



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

FIRST SECTION

Application no. 31442/08  
Aleksandr Vladimirovich ZHELNOV  
against Russia  
lodged on 17 May 2008

**STATEMENT OF FACTS**

The applicant, Mr Aleksandr Vladimirovich Zhelnov, is a Russian national, who was born in 1951 and is serving a prison sentence in Novocherkassk, Rostov Region.

**The circumstances of the case**

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

On 12 January 2007 the applicant was arrested on suspicion of having killed A.

While in police custody, the applicant signed a confession statement. He claimed, however, that his actions should have been regarded as self-defence against A.'s assault.

On 13 June 2007 the Myasnikovskiy District Court of the Rostov Region dismissed the applicant's line of defence and found him guilty of A.'s murder. The applicant was sentenced to eight years' imprisonment. It appears that the applicant was represented by a public defender in the course of the trial.

The applicant appealed against his conviction arguing that his guilt had not been proved beyond reasonable doubt and that his retaliation of A.'s assault should have been regarded as self-defence.

On 13 November 2007 the Rostov Regional Court upheld the applicant's conviction on appeal. The applicant, who was not represented, made oral submissions to the court by means of a video teleconference. The prosecutor was present and argued in favour of the applicant's conviction.

## COMPLAINTS

The applicant complains under Article 2 of the Convention that he acted in self-defence when he was attacked by A.

The applicant complains under Article 3 of the Convention that certain police officers beat him up in order to make him confess to A.'s murder. He further alleges that practically all meals served in the remand prison contained onion and that he, being allergic to onion, starved most of the time he was detained there.

The applicant alleges a violation of Article 5 § 1 (c) of the Convention.

The applicant complains under Article 6 of the Convention that he was convicted by a single judge in contravention of the rules of criminal procedure; that the evidence relied on by the trial judge was insufficient to prove his guilt; that no lawyer was appointed to represent him in the appeal proceedings; that he was unable to confront certain witnesses.

The applicant alleges a violation of Article 13 of the Convention.

The applicant complains under Article 17 of the Convention that the investigator failed to discharge properly his professional duties.

Lastly, he alleges a violation of Article 2 of Protocol No. 7.

### **QUESTION TO THE PARTIES**

Has the domestic courts' alleged failure to provide the applicant with legal assistance for the preparation of his defence before the appeal court, affected his right to a fair trial in a manner incompatible with Article 6 §§ 1 and 3 (c) of the Convention (see *Twalib v. Greece*, judgment of 9 June 1998, *Reports of Judgments and Decisions* 1998-IV, §§ 46 and 51-54)?