



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

FIRST SECTION

Application no. 7848/06
Aleksandr Anatolyevich SHUMIKHIN
against Russia
lodged on 26 April 2006

STATEMENT OF FACTS

The applicant, Mr Aleksandr Anatolyevich Shumikhin, is a Russian national, who was born in 1963 and lived before his arrest in Perm region. He is currently serving a prison sentence in Yamalo-Nenetskiy Autonomous region.

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

On 20 February 2005 police arrested the applicant on suspicion of triple murder and attempted murder.

On 21 February 2005 Chusovskiy District Court of the Perm Region ordered that he be placed in detention. The applicant remained in a temporary detention facility of the town of Chusovo until his conviction in June 2005.

On 21 June 2005 the Perm Regional Court found the applicant guilty of triple murder and attempted murder and sentenced him to life imprisonment.

The applicant was represented by state-appointed counsel at the investigation stage and before the first-instance court.

The applicant appealed against his conviction to the Supreme Court of the Russian Federation (“the Supreme Court”).

On 14 November 2005, while he was detained in Moscow remand prison no. 2, the applicant requested the Supreme Court to appoint legal counsel to defend him during the appeal proceedings. He also requested to meet counsel prior to the appeal hearing in order to prepare his defence. The applicant alleges that his request of 14 November 2005 was registered in the register of outgoing correspondence of Moscow remand prison no. 2. It appears that the Supreme Court did not examine the applicant’s request.

On 18 November 2005 the Supreme Court examined the applicant’s appeal and upheld his conviction. The applicant was not assisted with legal counsel at the appeal hearing.

COMPLAINT

The applicant complains under Article 6 § 3 (c) that he was not provided with free legal assistance for the appeal hearing of his criminal case.

QUESTIONS TO THE PARTIES

1. Did the interests of justice require that the applicant be provided with free legal representation at the appeal hearing before the Supreme Court of the Russian Federation on 18 November 2005 (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 hearing before the Supreme Court of the Russian Federation on 18 November 2005 compatible with Article 6 §§ 1 and 3 (c) of the Convention?

The Government are requested to provide copies of the following documents: judgment of the Perm Regional Court of 21 June 2005, the applicant's grounds of appeal against that judgment, the applicant's request for legal assistance of 14 November 2005 and appeal decision of 18 November 2005 of the Supreme Court of the Russian Federation.