



Forthcoming Grand Chamber judgment concerning a lack of legal assistance during the pre-trial phase of criminal proceedings

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Beuze v. Belgium** (application no. 71409/10) at a public hearing on 9 November 2018 at 11 a.m. in the Human Rights Building, Strasbourg.

The case concerns a lack of legal assistance during the pre-trial phase of criminal proceedings.

Principal facts and complaints

The applicant, Philippe Beuze, is a Belgian national who was born in 1974. He is currently detained in Marche-en-Famenne Prison (Belgium).

On 17 December 2007 Mr Beuze was arrested by the French gendarmerie and taken into police custody for the execution of a European arrest warrant. The record drawn up at the time of his arrest indicates that he waived his right, under the French Code of Criminal Procedure, to consult a lawyer, but he nevertheless had legal assistance when appearing before the French courts which had to decide on the execution of the warrant.

Having been surrendered to the Belgian authorities on 31 December 2007, Mr Beuze was questioned on the same day by the police and the investigating judge of Charleroi, without a lawyer being present and without any possibility of consulting a lawyer prior to the interviews, as a result of the Belgian legislation at the time. During the ensuing pre-trial judicial investigation, Mr Beuze was questioned in 2008 and 2009 about the charges: five times by the police, three times by the investigating judge and twice by the Crown Prosecutor. On each occasion no lawyer was present while he was being questioned. Nor did his lawyer attend the reconstruction at the scene of the crime.

Before the Hainaut Assize Court, Mr Beuze, assisted by counsel, filed pleadings in which he requested that the proceedings be declared inadmissible on the ground that he had not been assisted by a lawyer in police custody or while being questioned by the police and the investigating judge throughout the pre-trial investigation. The Assize Court rejected that plea. At the close of the trial, he was found guilty by the jury, primarily of premeditated murder, and the Assize Court sentenced him to life imprisonment in a judgment of 10 February 2010.

Mr Beuze appealed on points of law. In a judgment of 26 May 2010 the Court of Cassation dismissed his argument based on the absence of legal assistance in the pre-trial investigation phase, considering that, having regard to the proceedings as a whole, his right to a fair trial had been guaranteed.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to be assisted by a lawyer) of the European Convention on Human Rights, the applicant complains that he did not enjoy the right to legal assistance in the pre-trial phase of the proceedings against him.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Procedure

The application was lodged with the European Court of Human Rights on 25 November 2010. On 13 June 2017 the Chamber relinquished jurisdiction in favour of the Grand Chamber. A [hearing](#) was held on 20 December 2017.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

Denis Lambert (tel: + 33 3 90 21 41 09)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

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.