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For immediate release

European Court rules freedom to choose residence breached in Russian ‘closed city’

Today, in the case of *Karpacheva & Karpachev v Russia* (No. 34861/04), the European Court of Human Rights found that Russia violated Maxim Karpachev’s right to freedom to choose his place of residence (Article 2 of Protocol 4 of the European Convention on Human Rights) by refusing him permanent residence in the closed city of Ozersk. It awarded Maxim 2,000 EUR in damages. Maxim and his mother, Yelena Karpacheva, were represented by the European Human Rights Advocacy Centre (EHRAC), based at London Metropolitan University, and the Russian NGO, Planet of Hopes.

Yelena Karpacheva lives in the closed city of Ozersk (Chelyabinsk Region), where the Mayak nuclear fuel reprocessing plant is located. Under Russian law closed cities are subject to ‘special residence conditions’ and entry and residence are subject to the approval of the Federal Security Service (FSB). Prior to his conviction for certain criminal offences on 5 August 2002, Maxim Karpachev also lived in Ozersk in the flat he jointly owns with his mother.

On his release from prison in July 2004 Maxim returned to Ozersk and his mother asked the local authorities to authorise his permanent residence in Ozersk. He was initially granted temporary residency, but the Ozersk Town Administration and the Chelyabinsk Regional Division of the FSB later dismissed the request for permanent residency on the basis of Maxim’s conviction.

Maxim successfully challenged the refusal in court and on 21 June 2005 the Ozersk Town Court ordered him to be issued with an entry and residence permit and for this to be approved by the FSB as the dismissal had no basis in law. Nevertheless, on 5 September 2005, the management of the Mayak plant informed Maxim that the FSB had refused to approve his permanent residence.

The Russian Government argued that although the refusal had interfered with Maxim’s freedom to choose his place of residence, it was in accordance with the law and necessary in a democratic society. The European Court noted that the refusal had already been found to be unlawful by the domestic courts, that it had “*no reason to doubt the interpretation of the Russian legislation by its own courts*” and there was “*nothing in the material before it to support the Government’s assertion to the contrary*”. Consequently there had been a breach of Article 2 of Protocol 4.

This is EHRAC’s first European Court judgment within the framework of its joint project with the Russian NGO, Planet of Hopes, which is based in Ozersk. The Planet of Hopes was founded in response to the need for an independent organisation defending ecological and social human rights in Russia’s closed nuclear cities. It works to protect the environment; defend the rights of those affected by environmental disasters and of those living in closed cities; and to build civil society in closed cities.

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