



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

FIRST SECTION

Application no. 10926/06
Aleksandr Vasilyevich KORCHAGIN
against Russia
lodged on 26 January 2006

The applicant, Mr Aleksandr Vasilyevich Korchagin, is a Russian national, who was born in 1974 and is serving a prison sentence in the Vladimir Region.

The circumstances of the case

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

On 22 April 2004 Z. and her husband were robbed by two men. Z. reported the incident to the police and identified the applicant and another man as the perpetrators in a photo line-up.

On 8 May 2004 the applicant was arrested on suspicion of multiple counts of robbery.

On 9 May 2004 the Nagatinskiy District Court of Moscow authorised his detention pending investigation and trial. The applicant attended the hearing. No lawyer was appointed to represent him before the court.

Subsequently the applicant's pre-trial detention was repeatedly extended. It appears that the applicant did not appeal against such extensions. He remained in custody pending investigation and trial.

On 29 June 2005 the District Court found the applicant guilty of three counts of robbery and sentenced him to ten years' imprisonment. As regards the robbery occurred on 22 April 2004, the court relied on Z.'s statement given to the investigator and the fact that she had identified the applicant in the photo line-up.

On 15 August 2005 the Moscow City Court upheld the applicant's conviction on appeal.

COMPLAINTS

The applicant complains that his initial detention pending investigation was not in compliance with Article 5 of the Convention.

The applicant complains that he was unable to confront witness Z. in the course of the criminal proceedings against him.

Lastly, he alleges a violation of Article 6 § 3 (b) and (c) of the Convention.

QUESTIONS TO THE PARTIES

As regards the use by the trial court of the statement made by witness Z, was there a breach of the applicant's right to a fair trial provided for by Article 6 § 1 read with Article 6 § 3 (d) of the Convention? In particular, (1) was it necessary to admit the said witness's statement, (2) was that statement the sole or decisive basis for the applicant's conviction as regards the charge of the robbery committed in respect of Z. and her husband, and (3) were there sufficient counterbalancing factors including strong procedural safeguards to ensure that the trial, judged as a whole, was fair within the meaning of Article 6 §§ 1 and 3 (d) (see *Al-Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05 and 22228/06, § 152, ECHR 2011)?