



Investigation of journalist Anna Politkovskaya's murder failed to look properly into who commissioned the crime

In today's Chamber judgment¹ in the case of [Mazepa and Others v. Russia](#) (application no. 15086/07) the European Court of Human Rights held, by five votes to two, that there had been: **a violation of Article 2 (right to life)** of the European Convention on Human Rights.

The case concerned the investigation into the 2006 murder of journalist Anna Politkovskaya.

The Court found in particular that while the authorities had found and convicted a group of men who had directly carried out the contract killing of Ms Politkovskaya, they had failed to take adequate investigatory steps to find the person or persons who had commissioned the murder.

The authorities had followed one theory about the instigator of the crime, pointing to a now deceased Russian businessman residing in London, however, they had not explained how they had followed through on that line of enquiry. They should also have explored other possibilities, including those suggested by the applicants. They had alleged the involvement of agents from Russia's FSB domestic secret service or of the administration of the Chechen Republic.

The State had failed to abide by its obligations under the Convention to carry out an effective investigation and the length of the proceedings had been too long.

Principal facts

The applicants are Raisa Aleksandrovna Mazepa, Yelena Stepanova Kudimova, Vera Aleksandrovna Politkovskaya and Ilya Aleksandrovich Politkovskiy. They are Russian nationals who were born in 1929, 1957, 1980 and 1978 respectively. They are the mother, sister and children of the murdered journalist Anna Politkovskaya.

Ms Politkovskaya was shot and killed in the lift of her Moscow home in October 2006. She was a well-known investigative journalist who covered alleged violations of human rights in Chechnya committed during the second campaign against rebels in the region. She was also a critic of President Vladimir Putin's politics.

The authorities immediately began an investigation. A Makarov pistol and a silencer were found on the apartment building's stairs. Four men – two brothers, a police officer and an FSB officer – were eventually indicted, tried and acquitted by a jury in February 2009.

After a further investigation, five men, including the two brothers and police officer originally tried, were indicted. They were convicted of the murder in May 2014. The court found that one of the men had accepted an offer for a contract killing from a person who had been unhappy with Ms Politkovskaya's articles. The main organiser of the murder and the actual killer each received life sentences while the three other men were sent to jail for between 12 and 20 years.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Another man, a senior official in the Moscow City Department of the Interior, was convicted separately and in December 2012 he received a sentence of 11 years' imprisonment. He had earlier confessed to helping to organise the killing.

Complaints, procedure and composition of the Court

Relying on Article 2 (right to life), the applicants complained that the State had not carried out an effective investigation into Ms Politkovskaya's murder as the authorities had failed to identify who had commissioned and paid for the crime.

The application was lodged with the European Court of Human Rights on 6 April 2007.

Judgment was given by a Chamber of seven judges, composed as follows:

Helena **Jäderblom** (Sweden), *President*,
Branko **Lubarda** (Serbia),
Helen **Keller** (Switzerland),
Dmitry **Dedov** (Russia),
Alena **Poláčková** (Slovakia),
Georgios A. **Serghides** (Cyprus),
Jolien **Schukking** (the Netherlands),

and also Stephen **Phillips**, *Section Registrar*.

Decision of the Court

Article 2

The Court noted that one of the obligations for States under the European Convention was that of carrying out an effective investigation into killings, either by State officials or by other individuals. It took various factors into consideration, including the adequacy of investigative measures, the promptness of the investigation and the involvement of the deceased's family.

As this case involved an investigative journalist, the authorities had also had to look for any links between the crime and Ms Politkovskaya's work.

It emphasised that the investigation had brought tangible results in the conviction of five men directly responsible for the murder. However, an investigation into such a killing could not be considered adequate if no efforts had been made to identify the person who had commissioned the crime and paid for it.

The Russian authorities had apparently followed one main theory, which had implicated a businessman resident in London, B.B., who had died in 2013. However, they had not provided any documents from the actual case file, had not given details of the international requests for help they had sent in connection with that theory nor explained what investigative steps had been taken to shed light on that person's role in the crime in the years after his death.

The Government had also not explained why the authorities had chosen to focus on that single line of enquiry, despite its own submissions to the Court that such killings required a multi-stranded approach. The State should have explored the applicants' allegations that FSB officials or representatives of the Chechen administration had been involved in arranging the murder.

The Court also noted that the investigation had begun in 2006 and that the Government had said it was still ongoing, without giving convincing reasons why it had lasted so long.

Overall, the State had failed to fulfil the requirement of an adequate and prompt investigation and there had been a violation of the procedural limb of Article 2.

Just satisfaction (Article 41)

The Court held by five votes to two that Russia was to pay the applicants 20,000 euros (EUR) jointly in respect of non-pecuniary damage.

Separate opinions

Judges Dedov and Poláčková expressed dissenting opinions while Judges Keller and Jäderblom expressed a joint concurring opinion. These opinions are annexed to the judgment.

The judgment is available only in English.

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Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

Patrick Lannin (tel: + 33 3 90 21 44 18)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Somi Nikol (tel: + 33 3 90 21 64 25)

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.