



Chamber hearing concerning complaints about inadequate investigation into Katyń massacre

The European Court of Human Rights is holding a Chamber hearing today **Thursday 6 October 2011 at 9 a.m.** in the case of **Janowiec and Others v. Russia** (Application nos. 55508/07 and 29520/09)

The case concerns complaints about the adequacy of the investigation by the Russian authorities into the 1940 Katyń massacre.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicants are 15 Polish nationals who are relatives of 12 victims of the Katyń massacre. The 12 men were police and army officers, an army doctor and a primary school headmaster. Following the Red Army's invasion of the Republic of Poland in September 1939, they were taken to Soviet camps or prisons and were then killed by the Soviet secret police without trial, along with more than 21,000 others, in April and May 1940, and buried in mass graves in the Katyń forest near Smolensk, and also in the Pyatikhatki and Mednoye villages.

The investigations into the mass murders were started in 1990. The criminal proceedings lasted until 2004 when the decision to discontinue the investigation was made. The text of the decision has remained classified to date and the applicants did not have access to it.

On 26 November 2010 the Russian Duma adopted a statement about the "Katyń tragedy", in which it reiterated that the "mass extermination of Polish citizens on USSR territory during the Second World War" had been carried out on Stalin's orders and that it was necessary to continue "verifying the lists of victims, restoring the good names of those who perished in Katyń and other places, and uncovering the circumstances of the tragedy...".

The applications were lodged with the Court on 19 November 2007 and 24 May 2009 respectively. They were communicated to the Russian authorities respectively in October 2008 and November 2009.

The Court declared admissible, on 5 July 2011, the applicants' complaint under Article 2 (right to life) of the European Convention on Human Rights, namely that the Russian authorities failed to carry out an adequate criminal investigation into the circumstances surrounding the deaths of their relatives. At the same time, the Court joined to its examination of the merits of the complaint the issue of temporal jurisdiction, in other words, whether the Court could examine the adequacy of an investigation into events which had occurred before Russia ratified the Convention.

In the same decision, the Court also declared admissible the applicants' complaint that the way the Russian authorities reacted to their requests and applications amounted to ill-treatment under Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

Procedure

The application was lodged with the European Court of Human Rights on 19 November 2007 and declared [partly admissible](#) on 5 July 2011.

Composition of the Court

The case will be heard by a Chamber, composed as follows:

Dean **Spielmann** (Luxembourg), *PRESIDENT*,
Karel **Jungwiert** (the Czech Republic),
Boštjan M. **Zupančič** (Slovenia),
Anatoly **Kovler** (Russia),
Mark **Villiger** (Liechtenstein),
Ganna **Yudkivska** (Ukraine),
Angelika **Nußberger** (Germany), *JUDGES*,
Elisabet **Fura** (Sweden), *SUBSTITUTE JUDGE*,

and also Stephen **Phillips**, *DEPUTY SECTION REGISTRAR*.

Representatives of the parties

Government of Russia

Georgy **Matyushkin**, *AGENT*,
Nikolay **Mikhaylov** and Pavel **Smirnov**, *ADVISERS*;

Applicants

Ireneusz **C. Kamiński**, *COUNSEL*,
Józef **Szewczyk**, Roman **Karpinskiy**, Roman **Nowosielski**, Bartolomiej **Sochański** and
Anna **Stavitskaya**, *ADVISERS*;

Third parties

Government of Poland

Jakub **Wołásiewicz**, *AGENT*,
Aleksandra **Mężykowska**, *CO-AGENT*,
Christophe **Swinarski**, *ADVISER*.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.