



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

FIRST SECTION

Application no. 12149/07
Sergey Olegovich BUDRIN
against Russia
lodged on 23 January 2007

STATEMENT OF FACTS

The applicant, Mr Sergey Olegovich Budrin, is a Russian national, who was born in 1978 and is serving his sentence in the correctional colony in the town of Solikamsk, Perm Region.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 17 April 2006 the Perm Regional Court, by jury verdict, found the applicant guilty of aggravated robbery and murder and sentenced him to eighteen years of imprisonment.

On 27 April 2006 the applicant appealed against the judgment. On the following day he submitted an additional appeal statement in which he also sought leave to attend the appeal hearing.

On 10 August 2006 the Supreme Court of the Russian Federation, in the applicant's absence, upheld the judgment. The prosecutor attended the appeal hearing and made oral submissions. In a separate decision the Supreme Court dealt with the applicant's leave to attend. Having noted that he had lodged the leave in a separate appeal statement outside the ten-day time-limit for making such a request, the Supreme Court decided that the applicant's presence at the appeal hearing could not be ensured.

COMPLAINTS

The applicant complained under Article 6 of the Convention that the jury selection process had not been flawless, that he had not been able to call all defence witnesses and that his presence before the appeal court had not been guaranteed.

QUESTION TO THE PARTIES

Given that the applicant was not brought to the appeal hearing in the criminal case against him while the prosecutor attended and made oral submissions, was the applicant able to defend himself, as required by Article 6 §§ 1 and 3 (c) of the Convention (see *Metelitsa v. Russia*, no. 33132/02, §§ 30-35, 22 June 2006)?