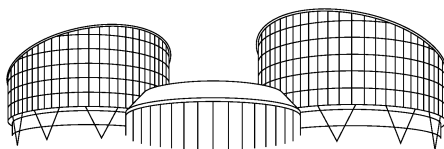


## La Corte EDU condanna le autorità statali cecene per violazione degli obblighi sostanziali e procedurali ex art. 10 della Convenzione

(CEDU III sez. sent. 4 marzo 2025, ric. n. 75000/17)

Il ricorso deciso dalla Corte EDU ha ad oggetto la violazione degli obblighi sostanziali e procedurali dello Stato ai sensi dell'articolo 10 della Convenzione, in relazione alle minacce ricevute dai ricorrenti, nella specie tre giornalisti e una casa editrice, per aver pubblicato articoli concernenti una campagna di violenza condotta dalle autorità cecene contro persone presumibilmente omosessuali. Alla luce delle minacce e delle ritorsioni subite, i ricorrenti hanno lamentato la violazione del loro diritto alla libertà di espressione del pensiero nonché la mancata adozione da parte delle autorità statali di idonee misure di protezione. Preliminarmente, la Corte EDU ha ravvisato nelle minacce un mezzo per esercitare una pressione diretta sulla casa editrice, con l'obiettivo di ostacolare il suo lavoro giornalistico, nonché una forma di grave interferenza nell'attività giornalistica dei ricorrenti, provocando un effetto paralizzante sull'esercizio del loro diritto ex art. 10. Essa ha inoltre specificato che gli obblighi positivi previsti dalla stessa disposizione impongono agli Stati di creare un sistema efficace di protezione degli autori o dei giornalisti, consentendo loro di esercitare senza timore il loro diritto di cronaca. Alla luce di ciò, la Corte ha concluso che lo Stato convenuto non solo non ha adempiuto al suo dovere di non interferire illecitamente e in modo sproporzionato nel diritto alla libertà di espressione della società ricorrente e dei ricorrenti, ma non ha nemmeno adottato misure ragionevoli e appropriate per consentire l'esercizio di tale diritto con conseguente violazione dell'art. 10 CEDU. Parimenti violato è stato considerato l'art. 8 della Convenzione, in quanto le ripetute minacce di morte rivolte ai giornalisti e le dichiarazioni rilasciate da funzionari pubblici ceceni, tra cui leader religiosi, hanno direttamente interferito con il diritto dei ricorrenti al rispetto della loro vita privata, raggiungendo il livello di severità richiesto dall'articolo 8. Anche in questo caso, la Corte ha osservato che lo Stato convenuto non ha rispettato il suo obbligo positivo di proteggere i ricorrenti dagli attacchi alla loro integrità fisica e psicologica, non ha valutato correttamente i rischi né ha adottato misure preventive attraverso efficaci indagini.

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

THIRD SECTION

**CASE OF OMISSIS AND OTHERS v. RUSSIA**

(Application no. 75000/17)

JUDGMENT  
STRASBOURG  
4 March 2025

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

**In the case of Omissis and Others v. Russia,**

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis, *President*,

Peeter Roosma,

Lətif Hüseynov,

Darian Pavli,

Oddný Mjöll Arnardóttir,

Diana Kovatcheva,

Mateja Đurović, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 75000/17) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 3 October 2017 by three Russian nationals, Ms XXX, Mr Dmitriy Andreyevich XXX, Mr Sergey Nikolayevich XXX (“the applicants”) and Redaktsionno-Izdatelskiy Dom XXX ANO (an editorial and publishing house), a legal entity incorporated, at the time of the application, under Russian law (“the applicant company”);

the decision to give notice to the Russian Government (“the Government”) of the complaints under Articles 2, 8, 10 and 14 of the Convention and to declare the remainder of the application inadmissible;

the applicants’ and the applicant company’s observations;

the decision of the President of the Section to appoint one of the elected judges of the Court to sit as an *ad hoc* judge, applying by analogy Rule 29 § 2 of the Rules of Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-8, 24 January 2023);

Having deliberated in private on 4 February 2025,

Delivers the following judgment, which was adopted on that date:

## INTRODUCTION

1. The application raises the issue of the State’s substantive and procedural obligations under Article 10 of the Convention in connection with verbal threats received by the applicants, who are journalists and who published articles revealing a large-scale violent campaign that was reportedly run by the Chechen authorities against people perceived to be homosexual.

The application also concerns the authorities’ alleged failure to protect, under Articles 2 and 8 of the Convention, the applicants from the verbal attacks received as a result of their publications and the alleged discrimination, in breach of Article 14, against the applicants and the applicant company on the grounds of “other status” in connection with their journalistic investigations into the abduction and extrajudicial killing of people perceived to be homosexual by the Chechen authorities, and their publishing of opinions on that subject.

## THE FACTS

2. At the time when the present application was lodged, the applicant company was an editorial and publishing house that had been registered in Moscow since 1998, which edited and published a national newspaper – XXX. Ms XXX, who was born in 1977, had been a staff journalist since 1997 and the editor in the newspaper’s special projects department. Mr XXX, who was born in 1961, was the chair of XXX’s editorial council (and its former editor-in-chief) and is also a 2021 Nobel Peace Prize winner (jointly with a Filipino journalist Ms Maria Ressa). Mr XXX, who was born in 1955, was one of the founders of XXX, its editor-in-chief and he had been the director of the applicant company for more than twenty years. The applicants and the applicant company were represented by Mr Tumas Arsenovich Misakyan, a lawyer practising in Moscow, and Ms Jessica Gavron, Mr Philip Leach and Ms Kate Levine, lawyers from the European Human Rights Advocacy Centre (“the EHRAC”) in London.

3. The Government were represented by Mr M. Vinogradov, Representative of the Russian Federation to the European Court of Human Rights.

4. The Government were given notice of the application but they made no submissions in the present case. The facts of the case may be summarised as follows.

#### I. PUBLICATIONS OF 1 AND 4 APRIL 2017 IN XXX

5. On 1 April 2017 an article entitled “Honour Killing” was published in XXX. It was written by Ms XXX. It reported that there had been mass abductions, arbitrary detentions, torture and killings of Chechen men who were allegedly homosexual or who were perceived to be gay by the Chechen authorities. The article stated that the information about the detentions had been confirmed by several sources in the Interior Ministry of the Chechen Republic, in the regional administration, in the Federal Security Service (“the FSB”) office in the Chechen Republic, in the prosecutor’s office of the Chechen Republic and by local LGBTI (lesbian, gay, bisexual, transgender and intersex) activists. The article also stated that a crisis line had been created for the victims.

6. The credibility of those allegations was subsequently confirmed by reports and statements from numerous organisations, including the Office of the United Nations High Commissioner for Human Rights, the Organisation for Security and Cooperation in Europe (under the Moscow Mechanism), and the Parliamentary Assembly of the Council of Europe; many reputable non-governmental organisations (NGOs), including Human Rights Watch, Amnesty International, the Russian LGBT Network, and the European Centre for Constitutional and Human Rights; and numerous international media, including *The New York Times*, *The Washington Post*, the British Broadcasting Corporation (BBC) and Deutsche Welle. As a result of that campaign, more than 114 LGBTI people and members of their families fled Chechnya (see *Lapunov v. Russia*, no. 28834/19, § 5, 12 September 2023).

7. The events described in the article of 1 April 2017 were also examined by the Court in the case of *N.A. and Others v. Russia* (nos. 48523/19 and 4 others, 21 November 2023). The Court examined the complaints brought by the relatives of persons discussed in the article and established that the victims who had been abducted by State agents in Chechnya and eventually disappeared were presumed dead in the absence of any plausible justification from the Government (*ibid.*, § 77).

8. On 4 April 2017 another article, “Massacre of Chechen Gays”, was published in XXX. It contained the stories of three survivors who were among those that had contacted the crisis line after the publication of the first article and described in detail the massive persecution of Chechen men who were perceived to be gay by the Chechen authorities.

#### II. OFFICIAL REACTIONS AND PUBLIC STATEMENTS BY CHECHEN OFFICIALS

9. On 2 April 2017, Mr Dzhambulat Umarov, the Minister for National Politics, External Relations, Press and Information of the Chechen Republic made the following statement, which was published on a local State-run internet news portal (Grozny-Inform) in relation to the article in XXX of 1 April 2017:

“... Before I comment on this heinous hoax, I will tell you simply as a Chechen and a Muslim, if this filth [LGBTQI people] should appear in our region, I warn you, it will be harshly persecuted by our own people and I cannot exclude [the possibility] that the relatives themselves might take other, more radical measures ...”

10. On 3 April 2017 a public meeting was held in the central mosque of Grozny which was attended by the representatives of twenty-four local Chechen communities, Islamic religious and community leaders. According to official information, fifteen thousand people attended the meeting. During the meeting, Mr Adam Shakhidov, an advisor to Ramzan Kadyrov (the Head of the Chechen Republic) accused XXX staff of libel and called them “enemies of our faith and our homeland”. His speech and the statements made by the religious leaders were broadcast by the Chechen State Television and Radio Broadcasting Company Grozny (“the Grozny Broadcasting Company”) and were widely reposted online. As a result of the meeting, a resolution was adopted stating the following:

“1. The publication in XXX is absolutely a lie and slander, offending the honour and dignity of Muslims living in Chechnya, citizens of Russia.

2. Considering that centuries-old traditions, the dignity of Chechen men and our faith have been insulted, we promise retribution to the instigators, whoever and wherever they are [and however long it may take]

3. We, the High Assembly, call upon the people of Chechnya and all decent people not to spread information that is slanderous and provocative, this is a serious sin in Islam and other religions, it causes suffering and pain for many people.

4. We call upon every reasonable person to fight, with all possible (legal) means, against spreading of such infamy and provocation.

5. We call upon the federal and regional media to use verified sources and the opinions of qualified specialists.

Let the Almighty give us calm, peace and justice!”

On 5 April 2017 the full text of the resolution was published on Grozny-Inform.

11. On 13 April 2017 XXX published a statement in connection with threats received by its journalists following the publication of the article. It stated that:

“... it is evident that the resolution adopted during the meeting of 3 April 2017 will incite religious fanatics to commit atrocities.

...

We insist that the reaction to journalistic work that was shown in the central mosque is unacceptable in a civilised society and that it must be assessed from the standpoint of Russian law.

We call upon Russian authorities to do everything possible to prevent acts that incite hatred and animosity towards journalists who were carrying out their professional task.”

12. On 14 April 2017 Mr Mezhiyev, the Mufti of the Chechen Republic and the Chairman of the Muslim Spiritual Authority of Chechnya stated during a broadcast of the radio station *Govorit Moskva*:

“... I do not wish to call these people [the journalists of XXX] ‘people’. This creature [Ms XXX] will be held responsible according to law. As for retribution, [they will undoubtedly suffer] the reprisal of the almighty Allah. They offended not only the feelings of some individuals, they insulted the Chechen people, the religious leaders, the most sacred. They should have been afraid [not now but before,] when they were spreading unsubstantiated libel [information that gay people had been abducted and executed in Chechnya] ...”

13. On the same day one of the applicants, Mr XXX issued a statement in the form of a message published in XXX addressing Mr Mezhiyev. It stated, *inter alia*, the following:

“... We (XXX) did not offend the Chechen people and had no intention to do so. We deeply and sincerely respect them. We were with them during the tragic years of war: [we] helped to evacuate the wounded, delivered humanitarian aid, freed the hostages. Hundreds of Chechen families remember with gratitude the humanitarian work of our columnist Anna Stepanovna Politkovskaya.

The only reason why it is not possible to find in our texts any offensive remarks about the Chechen people and their faith is that there are no such remarks in them.

We were defending people who were persecuted and who sought help [from us]. Those people did not commit any crimes. One can have different opinions of them but they should be treated according to law.

I consider that the resolution of the High assembly is an emotional statement. Especially where it speaks of “retribution”. I see a direct call to violence in it. And [XXX] remembers well and will never forget the assassinations of Anna Politkovskaya and Nataliya Estemirova.

There is enough violence in our country.

That is why we are always ready to have a dialogue with the representatives of the Chechen people and the religious leaders ...”

14. On 15 April 2017 Grozny-Inform published another statement of Mr Mezhiyev, which read as follows:

“... XXX is an agency that makes people turn against each other and spreads rumours ... These creatures [the journalists of XXX], one cannot call them otherwise, who work for it, and I do not consider them people, will be held responsible according to law, with Allah’s permission. Retribution will without a doubt reach them! Because the almighty Allah is the one who punishes, and it is a different question how and through whom He will do it, only He knows the answer.”

15. On 15 April 2017 Mr Dzhambulat Umarov (see paragraph 9 above) issued another statement, this time in reply to Mr XXX’s message of 14 April 2017 to the Mufti of Chechnya (see paragraph 13 above), which was published by Grozny-Inform. It read:

“Mr XXX, as an official [in charge of] media [policy], I understand what made you address the Mufti of Chechnya. That is to say, [your] concern for your journalists. Do not worry, the Chechens do not touch unarmed people, even if they are scoundrels. This, unfortunately, confirms your ignorance of our centuries-long traditions. Yes, we can despise, but not ... I have the same concerns. We do not need scandals, fights and certainly groundless accusations of something we have no relation to. It makes no sense to write about the threats having clung to word “reprisal” in the text that was written by the appalled religious leaders who themselves very often die at the hands of the terrorists. What do your colleagues “XXX-s” want to achieve?... What reaction did you expect from the mountain warriors for whom, mentioning in their

presence, even in passing, the sin of Sodom is already offensive for their ears? Will you say you did not know that?... To end our dangerous skirmish, you need to comply with three conditions. First, you should bring your apologies to the Chechen people for that filthy nonsense that you had spread in the media including on social networks. Second, if this apology is brought, we request that you oblige your colleagues at least superficially to learn more about the mentality [of people] in the region and to refer to the real (!) sources who they work with. Third, stop already [your] hysteria about non-existent 'threats' [or] those who are much more annoyed by your newspaper than us might ... use it against you. We have seen this 'phenomenon' before ..."

16. On 22 April 2017, Ramzan Kadyrov criticised the journalists of XXX during a festival that was taking place in Grozny and asserted that:

"... They [the journalists writing about Chechnya] want war in Russia, they want what happened in Ukraine, Ossetia, Egypt and there, in Libya. We should chase them far away from our territory so that the people of Russia could live freely ..."

### III. THE SITUATION OF MS XXX AFTER THE PUBLICATION OF THE ARTICLES OF 1 AND 4 APRIL 2017 IN XXX

17. In the days following the publication of the articles, Ms XXX received dozens of messages via her Facebook profile and messenger from anonymous authors with usernames which, according to Ms XXX, could be characterised as belonging to residents of the Caucasus region and to Chechens in particular. Those messages contained threats, including death threats. She received a signal jamming device from XXX, she had to relocate from her home, limit her use of public transport and move around in a car with a driver who accompanied her between her office and the home of acquaintances who accommodated her after she had perceived statements of the Chechen political and religious leaders as threats (see paragraphs 10, 12, 14 and 15 above).

18. At the end of April 2017 Ms XXX had to leave Russia until the end of that year out of concern for her safety and because no meaningful steps had been taken by the authorities to investigate the threats that she had received (see paragraphs 19-29 below).

### IV. ATTEMPTS BY THE APPLICANTS TO INITIATE CRIMINAL PROCEEDINGS IN CONNECTION WITH THREATS RECEIVED

19. On 18 April 2017 XXX's editorial board and Ms XXX complained to the Investigative Committee of Russia about threats of murder received by journalists and about statements of Chechen leaders inciting hatred and animosity against journalists.

20. On 17 May 2017 Mr S., an investigator at the Investigative Committee office in the North-Caucasus Circuit ("the Investigative Committee Office") issued a refusal to open a criminal case. In the text of the resolution of 3 April 2017 he found no elements of the crimes of threatening with death or severe bodily harm, or of inciting hatred or animosity and humiliating human dignity. He also noted that, in reply to his request for a video recording of the public meeting of 3 April 2017 in the central mosque, the director of the Grozny Broadcasting Company stated that the video material had been deleted after the time-limit for storing it had expired.

21. On 26 May 2017 the refusal to open a criminal case was quashed by the head of the investigating authority as unlawful and unsubstantiated. He pointed out, *inter alia*, that the religious leaders of the central mosque should have been questioned.

22. On 6 June 2017, Mr Mezhiyev, the Mufti of Chechnya, was questioned. He confirmed that the meeting of 3 April 2017 had indeed taken place and that the resolution had been adopted. He stated that:

“... According to Islamic tenets, people entering into non-traditional relations are executed. However, since executions are banned by law, we [merely] disapprove of the acts of such persons and [expect that] they are punished by the Almighty [Allah]. According to Chechen traditions, if there is even one person of non-traditional [sexual] orientation in a family clan, that whole clan is considered dishonoured and the clan annihilates that person.

... Paragraph 2 of the resolution is addressed to any person who spreads fake information about Chechen men, none of whom belongs to [the group of] people of non-traditional [sexual] orientation. The term ‘retribution’ [used in the text of the resolution] refers to punishment by the Almighty [Allah] of the persons concerned and that only Allah knows who will be punished and how.”

23. On 8 June 2017 the prosecutor’s office in Chechnya replied to an enquiry from the Chair of the Presidential Council for the Development of Civil Society and Human Rights, stating that the resolution had contained neither threats against the journalists nor statements inciting hatred or animosity on any grounds.

24. On 29 June 2017, Mr P., an investigator at the Investigative Committee office, issued a refusal to open a criminal case into the complaints, referring to the absence of a video recording of the meeting of 3 April 2017 and to the explanation provided by Mr Mezhiyev (see paragraph 22 above).

25. Between 10 July 2017 and 9 February 2018, twelve decisions, which contained nearly identical reasons, were issued by the Investigative Committee office, alternately refusing to open a criminal case and quashing those decisions. The last refusal to open a criminal case was issued on 9 February 2018.

26. On 4 October 2018, the applicant company, Mr XXX and Mr XXX lodged a complaint against the last refusal to open criminal case with the Yessentuki Town Court (“Town Court”). They pointed out, in particular, that:

- (i) the pre-investigative inquiry into the threats they had complained of had been incomplete;
- (ii) the investigator had requested a copy of the video recording of the meeting in the central mosque belatedly, when the time-limit for safekeeping the tape had run out and it had been destroyed;
- (iii) the investigator had not established who exactly had written the resolution;
- (iv) the statements made during the public meeting had not been subjected to a forensic linguistic examination; and
- (v) the investigation had been ineffective, in breach of Article 10 of the Convention.

27. On 14 December 2018 the Town Court dismissed the applicants’ complaint, holding that since they had not asked the investigator to obtain the video recording of the meeting in the mosque, their argument about his request being submitted too late had been unsubstantiated. The Town Court did not address any of the applicants’ other arguments in its decision.

28. On 12 March 2019 the Stavropol Regional Court dismissed the applicants’ appeal, without addressing the applicants’ arguments.

29. At the time when the present application was being examined, no proceedings had been instituted and no charges had been brought in relation to the threats that the applicants received. The applicants had not received disclosure of the full case file or any other information from the investigating authorities concerning their complaint subsequent to the decision of the Stavropol Regional Court of 12 March 2019.

## V. OTHER RELEVANT INFORMATION SUBMITTED BY THE APPLICANTS

### A. Attack at the XXX building

30. In 2021 a toxic chemical was sprayed at the entrance of the office of XXX in Moscow and the staff of the newspaper and of other organisations located in that building had to work from home **because they could not remain inside.**

#### B. Threats and attacks against Ms XXX

31. In November 2017, October 2019, April 2020, April 2021 and January 2022, Ms XXX and XXX were verbally and publicly attacked by Ramzan Kadyrov and some of his subordinates on air and online for publications covering events in Chechnya (see paragraph 47 below for details). In February 2020 and July 2023 Ms XXX was physically attacked and injured by groups of unidentified individuals during her business trips to Chechnya (see paragraph 48 below for details).

#### C. Attack against Mr XXX

32. On 7 April 2022 Mr XXX was attacked while on a train between Moscow and Samara. He was doused with a mixture of oil paint and acetone. According to Mr XXX, the attacker had shouted: "XXX, here's one for our boys". Mr XXX was diagnosed with chemical burns to his eyes and was temporarily incapacitated. The applicants considered that the attack had happened because of Mr XXX's statements against Russia's invasion of Ukraine in February of that year.

33. No criminal case was opened in connection with the attack and the attackers were not detained, despite the fact that they were allegedly filmed by surveillance cameras and their names were established almost immediately after the incident. In addition, XXX journalists claimed to have established that the attackers had been closely connected to each other and had been in contact with nationalist and "patriotic" structures, as well as with the Russian security services.

#### D. Threat against Mr XXX

34. On 19 April 2017 an envelope with white powder of unknown origin was delivered to the office of XXX. It was addressed to Mr XXX, had no return address, was signed "Grozny", and had "666666" in the zip code field. The police and the Ministry of Emergency Situations were informed of the incident. No official action was taken in connection with it.

#### E. Murders of XXX journalists in the past

35. The following five journalists of XXX were murdered in connection with their professional activity: Igor Domnikov (2000), Yuri Shchekochikhin (2003), Anna Politkovskaya (2006), Anastasiya Baburova (2009) and Nataliya Estemirova (2009). A lawyer working with XXX, Stanislav Markelov, was also killed in 2009.

36. At least eight other journalists were either attacked (including attempted murder and abduction) or regularly received threats by post, email and on social networks. Two of them had to leave the country out of concerns for their safety.

### THE LAW

#### I. PRELIMINARY ISSUES

##### A. The Court's jurisdiction

37. The Court first observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a party

to the Convention. The Court therefore decides that it has jurisdiction to examine this complaint (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023, and *Pivkina and Others v. Russia* (dec.), nos. 2134/23 and 6 others, § 46, 6 June 2023).

## B. The Government's failure to submit observations

38. The Government did not comment on the admissibility or merits of the application. However, their abstention from further participation in the proceedings does not release them from their duty to cooperate with the Court, which is not prevented from continuing with the examination of applications over which it retains jurisdiction. The Court may draw such inferences as it deems appropriate from a party's failure or refusal to participate effectively in the proceedings (Rule 44C of the Rules of Court; see also *Georgia v. Russia (II)* (just satisfaction) [GC], no. 38263/08, §§ 25-27, 28 April 2023; *Svetova and Others v. Russia*, no. 54714/17, §§ 29-31, 24 January 2023; and *Glukhin v. Russia*, no. 11519/20, §§ 42-43, 4 July 2023).

## II. ALLEGED VIOLATION OF ARTICLE 10 AND ARTICLE 14 OF THE CONVENTION

39. The applicant company and the applicants complained that there had been a violation of the right to freedom of expression because the applicants, who were independent journalists reporting on and exposing human rights violations perpetrated in Chechnya, had been threatened and attacked for their journalistic work, and the authorities had failed to take measures to protect them. They relied on Article 10 of the Convention, which reads as follows:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

40. In their original application to the Court the applicants did not raise a complaint under Article 14 of the Convention taken in conjunction with Article 10. However, the Court gave notice of such a complaint to the Government *proprio motu*. In their observations the applicant company and the applicants complained that they had been discriminated against in violation of Article 14 taken in conjunction with Article 10 on the grounds of "other status" as a result of their expressing an opinion which associated them with the situation of LGBTI people in Chechnya, and on the grounds of "political or other opinion" on account of their expressing opinions regarding the existence and persecution of LGBTI people in Chechnya, which ran counter to the political orthodoxy in that region. Article 14 of the Convention reads as follows:

"The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

41. The Court, being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 123-24, 20 March

2018, and *Guerra and Others v. Italy*, 19 February 1998, § 44, Reports of Judgments and Decisions 1998-I), decides to examine the applicant company's and the applicants' complaints under this head under Article 10 of the Convention only.

### A. Admissibility

42. Given that the Government did not raise any objections as to the admissibility of the application, the Court need not consider the matter of exhaustion of domestic remedies of its own motion (see *Yefimov and Youth Human Rights Group v. Russia*, nos. 12385/15 and 51619/15, § 31, 7 December 2021, and *Dobrev v. Bulgaria*, no. 55389/00, §§ 112-14, 10 August 2006).

43. At the same time the Court finds it necessary in the circumstances of the case to address the question whether the applicant company can claim to be a victim of the alleged violation under Article 10. The issue of victim status is a matter which goes to the Court's jurisdiction and the Court can examine it of its own motion (see, among many others, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 93, 27 June 2017). The Court reiterates that freedom of expression can be invoked, in principle, not only by the author or editor of a certain publication, but also by the publisher who purports to disseminate the information or ideas contained therein (see, for example, *X. Company v. the United Kingdom* (dec.), no. 9615/81, 5 March 1983, and *C.S.Y. v. Turkey*, no. 27214/95, § 27, 4 March 2003). The Court has further held that when publishers help to provide authors with a medium for the expression of their ideas, they not only participate fully in their (authors') exercise of the freedom of expression, but also share the latter's "duties and responsibilities" (see *Öztürk v. Turkey* [GC], no. 22479/93, § 49, ECHR 1999-VI, and *Orban and Others v. France*, no. 20985/05, § 47, 15 January 2009). For similar reasons, a newspaper publisher may claim victim status for Article 10 purposes when, as in the present case, a significant interference with the exercise of journalism is alleged, which broadly affects its newsgathering and reporting functions.

44. In the present case, the resolution of 3 April 2017 and further statements made by officials and religious leaders directly referred to XXX and its management (see paragraphs 10, 14 and 15 above). In the aftermath of the threats, the management had to enhance its security protocols, arrange the relocation of Ms XXX and make its premises inaccessible to visitors (see paragraph 73 below). The threats were perceived by the XXX staff as affecting the work of the newspaper as a whole and as "a means of applying direct pressure ... on the publishing house in general, with the aim of obstructing [its] journalistic work ..." (see paragraphs 72 and 73 below). Furthermore, it is of some relevance that the applicant company took part in the domestic proceedings regarding the threats received by Ms XXX (see paragraphs 19 and 26 above; see also *Micallef v. Malta* [GC], no. 17056/06, § 48, ECHR 2009). In the light of the above circumstances, the Court considers that the applicant company can claim to be a victim of the alleged violation of Article 10.

45. The Court notes that the complaint under Article 10 of the Convention is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

### B. Merits

#### 1. *The applicant company's and the applicants' submissions*

46. The applicant company and the applicants submitted that: (i) the threats that they had received and the attacks that had been carried out against them had been linked with their journalistic activity; (ii) the articles of 1 and 4 April 2017 had fallen within the scope of protection of Article 10, which applied not only to information that would be favourably received but also to information that could offend or shock the authorities or any sector of the population; and (iii) given the climate

of impunity and of violence against independent journalists that had existed in Chechnya at the relevant time, and as provided for by the Recommendation of the Committee of Ministers on the protection of journalism and safety of journalists (CM/Rec(2016)4), the authorities should have taken measures that would have mitigated the risks for the applicants, including creating and enabling favourable conditions for participation in public debate, and they should have conducted an effective investigation into the threats that the applicants had received and the attacks that had been carried out against them.

47. The applicants also submitted that Ms XXX was verbally attacked by Ramzan Kadyrov for publication of articles which reported on (i) Ramzan Kadyrov's nephew allegedly subjecting women to torture by electric shock (November 2017); (ii) on allegedly existing conspiracy against Kadyrov in his inner circle and subsequent reprisals against members of that circle (October 2019); (iii) stigmatisation as terrorists of persons who had become infected with coronavirus in Chechnya (April 2020); (iv) mass execution of twenty-seven people in Chechnya on suspicion of being terrorists, gang members or homosexual (February 2021) (the events described in that article were examined by the Court in the case of *N.A. v. Others v. Russia* (nos. 48523/19 and 4 Others, 21 November 2023) and (v) the abduction by Chechen policemen of Ms Musayeva, who was the wife of a federal judge, Mr Yangulbayev, in Nizhny Novgorod (January 2022) (the incident that was also examined by the Court in the case of *Zarema Musayeva and Others v. Russia* (no. 4573/22, 28 May 2024). The threats contained, *inter alia*, a direct call to stop journalists and human rights defenders "by killing them, putting them behind bars, intimidating them – by any means possible"; statement that journalists of XXX would "choke on their subversive publications"; and statement naming Ms XXX "[one of] terrorist accomplice[s]" who "have always [been] destroyed".

48. Furthermore, on 6 February 2020 Ms XXX was beaten by a group of men and women at the entrance to a hotel in Grozny where she came to defend a local resident who had been detained for posting a video on social media concerning corruption among the relatives and entourage of Ramzan Kadyrov. The applicants submitted that the investigation in the case had not progressed despite the fact that both Ms XXX and Ms M.D. had sustained various bodily injuries during the attack. On 4 July 2023 Ms XXX and Mr N., a lawyer who was travelling with her, were attacked in Grozny while they were going from the airport to a court hearing in a criminal case against Ms Musayeva. Ms XXX was admitted to hospital after the attack. Her fingers had been broken in fourteen places, she had received a head injury and her body, including her head, back, arms, legs and buttocks, was covered with bruises and haematomas. She submitted a medical certificate to the Court confirming that she had suffered a closed craniocerebral injury; concussion; contusions to the soft tissue of her head and face; blunt trauma to her chest; chest contusion; multiple bruises of soft tissues of her head and face; contusions and abrasions on her torso, limbs, and hands; and a stab wound to the left hand.

49. The attack received media coverage world-wide and was condemned by international human rights bodies and non-governmental organisations, including UN special rapporteurs, who issued a joint statement on the attack, the Council of Europe Commissioner for Human Rights, Reporters Without Borders, the International Federation for Human Rights and the World Organisation Against Torture.

50. As a result of the latest threats against her, Ms XXX was forced to leave Russia once again and had not as yet returned. That was the third time that Ms XXX had been forced to leave Russia out of fear for her life.

## 2. *The Court's assessment*

### (a) **Scope of examination**

51. As regards the applicants' submissions about verbal and physical attacks between November 2017 and July 2023 on Ms XXX and Mr XXX (see paragraphs 32, 33 and 47-48 above), the Court notes that they were not raised as separate complaints but only provided by the applicants as part of their additional observations on the main complaint directly relating only to verbal attacks following the publication of articles of 1 and 4 April 2017 in XXX and as such, they do not form part of the complaint in the present application. Therefore, the Court will focus on the applicants' and the applicant company's grievances about the verbal threats received by them immediately after the articles written by Ms XXX had been published in XXX on 1 and 4 April 2017.

**(b) Statements related to articles of 1 and 4 April 2017 by Ms XXX in XXX**

52. The Court reiterates that "interference" by the authorities with the exercise of freedom of expression may take various forms, such as "formalities, conditions, restrictions [and] penalties" under Article 10 § 2 of the Convention (see *RID XXX and ZAO XXX v. Russia*, no. 44561/11, § 58, 11 May 2021). Furthermore, the positive obligations under Article 10 require States to create, while establishing an effective system for the protection of authors or journalists, an environment conducive to the participation in public debates of all persons concerned, enabling them to express their opinions and ideas without fear, even if they run counter to those defended by the official authorities or by a significant section of public opinion, or are irritating or shocking to those authorities or public opinion (see *Dink v. Turkey*, nos. 2668/07 and 4 others, § 137, 14 September 2010).

53. The material submitted by the applicants shows that after the first article on the mass arrests, torture and killings of Chechen men was published in XXX, officials and religious authorities in Chechnya, including the region's minister for the media, the advisor for the President of the Republic, religious leaders and the Mufti of Chechnya publicly made threats of "retribution" and "punishment" by the divine force (see paragraphs 9, 10, 12, 14 and 15 above). These statements, including in particular the resolution of 3 April 2017 adopted at a meeting attended by fifteen thousand persons in a mosque, could be understood by the general public, and large numbers of religious believers in particular, as inciting or justifying animosity and violence against the journalists of XXX (see paragraphs 17 above and 67 and 72 below). More specifically, a statement made at the same meeting by a presidential adviser referred to XXX journalists as "enemies of our faith and our homeland". The resolution adopted by the large gathering noted that "our faith has been insulted" by the publication and "promise[d] retribution to the instigators, whoever and wherever they are". Further statements made in the following days by the Mufti of Chechnya, the region's highest religious authority, referred to the journalists, and Ms XXX specifically, in dehumanising language ("I do not consider them people" and references to them as "creatures") and repeated the threats of divine retribution in ways that could have incited violence by individual believers.

54. The Court notes that in their outrage over the publication and its authors, the official and religious figures did not contest any specific allegations made in the report but appear to have taken offense at the very notion that people of a certain sexual orientation lived in their midst. Furthermore, the Court considers it significant that the campaign of intimidation and threatened retribution occurred within a context of prior deadly violence against five journalists of XXX, who had been killed in the period between 2000 and 2009, including in relation to prior reporting on Chechen affairs (see paragraphs 35 and 36 above and 71 below). While government officials retain the right to publicly respond to media allegations, even in vigorous terms, in doing so they should not cross the line into illegal threats and intimidation of journalists.

55. To sum up, the initial verbal threats made against the applicants came from two distinct but interrelated sources: they included public statements made by senior religious figures of Chechnya;

which were echoed and reinforced, in turn, by public statements made by senior Chechen government officials, thus amounting to a concerted campaign of intimidation against the applicants. In that connection, the Court notes that there is nothing in the case material to indicate that the national authorities, including at the federal level, tried to distance themselves from either class of statements made, or to condemn them. Furthermore, those statements were followed by further threats against the applicants by unidentified persons, which suggests that they were indeed capable of inciting people towards violent action or intimidating behaviour (see paragraphs 31 above).

56. The Court reiterates that the responsibility of a State for violations of human rights may arise from acts of any of its organs, agents and servants (see *Wille v. Liechtenstein* [GC], no. 28396/95, § 46, ECHR 1999-VII, and *V.K. v. Russia*, no. 68059/13, §§ 174-75, 7 March 2017). The Court considers that in the present case the statements made by the senior public officials in Chechnya in reaction to the publication on 1 and 4 April 2017 by XXX of two articles reporting on the detention, torture and murder of LGBTI residents of the Chechen Republic and which reinforced the message of the resolution of 3 April 2017, were capable of engaging the Respondent State's responsibility under the Convention (see *Wille*, cited above, § 46; see also, *mutatis mutandis*, *Bavčar v. Slovenia*, no. 17053/20, § 112, 7 September 2023). Those statements and threats directly interfered with the applicants' professional journalistic activity, disrupted the work of the applicant company and were capable of having a serious chilling effect on their exercise of the right to freedom of expression (see paragraph 44 above). They were aimed at deterring the applicant company and the applicants from further reporting on such important issues as the alleged arbitrary and unlawful detention, torture and murder of members of the LGBTI community and homophobic attitudes. They made the applicants fear for their lives and personal safety, attempted to discourage them from pursuing their journalistic investigations and were serious enough to force Ms XXX to leave the country (see paragraph 18 above).

57. Furthermore, the applicants alerted the authorities to the threats made by the various categories of persons (namely, Chechen government officials, senior religious figures as well as anonymous sources) by making formal complaints (see paragraph 19 above). However, no reasonable steps were taken to conduct a thorough investigation in connection with the widely published threats against the applicants, such as for example, securing relevant evidence in a timely manner or following up on an obvious line of inquiry (see paragraphs 20-29 above). To the contrary, it follows from the case material that there had been serious flaws and delays in the manner in which the case was investigated (see *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, § 165, 10 January 2019, and paragraphs 20, 21 and 27 above). There is nothing in any of the documents submitted to the Court to show that any serious investigative steps were taken by the Russian authorities to assess those threats, to take measures to prevent the relevant threats to the applicants from being carried out and to criminally pursue the main instigators.

58. In the light of the foregoing, and against the background of numerous and serious violations of human rights in Chechnya at the relevant time (see, by way of recent examples, *inter alia*, *Zarema Musayeva and Others v. Russia*, no. 4573/22, §§ 60-61, 28 May 2024; *N.A. and Others v. Russia*, nos. 48523/19 and 4 others, §§ 67, 73 and 76, 21 November 2023; *Lapunov v. Russia*, no. 28834/19, §§ 105-06, 12 September 2023; *Kutayev v. Russia*, no. 17912/15, § 100, 24 January 2023; *S.T. and Y.B. v. Russia*, no. 40125/20, §§ 77 and 84, 19 October 2021; and *Estemirova v. Russia*, no. 42705/11, §§ 68-72, 31 August 2021) and the murders of five XXX journalists and attacks against eight others since 2000 (see paragraphs 35 and 36 above and see, *mutatis mutandis*, *Gongadze v. Ukraine*, no. 34056/02, § 168, ECHR 2005-XI, and *Özgür Gündem v. Turkey*, no. 23144/93, §§ 41-44, ECHR 2000-III), the Court concludes that the respondent State not only failed to discharge its duty not to interfere unlawfully and disproportionately with the right of the applicant company and the applicants to freedom of

expression, but it also failed to take reasonable and appropriate measures to enable the exercise of freedom of expression, without fear of repression, in conditions conducive to public debate (see, for similar reasoning, *Verzilov and Others v. Russia*, no. 25276/15, § 101, 29 August 2023, and *Khadija Ismayilova*, cited above, § 165).

59. There has accordingly been a violation of Article 10 of the Convention.

### III. ALLEGED VIOLATION OF ARTICLES 2 AND 8 OF THE CONVENTION

60. Ms XXX, Mr XXX and Mr XXX complained that they had received repeated death threats and that the authorities had failed to take measures to protect them and to investigate those incidents, in breach of Article 2 of the Convention, which reads, in so far as relevant, as follows:

“1. Everyone’s right to life shall be protected by law ...”

61. In their original application to the Court the applicants did not raise a complaint under Article 8 of the Convention. However, the Court, being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others*, cited above, § 114), gave, *proprio motu*, notice of such a complaint to the Government and the applicants were also invited to submit their observations under Article 8 which, in so far as relevant, reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

62. In their observations under this head, the applicants submitted that by failing to protect their psychological and physical integrity or to investigate verbal threats against them, the authorities had also breached their right to respect for their private life, as provided for by Article 8.

63. The Court notes that even though the statements which were made by public officials and the religious leaders were perceived by the applicants as direct or indirect calls to violence or as condoning violence against them, no physical attacks on any of applicants or attempts to attack them took place in the period after the imputed statements had been made in 2017. Furthermore, it does not appear that, at the relevant time, the applicants had sought the adoption of any specific operational measures by the authorities aimed at protecting their lives and physical integrity from an imminent risk. Lastly, the physical attacks that were later carried out against Ms XXX and Mr XXX, as serious as they were, took place, respectively, three, six and five years after the events of April 2017, which are the subject of the present examination by the Court, and they appear to have been caused by other circumstances with no direct connection to the publication of articles of 1 and 4 April 2017 in XXX (see paragraphs 32, 47 and 48 above and see, for similar reasoning *Akhmednabiyev and Kamalov v. Russia*, nos. 34358/16 and 58535/16, §§ 109-11, 30 January 2024). Moreover, as indicated above, the applicants’ complaints about verbal and physical attacks between November 2017 and July 2023, were not raised as separate complaints but only provided by the applicants as part of their additional observations on the main complaints relating to the publication of articles of 1 and 4 April 2017 (see paragraph 51 above). The Court therefore considers that the present complaint mainly concerns the alleged interference with the applicants’ private lives and professional activities and the Court, being the master of the characterisation to be given in law

to the facts of the case (see *Radomilja and Others*, §§ 114 and 123-24, and *Guerra and Others*, § 44, both cited above) finds it most appropriate to examine it under Article 8 of the Convention only.

#### A. Admissibility

64. The Court finds that the applicants' complaint under Article 8 is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

#### B. Merits

##### 1. *The applicants' submissions*

65. The applicants invited the Court to draw inferences in support of their submissions from the Respondent Government's failure to engage with the current proceedings before the Court, including their failure to submit written observations or disclose evidence to the applicants.

66. The applicants further submitted that although the authorities had been aware of the threats expressed against them from 3 April 2017, or at least from 13 April 2017, they had failed to comply with their positive obligation to protect the applicants from the attacks on their physical and psychological integrity because they had not properly assessed the risks or taken preventative measures, including under the law on State protection for victims, witnesses and other parties to criminal proceedings, and because they had failed to conduct an effective investigation in connection with the threats (see paragraphs 19-29 above) and the physical attacks carried out against Ms XXX and Mr XXX in 2020, 2022 and 2023 (see, respectively, paragraphs 32, 47 and 48 above). They also submitted that the authorities had not only failed to condemn the threats but that certain State representatives had made public remarks supporting the views expressed in the resolution of 3 April 2017 and in the statements of the Chechen religious leaders (see paragraphs 15 and 47 above). They also submitted that in the ten years between 2007 (when Ramzan Kadyrov had become the President of Chechnya) and 2017 (when the threats had been made against the applicants in the current case), journalists, activists and human rights defenders in Chechnya had been repeatedly intimidated, attacked, beaten, publicly accused of supporting terrorism and subjected to fabricated criminal prosecutions, and that some had been kidnapped and killed or had disappeared without trace. None of those numerous crimes committed against critics of Ramzan Kadyrov's regime had been investigated.

67. The applicants also submitted an extensive report drafted by an expert on Islamic law and procedure, Mr Hedayati Kakhki, who was, at the time of their application to the Court, a Visiting Professor at Durham Law School in the United Kingdom. According to his report, Mr Kakhki served as an expert in English and foreign courts (including appeal and supreme courts) and advised various governmental and non-governmental bodies (both within the UK and abroad) on matters of Islamic law and its interaction with Western legal systems. In his report, he analysed the statements of Chechen officials and the religious leaders against XXX and its journalists in detail and characterised them as (i) dehumanising the staff of XXX, by referring to them as "creatures", (ii) "justifying any vigilante actions against them under the pretext that their lives are worthless" and having "no value to add to the human race" and (iii) perpetually inciting an unknown number of people, some of whom could choose to act in defence of their religious beliefs, to commit extreme acts of violence against the applicants.

##### (a) Ms XXX's observations

68. Ms XXX submitted, in particular, that from the Islamic point of view the resolution of 3 April 2017 could only be characterised as a fatwa – a call on Muslims to follow it and, specifically, to take revenge. In her view, that resolution of Chechen religious leaders brought to mind a disturbing analogy with the reaction of religious fanatics to publications in Western media in respect of the Prophet Mohammed. She further alleged that that was the second time in her career in XXX when its management agreed to take exceptional precautionary measures and she had to leave Russia for some time. The first time when she had to leave the country was when three Chechen activists, including Nataliya Estemirova, had been assassinated in the summer of 2009 and the newspaper's management had feared for her life as Ms XXX, with Nataliya Estemirova, had been investigating crimes committed by Chechen law-enforcement officers. According to Ms XXX, the persecution of gay men in Chechnya was similar, in its repressive nature, to other campaigns launched by the Chechen authorities against different groups of people in Chechnya (who were suspected of extremist crimes, religious nonconformism, attempts to overthrow the ruling government, using and distributing drugs, breaking the rules of the road or breaching regulations on self-isolation or mask wearing during the pandemic). Furthermore, in so far as the persecution of gay people in Chechnya was concerned, not only the Chechen authorities but also the Chechen general public had stood against journalists and rights defenders who had been trying to help the victims. This factor, in Ms XXX's opinion, had significantly increased the threat for those who worked in Chechnya and tried to expose human rights violations. Lastly, she submitted that as journalists who are very familiar with the region, they understood the possible consequences of these threats as in the Chechen and wider Caucasus community there are many religious fanatics. The most well-known public expression of such fanaticism included a million-strong demonstration in January 2015 in Chechnya held, in essence, in support of radicalised persons who had attacked the journalists of *Charlie Hebdo* and the funeral in Chechnya of an extremist who had beheaded the French teacher Samuel Paty.

69. Furthermore, in addition to the information summarised in paragraphs 17 and 18 above, Ms XXX also submitted that the Chechen leaders had denied, in strong terms, the existence of LGBT people in Chechnya, approved of killing them if they did exist, accused her and XXX of "disgracing" the Chechen people, and of defaming and humiliating them. She claimed that the statements made about her were insulting and threatening; they positioned her as an "enemy" of the Chechen people who had dishonoured all Chechens, their religion, and their traditions.

(b) Mr XXX's observations

70. Mr XXX submitted that the resolution of 3 April 2017 and other statements had constituted a direct and real threat to the life and health not only of Ms XXX but also to other employees of the publication and to the journalistic sources who had alerted the journalists to the events in question. According to Mr XXX, those statements, calling for reprisals, had been made by authoritative people in Chechnya, religious leaders, and they had been addressed to an indefinite number of people, among whom there could be, without a doubt, religious fanatics or emotionally unstable people and people who could understand those statements as an instruction to act violently on the basis of misconceived ideas of national or religious pride, or out of wish to serve the leadership of Chechnya, a region that was, in fact, not under the control of Russian law enforcement authorities. He also submitted that the editorial board had to take measures to protect the staff, they had brought complaints to the federal authorities and publicised that matter in order to protect people as much as possible.

71. Mr XXX also submitted that the article of Ms XXX reported on grave crimes that had been committed in Chechnya and that had become a daily reality there, which could not have been taking place without the connivance of the Chechen authorities. According to Mr XXX, that journalistic

material contained facts that had been well-documented. He noted that Anna Politkovskaya also reported on crimes that had been committed against the Chechen people and after she was assassinated in 2006 in connection with her work, Ms XXX then continued working on journalistic investigations related to the Caucasus region. Mr XXX submitted that the goal of such statements of the Chechen authorities had been to obstruct the journalistic work of Ms XXX and XXX in general, and to put pressure on journalists by threatening them and publicly ostracising them and that they aimed to force Ms XXX and XXX stop reporting about the violations of human rights and crimes committed in Chechnya.

(c) Mr XXX's observations

72. Mr XXX submitted that the editorial board and he personally had taken seriously the threats that had been made against all the journalists of XXX under the guise of the resolution of the Chechen religious leaders. According to Mr XXX, that was the first time they had encountered threats of such nature, couched in religious language and clearly provoking religious fanatics into taking reprisals. The management of the editorial board had held an extended meeting the day after the resolution had been published and had made it clear that the threat had been real, given the interactions between XXX and the Chechen law enforcement authorities and the murders of five XXX journalists in connection with their professional activities. Mr XXX also submitted that by majority of staff's votes it had been decided to continue investigating the persecution of residents of Chechnya for their homosexuality, to exfiltrate Ms XXX from the country for some time and to join other journalists of XXX in the investigations concerning Chechnya. He considered the resolution of 3 April 2017 as a direct death threat against Ms XXX, who had written the article "Honour Killing", and against the staff of XXX.

73. In addition to the information summarised in paragraph 34 above, Mr XXX submitted that in his view, the resolution of 3 April 2017 was a means of applying direct pressure on a journalist in particular and the publishing house in general, with the aim of obstructing their journalistic work. He stated that the management of XXX had to enhance security protocols and made the newspaper's premises inaccessible for visitors. The staff were instructed to report on all suspicious situations. The delivery of white powder to the office of XXX was one of the many examples of direct pressure on the journalists of XXX that were aimed at obstructing their work. In his opinion, that was especially dangerous given "the virtual inaction of the law enforcement and judicial authorities of the Russian Federation."

2. *The Court's assessment*

74. The Court notes that a number of high-level official and religious leaders in Chechnya made public statements (see paragraphs 9, 10, 12, 14 and 15 above) which the applicants perceived as threats and calls to violence against them (see paragraphs 68, 70 and 72 above). Furthermore, those statements were broadcast on State-controlled television channels or posted and reposted on social networks, allegedly generating further threats made online by unidentified individuals (see paragraphs 17 and 31 above). The statements made by Chechen officials and the religious leaders were apparently linked to the publication of articles of 1 and 4 April 2017 and no other plausible motive for the verbal harassment can be discerned from the case file (see, for similar reasoning, *Khadija Ismayilova*, cited above, § 162).

75. The Court notes that Ms XXX, as the author of those articles, became the primary target of online harassment which was instigated by the reaction of the Chechen officials and religious leaders to the articles. Having received many online threats, she was forced to take protective measures and eventually, leave the country (see paragraph 17 and 18 above).

76. In so far as Mr XXX and Mr XXX are concerned, the Court observes that even though they had been less directly affected by the wave of threats and harassment than Ms XXX (see paragraph 15 and 34 above), their professional activities, fell, as much as Ms XXX's work, within the notion of "private life" under Article 8 and they also were under protection of that provision from unjustified restrictions on their professional life (see *Bărbulescu v. Romania* [GC], no. 61496/08, § 71, 5 September 2017 (with further references)). As members of the newspaper's management, they both had to take measures of protection to ensure the security and well-being of their staff (see paragraphs 70, 72 and 73 above), which disrupted the regular operational protocols of the newspaper. Furthermore, as the public faces of the newspaper and the publishing company, respectively, they were also targeted to some degree by the threats and exposed to potential risks to their physical integrity.

77. The Court further observes that in addition to seriously disturbing Mr XXX's private life and the applicants' daily journalistic activities, the statements were clearly aimed at repressing the applicants' intellectual personality, inspiring in them feelings of fear, anguish and vulnerability capable of humiliating and debasing them and of breaking their will to freely pursue their journalistic work (see, *mutatis mutandis*, *Kaboğlu and Oran v. Turkey*, nos. 1759/08 and 2 others, § 87, 30 October 2018). Moreover, the officials who made those statements sought, without providing any evidence or contesting the specific allegations made in the articles, to cast doubt on the quality of the applicants' journalistic work. In sum, they clearly intended to make the applicants feel fearful for their safety, to have them be seen as outcasts by the Chechen people and deter them from carrying out their professional duties (see paragraphs 67, 69, 70 and 73 above).

78. The Court therefore takes the view that the statements that were made by public officials and persons, including religious leaders, who occupied some of the highest positions in the region, directly interfered with the applicants' right to respect for private life and reached the level of severity required by Article 8 (see also paragraph 55 above). To comply with the Convention, that interference had to be justified in accordance with paragraph 2 of Article 8 (see, among many others, *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, § 95, ECHR 2008). The Court also recalls that, although the object of Article 8 is essentially to protect the individual against arbitrary interference by the public authorities, it does not merely compel the State to abstain from such interference: in addition to this primarily negative undertaking, there may be positive obligations inherent in an effective respect for private or family life (see *Khadija Ismayilova*, cited above, §§ 112 and 115, with further references). Effective deterrence against grave acts, where fundamental values and essential aspects of private life are at stake, requires the States to ensure that efficient criminal-law provisions are in place. Concerning such serious acts, the State's positive obligation under Article 8 to safeguard the individual's physical or moral integrity may also extend to questions relating to the effectiveness of the criminal investigation (*ibid.*, § 115). Indeed, the applicants brought criminal law complaints alleging that those statements constituted, under the Criminal Code, threats of murder or incited hatred or animosity against them and humiliated their human dignity (see paragraph 19 above). They also complained about the delivery of the powdered substance of unknown origin to Mr XXX after the publication of the articles (see paragraph 34 above).

79. In this connection, while the Court has acknowledged that criminal sanctions, including against the individuals responsible for the most serious expressions of hatred, inciting others to violence, could be invoked only as an *ultima ratio* measure (see *Beizaras and Levickas v. Lithuania*, no. 41288/15, § 111, 14 January 2020 (with further references)), it also reiterates that where acts that constitute serious offences are directed against a person's physical or mental integrity, only efficient criminal-law mechanisms can ensure adequate protection and serve as a deterrent factor (*ibid.*, citing *Identoba and Others v. Georgia*, no. 73235/12, § 86, 12 May 2015) and that undisguised calls for attacks on the applicants' physical and mental integrity require protection by the criminal law (see *Beizaras and*

*Levickas*, cited above, § 128). The repeated statements made against the applicants in the present case, including by the Mufti of Chechnya, sought to dehumanise them in the eyes of the Chechen and other believers (see paragraphs 67 and 69 above), in ways that could be perceived as an invitation or authorisation by a religious authority condoning violent action against the applicants. By so doing, the authors of the statements exposed the applicants to potentially serious acts of violence or intimidation by a multitude of persons over an extended period of time. However, as the Court found above, the national authorities effectively condoned the actions of the Chechen officials and the investigation of their criminal complaints fell short of being effective (see paragraph 57 above).

80. There has accordingly been a violation of Article 8 of the Convention in respect of the Ms XXX, Mr XXX and Mr XXX.

#### IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

81. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

##### A. Damage

82. The applicant company and the applicants claimed 25,000 euros (EUR) each in respect of non-pecuniary damage. The applicants submitted that (i) the work of the newspaper had been destabilised and disrupted after the threats against its staff; (ii) the journalists had feared for their lives and had worked in a state of extreme stress and uncertainty; (iii) the general psychological state of the entire staff of the newspaper, and, in particular, the management team, had also been aggravated by the fact that five journalists of XXX had been murdered in the past; and (iv) the statements of religious and political leaders in Chechnya, had also undermined XXX’s reputation as an independent investigative journalistic agency.

83. Having regard to its case-law and equitable considerations, the Court awards the applicant company EUR 7,500, plus any tax that may be chargeable. In so far as the applicants (Ms XXX, Mr XXX and Mr XXX) are concerned, the Court considers that the non-pecuniary damage suffered by them as a result of the violations found under Articles 10 and 8 cannot be compensated for solely by the finding of a violation. It therefore awards them EUR 9,800, each, in respect of non-pecuniary damage, plus any tax that may be chargeable.

##### B. Costs and expenses

84. The applicant company and the applicants also claimed jointly 7,537.64 British pounds sterling (GBP), or EUR 8,801, for the costs and expenses incurred before the Court, which included the fees of their representatives, Ms Kate Levine (GBP 2,835) and Ms Camilla Alonzo (GBP 2,700), EHRAC Programme Support Officer work fees (GBP 150), and translation and expert costs in the amount of GBP 1,852.64. They requested the payment of costs and expenses to be made directly to the EHRAC’s bank account.

85. According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see *Z.A. and Others v. Russia* [GC], nos. 61411/15 and 3 others, § 206, 21 November 2019). In the present case, regard being had to the documents in its possession and the above criteria, the Court awards EUR 3,385 in respect of the work carried out by Ms Kate Levine and EUR 2,200 covering translation and expert costs in respect of the proceedings before the Court, plus

any tax that may be chargeable to the applicants or the applicant company jointly, to be paid directly to the EHRAC's bank account.

**FOR THESE REASONS, THE COURT, UNANIMOUSLY,**

1. *Holds* that it has jurisdiction to examine the case and that the Government's failure to cooperate presents no obstacles in this regard;
2. *Declares* the complaints under Articles 10 and 8 of the Convention admissible;
3. *Holds* that there has been a violation of Article 10 of the Convention in respect of the applicant company and the individual applicants;
4. *Holds* that there has been a violation of Article 8 of the Convention in respect of the individual applicants;
5. *Holds*
  - (a) that the respondent State is to pay, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
    - (i) EUR 7,500 (seven thousand five hundred euros) to the applicant company, and EUR 9,800 (nine thousand eight hundred euros) to each of the individual applicants, plus any tax that may be chargeable, in respect of non-pecuniary damage;
    - (ii) EUR 5,585 (five thousand five hundred and eighty-five euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses jointly, to be paid directly to the EHRAC's bank account;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
6. *Dismisses* the remainder of the claim for just satisfaction.

Done in English, and notified in writing on 4 March 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova  
Deputy Registrar

Ioannis Ktistakis  
President

APPENDIX

List of applicants:

No.	Applicant's Name	Year of birth/registration
1.	Ms XXX	1977
2.	Mr XXX	1961

<b>No.</b>	<b>Applicant's Name</b>	<b>Year of birth/registration</b>
3.	XXX	1998
4.	XXX	1953