



Grand Chamber hearing concerning the lack of legal assistance during the initial phase of criminal proceedings

The European Court of Human Rights is holding a **Grand Chamber¹** hearing today **Wednesday 20 December 2017 at 9.15 a.m.** in the case of **Beuze v. Belgium** (application no. 71409/10)

The case concerns the lack of legal assistance during the initial phase of criminal proceedings.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

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 interview, 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), the applicant complains that he did not enjoy the right to legal assistance in the initial phase of the proceedings against him.

1 Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

Procedure

The application was lodged with the European Court of Human Rights on 25 November 2010.

Notice of the application was [given](#)² to the Belgium Government, together with questions from the Court, on 25 August 2014.

On 13 June 2017 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber³.

The Fair Trials International organisation was granted leave to intervene in the written proceedings as a third party.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido **Raimondi** (Italy), *President*,
 Angelika **Nußberger** (Germany),
 Linos-Alexandre **Sicilianos** (Greece),
 Ganna **Yudkivska** (Ukraine),
 Helena **Jäderblom** (Sweden),
 Robert **Spano** (Iceland),
 Işıl **Karakaş** (Turkey)
 Nebojša **Vučinić** (Montenegro),
 Paul **Lemmens** (Belgium),
 Krzysztof **Wojtyczek** (Poland),
 Valeriu **Griţco** (the Republic of Moldova),
 Ksenija **Turković** (Croatia),
 Síofra **O’Leary** (Ireland),
 Stéphanie **Mourou-Vikström** (Monaco),
 Georges **Ravarani** (Luxembourg),
 Lətif **Hüseynov** (Azerbaijan),
 Jovan **Ilievski** (“the former Yugoslav Republic of Macedonia”), *judges*,
 Egidijus **Kūris** (Lithuania),
 Pere **Pastor Vilanova** (Andorra),
 Vincent A. **De Gaetano** (Malta), *substitute judges*,

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Isabelle **Niedlispacher**, *Agent*,

Applicant

Delphine **Paci**, *Counsel*.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's government that an application against that State is pending before the Court. Further information about the procedure after notice of a case is given to a respondent government can be found in the Rules of Court.

³ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects".

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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.