



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

FIRST SECTION

Application no. 13829/07
Vladimir Yegorovich STOLYAROV
against Russia
lodged on 7 February 2007

STATEMENT OF FACTS

The applicant, Mr Vladimir Yegorovich Stolyarov, is a Russian national, who was born in 1947 and lives in Nizhniy Novgorod. He is represented before the Court by Mr D. Dronov, a lawyer practising in Nizhniy Novgorod.

The circumstances of the case

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

On 23 November 2006 the Justice of the Peace of the 2nd Court Circuit in Nizhniy Novgorod established that in the late evening on 30 October 2006 the applicant, whose car had been stopped by the traffic police, had refused to undergo a test to determine his breath or blood alcohol levels. The Justice found the applicant guilty of an administrative offence and striped him of his driving licence for a year and a half. He also noted the applicant's absence at the hearing but considered that he could continue with the case as the applicant had been duly informed of the hearing.

The applicant appealed, having argued, *inter alia*, that he had not been afforded an opportunity to attend the hearing as he had not been notified of it in due time. The applicant argued that he had only received a summons to the morning hearing of 23 November 2006 on the same day after lunch. He supported his argument with a copy of an envelope bearing a postal stamp.

On 2 February 2007 the Nizhegorodskiy District Court of Nizhniy Novgorod, in the applicant's absence, examined his appeal and upheld the

decision of 23 November 2006. As regards the applicant's absence from the hearing on 23 November 2006, the District Court concluded that the applicant had been properly summoned to it.

COMPLAINTS

1. The applicant complained under Article 6 § 1 of his belated notification of the hearing on 23 November 2006 and the resulting inability to attend it.

2. The applicant further complained under Articles 6 and 13 about the courts' decisions in his case and their errors in assessing the facts of the case and application of the law.

QUESTIONS TO THE PARTIES

1. Did the applicant have a fair hearing, in accordance with Article 6 § 1 of the Convention? In particular, was the principle of equality of arms respected, given his absence from the hearing on 23 November 2006? Was the applicant able to defend himself, as required by Article 6 § 3 (c) of the Convention?

2. The Government are asked to produce copies of a summons to the hearing on 23 November 2003, showing the date of its receipt by the applicant.