



Grand Chamber hearing concerning the monitoring of telephone communications

The European Court of Human Rights is holding a Grand Chamber¹ hearing today Wednesday 24 September 2014 at 9.15 a.m. in the case of Roman Zakharov v. Russia (application no. 47143/06).

The case concerns the complaint by an editor-in-chief of a publishing company about the lack of sufficient safeguards under Russian law against the monitoring of telephone communications by law-enforcement agencies.

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 applicant, Roman Zakharov, is a Russian national who was born in 1977 and lives in St Petersburg. He is the editor-in-chief of a publishing company and subscribed to the services of several mobile network operators.

In December 2003 Mr Zakharov brought judicial proceeding against the mobile network operators, the Ministry of Communications, and the Department of the Federal Security Service ("the FSB") for St Petersburg and the Leningrad Region, complaining about interference with the right to privacy for his telephone communications. He maintained that, pursuant to the relevant order under national law – Order no. 70, describing the technical requirements for the system enabling operational-search activities on telecommunications networks, issued by the Ministry of Communications – the mobile operators had installed equipment which permitted unrestricted interception of all telephone communications by the FSB without prior judicial authorisation. He asked the district court in charge to issue an injunction to remove the equipment installed pursuant to Order no. 70, and to ensure that access to telecommunications was given to authorised persons only.

The Russian courts rejected Mr Zakharov's claim. In a judgment upheld in April 2006, the district court found, in particular, that he had failed to prove that his telephone conversations had been intercepted and that the mobile operators had transmitted any protected information to unauthorised persons. Installation of the equipment to which he referred did not in itself infringe the privacy of his communications.

Before the European Court of Human Rights, Mr Zakharov complains of a violation of his right to respect for private life and correspondence under Article 8 (right to respect for private and family life) of the Convention on account of, in particular, a lack of sufficient safeguards under Russian law against the monitoring of telephone communications by law-enforcement agencies. He argues that those agencies have unrestricted access to all telephone communications and are thus capable of monitoring the communications of any person without obtaining prior judicial authorisation. He further relies on Article 13 (right to an effective remedy), complaining that he has no effective legal remedy at national level for his complaint under Article 8. In particular, he cannot challenge Order

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

no. 70, as it was not published and is considered by the Russian Supreme Court – as stated in another case – to be purely technical in nature.

Procedure

The application was lodged with the European Court of Human Rights on 20 October 2006. On 11 March 2014 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

Composition of the Court

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

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Guido **Raimondi** (Italy),
Ineta **Ziemele** (Latvia),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Khanlar **Hajiyev** (Azerbaijan),
Angelika **Nußberger** (Germany),
Julia **Laffranque** (Estonia),
Linos-Alexandre **Sicilianos** (Greece),
Erik **Møse** (Norway),
André **Potocki** (France),
Paul **Lemmens** (Belgium),
Helena **Jäderblom** (Sweden),
Faris **Vehabović** (Bosnia and Herzegovina),
Ksenija **Turković** (Croatia),
Dmitry **Dedov** (Russia), *judges*,
Luis **López Guerra** (Spain),
George **Nicolaou** (Cyprus),
Valeriu **Grițco** (the Republic of Moldova), *substitute judges*,

and also Michael **O’Boyle**, *Deputy Registrar*.

Representatives of the parties

Government

Georgy **Matyushkin**, *Agent*,
Oxana **Sirotkina**, Irina **Korieva**, Oksana **Iurchenko**, Aleksei **Lakov** and Oleg **Afanasyev**, *Advisers*;

Applicant

Philip **Leach**, Kate **Levine**, Kirill **Koroteyev** and Anastasia **Razhikova**, *Counsel*,
Elena **Levchishina**, *Adviser*.

The applicant, Roman Zakharov, will also attend the hearing.

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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.