



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

FIRST SECTION

Application no. 6625/07
Viktor Vladimirovich BUSHUYEV
against Russia
lodged on 10 January 2007

STATEMENT OF FACTS

The applicant, Mr Viktor Vladimirovich Bushuyev, is a Russian national, who was born in 1977 and lives in the Altay region.

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

On 11 October 2005 the applicant was arrested on suspicion of robbery and theft. He was charged with those offences and placed in detention. He remained in detention until his conviction in March 2006.

On 7 March 2006 Zarinskiy District Court, Altay region, (“the District Court”) acquitted the applicant on charges of theft and found him guilty of robbery. The District Court sentenced the applicant to four years and eight months’ imprisonment. During the trial the applicant was represented by state-appointed counsel G.

On 16 March 2006 the prosecutor appealed against the judgment of 7 March 2006 to the Altay Regional Court (“the Regional Court”).

On 4 May 2006 the Regional Court quashed the judgment of 7 March 2006 in the part relating to the applicant’s robbery conviction and remitted this part of the case for new examination to the first-instance court. The appeal court upheld the remainder of the judgment of 7 March 2006. The applicant was not provided with legal assistance at the hearing of 4 May 2006.

On 8 June 2006, after a fresh examination, the District Court found the applicant guilty of aggravated robbery and sentenced him to six years and six months’ imprisonment. During this fresh examination of the case the applicant was again represented by state-appointed counsel G.

The prosecutor appealed against the judgment of 8 June 2006.

On 28 September 2006 the Regional Court examined the prosecutor’s appeal and upheld the judgment of 8 June 2006. The applicant was not provided with legal assistance during the appeal examination of his criminal case on 28 September 2006.

COMPLAINT

The applicant complains under Article 6 § 3 (c) of the Convention that he was not provided with free legal assistance for the appeal hearings of his criminal case on 4 May and 28 September 2006.

QUESTIONS TO THE PARTIES

1. Did the interests of justice require that the applicant be provided with free legal representation at the appeal hearings before the Altay Regional Court on 4 May and 28 September 2006 (see *Maxwell v. the United Kingdom*, 28 October 1994, §§ 33-34, Series A no. 300-C and *Benham v. the United Kingdom*, 10 June 1996, §§ 60-64, *Reports of Judgments and Decisions* 1996-III)?

2. If so, was the fact that the applicant was not provided with legal aid counsel at the appeal hearings before the Altay Regional Court on 4 May and 28 September 2006 compatible with Article 6 §§ 1 and 3 (c) of the Convention?