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

THIRD SECTION

DECISION

Application no. 10877/14
Dmitriy Mikhaylovich SHMARLOVSKIY
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 25 August 2022 as a Committee composed of:

Darian Pavli*, President,*
Andreas Zünd*,*
Mikhail Lobov*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 24 December 2013,

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's complaints under Article 6 §§ 1 and 3 (d) of the Convention concerning the unfairness of criminal proceedings against the applicant were communicated to the Russian Government ("the Government").

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)

The Court has carefully examined the materials in its possession and, in the light of the general principles set out in its case-law (see *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, ECHR 2015), considers that the rights of the defence in the present case were not restricted to an extent incompatible with the guarantees of Article 6 §§ 1 and 3 (d) of the

Convention. The complaint is therefore manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Remaining complaints

The applicant also raised other complaints under Article 6 of the Convention concerning the alleged unfairness of the criminal proceedings against him.

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 15 September 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	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials)	Reasons for absence	Steps taken to compensate for the witnesses' absence
10877/14 24/12/2013	**Dmitriy Mikhaylovich SHMARLOVSKIY** 1988	Supreme Court of the Komi Republic 21/01/2014 drug dealing	N., an acquaintance of the applicant to whom, according to the official version of the events, the applicant sold amphetamine	Medical reasons	The applicant had an opportunity to cast doubt on the credibility of witness N. He gave his own version of the events and had witnesses testify on his behalf.