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

THIRD SECTION

DECISION

Application no. 55358/16
Oleg Igorevich VOVCHUK
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 10 November 2022 as a Committee composed of:

Darian Pavli*, President*,
Ioannis Ktistakis,
Andreas Zünd*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 6 September 2016,

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 unfair trial in view of restrictions on the right to examine witnesses were communicated to the Russian Government ("the Government").

THE LAW

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.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 December 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)** **Summary of the nature of the witness evidence**	**Reasons for absence**
55358/16 06/09/2016	**Oleg Igorevich VOVCHUK** 1996	Volgograd Regional Court 24/03/2016 attempted drugs sale of a large scale (Art. 228.1 (4) CC RF)	D.K. One of eyewitnesses present at the time of the applicant's arrest by the police According to the applicant, it was D.K., and not the applicant, who had attempted to sell drugs to K.	distant region/other country, allegedly located abroad from 06/04/2015 to Autumn 2015; other eyewitnesses appeared at the trial and gave statements