



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

FOURTH SECTION

DECISION

Application no. 26674/18
Artem MARGARYAN
against Armenia

The European Court of Human Rights (Fourth Section), sitting on 14 December 2023 as a Committee composed of:

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 29 May 2018,

Having regard to the observations submitted by the respondent Government and the decision not to admit the applicant's belated observations to the case file,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. He was represented by Mr A. Tevanyan, a lawyer practising in Yerevan.

The applicant's complaint under Article 6 §§ 1 and 3 (d) of the Convention concerning the unfair trial in view of restrictions on the right to examine witnesses was communicated to the Armenian Government ("the Government").

THE LAW

In the present application, having examined all the material before it, the Court considers that the applicant's complaint about the courts having held the criminal trial against him in the absence of a prosecution witness is inadmissible.

In particular, the Court notes that in the light of the principles established in the case-law under Article 6 §§ 1 and 3 (d) of the Convention (see notably *Al-Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05

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and 22228/06, §§ 118-47, 15 December 2011, and *Schatschaschwili v. Germany* [GC], no. 9154/10, §§ 100-31, 15 December 2015), the applicant's criminal trial had complied with overall fairness requirement.

In view of the above, the Court finds that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 18 January 2024.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President

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APPENDIX

Application raising complaints under Article 6 §§ 1 and 3 (d) of the Convention
(unfair trial in view of restrictions on the right to examine witnesses)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Final domestic decision Charges convicted of	Witness absent from trial (indicated by initials) Summary of the nature of the witness evidence	Reasons for absence	Steps taken to compensate for the witness's absence
26674/18 29/05/2018	Artem MARGARYAN 1984	Tevanyan Armen Yerevan	Court of Cassation 12/02/2018 bribery	H.Gh. The witness testified that the applicant had solicited a bribe from him	distant region/other country	the applicant's conviction was based on a considerable body of other evidence, including a recording of a covert operation implicating him in the imputed offence; the applicant examined the witness at the pre-trial confrontation, in the presence of his two lawyers; and the domestic courts carried out a detailed assessment of the body of evidence, examined thoroughly the arguments and the objections of the defence contesting the said evidence, and provided sufficient reasons for admitting the absent witness's pre-trial statement in evidence.