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

THIRD SECTION

DECISION

Application no. 74582/17
Mikhail Vyacheslavovich GERASIMOV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 10 October 2024 as a Committee composed of:

Ioannis Ktistakis*, President*,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 13 September 2017,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr N. M. Platkovskiy, a lawyer practising in Khabarovsk.

The applicant's complaint under Article 6 §§ 1 and 3 (d) of the Convention concerning the unfair trial in view of restrictions on the right to examine witnesses was communicated to the Russian Government ("the Government").

THE LAW

In the present application, having examined all the material before it, the Court considers that the applicant's complaint under Article 6 §§ 1 and 3 (d) of the Convention concerning his right to examine witnesses in the course of the criminal proceedings against him is inadmissible.

In particular, the Court notes that, in the light of the principles established in the case-law under Article 6 §§ 1 and 3 (d) of the Convention (see

Al-Khawaja and Tahery v. the United Kingdom [GC], nos. 26766/05 and 22228/06, §§ 118-47, ECHR 2011, *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, ECHR 2015, and *Murtazaliyeva v. Russia* [GC], no. 36658/05, §§ 117-27, 18 December 2018), the applicant's criminal trial had complied with overall fairness requirement (for further details see appended table below).

In view of the above, the Court finds that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 7 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Ioannis Ktistakis President

APPENDIX

Application raising complaints under Article 6 §§ 1 and 3 (d) of the Convention (unfair trial in view of restrictions on the right to examine witnesses)

Application no. **Date of introduction**	**Applicant's name** **Year of birth**	**Representative's name and location**	**Final domestic decision** **Convicted of**	**Witness (indicated by initials)** **Absent** **Evidence type**	**Reasons for absence**	**Counterbalancing factors** **Overall fairness**
74582/17 13/09/2017	**Mikhail Vyacheslavovich GERASIMOV** 1980	Platkovskiy Nikolay Mikhaylovich Khabarovsk	Far Eastern District Military Court 17/05/2017 abuse of office, forgery	Mr Bo., Mrs Be. absent circumstantial	Court's refusal to call witness for the defence	No breach of the overall fairness due to the strength of the other prosecution evidence