 and 62 above).

122. Moreover, the applicants were not informed of the decision of 18 August 2009 resuming the proceedings, or the decision of 1 September 2009 granting them victim status. It was not until October 2010 that the applicants were informed that they had been granted the status of victims in the proceedings (see paragraphs 65-67 above), by which time their involvement in the proceedings had become a mere formality, given the lapse of time since their son's death in February 2004 (see paragraph 76 above).

123. Having regard to the foregoing, the Court considers that in the present case the applicants' interests as next of kin were not fairly and adequately protected and that the investigation did not ensure sufficient public accountability to provide the investigation and its results with the required level of public scrutiny.

(ε) Conclusion

124. In conclusion, having regard to the manner in which M.P.'s death was investigated, the time it took and the complete exclusion of the applicants from the investigation, the Court considers that the investigation was not "effective" within the meaning of its case-law. There has accordingly been a violation of Article 2 of the Convention in its procedural aspect.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

125. The applicants complained that the investigation into the death of their son had been ineffective, contrary to Article 13 of the Convention, which provides:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

126. The Court observes that this complaint concerns the same issues as those examined in paragraphs 102-124 above under the procedural limb of Article 2 of the Convention. Therefore, the complaint should be declared admissible. However, having regard to its conclusion above under Article 2 of the Convention, the Court considers it unnecessary to examine the issue separately under Article 13 of the Convention (see, for a similar approach, *Shumkova*, cited above, § 123).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

127. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

128. The applicants asked to be awarded, by way of compensation for non-pecuniary damage sustained, a sum deemed appropriate by the Court to take account of the anguish and distress they had suffered as a result of their son's death and the anguish caused by the authorities' failure to carry out an effective investigation.

129. The Government submitted that the applicants' claim should be dismissed since in their view there had been no violation of the Convention in the present case.

130. The Court observes that it has found above that the authorities failed to protect the life of the applicants' son and to carry out an effective investigation meeting the requirements of Article 2 of the Convention. Taking into account the nature of the violations found and ruling on an equitable basis, the Court awards the applicants 40,000 euros (EUR) in respect of non-pecuniary damage.

B. Costs and expenses

131. The applicants were represented by lawyers from the NGO EHRAC/Memorial Human Rights Centre. The aggregate claim in respect of costs and expenses relating to legal representation amounted to 5,419.12 pounds sterling (approximately EUR 6,380). The applicants submitted a breakdown of costs and supporting documents, including fee notes, translator's invoices and a claim for administrative and postal costs. They requested that the payment be transferred directly to their representative's bank account in the UK.

132. The Government disputed the amount claimed, submitting that it was unreasonable and unsubstantiated.

133. The Court must first establish whether the costs and expenses indicated by the applicants' representatives were actually incurred and, second, whether they were necessary (see *McCann and Others*, cited above, § 220, and *Fadeyeva v. Russia*, no. 55723/00, § 147, ECHR 2005-IV).

134. Having regard to the information submitted by the applicants, the Court is satisfied that these rates are reasonable and reflect the expenses actually incurred by the applicants' representatives.

135. As to whether the costs and expenses were necessary, the Court notes that this case was rather complex and required a considerable amount of research and preparation.

136. Having regard to the details of the claim submitted by the applicants, the Court awards them the amount of EUR 6,380 as claimed, together with any value-added tax that may be chargeable to the applicants, the net award to be paid into the representatives' bank account in the UK, as requested by the applicants.

C. Default interest

137. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 2 of the Convention in respect of the authorities' failure to protect the life of the applicants' son;

3. *Holds* that there has been a violation of Article 2 of the Convention in respect of the authorities' failure to conduct an effective investigation into the circumstances of the applicants' son's death;

4. *Holds* that no separate issue arises under Article 13 of the Convention;

5. *Holds*
   (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
      (i) EUR 40,000 (forty thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into Russian roubles at the rate applicable at the date of settlement;
      (ii) EUR 6,380 (six thousand three hundred and eighty euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 24 April 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Isabelle Berro-Lefèvre
President