



Statement by a Romanian court spokesperson concerning an individual's guilt before the judicial decision had been delivered

In today's Chamber judgment¹ in the case of [Neagoie v. Romania](#) (application no. 23319/08) the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 6 § 2 (presumption of innocence) of the European Convention on Human Rights

The case concerned a statement made by the spokesperson of the Court of Appeal before the latter had conducted its deliberations, encouraging the public to consider the applicant, Mr Neagoie, guilty of – among other things – manslaughter.

The Court found in particular that the spokesperson had communicated his personal opinion on Mr Neagoie's guilt to the public before the Court of Appeal had delivered its judgment. The Court reiterated that his subsequent conviction had no impact on the right to the presumption of innocence, which had to be complied with before the delivery of any judicial decision.

Principal facts

The applicant, Ionel-Ionut Neagoie, is a Romanian national who was born in 1963 and lives in Craiova (Romania).

On 24 May 2004 a lorry transporting 20 tonnes of agricultural fertiliser, which was being driven by an employee of the company of which Mr Neagoie was one of the managers, overturned in the proximity of a village. The vehicle caught fire, and the fire brigade and some passers-by attempted to tackle the blaze.

There was an explosion, killing 18 people and injuring 13 and causing substantial material damage.

Mr Neagoie, another manager and the managing director of the company were all charged with manslaughter, breach of health and safety regulations and criminal damage.

The court of first instance convicted Mr Neagoie, who subsequently appealed to and was acquitted by the County Court.

After that acquittal the Romanian President announced that even though he could not discuss that judicial decision, he nevertheless considered it unfair.

The prosecution and the parties claiming damages in the proceedings appealed to the Court of Appeal.

On 29 February 2008, while the decision was still pending, Judge G.I., the spokesperson of the Court of Appeal, made the following statement to the press: "the Court of Appeal is probably going to quash the county court judgment. I am assuming that the defendants will be found guilty".

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

In a judgment of 3 March 2008 the Court of Appeal, sitting as a panel of three judges, not including the Judge G.I., did indeed quash the 5 October 2007 judgment and upheld Mr Neagoe's conviction.

Complaints, procedure and composition of the Court

Relying on Article 6 § 2 (presumption of innocence), Mr Neagoe complained of a violation of presumption of innocence on the grounds of the statements by the Romanian President and the spokesperson of the Court of Appeal.

The application was lodged with the European Court of Human Rights on 16 May 2008.

Judgment was given by a Chamber of seven judges, composed as follows:

Josep Casadevall (Andorra), *President*,
Luis López Guerra (Spain),
Ján Šikuta (Slovakia),
Kristina Pardalos (San Marino),
Johannes Silvis (the Netherlands),
Valeriu Grițco (the Republic of Moldova),
Branko Lubarda (Serbia),

and also Marialena Tsirli, *Deputy Section Registrar*.

Decision of the Court

[Article 6 § 2 \(presumption of innocence\)](#)

The Court reiterated that Article 6 § 2 (presumption of innocence) protected the right of everyone to be “presumed innocent until proved guilty according to law”, that is to say until found guilty by a court (see [Allen v. the United Kingdom](#) of 12 July 2013). The Court had also held in [Allenet de Ribemont v. France](#) of 10 February 1995 that no State or public authority representative could declare a person guilty of an offence until he or she had been found guilty by a court.

As regards the statement by the Romanian President, the Court observed that the complaint had to be dismissed for belatedness, given that Mr Neagoe had submitted it after the six-month deadline laid down in Article 35 § 1 of the Convention.

The Court observed that Judge G.I., spokesperson for the Court of Appeal, had made a statement to the press on 29 February 2008, presenting Mr Neagoe as a guilty party who would “probably” be convicted, even though he had not been proved guilty according to law. Indeed, the Court of Appeal had not delivered its judgment until several days later, that is to say on 3 March 2008.

The Court further noted the importance of the case to the public, and therefore the interest of informing the press of developments in the proceedings. Nevertheless, the spokesperson of the Court of Appeal had not confined himself to transmitting information on the proceedings, since he had disclosed his personal opinion on Mr Neagoe's guilt.

The Court emphasised that a distinction had to be drawn between a straightforward expression of suspicions about an individual and the public disclosure of a personal view concerning his guilt. The spokesperson of the Court of Appeal had not simply informed the media of the charges against Mr Neagoe but had made public his personal opinion regarding his guilt.

The Court also pointed out that as spokesperson for the Court of Appeal, Judge G.I. should have respected the presumption of innocence and ought to have proceeded with caution. On the contrary, the statement made by the spokesperson had encouraged the public to consider Mr Neagoe guilty.

Finally, the Court reiterated that the fact that Mr Neagoe had eventually been found guilty had no impact on the right to presumption of innocence, which had to be respected until a judicial decision had been delivered. Article 6 § 2 of the Convention governs criminal proceedings in their entirety “irrespective of the outcome of the prosecution” (see *Minelli v. Switzerland*, 25 March 1983).

The spokesperson of the Court of Appeal had thus made a statement to the press mentioning Mr Neagoe’s guilt even though the Court of Appeal had not yet delivered its judgment. Accordingly, he cannot be considered to have benefited from the requisite safeguards for a fair trial.

Consequently, the Court held that Mr Neagoe’s presumption of innocence had not been respected and that there had been a violation of Article 6 § 2 of the Convention.

[Article 41 \(just satisfaction\)](#)

The Court held that Romania was to pay Mr Neagoe EUR 3.600 in respect of non-pecuniary damage.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.