



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

FIRST SECTION

Application no. 619/07
Denis Nikolayevich FEDOROV against Russia
lodged on 28 September 2006

STATEMENT OF FACTS

The applicant, Mr Denis Nikolayevich Fedorov, is a Russian national, who was born in 1979 and lived until his arrest in the village of Popovo, Tver Region.

The circumstances of the case

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

On 1 December 1998 the applicant was arrested on suspicion of aggravated murder. By the final judgment of 12 July 2000 the Military Division of the Supreme Court of the Russian Federation found the applicant guilty as charged and sentenced him to fifteen years of imprisonment.

On 16 February 2005 the Presidium of the Supreme Court of the Russian Federation, acting by way of a supervisory review, quashed the applicant's conviction and sent the case for a re-trial.

Ten months later the Military Court of the Moscow Circuit, by a jury verdict, found the applicant guilty of aggravated murder and sentenced him to twelve years' imprisonment. The judgment was, however, quashed on appeal on 27 December 2005 by the Supreme Court of the Russian Federation and the case was sent for re-examination. The Supreme Court also noted that the applicant should remain in custody for three months.

On 13 March 2006 the Military Court of the Moscow Circuit accepted the case file for re-trial, scheduled a pre-trial hearing and extended the applicant's detention.

The applicant appealed, having argued that he should be released on bail as there was no reason to continue his detention. His appeal was disallowed by the Supreme Court on 8 June 2006, given that in the meantime, on 11 May 2006 the Military Court, by a jury verdict, found the applicant guilty as charged and sentenced him to eleven years' imprisonment. The applicant was represented by legal aid counsel at the trial.

The conviction became final on 21 September 2006 when the Supreme Court upheld it on appeal. The applicant's request for an assistance by legal aid counsel on appeal was disregarded.

COMPLAINTS

1. In his first letter to the Court on 28 September 2006 the applicant stated that he had been convicted of murder by the final judgment of 21 September 2006 and, without providing any details, noted that that judgment had been taken in violation of Articles 5 and 6 of the Convention.

2. In his second letter of 10 January 2007 the applicant, having repeated his statement about the judgment of 21 September 2006, complained that the judgment had been issued in violation of Article 6 § 3 (c) of the Convention.

3. In his application form sent to the Court on 20 April 2007 the applicant provided a long list of complaints, having argued, in particular, that:

(a) his pre-trial detention, as well as the criminal proceedings, had been extremely long;

(b) he had been convicted by "a tribunal which [had not been] established by law";

(c) he had been convicted by a partial tribunal as the presiding judge had allegedly influenced the jury;

(d) he had not been provided with legal assistance on appeal despite his request;

(e) he had been detained without a proper legal order from 9 to 13 September 2005 and from 27 March to 11 May 2006;

(f) the Supreme Court had refused to duly consider his complaint on 8 June 2006, having also held the hearing in the absence of the applicant's lawyer;

(g) at a hearing in 2005 he had been represented by legal aid counsel whose services he had refused;

(h) he had been presumed guilty before his conviction.

QUESTION TO THE PARTIES

Did the interests of justice require that the applicant be provided with free legal representation at the appeal hearing in the criminal proceedings against him (see *Shilbergs v. Russia*, no. 20075/03, 17 December 2009)? In the affirmative, was the fact that the applicant was not provided with legal aid counsel compatible with Article 6 §§ 1 and 3 (c) of the Convention?