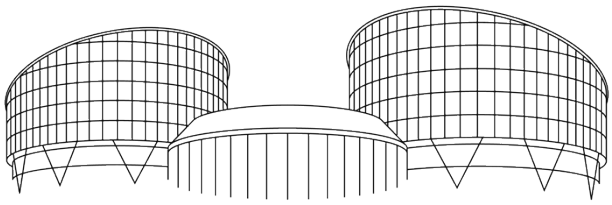

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

Application no. 5867/07
Igor Vladimirovich BAKHTIN against Russia
lodged on 21 November 2006

STATEMENT OF FACTS

The applicant, Mr Igor Vladimirovich Bakhtin, is a Russian national, who was born in 1975 and lived in Moscow until his arrest.

The circumstances of the case

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

On 15 December 2005 the Butyrskiy District Court of Moscow found the applicant guilty of aggravated robbery and sentenced him to four years' imprisonment and a fine. The District Court found that on 15 April 2005 the applicant, dressed in police uniform, robbed two nationals of Uzbekistan in a street in Moscow, having taken 90 Russian roubles and a memo book from them. Police patrol officers arrested the applicant having noticed him hitting the victims. The conviction was based on pre-trial statements by the two victims who had complained about the beating and robbery and had identified the applicant as the perpetrator; on testimony by the arresting officers who had confirmed that they had noticed an altercation between the applicant and the victims, that the victims had complained about the robbery and that they had brought the applicant and the victims to a police station; and documentary evidence, including a search-and-seizure report showing that 90 roubles and a memo book had been seized from the applicant in the station.

The applicant appealed against the conviction, having argued, *inter alia*, that he had not been able to confront the two victims in open court.

On 14 June 2006 the Moscow City Court upheld the conviction, having noted that the trial court had correctly based its judgment on the victims' pre-trial statements as they had been nationals of Uzbekistan and the trial court's efforts to obtain their attendance had failed. The City Court also noted that the victims' statements had been corroborated by other evidence.

COMPLAINTS

1. The applicant complained under Article 6 § 3 (d) of the Convention that he had been unable to confront the two victims in open court.

2. The applicant further complained under Article 5 § 1 (c) and Article 6 § 3 (c) of the Convention about procedural defects in the course of the authorisation of his placement in custody.

QUESTION TO THE PARTIES

1. Did the applicant have a fair hearing in the determination of the criminal charges against him, in accordance with Article 6 § 1 of the Convention? In particular, did he have an opportunity to examine the two victims in the proceedings leading up to his conviction? If not, did this fact give rise to a breach of Article 6 § 3 (d) of the Convention?

2. The Government are requested to produce typed copies of the victims' statements which were read out during the applicant's trial, as well as records of confrontation interviews between the applicant and the victims, if they took place.