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

THIRD SECTION

DECISION

Application no. 10491/15
Aleksey Mikhaylovich NEKRASOV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 6 October 2022 as a Committee composed of:

Darian Pavli*, President,*
Andreas Zünd*,*
Frédéric Krenc*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 14 February 2015,

Having regard to the observations submitted by the respondent Government,

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 M. Yemelyanchik, a lawyer practising in Astrakhan.

The applicant's complaints under Article 6 §§ 1 and 3 (d) of the Convention concerning the unfair trial in view of restrictions on the right to examine witnesses were communicated to the Russian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

Having examined all the material before it, the Court observes that the issue might arise as to whether the applicant, when introducing his application, complied with the time-limit established by Article 35 § 1 of the Convention (see *Kashlan v. Russia* (dec.), no. 60189/15, 19 April 2016). However, in the circumstances of the present case, the Court considers that it

is not necessary to rule on this issue, as the applicant's complaints are, in any event, inadmissible

In particular, as regards the complaint about the courts having held the criminal trial against him in the absence of a prosecution witness, 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 notably *Al-Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05 and 22228/06, §§ 118-47, ECHR 2011, and *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, ECHR 2015) the criminal trial in the applicant's case complied with the overall fairness requirement.

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.

As regards the remainder of the applicant's allegations under Article 6 of the Convention, the Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 October 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	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 Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witnesses' absence
10491/15 14/02/2015	**Aleksey Mikhaylovich NEKRASOV** 1981	Mikhail Aleksandrovich Yemelyanchik Astrakhan	Astrakhan Regional Court (appeal hearing) 05/06/2014 Supreme Court of the Russian Federation (second cassation review) 05/11/2014 drug dealing	"Misha" A person who bought drugs from the applicant The witness's statement was not decisive or sole; the applicant's conviction was based on forensic evidence, audio recordings of his dealings with "Misha" and statement of other witnesses, including those testifying on the applicant's behalf	could not be located, possibly moved to another region/other country	Examination of the witnesses on the applicant's behalf; examination of forensic evidence and other witnesses in court. The applicant was represented by counsel and could challenge the evidence presented by the prosecution.