

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

Вх.№ 83 24 ФЕВ 2012

O. Lagovenko

Г-ну РЫЖОВУ А.И.
МОО 'Комитет против пыток'
ул. Грузинская, д. 7 Б,
Нижний Новгород, 603000
РОССИЯ / RUSSIE

FIRST SECTION

ECHR-LE4.1aR
OXG/lk

8 December 2011

Application no. 17054/08
Gremina v. Russia

Dear Sir,

I write to inform you that following a preliminary examination of the admissibility of the above application on 2 December 2011, the President of the Section to which the case has been allocated decided, under Rule 54 § 2 (b) of the Rules of Court, that notice of the application should be given to the Government of Russia and that the Government should be invited to submit written observations on the admissibility and merits of the case.

The Government have been requested to submit their observations by 29 March 2012. These will be sent to you in order that you may submit written observations in reply on behalf of the applicant, together with any claim for just satisfaction under Article 41 (cf. Rule 60). **Please do not send any submissions before being asked to do so by the Court.** Any unsolicited submissions will normally not be included in the case file for consideration by the Court (Rule 38 § 1). Under Rule 34 § 4 (a), the Government have been authorised to submit their observations in Russian if they so prefer, but they must provide the Court with a translation into English or French no later than 27 April 2012.

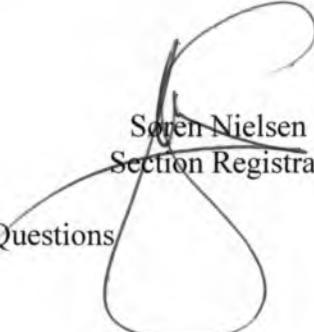
The Government have been requested to deal with the questions set out in the document appended to this letter (Statement of facts prepared by the Registry of the Court and Questions to the parties).

The Government have also been requested to indicate by 29 March 2012 their position regarding a friendly settlement of this case and to submit any proposals they may wish to make in this regard (Rule 62). The same request will be made of you when you receive their observations.

I would inform you that at this stage of the proceedings, according to Rule 34 § 3, all communications of applicants or their representatives shall as a rule be made in one of the Court's official languages, English or French.

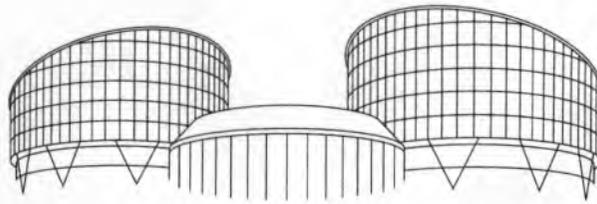
I should draw your attention to Rule 33 of the Rules of Court, according to which documents deposited with the Registry by the parties or by any third parties are to be accessible to the public, unless the President of the Section decides otherwise for the reasons set out in Rule 33 § 2. It follows that as a general rule any information contained in the documents which you lodge with the Registry, including information about identified or identifiable persons, may be accessible to the public. Moreover, such information may appear in the Court's HUDOC data base accessible via the Internet if the Court includes it in a statement of facts prepared for notification of a case to the respondent Government, a decision on admissibility or striking off, or a judgment.

Yours faithfully,



Søren Nielsen
Section Registrar

Encs: Statement of facts and Questions



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

FIRST SECTION

Application no. 17054/08
Liliya GREMINA
against Russia
lodged on 24 December 2007

STATEMENT OF FACTS

THE FACTS

The applicant, Ms Liliya Mikhailovna Gremina, is a Russian national who was born in 1937 and lives in Nizhniy Novgorod. Her application was lodged on 24 December 2007. She is represented before the Court by Mr A. Ryzhov, Ms O. Sadovskaya and Mr I. Kalyapin, lawyers with the Committee against Torture, an NGO based in Nizhniy Novgorod.

A. The circumstances of the case

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

1. The events of 24 March 2007

In March 2007 the applicant saw a leaflet inviting the local population to take part in a “March of Dissent” on 24 March 2007 at Gorky Square in Nizhniy Novgorod. She did not know that the march had been banned by the authorities.

At about 11.30 a.m. on 24 March 2004 the applicant came to Gorky Square. She had a banner in her bag saying: “Those who are unitedly gnawing on Russia should be brought to account for the misery and oppression of the Russian people” (a wordplay involving the name of the

applicant, who had unrolled an anti-government banner, that the “March of Dissent” had been banned by the authorities and ordered that she should leave Gorky Square. The applicant had refused to leave, had sat down on the ground and started to scream. She had been then carried to a police car. No violence had been used against her.

On 21 May 2007 the investigator questioned the applicant about the events of 24 March 2007.

The investigator also watched the video recording of the events of 24 March 2007.

On 21 May 2007 the prosecutor’s office of the Nizhegorodskiy District refused to open criminal proceedings against the police officers who had arrested the applicant. Her escorting to the police station had been lawful. In particular, the applicant, who had participated in a banned public assembly and had therefore committed an administrative offence under Article 20.2 § 2 of the Administrative Offences Code, had been escorted to the police station with the aim of drawing up a report on an administrative offence, as provided by Article 27.2 of the Administrative Offences Code. No such report had been however drawn up because the applicant had felt unwell and had been taken to hospital. Relying on Mr S.’s statements and on the video recording of the incident, the prosecutor further found that no violence had been used against the applicant and that the police officers who had arrested her had been polite. There was no evidence that the bruises on the applicant’s shoulder had been inflicted by the police officers. The fact that the applicant had been kept waiting in the police station corridor was insufficient to warrant criminal proceedings against the police officers.

The applicant appealed against the prosecutor’s decision of 21 May 2007 to the Nizhegorodskiy District Court of Nizhniy Novgorod.

On 7 December 2007 the Nizhegorodskiy District Court confirmed the prosecutor’s decision, finding that it had been lawful, well reasoned and justified. On 1 February 2008 the Nizhniy Novgorod Regional Court upheld the decision on appeal.

On 15 October 2008 the prosecutor’s office of the Nizhegorodskiy District annulled its previous decision of 21 May 2007 and opened an additional inquiry.

On 23 January 2009 the Investigations Committee of the Nizhegorodskiy District refused to open criminal proceedings. It found that the applicant, who had come to participate in the banned public assembly, had been stopped by the police. The police officers had asked her to get into a police bus in order to establish whether she had committed an offence under Article 20.2 § 2 of the Administrative Offences Code. She had however refused to obey and had thereby committed an offence under Article 19.3 of the Administrative Offences Code. Relying further on section 13 of the Police Act, the Investigations Committee found that the police officers had lawfully used force against the applicant who had resisted them. Referring to the video recording of the incident, the Committee found that the force used against the applicant had not been excessive. The police officer had been polite and had not hit the applicant. The bruises on her shoulder might have appeared as a result of her attempt to break out from the police officers’ hold. The applicant had been then lawfully escorted to the police station of the Avtozavodskiy District. Because of the great number of the

QUESTIONS TO THE PARTIES

1. Given the circumstances of the applicant's arrest and escorting to the police station on 24 March 2007 and the conditions of her stay there, was she subjected to inhuman or degrading treatment, in breach of Article 3 of the Convention? Was the investigation into the allegations of ill-treatment thorough and effective?

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

3. Did the applicant comply with the six months rule in respect of her complaint under Article 5 of the Convention?

4. Was the applicant deprived of her liberty in breach of Article 5 § 1 of the Convention? In particular, was the deprivation of liberty applied to her for any of the purposes set out in paragraphs (a)-(e) of Article 5 § 1? Was the purpose of drawing up a report on the administrative arrest covered by Article 5 § 1 (c)? Was it possible to draw up such report without taking the applicant to the police station? Was an "escorting report" drawn up?