



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

FIRST SECTION

Application no. 32984/06
Vyacheslav Vladimirovich STAFEYEV
against Russia
lodged on 20 June 2006

STATEMENT OF FACTS

The applicant, Mr Vyacheslav Vladimirovich Stafeyev, is a Russian national, who was born in 1978, and lived, prior to his arrest, in Irbit in the Sverdlovsk Region. He is currently serving a prison sentence in the Yamalo-Nenetskiy Region.

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

On 16 February 2001 the applicant went to see his friends' family. Two days later three members of that family were found dead at their home.

Between 8 and 10 December 2004 the applicant was questioned several times by the police officers of the Irbit Town in connection with the murder.

On 10 December 2004 the police officer K. convinced the applicant to write, by own hand, a confession statement which the applicant did.

On the same day the applicant was brought to the prosecutor's office. He was interviewed as a suspect. According to the applicant, the prosecutor forced him to put the date of 8 December 2004 on his confession statement.

On 16 December 2004 the applicant was formally charged with the aggravated murder of three individuals and interviewed as an accused.

It appears from the materials of the case file that the applicant was represented by counsel from 18 January 2005 onwards.

On 20 January 2005, during the detention hearing before the Irbit District Court in the presence of the applicant's counsel, the applicant retracted his confession.

Once the trial began before the Sverdlovsk Regional Court, the applicant complained to the judge that he had given the confession statement under duress. The judge interviewed two police officers Mr N. and Mr B., the

Deputy Head of the remand prison Mr K., the applicant's cellmate, about the circumstances in which the confession had been given. They all denied having used any physical or psychological pressure on the applicant and confirmed that the applicant had written the statement of his own will and by his hand. The expert has also confirmed that the confession statement had been written by the applicant's hand without any signs of anxiety and pressure.

On 14 October 2005 the Sverdlovsk Regional Court convicted the applicant of aggravated murder and sentenced him to life imprisonment.

On 14 November 2005 the applicant's lawyer M. drafted the statement of appeal. In his grounds of appeal, counsel for the applicant maintained, in particular, that the statement of 10 December 2004 was inadmissible because it had been obtained under duress and in the absence of a lawyer.

On an unknown date the applicant was transferred to the remand prison IZ-77/2 in Moscow.

On 15 May 2006 the Supreme Court appointed lawyer R. as defence counsel.

On 23 May 2006 the applicant met Mr R. for a first time in the remand prison. According to the applicant, they were afforded only fifteen minutes to discuss the case.

On 25 May 2006 the applicant complained to the Supreme Court that the time afforded by the remand prison authorities was not sufficient to discuss his case with the appointed lawyer. It does not appear that any reply from the Supreme Court followed.

On 29 May 2006 the Supreme Court, sitting in Moscow, examined the applicant's case. At that hearing the applicant was represented by legal aid counsel. The applicant participated in the hearing by means of a video link. According to him, the quality of the video transmission was poor and he could not hear what the judges and the prosecutor were saying.

On 29 May 2006 the Supreme Court rejected the appeal. It held that the testimony by witnesses and the forensic evidence corroborated the applicant's confession statement. The court declared the applicant's statement of 10 December 2004 admissible evidence and held that it should be used as the "foundation for the judgment".

COMPLAINTS

The applicant complains under Article 6 §§ 1 and 3 (c) of the Convention that he was not afforded legal aid during his first interview with the police officer and that the trial was not fair.

The applicant also complains under Article 6 that the appeal proceedings of 29 May 2006 had been unfair. In particular:

- a) he did not have sufficient time to discuss the case before the appeal hearing with appointed counsel;
- b) the quality of video link during the hearing was very poor and he could not hear what judges and prosecutor were saying.

QUESTIONS TO THE PARTIES

1. Having regard to the fact that the applicant gave his confession statement on 10 December 2004 without being assisted by a lawyer and that the statement constituted the key evidence against him in his trial, was there a violation of Article 6 § 3 (c) of the Convention, read in the light of paragraph 1 of that provision (see *Salduz v. Turkey* [GC], no. 36391/02, § 55, ECHR 2008)?

2. Were the appeal proceedings before the Supreme Court of the Russian Federation which were conducted by way of videoconference compatible with the requirements of Article 6 §§ 1 and 3 (c) of the Convention? Did the applicant benefit from effective legal assistance during the appeal proceedings?

The Government are required to provide the Court with a copy of the judgment of 14 October 2005.