



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

Communicated on 16 December 2014

FIRST SECTION

Application no. 28008/14
Yelena Vladimirovna KRIVOLUTSKAYA
against Russia
lodged on 7 April 2014

STATEMENT OF FACTS

The applicant, Ms Yelena Vladimirovna Krivolutsкая, is a Russian national, who was born in 1963 and lives in Moscow.

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

The applicant was injured in the explosion at the Domodedovo airport on 24 January 2011. The bombing killed 37 people and injured at least 150. It was suspected that the explosion was a terrorist attack.

On 25 January 2011 the Russian authorities opened criminal investigation on the charges of negligence against the airport employees. On 22 March 2011 the applicant was granted a victim status in the proceedings. On 5 March 2012 the investigator decided to recall the applicant's victim status. On 26 March 2012 the investigator ruled no case to answer against the persons responsible for the airport security and discontinued the proceedings. The applicant was no longer recognised as a victim in respect of the alleged crime.

On 22 May 2012 the Deputy President of the Investigative Committee of the Russian Federation quashed the decision of 26 March 2012 and re-opened the case. It appears that the proceedings are still pending.

On 3 June 2013 the Basmani District Court of Moscow dismissed the applicant's complaint against the decision of 5 March 2012.

On an unspecified date the applicant brought a civil claim against the airport seeking damages resulting from the failure of the airport security to prevent the bombing.

On 27 August 2013 the Presnenskiy District Court of Moscow dismissed the applicant's claims for damages. On 16 December 2013 the Moscow City Court upheld the judgment of 27 August 2013 on appeal.

COMPLAINTS

The applicant complains under Article 2 of the Convention that the authorities' failure to carry out proper and necessary security measures at the Domodedovo airport resulted in the bombing which injured her on 24 January 2011. She further complains that the ensuing investigation was not effective.

The applicant complains under Article 6 of the Convention that she was unable to participate effectively in the ensuing investigation. In particular, she complains that in 2012 the authorities recalled her victim status in the criminal proceedings on the charges of negligence against the airport security personnel.

She complains under Article 13 of the Convention about the dismissal of her complaint by the Basmanniy District Court of Moscow on 3 June 2013.

QUESTIONS TO THE PARTIES

1. Has the applicant's right to life, ensured by Article 2 of the Convention (see *Osman v. the United Kingdom*, 28 October 1998, §§ 115-16, *Reports of Judgments and Decisions* 1998-VIII), been violated in the present case?

In particular, was the applicant threatened in a real and immediate way? Did the authorities know this, or ought they to have known it? Did they take reasonable measure to counter that risk?

2. Having regard to the procedural protection of the right to life (see *Mastromatteo v. Italy* [GC], no. 37703/97, §§ 89-90, ECHR 2002-VIII), did the available legal remedies, taken together, and as provided for in law and applied in practice, secure legal means capable of establishing the facts, holding accountable those at fault and providing appropriate redress to the applicant?

In particular, was the recall of the applicant's victim status in the course of the criminal investigation on the charges of negligence against the airport security personnel compatible with the requirements set forth in Article 2 of the Convention?

3. Did the applicant have at her disposal an effective domestic remedy for her complaints under Article 2, as required by Article 13 of the Convention?

4. The Government are requested to submit the complete file concerning criminal investigation on the charges of negligence against the airport employees.