



Cossacks' violent attack on the band, Pussy Riot, at Sochi Winter Olympics breached human rights

In today's Chamber judgment¹ in the case of **Verzilov and Others v. Russia** (application no. 25276/15) the European Court of Human Rights held, unanimously, that there had been:

violations of Article 3 (prohibition of inhuman or degrading treatment/lack of effective investigation) of the European Convention on Human Rights, and

a violation of Article 10 (freedom of expression).

The case concerned the Pussy Riot punk band's complaint that they had been attacked by Cossacks while performing a new song in Sochi during the 2014 Winter Olympics. They had been grabbed, pushed and pulled, lashed at with a whip and had pepper gas sprayed in their faces.

The Cossacks, who are financed and closely controlled by the State when involved in maintaining public order, had been assisting the police during the 2014 Winter Olympics. The Court found that the State had been responsible for the Cossacks' use of force, which had not been justified in any way and which had prevented the band from performing their protest song and from peacefully exercising their freedom of expression.

The Cossacks' attack, which had been particularly violent, had not only caused the band pain and injury but had to have also humiliated and frightened them. It had amounted to degrading treatment within the meaning of the European Convention.

Principal facts

The applicants are five Russian nationals who were members of the feminist punk band, Pussy Riot, founded in late 2011. The band are known for their impromptu performances of songs which are critical of the Government. Two of the applicants had been sentenced to two years' imprisonment after attempting to perform one of their songs at the altar of Moscow's Christ the Saviour Cathedral in 2012 (see [Mariya Alekhina and Others v. Russia](#)).

On 19 February 2014 the applicants, wearing their trademark brightly-coloured balaclavas, attempted to sing a new protest song "Putin Will Teach You to Love the Motherland" at the seaport in the Tsentralnyy district of Sochi, which was hosting the XXII Olympic Winter Games.

According to the band, they had just started their impromptu performance in front of an Olympic billboard when ten men, several in Cossack uniform, grabbed them, ripping off their balaclavas, pushing and pulling their arms, and lashing at them with a whip. Three of the applicants were thrown to the ground and/or sprayed in the face with pepper gas, while another was hit over the head with his guitar. They had to abandon their performance after about two minutes.

They immediately went to hospital, where injuries including scratches, bruises, contusions, swelling and chemical burns to the eyes were recorded.

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.

Also on the same day the applicants reported the incident to the police, complaining about the attack and stating that the police, who had arrived while it was underway, had neither reacted to the violence nor to the applicants' request that they arrest their attackers.

Although a pre-investigation inquiry was carried out, with the police interviewing several Cossacks as well as eye-witnesses to the incident and taking into account video recordings and medical reports, no criminal proceedings have ever been opened. The authorities' most recent refusal to institute criminal proceedings was in March 2015, the last of ten such decisions; the other nine were set aside as unlawful and unfounded.

The most recent decision established that a "scuffle" had taken place between the Pussy Riot band and four members of the Kuban Host Cossack Association, during which two of the applicants had been injured. However, none of the injuries had been classified as damage to health and the authorities had therefore declined to prosecute for want of elements of a crime.

The applicants' subsequent appeals to the courts were all unsuccessful.

Complaints, procedure and composition of the Court

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 10 (freedom of expression), the applicants alleged that the State had been responsible for the violent attack against them by the Cossacks, and that such ill-treatment had been in order to repress their artistic performance and political speech. They argued in particular that the State had failed to take into account the context in which the performance had taken place and that, even if it had been provocative and could have been considered offensive, the use of such force as whips could not be justified in a democratic society.

They also alleged that the authorities had failed to carry out an effective investigation into the incident, in further violation of Article 3.

The application was lodged with the European Court of Human Rights on 7 May 2015.

The non-governmental organisations, the Committee against Torture and the Memorial Human Rights Centre, were granted leave to intervene as third parties.

The Court's procedure for processing of applications against Russia can be found [here](#).

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

Pere Pastor Vilanova (Andorra), *President*,
Jolien Schukking (the Netherlands),
Georgios A. Serghides (Cyprus),
Darian Pavli (Albania),
Peeter Roosma (Estonia),
Ioannis Ktistakis (Greece),
Andreas Zünd (Switzerland),

and also Milan Blaško, *Section Registrar*.

Decision of the Court

The Court decided that it had jurisdiction to deal with the case, as the facts giving rise to the alleged violations of the Convention had taken place before 16 September 2022, the date on which Russia ceased to be a Party to the European Convention.

Article 3

Firstly, the Court observed that the applicants' account of the attack had not been disputed. It had been supported by medical records, witness statements and video recordings available on the Internet, confirming in particular that there had been no warning before the attack and that the applicants had not acted in any manner which could have warranted the use of force against them.

The Court therefore found that the attack, which had included such violent acts as whipping, had been established "beyond reasonable doubt". That treatment had not been compatible with respect for the applicants' human dignity and had been sufficiently severe for Article 3 to be applied in the case.

Next the Court went on to find that the authorities' response to the applicants' credible allegations of ill-treatment had been limited to a pre-investigation police inquiry, and as such had been indicative of the Russian State's failure to comply with its obligation under Article 3 of the Convention to carry out an effective investigation. Nine out of the resulting ten decisions refusing to institute criminal proceedings had been set aside as unlawful and unfounded and the most recent decision, although not set aside, had the same shortcomings.

The Court itself also noted a number of shortcomings in the police inquiry. In particular, the authorities had not assessed what status and responsibility as State agents the four Cossacks identified in the inquiry had had, even though two of them had acknowledged being on duty or on a mission to maintain public order and in Cossack uniform at the relevant time and the third had been supervising the Cossack guards on State service in the district in which the incident had occurred. There had been no identification parade of the four Cossacks, and no effort had been made to identify the remaining attackers. Nor had there been any attempt to identify or question the police officers who had arrived during the attack or to find out why they had not immediately established and recorded the attackers' identities and their whereabouts.

Furthermore, contradictions in the four Cossacks' statements had never been resolved: one had denied the use of force and whips, while another had acknowledged having seen a whip being used; and yet another Cossack had stated that none of the participants in the incident had been in Cossack uniform, whereas two Cossacks had made statements to the contrary.

Moreover, despite all four Cossacks publicly explaining that they had found the applicants' performance to be outrageous and offensive, the authorities had not investigated whether the violent attack had been motivated by political and/or religious sentiment.

The Court concluded that the authorities had therefore failed to carry out an effective investigation capable of leading to the identification and punishment of those responsible, in breach of Article 3.

Concerning responsibility for the attack, the Government argued that the Cossacks had not been on duty at the time and had acted in their private capacity. The Court noted, however, that the Cossack service was financed and closely controlled by the State. The authorities had indeed involved the Kuban Cossacks in assisting the police at the Sochi Winter Olympic Games, with special funds allocated to the regional budget. Two of the attackers at least had been wearing their uniform, and could therefore have been seen as officially exercising their duties in maintaining public order.

All in all, there had been a direct connection between the Cossacks' attack and their duties in maintaining public order. The State should therefore be held responsible, regardless of whether the Cossacks had been formally on duty or not.

Moreover, use of force by Cossacks had not been regulated by the domestic law at the time, and it was unclear whether their fitness to maintain public order had been assessed and whether they had received any official training or supervision.

Against the background of the police's striking passivity, the Court found that the Cossacks' unjustified use of force had injured the applicants, causing them physical pain, humiliation, fear, anguish and a feeling of inferiority. It had amounted to degrading treatment, for which the Russian State had been responsible.

Article 10

In view of the findings under Article 3, the Court considered that the State had also been responsible for preventing the applicants from carrying out their performance in Sochi. It had therefore failed to allow them to peacefully exercise their freedom of expression, in violation of Article 10.

Article 41 (just satisfaction)

The Court held that Russia was to pay each applicant 15,000 euros (EUR) in respect of non-pecuniary damage and EUR 7,200 in respect of costs and expenses.

The judgment is available only in English.

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Press contacts

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

We would encourage journalists to send their enquiries via email.

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)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

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.