



Forthcoming Grand Chamber judgment concerning monitoring of telephone communications in Russia

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Roman Zakharov v. Russia** (application no. 47143/06) at a public hearing on 4 December 2015 at 3 p.m. in the Human Rights Building, Strasbourg.

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.

Principal facts and complaints

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 three 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.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

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. A Grand Chamber [hearing](#) was held on the case on 24 September 2014.

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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.