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

THIRD SECTION

DECISION

Application no. 18867/05
Sergey Mikhaylovich PODOSHVELEV
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 7 April 2022 as a Committee composed of:

Darian Pavli, *President,*
Peeter Roosma,
Frédéric Krenc, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 6 May 2005,

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. He was represented by Ms M. Kamyanskaya, a lawyer practising in Khabarovsk.

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

A. Complaints under Article 6 §§ 1 and 3 (d) of the Convention (unfair trial in view of restrictions on the right to examine witnesses)

In the present application, having examined all the material before it, the Court considers that the applicant's complaint about the courts having held

the criminal trial against him in the absence of a prosecution witness 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 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 applicant's criminal trial 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.

B. Remaining complaints

The applicant also raised other complaints under various Articles 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 28 July 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
18867/05 06/05/2005	**Sergey Mikhaylovich PODOSHVELEV** 1969	Kamyanskaya Mariya Borisovna Khabarovsk	Supreme Court of the Russian Federation 16/11/2004 kidnapping	Sh.V. witness having identified the applicant during the identification parade	the witness was on a business trip	the witness was requested to appear in hearings; the information about the witnesses' whereabout received confirming her inability to participate in hearings