



Assize Court judgment in the Matis case was sufficiently reasoned

In its decision in the case of [Matis v. France](#) (application no. 43699/13) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the reasons given for a conviction by an Assize Court of Appeal, with particular reference to the content of the “statement of reasons form” appended to the judgement, an issue on which the Court decided for the first time.

The Court held that the number and accuracy of the facts listed on the statement of reasons form, which has been required for Assize Court judgments since the enactment of Law no. 2011-939 of 10 August 2011, had been sufficient to inform Ms Matis of the reasons for her conviction. The Court considered that she had had sufficient guarantees to allow her to understand the sentence imposed upon her.

The Court further noted that Ms Matis, whose requests for a preliminary ruling on constitutionality had been declared inadmissible by the Assize Court of Appeal, had nevertheless been able to submit those requests to the Court of Cassation, which adjudicated on them.

Principal facts

The applicant, Béatrice Matis, is a French national who was born in 1945 and lives in Saint-Raphaël.

On 10 February 2003 a murder investigation was instigated against a person or persons unknown. The body of a woman, M.L., had been found on the driveway of her house. Female DNA was found under the victim’s fingernails. Ms Matis, the former wife of the victim’s husband, was interviewed and stated that she had not been in any dispute with the victim.

On 27 March 2003 Ms Matis reported voluntarily to the police to retract her statements. She said that on the day of the murder M.L. had been walking with her towards the garden gate, had lost her balance and, while attempting to grab hold of her arm, had scratched her. On 29 March 2003 Ms Matis was questioned by an investigating judge. During her transfer to prison, she allegedly confessed to the police officers that she had committed the murder, although she subsequently denied this in court. The police officers maintained their position during a formal confrontation with Ms Matis. On 3 April 2003 a genetic test revealed that the genotype of the DNA samples taken from the victim’s body and from Ms Matis was identical; moreover, an additional expert report concluded that the injury to Ms Matis’ arm could not possibly be consistent with her explanations. On 29 August 2007 the investigating judge committed Ms Matis for trial in the Pas-de-Calais Assize Court, which acquitted her on 24 November 2010. The Principal Public Prosecutor appealed. On 27 January 2012 the Assize Court of Appeal found Ms Matis guilty of the murder of M.L. and sentenced her to fifteen years’ imprisonment. A statement of reasons form, appended to the question sheet, was drawn up to explain the reasons for the court’s guilty verdict against Ms Matis. Furthermore, in a separate interlocutory judgment, the same court ruled inadmissible two requests for a preliminary ruling on constitutionality. On 12 December 2012 the Court of Cassation ruled that there was no cause to refer a request for a preliminary ruling on constitutionality concerning the composition of the jury to the Constitutional Council. In a judgment of 9 January 2013 it dismissed an appeal by Ms Matis on points of law, who had complained of the lack of reasons given in the judgment of the Assize Court of Appeal and in the interlocutory judgment declaring her requests for a preliminary ruling on constitutionality inadmissible.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 3 July 2013.

Ms Matis submitted that the reasons given for her conviction did not satisfy the requirements of Article 6 § 1 of the Convention (right to a fair trial). Relying on Article 6 §§ 1 and 3 (right to a fair hearing) and Article 13 (right to an effective remedy), she also complained that it was impossible for a defendant acquitted at first instance to refer a request for a preliminary ruling on constitutionality to the Assize Court of Appeal. Lastly, relying on Article 6 § 3 and Article 14 (prohibition of discrimination), she complained that she had been acquitted at first instance and convicted on appeal by a jury with the same number of members (nine), owing to the immediate entry into force of the reform of 10 August 2011 amending the composition of Assize Courts (under the former law, Assize Courts of Appeal had had a 12-member jury).

The decision was given by a Chamber of seven, composed as follows:

Josep **Casadevall** (Andorra), *President*,
Ganna **Yudkivska** (Ukraine),
Vincent A. **de Gaetano** (Malta),
André **Potocki** (France),
Helena **Jäderblom** (Sweden),
Aleš **Pejchal** (the Czech Republic),
Síofra **O’Leary** (Ireland), *Judges*,

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

Article 6 § 1

The Court pointed out that in its *Agnelet v. France* (no. 61198/08), *Oulahcene v. France* (no. 44446/10), *Fraumens v. France* (no. 30010/13), *Legillon v. France* (no. 53406/10) and *Voica v. France* (no. 60995/09) judgments of 10 January 2013 it had taken note of the reform which had been introduced since the material time with the enactment of Law No. 2011-939 of 10 August 2011, which had added a new article to the Code of Criminal Procedure requiring Assize Court judgments to be reasoned. The Court had considered that that reform seemed, *a priori*, liable to step up the safeguards against arbitrary decisions and to improve the defendant’s understanding of his conviction, in accordance with the requirements of Article 6 § 1 of the European Convention on Human Rights.

The Court noted that Ms Matis had received information and benefited from a number of guarantees during the criminal proceedings. It held that the number and accuracy of the facts listed in the statement of reasons form, which had in fact corresponded to the findings of the Investigative Division in its indictment, had been sufficient to inform Ms Matis of the reasons for her conviction. The Court considered that Ms Matis had had sufficient safeguards to enable her to understand the finding of guilt.

That complaint was therefore ill-founded and accordingly had to be dismissed.

Article 6 §§ 1 and 3, Article 13 and Article 14

The Court found that Ms Matis, who had benefited from effective remedies, had not established how the fact of having been tried by an Assize Court of Appeal composed of nine jurors rather than twelve could have impaired the fairness of the proceedings or have led to treatment contrary to the provisions of Article 14 of the Convention.

Finally, although Ms Matis' requests for a preliminary ruling on constitutionality had been declared inadmissible by the Assize Court of Appeal, she had nevertheless been able to submit them to the Court of Cassation, which had adjudicated on them on 12 December 2012 and 9 January 2013.

This part of the application was ill-founded and accordingly had to be dismissed.

The Court unanimously declared the application inadmissible.

The decision 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.