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

FIFTH SECTION

DECISION

Application no. 5907/25
Petr PÁVEK
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 29 January 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. 5907/25) 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 12 February 2025 by a Czech national, Mr Petr Pávek ("the applicant"), who was born in 1981 and is detained in Valdice Prison;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case mainly concerns allegedly unfair criminal proceedings against the applicant, who was convicted on the basis of what he considered hearsay evidence. It raises issues mainly under Article 6 of the Convention.

2. In a case concerning a murder committed in 2011, which had been set aside in 2012 in view of the impossibility of identifying a suspect, criminal proceedings were resumed in September 2021, when the police entered into contact with P.H., who had been connected to the same criminal milieu as the applicant and had started to fear him because of their common past. When questioned as a witness, P.H. revealed to the police that in 2011 he had sold a weapon to the applicant, who had then confessed to him that he had committed the above-mentioned murder, together with J.T., under the orders of J.Š. On the basis of that witness statement, criminal proceedings were brought against the applicant, J.T. and J.Š., in which the Plzeň Regional Court

adopted on 4 July 2023 a judgment finding the applicant guilty of murder and sentencing him to 17 years' imprisonment; J.T. and J.Š. were acquitted.

3. The statement of P.H., who had been repeatedly heard by the court and had also been confronted by the applicant, was considered key and direct evidence of the applicant's guilt. While admitting that other witnesses had not stated anything conclusive, the court found that in respect of the applicant, but not in respect of his co-defendants, P.H.'s statement had been corroborated by additional objective evidence, namely information about a change of a door which had been shot through in the applicant's car repair service, a sale of ammunition to the applicant and a ballistic report about the projectile found in the victim's head, which had provided a complete chain of evidence against the applicant.

Furthermore, while being aware that P.H. was not, in general, an impartial and reliable witness and that he had incriminated the applicant only because he had feared for himself because, *inter alia*, he had married the applicant's former girlfriend, the court had paid particular attention to P.H.'s trustworthiness in the present case. It observed that P.H.'s account of the events had been very extensive and detailed, distinguishing between what the applicant had told him and what he had deduced, that his repeated statements had been consistent and that he had appeared much more trustworthy than the applicant during their confrontation. Also, P.H.'s reliability had been subjected to examination by a court-appointed expert, according to whom the information provided by him had corresponded to his true perceptions and lived experience.

Lastly, it follows from the first-instance court's judgment that the applicant's arguments and objections had been dealt with and answered.

4. On 17 October 2023 the Prague High Court dismissed an appeal by the applicant. It found that the Regional Court had duly administered all relevant evidence, which it had assessed in accordance with the principle of the free assessment of evidence, afforded due respect to the right of the defence and sufficiently addressed the applicant's objections mainly regarding the statement of P.H. as a crown witness. In such circumstances, the appellate court considered, referring to *Helle v. Finland* (19 December 1997, *Reports of Judgments and Decisions* 1997-VIII), that it was open to it to dismiss the appeal by incorporating the reasons of the lower court.

5. On 25 June 2024 the Supreme Court dismissed an appeal on points of law lodged by the applicant, considering that the courts had proceeded in line with procedural rules and responded to the applicant's arguments, paying particular attention to the facts compromising the trustworthiness of P.H. Concerning the latter's statement, which the applicant had challenged as amounting to hearsay evidence, the Supreme Court pointed to the Constitutional Court's case-law, according to which the law did not prescribe the probational value of different types of evidence and did not exclude the use of circumstantial evidence (*odvozený důkaz*). It also observed that P.H.'s

statement about what he had heard from the applicant had been corroborated by the facts which he had personally experienced. The lower courts' decisions were thus found clear, logical and convincing.

6. In a constitutional appeal lodged by the applicant on 7 October 2024, in which he relied on Articles 6 and 13 of the Convention, he criticised the use by the High Court of the term "crown witness", which did not exist in domestic law and which raised the question, unaddressed by the courts, as to whether P.H. had been granted any privilege in exchange for his incriminating statements. He further argued that, in any case, P.H.'s statement had to be qualified as indirect (hearsay) and unreliable evidence which could not serve as a basis for his conviction.

7. On 16 October 2024 the Constitutional Court dismissed the applicant's constitutional appeal as manifestly ill-founded (no. I. ÚS 2770/24), holding that the applicant had merely disagreed with the courts' findings, which had been duly reasoned. The Constitutional Court found that since P.H. had in fact introduced into the main hearing the applicant's confession, his statement amounted to hearsay but still direct evidence in that it had directly confirmed that the applicant had committed the murder. The use of such evidence was admissible under Czech law. The fact that the High Court had designated P.H. as a crown witness had to be understood only as establishing his statement as key prosecution evidence, which the courts had duly challenged by a confrontation with the applicant's defence.

8. The applicant complained under Article 6 §§ 1 and 2 and under Articles 13 and 18 in conjunction with Article 6 of the Convention that the criminal proceedings against him had been unfair, that the appellate court had made a wrong reference to *Helle v. Finland* (cited above), that the Supreme Court had relied on some decisions of the Constitutional Court which were not binding and that the Constitutional Court had ruled on his constitutional appeal within only ten days and without knowledge of the entire case file. He further argued that there had been no effective domestic remedy in respect of his complaints regarding unfairness of the proceedings and he criticised domestic criminal law in general.

THE COURT'S ASSESSMENT

A. The applicant's complaints under Article 6 §§ 1 and 2 of the Convention

9. The applicant complained, in particular, that the criminal proceedings against him had been unfair because his conviction had been based solely on one witness statement amounting to hearsay evidence.

10. The Court reiterates that the admissibility of evidence is primarily a matter for regulation by national law and as a general rule it is for the national courts to assess the evidence before them. The Court's task is to ascertain

whether the proceedings as a whole, including the way in which evidence was taken, were fair (see, *inter alia*, *Gäfgen v. Germany*, no. 22978/05, §§ 162-63, 30 June 2008). In making this assessment the Court will look at the proceedings as a whole, having regard to the rights of the defence and also to the interest of the public and the victims that crime be properly prosecuted (see *Gäfgen*, cited above, § 175) and, where necessary, to the rights of witnesses (see, among many other authorities, *Al-Khawaja and Tahery v. the United Kingdom* [GC], nos. 26766/05 and 22228/06, § 118, ECHR 2011). As a rule, the rights of the defence require that the accused should be given an adequate and proper opportunity to challenge and question a witness against him or her, either when he or she makes his or her statement or at a later stage of the proceedings (see *Solakov v. "the former Yugoslav Republic of Macedonia"*, no. 47023/99, § 57, ECHR 2001-X, and *Rosin v. Estonia*, no. 26540/08, § 52, 19 December 2013).

11. In the present case, the Court notes that the applicant's conviction for murder was based on the statement made by P.H., the key witness for the prosecution, who stated that the applicant had confessed to him shortly after the murder that he had killed the victim. According to the Czech Constitutional Court, such statement was to be considered hearsay but still direct evidence in that it had directly confirmed that the applicant had committed the murder (see paragraph 6 above). The Court observes, however, that P.H.'s testimony did not introduce into the main hearing any statements of witnesses whom the applicant had no opportunity to examine or to have examined, which is what "hearsay" evidence usually refers to, but rather only the applicant's own confession. Admittedly, P.H.'s statement was the decisive evidence in the applicant's conviction since it could be described as determinative of the outcome of the case.

12. According to the "sole or decisive" rule, the Court usually considers that a defendant's defence rights may be unduly restricted if his or her conviction is solely or mainly based on evidence provided by witnesses whom the accused was unable to question at any stage of the proceedings. However, that was not the situation in the present case.

13. The Court observes that, although the material in the file as submitted by the applicant do not allow it to establish whether the applicant and/or his lawyer were present at P.H.'s pre-trial questioning, it is undisputed that P.H. was repeatedly heard by the court in the presence of the applicant, and was even confronted by the latter (see paragraph 3 above). Thus the applicant had an ample and effective opportunity to examine that witness, to test the truthfulness and reliability of the statement given by him and to put forward his own version of the events.

14. The Court further notes that the Regional Court, being aware of the facts casting doubt on the trustworthiness of P.H., assessed his statement with particular care and carefully elaborated on its reliability. In particular, the Regional Court subjected P.H.'s credibility to an expert examination and

tested it in the light of the additional evidence before it, finding that his statement was corroborated by several pieces of circumstantial evidence (see paragraph 3 above). The Court has consistently found that domestic courts' reliance on such indirect evidence is not as such incompatible with the Convention (see, for example, *Baybasin v. Germany* (dec.), no. 36892/05, 3 February 2009, and *Baduashvili v. Georgia* (dec.), no. 18720/08, § 74, 29 November 2018). Moreover, the admissibility of evidence is primarily a matter for regulation by national law (see the relevant general principles cited in paragraph 10 above).

15. In these circumstances, the Court is satisfied that the rights of the defence were not restricted to an extent that is incompatible with the guarantees provided by Article 6. The Court cannot, therefore, find that the applicant's trial as a whole was unfair.

16. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. The remainder of the application

17. The applicant also raised other complaints under various other Convention provisions (see paragraph 8 above).

18. The Court considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

19. It follows that these complaints must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 February 2026.

Martina Keller Deputy Registrar	María Elósegui President