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

FIFTH SECTION

DECISION

Application no. 36160/25
Oldřich MACHALICKÝ
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 30 April 2026 as a Committee composed of:

María Elósegui*, President*,
Kateřina Šimáčková,
Gilberto Felici*, judges*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to:

the application (no. 36160/25) against the Czech Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 6 November 2025 by a Czech national, Mr Oldřich Machalický ("the applicant"), who was born in 1954 and lives in Roztoky, and was represented by Mr R. Jelínek, a lawyer practising in Prague;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The present application concerns the dismissal by the Constitutional Court of the applicant's application to reopen civil proceedings following the Court's judgment in *Machalický v. the Czech Republic* (no. 42760/16, 10 October 2024), in which it found a violation of Article 6 § 2 of the Convention.

A. Proceedings in *Machalický v. the Czech Republic* (application no. 42760/16)

2. In 2003 criminal proceedings were opened against the applicant for fraud, allegedly committed while he had held the position of bank manager

in the mid-1990s. The trial was ultimately discontinued owing to the expiry of the limitation period.

3. Subsequently the applicant lodged a claim under the State Liability Act, seeking compensation for the legal expenses he had incurred in the above-mentioned trial and for the related loss of income.

4. The first-instance court dismissed his claim on the grounds that it was clear from the reasoning of the criminal courts that he had committed the offence and that only an objective reason (in this instance, the passage of time) had prevented the courts from convicting him. That finding allowed the civil court to apply *per analogiam* section 12(1)(b) of the State Liability Act. Under that provision, compensation could not be granted to a person whose criminal prosecution had been discontinued on the ground that he or she had not been criminally liable for the offence committed, a situation which could, in the civil court's view, be equated to discontinuation on account of expiry of the statutory limitation period, as had occurred in the applicant's case. The civil court's findings were endorsed by the Supreme Court, which referred to the criminal court's statement that the applicant had committed an act fulfilling the constituent elements of the offence. A constitutional appeal in which the applicant complained of, *inter alia*, a violation of the principle of presumption of innocence and the *per analogiam* interpretation of the State Liability Act in his case, was dismissed on 19 January 2016 (III. ÚS 1391/15).

5. On 18 July 2016 the applicant lodged an application with the Court, complaining under Article 6 § 2 of the Convention that in dismissing his compensation claim, the Czech civil courts had considered that he had committed a criminal offence, even though the criminal proceedings against him had been discontinued as being time barred.

6. On 10 October 2024 the Court adopted its judgment ("the original judgment"). It found that the wording used by the civil courts had not only been unfortunate but had also reflected those courts' unequivocal opinion that a criminal offence had been committed and that the applicant was guilty of that offence, even though he had never been convicted of it. In the Court's view, the civil courts' statements had been inconsistent with the discontinuation of the criminal proceedings owing to the expiry of the limitation period and amounted to the imputation of criminal liability to the applicant (see *Machalický*, cited above, § 60). Referring to *Nealon and Hallam v. the United Kingdom* ([GC], nos. 32483/19 and 35049/19, § 164, 11 June 2024), the Court reiterated that neither Article 6 § 2 nor any other provision of the Convention gave a person "charged with a criminal offence" a right to reimbursement of his or her legal costs or a right to compensation for lawful detention on remand where proceedings against that person were discontinued. It thus considered that the mere refusal to pay to the applicant, out of public funds, the compensation he sought, on the ground that the discontinuation of the criminal proceedings against him had not rendered the

decision on the opening of the prosecution unlawful, would not in itself have infringed the presumption of innocence (see *Machalický*, cited above, § 62). The Court also decided that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant (ibid., § 67).

B. Application for the reopening of the proceedings

7. On 11 February 2025 the applicant lodged an application with the Constitutional Court for the reopening of the proceedings which had led to the judgment of 10 October 2024 (see paragraph 6 above), relying on section 119(1) of the Constitutional Court Act, which provides that if the Constitutional Court has previously ruled in a case in which an international court found a violation of human rights or fundamental freedoms guaranteed by an international treaty, it is possible to lodge an application for the reopening of the Constitutional Court proceedings in which the ruling was given. He asserted that since the judgments which had been criticised by the Court were still publicly accessible, the consequences of the violation found had persisted. He also asserted that the Constitutional Court's judgment of 19 January 2016 (see paragraph 4 *in fine* above) had been surprising and that the only possible redress was a review in which the civil courts would not base their decisions on the findings of the criminal courts.

8. In decision no. Pl. ÚS 4/25 of 9 July 2025 the Constitutional Court dismissed the application for the reopening of the proceedings lodged by the applicant as inadmissible pursuant to section 119(a)(1) of the Constitutional Court Act. It held that the consequences of the violation of the applicant's rights no longer persisted, as they had been sufficiently compensated for by the Court's finding of a violation of Article 6 § 2 of the Convention (see *Machalický*, cited above, § 67). The Constitutional Court concurred with the Court's conclusion that the mere finding of a violation constituted sufficient redress for any non-pecuniary damage. As regards the pecuniary damage claimed by the applicant, the Constitutional Court held that it was not causally linked to the violation of the presumption of innocence found by the Court. Indeed, the Convention did not guarantee a right to compensation for pecuniary damage caused by criminal proceedings that had been discontinued. In response to the applicant's argument that the consequences of the violation had persisted on account of the continued public availability of the decisions breaching his presumption of innocence, the Constitutional Court held that such decisions could not be "erased from history", as they formed part of the case file and public case-law databases. However, the problematic parts of those decisions no longer carried any legal significance precisely on account of the Court's finding that they had violated the principle of the presumption of innocence. Lastly, the Constitutional Court observed, with reference to section 119(a)(2) of the Constitutional

Court Act, that there was no public interest in reopening the proceedings which would prevail over the applicant's own interests. Indeed, it was clear how the courts should proceed in future in order to comply with the principle of presumption of innocence.

C. Execution of the Court's judgment in *Machalický v. the Czech Republic* (application no. 42760/16)

9. The execution of the Court's judgment of 10 October 2024 is still pending before the Committee of Ministers of the Council of Europe.

THE COURT'S ASSESSMENT

10. The applicant complained that the dismissal of his application for the reopening of the Constitutional Court's proceedings had violated his rights under Article 6 § 1 of the Convention in conjunction with Article 46 § 1, since he had been denied a fair review of his claim. He further argued under Article 6 § 2 of the Convention that the shortcomings found by the Court in its original judgment should have been redressed in reopened proceedings before the domestic civil courts.

11. The Court refers to its case-law concerning the execution of the Court's judgments and the Court's competence to examine a new issue undecided by the previous judgment (see, for instance, *Bochan v. Ukraine (no. 2)* [GC], no. 22251/08, §§ 33 and 34, ECHR 2015, and *Moreira Ferreira v. Portugal (no. 2)* [GC], no. 19867/12, § 47, 11 July 2017).

A. Complaint under Article 6 § 2 and Article 46 of the Convention

12. The Court considers that the applicant's complaint under Article 6 § 2 essentially mirrors that made under Article 46, in so far as it concerns an alleged lack of proper execution of the Court's original judgment of 10 October 2024, since no new decision has been adopted on the applicant's compensation claim in which the domestic courts would not imply his criminal liability.

13. The Court reiterates that it has jurisdiction to examine complaints concerning situations where the domestic authorities have carried out a fresh domestic examination of the case by way of implementation of the Court's judgment, whether by reopening the proceedings or by initiating an entire new set of domestic proceedings. On the other hand, complaints essentially pointing to a failure either to execute the Court's judgment or to redress a violation already found by the Court fall outside the Court's competence *ratione materiae* within the meaning of Article 46 of the Convention, rather being subject to the supervision of execution by the Committee of Ministers.

14. In the present case, when the applicant lodged his application for the reopening of the Constitutional Court's proceedings, he did not seek to protect his right to presumption of innocence, but rather to remove the consequences of the violation previously found. Accordingly, his complaint, in so far as it concerns the failure to remedy the original violation of Article 6 § 2 of the Convention, as found by the Court in its original judgment of 10 October 2024, must be declared incompatible *ratione materiae* with the provisions of the Convention pursuant to Article 35 §§ 3 (a) and 4.

B. Complaint under Article 6 § 1 of the Convention

15. In so far as the applicant may be understood as wishing to complain that, in the determination of his application for reopening, he was denied the procedural guarantees of Article 6 § 1 of the Convention, the Court reiterates that that provision is, in principle, not applicable to proceedings concerning an application to reopen civil proceedings following the finding of a violation by the Court. However, the nature, scope and specific features of the proceedings on a given extraordinary appeal in the particular legal system concerned may be such as to bring the proceedings on that kind of appeal within the ambit of Article 6 § 1 and of the safeguards of a fair trial that it affords to litigants. Indeed, the Court has accepted that that provision applied to reopening proceedings where the domestic law treated them as an extension of the original proceedings and where the domestic courts' analysis extended to the merits of the case (see *Bochan*, cited above, §§ 50-56).

16. The Court notes that Czech law provides for the right to apply for the reopening of proceedings before the Constitutional Court following the Court's finding of a violation of a Convention right. Pursuant to section 119a of the Constitutional Court Act, the subject matter of such proceedings is limited to the admissibility of the application to reopen the proceedings and the power of the Constitutional Court is limited to either rejecting such application or accepting it and quashing the relevant decision or judgment it had previously adopted. Only after accepting an application for reopening can the Constitutional Court quash the decision(s) of the lower court(s) and send the case for re-examination. It follows that, unlike in *Bochan* (ibid.), Czech law does not treat reopening proceedings as a type of appeal or an extension of the original (terminated) proceedings, but expressly limits their scope to verifying the grounds for reopening a case and to adopting a separate decision accepting or rejecting an application for reopening.

17. In the present case, the Constitutional Court considered that the applicant's application for the reopening of the proceedings did not meet all the admissibility criteria required by law and dismissed it as inadmissible. It did not examine any issue other than compliance of the applicant's application with those criteria. It cannot thus be said that the Constitutional

Court reviewed to any extent the lower courts' decisions delivered in the original set of proceedings (see paragraph 8 above).

18. The Court therefore finds that the Constitutional Court's refusal to reopen the proceedings on the applicant's constitutional appeal on account of admissibility criteria of a procedural nature was not connected with relevant new grounds capable of giving rise to a fresh violation of Article 6 § 1 of the Convention and cannot be regarded as constituting a relevant "new issue" (see, *mutatis mutandis*, *Steck-Risch and Others v. Liechtenstein* (dec.), no. 29061/08, 11 May 2010; contrast *Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2)* [GC], no. 32772/02, § 65, ECHR 2009).

19. Accordingly, in line with its above-mentioned case-law, the Court finds that Article 6 § 1 of the Convention is not applicable *ratione materiae* with the provisions of the Convention to the reopening proceedings in issue and the applicant's complaint must therefore be declared inadmissible pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 May 2026.

Martina Keller Deputy Registrar	María Elósegui President