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

THIRD SECTION

DECISION

Application no. 25439/14
Samvel Sergeyevich AMIRKHANYAN
against Russia

The European Court of Human Rights (Third Section), sitting on 9 January 2018 as a Committee composed of:

Luis López Guerra, *President,*
Dmitry Dedov,
Jolien Schukking, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 March 2014,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Samvel Sergeyevich Amirkhanyan, is a Russian national, who was born in 1966 and lives in the Kaliningrad Region.

The Russian Government ("the Government") were represented initially by Mr G. Matyushkin, the Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

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

The applicant, who was serving a custodial sentence at the material time, was a claimant in two separate sets of civil proceedings.

The first set of proceedings ended with the Kaliningrad Regional Court's appeal judgment of 23 January 2013.

The second set of proceedings ended with the same court's appeal judgment of 10 September 2014. The applicant was not present before the

first-instance court but took part in the appeal hearing by means of a video link.

COMPLAINT

The applicant complained that his right to a fair hearing under Article 6 § 1 of the Convention had been breached on account of the domestic courts' refusal of his requests to appear in court.

THE LAW

The Court observes that the application was lodged on 3 March 2014, that is to say more than six months after the final decision in the first set of proceedings had been given on 23 January 2013. Accordingly, this part of the application has been introduced out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

As regards the second set of proceedings, the applicant was able to take part in the appeal hearing by a video link. The Court reiterates the use of videoconferencing equipment is not, as such, incompatible with the notion of a fair and public hearing, but it must be ensured that the detainee is able to follow the proceedings, to see the persons present and hear what is being said, but also to be seen and heard by the other parties, the judge and witnesses, without technical impediment (see *Sakhnovskiy v. Russia* [GC], no. 21272/03, § 98, 2 November 2010, and *Yevdokimov and Others v. Russia*, nos. 27236/05 and 10 others, §§ 42-43, 16 February 2016, with further references). As there was no allegation of malfunctioning or any other restriction on the applicant's ability to follow the proceedings and as the appeal court was competent to take evidence from the applicant and give a fresh assessment to it, the Court considers that this complaint is manifestly ill-founded and must also be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 February 2018.

Fatoş Aracı
Deputy Registrar

Luis López Guerra
President