

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

THIRD SECTION

DECISION

Application no. 42941/05
Frantisek PŘÍPLATA
against Romania

The European Court of Human Rights (Third Section), sitting on 13 May 2014 as a Chamber composed of:

Josep Casadevall, *President,*
Alvina Gyulumyan,
Dragoljub Popović,
Kristina Pardalos,
Johannes Silvis,
Valeriu Griţco,
Iulia Antoanella Motoc, *judges,*

and Santiago Quesada, *Section Registrar,*

Having regard to the above application lodged on 16 November 2005,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having regard to the comments submitted by the Czech Government,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Frantisek Příplata, is a Czech national who was born in 1948 and lives in Uherske Hradiste, in the Czech Republic. He was represented before the Court by Mr D. Strupek, a lawyer practising in Prague.

2. The Romanian Government ("the Government") were represented by their Agent, Mrs C. Brumar, from the Ministry of Foreign Affairs.

3. The Czech Government exercised their right under Article 36 § 1 of the Convention to intervene in the Court's proceedings, and submitted written observations.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

1. The background to the criminal proceedings

4. The applicant is a Czech business man who had invested in Romania after 1990. As he was familiar with the Romanian business environment, he was empowered by a Czech company ("the company ZV") to represent it in the process of the privatisation of the company S.C. Tepro S.A. ("Tepro"), which had its headquarters in Iași. The company ZV won the bid, which was managed by the State Property Fund (*Fondul Proprietatea*), and the contract for the transfer of shares was concluded on 21 July 1998.

5. The transfer of control of the company Tepro to company ZV was followed by the dismissal of many local employees. The privatization was strongly opposed by the workers' trade union, *Sindicatul Liber Tepro* ("the SLT") led by Mr S. ("the SLT leader") who challenged the validity of the privatisation contract in court and organised strikes.

6. In June 2000, the applicant recommended to the Czech manager of company ZV the services of a company ("company P.") for guarding and security services, headed by Mr C. ("the manager of company P."). It was the same company which was providing similar security services to the applicant's companies in Romania.

7. The terms of the contract between the two companies were discussed on 10 August 2000 at a hotel. All the Czech managers were present. A press conference was organized on that occasion. The applicant was present at a drinks reception after the press conference there; however, he denied that he had taken any part in a conversation between Mr Z. ("the manager of ZV"), the manager of company P., and Mr B. ("the manager of Tepro") during which it was allegedly decided to eliminate the SLT leader.

8. The contract on provision of security services was signed by company P. and Tepro on 16 August 2000.

2. The attack on the leader of the SLT

9. On 19 August 2000 an attempt by the manager of company P. and his employees to take over the security posts in Tepro was physically prevented by the SLT. According to the applicant, on that day the manager of company P. indicated to his employees that the SLT leader should be assaulted to prevent him from organising the workers of the SLT against the takeover of the security posts at Tepro.

10. On 20 August 2000 staff members of company P. succeeded in taking over Tepro's security posts. However, the next day they were forced out again.

11. According to the prosecuting authorities, the manager of company P. gave B., S. and V. the address of the SLT leader so that he could be attacked.

12. B. invited his friend T. to take part in the assault. On 5 September 2000, he allegedly informed the manager of company P that he and T. had agreed to use a knife during the assault. The manager of company P. allegedly consented to the use of the knife, stating that the reward they had been promised would be doubled if the SLT leader was killed.

13. On 7 September 2000, at about 8 a.m., B. and T. attacked the SLT leader in the hallway of the building where he was living and caused him fatal injuries. He died shortly after being transported to hospital.

3. The investigation

14. The perpetrators of the killing and the manager of company P. were arrested on 9 September 2000. They did not mention any involvement by the applicant in their initial statements. However, on 11 September 2000 the manager of company P. did mention that the applicant was involved in the attack.

15. The manager of Tepro was also arrested on 10 September 2000. On 18 September 2000 he gave a statement which began by mentioning the applicant's involvement in the discussions which took place at the hotel on 10 August 2000.

16. Mr. P., a friend of the manager of company P., was heard as a witness on 20, 21, 22 and 28 September 2000. On 10 October 2000 he alleged that he had been present when a conversation took place between the manager of company P. and the applicant, during which the latter had allegedly told the former that the problems could be solved by the physical elimination of the SLT leader.

17. On 13 September 2000 the prosecutor began an investigation in respect of the applicant too, and instructed the police not to allow him to leave the country.

18. In the evening of 19 September 2000 the applicant was stopped at the Romanian border in Borș, while he was trying to leave the country. He was transported to Iași by police officers. He was questioned on arrival there. He pleaded not guilty and denied any involvement in the killing of the SLT leader.

19. The applicant was assisted by two lawyers of his choice during the investigation stage.

20. On 21 September 2000 the prosecutor in charge set up a confrontation between the applicant and the manager of company P.

21. On the same day the applicant was officially arrested and remanded in custody.

22. On 2 November 2000 the applicant was heard in connection with another charge against him concerning fraud in respect of public assets.

23. On 25 November 2000 the prosecutor filed with the Iași County Court an indictment of the applicant for fraud in respect of public assets, conspiracy to commit an offence, and incitement to aggravated homicide. The killers of the SLT leader and the managers of the companies P. and Tepro were also charged.

4. The trial

24. By a decision of 23 January 2001 the Supreme Court of Justice granted the applications of the applicant, the Czech embassy and the Ministry of Justice for the referral of the case from the Iași County Court to another court, because of the political pressure in Iași. The file was transferred to the Satu Mare County Court.

25. Initially the applicant was assisted by three lawyers of his choice. Starting from 4 September 2001 he was assisted by one lawyer of his choice, H.C.

26. On 5 February 2001 the Satu Mare County Court appointed a Czech-language interpreter (C.E.). The applicant requested the appointment of the same authorised interpreter used by the prosecutor during the investigation stage and the hearings before the Iași County Court. His request was refused on the ground that the cost would be too great since he resided in Iași.

27. On 3 April 2001 the court appointed a new authorised interpreter, G.I., on the ground that the applicant alleged that he had not understood the interpretation done by the previous one. He acted as the applicant's interpreter at the subsequent hearings before the county court.

28. On 19 July 2001 the Oradea Court of Appeal allowed the appeal lodged by the applicant and the manager of Tepro against the interlocutory judgment on the extension of their pre-trial detention. It replaced their detention with an obligation not to leave their place of residence, and ordered their release. It also stated that the events as described in the indictment were not completely confirmed by the statements of the defendants and the witnesses heard before the court. The judgment had a dissenting opinion which stated that the extension of the detention was justified, as the grounds for taking the preventive measure had not changed.

29. After the applicant had been released from detention, workers of Tepro gathered in the streets of Iași protesting against the release. On 21 July 2001 the Prime Minister of the time attended one of these meetings and expressed support for the workers. He called the killing of the SLT leader a "political murder" and promised to ask the General Prosecutor to explain to the people of Iași why those considered by the citizens of Iași to be guilty of the murder were being prosecuted without being detained.

30. After two days, the decision to release the applicant was challenged by the General Prosecutor, who submitted a complaint of breach of law to the Supreme Court of Justice. He also ordered that the applicant be rearrested.

31. By an interlocutory judgment of 24 July 2001, the Satu Mare County Court ordered the suspension of the decision of the Oradea Court of Appeal of 19 July 2001 until the examination of the General Prosecutor's complaint. It also ordered the re-arrest of the applicant and of the manager of Tepro and the extension of his detention

32. On 26 September 2001 the Supreme Court dismissed the extraordinary appeal lodged by the General Prosecutor, and consequently the Satu Mare County Court replaced the detention of the applicant and of the manager of Tepro with an obligation not to leave their places of residence. They were released from prison.

33. On 27 July 2001, the Ministry of Justice applied to the Supreme Court of Justice for referral of the case to another court than the Satu Mare County Court. The request was justified by the wide media coverage of the case and its effect on public opinion. The Ministry stated that the request for the referral of the file to another court had been made at the insistence of the Czech embassy. The Czech embassy attended the hearing at the Supreme Court and contested that measure. The request of the Ministry of Justice was dismissed.

34. On 18 December 2001 the hearing was adjourned until 22 January 2002 because the applicant's interpreter and part of the witnesses were absent.

35. At the hearing of 22 January 2002 the applicant and his lawyer consented to the hearing of three witnesses in the absence of the interpreter. Interpreter G.I. was present at the following hearings before the Satu Mare County Court. Neither the applicant nor his lawyer complained about the services provided by him during the proceedings before the Satu Mare County Court.

36. At the hearing of 12 March 2002, the applicant requested the hearing of four witnesses in his behalf. The Satu Mare County Court had granted the applicant's request for the hearing of three witnesses, while it considered that the hearing of the fourth witness was not relevant as he had heard about the facts of the case from the applicant indirectly during their detention in the same cell.

37. By a judgment of 5 November 2002 the applicant was acquitted of the charge of fraud and found guilty of conspiracy to commit a crime and of incitement to battery with fatal results (*instigare la infracțiunea de lovituri cauzatoare de moarte*). He was sentenced to six years' imprisonment. The court held that the applicant and the managers of the companies P. and Tepro had instructed the attackers only to cause the SLT leader injuries that would stop his activities in Tepro for a few weeks. It also held that the

attackers had exceeded their instructions. The applicant's conviction was based on evidence that comprised the statements of co-accused and witnesses whom he had had the opportunity to cross-examine in the presence of his lawyers.

5. The appeal proceedings

38. The applicant, the other defendants and the prosecutor's office all lodged appeals with the Oradea Court of Appeal.

39. In the appeal proceedings the applicant was assisted by two lawyers of his choice (one of them was the same lawyer who had assisted him before the Satu Mare County Court, H.C.).

40. At the first hearing before the appellate court the interpretation services were provided by the same interpreter as before the county court, G.I. On 8 May 2003 the appellate court ordered an adjournment of the hearings because the applicant's lawyer required the services of another interpreter claiming that the applicant was not satisfied with the services provided by G.I. A new interpreter, R.P., was appointed for the hearing of 5 June 2003.

41. On 5 June 2003 the newly appointed interpret was absent. The court appointed another interpreter, D.M. from the list of authorized interpreters provided by the Ministry of Justice. The hearing was adjourned for 26 June 2003.

42. On 10 July 2003 the appelate court adjourned again the hearings at the request of D.M., who informed that she was abroad.

43. According to the applicant, at the hearing of 21 August 2003 the court had informed the applicant that the next hearing, scheduled for 10 September 2003, would take place in the absence of an interpreter if he did not secure one himself. In response to that statement the Czech embassy sent a note to the Supreme Court of Justice, which subsequently informed the appeal court that the services of an interpreter must be secured by the judicial authorities. The interlocutory judgment of 21 August 2003 did not contain such a statement. The hearings were adjourned at the request of one of the applicant's lawyers.

44. The appellate court had difficulties in finding an available interpreter. It contacted by telephone most of the eleven interpreters found on the list provided by the Ministry of Justice and none was able to ensure interpretation services at the hearing of 10 September 2003. At that hearing the applicant did not accept the interpretation ensured by a person who knew Czech language, invited by the Czech Embassy to help the applicant. The court adjourned the hearings in order to find an authorized interpreter for the applicant.

45. At the last hearing before the appeal court, on 24 September 2003, the interpretation services were provided by an authorized interpreter, L.A. The applicant asked the court to allow more witnesses to be heard on his

behalf, submitting a list of eight names in this respect. The list included the name of four Czech managers of Tepro, among whom were Z.Z. and the interpreters who had provided the service for the meeting held on 10 August 2001. The list also included witness R., who had shared a prison cell with the applicant. His request was refused, on the ground that the hearing of these new witnesses did not appear to be necessary at this stage of the proceedings.

46. By a decision of 8 October 2003 the Oradea Court of Appeal quashed the judgment of the Satu Mare County Court in part. It found the applicant guilty of fraud in respect of public assets, conspiracy to commit a crime, and incitement to aggravated murder. He was sentenced to fourteen years' imprisonment, with deprivation of civil rights for a period of five years. He was also ordered to pay a monthly allowance to the daughter of the victim until she reached the age of 25, provided that she continued her studies after reaching the age of majority. He was also ordered to pay the costs of the interpretation provided by A.L., which had been paid for by the Court of Appeal.

6. The appeal on points of law

47. The applicant lodged an appeal on points of law against the decision, submitting that Article 6 § 3 (e) of the Convention had been violated. In this respect he claimed that most of the written procedural acts had been delivered to him in the Romanian language, and that interpreting services at the Satu Mare County Court were provided by non-authorised interpreters who were not well understood by him. He also contended that he had been ordered to pay for the interpreting services provided by interpreter A.L. at the Oradea Court of Appeal.

48. He also complained that his right to defence had been infringed, because his request for further evidence made before the appellate court was dismissed without sufficient reasons.

49. Another complaint concerned lack of impartiality on the part of the domestic courts, because certain judges who had examined his appeal against the extension of his pre-trial detention had also examined the merits of the case. He referred in particular to Judge P.N.

50. In the proceedings before the High Court the interpretation services were ensured by two interpreters. The fees for interpretation were paid by the State.

51. The applicant was assisted before the High Court by the same two lawyers who had assisted him before the appellate court.

52. By a decision delivered on 2 June 2005 the High Court of Cassation and Justice quashed the decision of the Oradea Court of Appeal in part. It acquitted the applicant of the charge of fraud in respect of public assets, maintained the other two charges, and sentenced him to eight years' imprisonment with five years' deprivation of civil rights. It also rescinded

the applicant's obligation to pay the costs of interpretation provided at the Oradea Court of Appeal.

53. As regards the alleged infringement of the applicant's right to an interpreter, the High Court held that from the examination of all interlocutory judgments it could be noted that no hearing had been held in the absence of an interpreter. Whenever the interpreter was absent the hearing was adjourned, and the court took all necessary steps to ensure the presence of an interpreter for the subsequent hearing.

54. As regards the applicant's allegation that he could not understand the translation offered by the court-appointed interpreters because some of them were authorised to provide interpretation in the Slovak language and not in the Czech language, the High Court noted that according to the statements of A.C., a Romanian citizen of Slovak origin, the applicant had no difficulty in communicating with her. It also referred to B.G., who was hired as an interpreter at Tepro and also used as an interpreter at the meeting held on 10 August 2001. It noted that he was of Slovak origin too. The High Court further stated that "Whenever the applicant requested the replacement of the interpreters they were changed". The court also noted that the applicant's counsel had never complained before any court of difficulty in establishing proper communication with the applicant through the court-appointed interpreters.

55. As regards the applicant's complaint about the dismissal by the Oradea Court of Appeal of his request for new evidence, the High Court noted that the Czech witness, Z.Z., had been summoned to be heard in different proceedings in connection with offences related to the applicant's case, but he had not returned to Romania to be heard. The court also noted that taking into account his involvement in the applicant's case it could not be expected that Z.Z. would give accurate statements. Moreover, there was enough evidence in the file attesting to the applicant's involvement in the killing of S.V. The other three Czech managers indicated by the applicant in his list of witnesses were only involved in economic activities. As regards the statements by the two interpreters of Slovak origin, B.G. and A.C., who had attended the meeting 10 August 2001, the High Court noted that both of them had often provided interpretation to the Czech managers in their economic activity and were very much involved in profitable activities with the latter. Furthermore, A.C. was not only his business partner but also his life partner. The court concluded that their testimony in connection with the discussions held on 10 August 2001 could not be considered reliable, as both had provided interpreting services for the conversations held on that occasion. They could not acknowledge that they had thus become aware of the defendants' intention to eliminate the leader of the SLT, because they could thereby have been held responsible for not preventing his killing.

56. For medical reasons the applicant was allowed to start serving his sentence on 7 September 2005. However, taking advantage of the lack of

vigilance of the border authorities, he escaped from Romania to the Czech Republic in July 2005.

57. The Oradea District Court issued a European Arrest Warrant in his respect on 24 April 2008. By a decision of 9 October 2008 the Brno District Court refused to allow his extradition to Romania.

7. The request for recognition of the Romanian courts' decisions

58. The Romanian Ministry of Justice requested the Czech Republic to take over the execution of the prison sentence. The Czech Ministry of Justice submitted, in accordance with the relevant provisions of the Czech Code of Criminal Procedure, a request to the Brno District Court for approval of the Romanian courts' decisions.

59. In the course of the proceedings before the Brno District Court there were three hearings. The court heard several witnesses, who included one of the applicant's defence counsel before the Romanian courts, two employees of the Czech embassy in Romania, and the applicant's interpreter and partner A.C.

60. By a judgment of 2 September 2009 the Brno District Court refused to approve the Romanian courts' decisions, on the ground that the applicant had not benefitted from a fair trial in Romania. The main reason for the refusal was infringement by the Romanian court of Article 6 § 3 (e) of the Convention, as the applicant had not been provided with the free assistance of an interpreter.

B. Relevant domestic law

61. In accordance with Article 8 of the Romanian Code of Criminal Procedure ("the CCP"), in force at the material time, parties who did not speak or did not understand the Romanian language, or who could not express themselves in it, were given the opportunity, free of charge, to acquaint themselves with the documents in the file, to speak in court and to submit conclusions, through the services of an interpreter and translator.

62. The Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between the Member States, transposed into Romanian law since 2004, has as main purpose to simplify and expedite procedures for extradition of persons convicted or accused of crimes between the EU member states.

COMPLAINTS

63. The applicant complained under Article 6 § 1 of the Convention that the domestic courts were neither impartial nor independent. In this respect

he complained about the intervention of the Prime Minister after his release from detention, and later that of the Ministry of Justice, which applied for relinquishment of the jurisdiction from the Oradea Court of Appeal to another court. He also complained about the extraordinary appeal lodged by the General Prosecutor against the decision to release him from detention. He believed that the decisions of the domestic courts were the result of strong political pressure.

64. Under Article 6 § 3 (b) of the Convention, the applicant complained that the decisions rendered by the domestic courts were not reasoned.

65. Relying on Article 6 § 3 (d), he claimed that the Oradea Court of Appeal had refused his request for further evidence to be heard, without giving any reasons. He maintained that the courts had relied on depositions made prior to his accusation which had later been retracted before the courts.

66. The applicant further complained under Article 6 § 3 (e) about the infringement of his right to the free assistance of an interpreter on the ground that the interpreters who had assisted him before the Satu Mare County Court were not court-certified, spoke the Slovak language and had provided an inadequate service. He also alleged that he had not received any documents translated into the Czech language.

67. He complained under Article 6 § 2 of the Convention about the declarations made by the Prime Minister about his alleged guilt.

THE LAW

A. Complaints under Articles 6 §§ 1 and 3 of the Convention

68. Relying on Article 6 §§ 1 and 3 (d) and (e) of the Convention, the applicant complained of a number of breaches of the guarantees of fair trial. He complained, in particular, that:

a) the domestic courts had lacked impartiality and independence;

b) the Oradea Court of Appeal had refused his request for further evidence to be heard without providing sufficient reasons;

c) the domestic courts had made an incorrect assessment of the evidence in his file;

d) his right to the free assistance of an interpreter had been infringed.

69. The relevant parts of Article 6 §§ 1 and 3 (d) and (e) of the Convention provide as follows:

> "1. In the determination of ... any criminal charge against him, everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law."
>
> 3. Everyone charged with a criminal offence has the following minimum rights: ...

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court."

1. Alleged lack of impartiality of judges

(a) The parties' submissions

70. The respondent Government submitted that the applicant had not exhausted the domestic remedies in connection with the alleged lack of impartiality and independence of the domestic courts. In this respect they contended that the applicant could have lodged a request on the basis of Articles 47-52 of the Romanian Code of Criminal Procedure ("the CCP"), in force at the material time. The Government submitted that the application lodged by the Ministry of Justice for the relinquishment of jurisdiction and the extraordinary appeal lodged by the general Prosecutor were based on law. The reasons given by the Ministry of Justice for the relinquishment of jurisdiction referred mainly to the interest of the press in the case, the impact on the public, and the facts of the case.

71. The Czech Government did not submit specific observations as regards the alleged lack of impartiality of judges.

72. The applicant argued that his complaint rather concerned the alleged lack of impartiality of the domestic courts under political pressure from the executive than the alleged lack of impartiality of individual judges. Therefore he could not use the avenue provided by Articles 47-52 of the CCP, which was designated for specific objections concerning the impartiality of individual judges. Moreover, he submitted that he had complained in his appeal on points of law about political pressure being placed on the judges of the Oradea Court of Appeal.

73. The applicant submitted that he had been prevented from obtaining a fair hearing of his case by an independent and impartial tribunal by the exertion of strong political pressure and by interventions by the executive branch of the Government in the court proceedings. In particular, he referred to the speech made by the Prime Minister at his meeting with Tepro workers on 21 July 2001, which had had as a direct consequence the extraordinary appeal lodged by the General Prosecutor for the revocation of the applicant's release from prison. The third intervention by the executive branch in the proceedings was the application lodged by the Ministry of Justice for a change of venue from the Satu Mare County Court to another court.

(b) The Court's assessment

74. The Court notes from the outset that the Government raised a preliminary objection of non-exhaustion of domestic remedies in respect of the applicant's complaint. However, it finds that it is not necessary to examine the said objection as the complaint is in any event inadmissible for the following reasons.

75. The Court reiterates that Article 6 of the Convention requires courts to be independent and impartial. The existence of impartiality for the purposes of Article 6 § 1 must be determined according to a subjective test, that is, on the basis of the personal conviction of a particular judge in a given case, and also according to an objective test, namely ascertaining whether the tribunal offered guarantees sufficient to exclude any legitimate doubt in this respect (see *Hauschildt v. Denmark*, 24 May 1989, § 46, Series A no. 154). In the present case the objective test is at issue, as the applicant did not complain of personal bias against him on the part of the judges.

76. As regards the objective test, it must be determined whether, quite apart from the judges' conduct, there are ascertainable facts which may raise doubts as to their impartiality. This implies that, in deciding whether in a given case there is a legitimate reason to fear that a particular judge or a body sitting as a bench lacks impartiality, the standpoint of the person concerned is important but not decisive. What is decisive is whether this fear can be held to be objectively justified. In this respect even appearances may be of a certain importance or, in other words, "justice must not only be done, it must also be seen to be done". What is at stake is the confidence which the courts in a democratic society must inspire in the public (see *Daktaras v. Lithuania*, no. 42095/98, § 32, ECHR 2000-X, and *Micallef v. Malta* [GC], no. 17056/06, §§ 96-98, ECHR 2009).

77. In the instant case the Court notes that the applicant's trial was conducted in a passionate and tense atmosphere. The selling off of a big Romanian company to a foreign investor as part of the process of privatisation followed by the dismissal of many local employees culminated in the murder of the leader of the company's trade union. The predominant feeling was that the murder was closely related to the takeover of their company by foreigners. In this context the declaration made by the Prime Minister at Iași that he would ask the General Prosecutor to intervene and take measures concerning the release of the applicant from pre-trial detention, followed by the extraordinary appeal lodged by the General Prosecutor against the decision of the Oradea Court of Appeal ordering the release of the applicant, might be considered an interference with the independence of the judiciary. The request made by the Ministry of Justice for a change of venue from the Satu Mare County Court to another court might also be considered an intrusion by the executive into the activities of the judiciary.

78. However, the Court does not find any indication in the file that the courts dealing with the applicant's case, which were constituted entirely of professional magistrates, were somehow influenced by these intrusions when making their decisions. In this respect the Court notes that the Supreme Court of Justice had dismissed the extraordinary appeal lodged by the General Prosecutor and upheld the decision of the Oradea Court of Appeal to replace the detention of the applicant with an obligation not to leave his place of residence (see paragraph 32 above). It also dismissed the second request of the Ministry of Justice for a change of venue (see paragraph 33 above).

79. Moreover, the events referred to by the applicant in support of his complaint concerning the alleged lack of impartiality took place in July 2001, while the criminal proceedings were before the first-instance court. The Court observes that a considerable period of time, more than four years, elapsed from these events until the High Court of Cassation and Justice delivered a final decision in the case. Meanwhile, the atmosphere around the privatisation of Tepro calmed down.

80. In the light of the above considerations, the Court considers that the applicant's concerns as to the independence and impartiality of the tribunals were not justified. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

2. The evidence used as the basis for the applicant's conviction

(a) The parties' submissions

81. The applicant complained that the Oradea Court of Appeal had not heard the witnesses he had requested, thus depriving him of an important means of establishing his innocence. He also contended that the reasons provided by the Oradea Court of Appeal for the dismissal of his request were insufficient. The applicant also submitted that the manner in which the domestic courts had evaluated the evidence had been arbitrary, demonstrating that the courts had had the preconceived idea that he had committed the offences with which he was charged.

82. The respondent Government submitted that the Satu Mare County Court had heard the witnesses suggested by the applicant on his behalf, and that the Oradea Court of Appeal had provided enough reasons for their refusal of his late request for additional evidence to be heard.

83. The Czech Government did not submit observations in connection with these complaints.

(b) The Court's assessment

84. The Court reiterates that the admissibility and assessment of evidence are primarily matters for regulation by national law and the

national courts which enjoy a wide margin of appreciation in this respect, and therefore it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed the rights and freedoms protected by the Convention (see *García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I). The Court's role under Article 6 § 1 is not to assess the facts which led the domestic courts to adopt one decision rather than another, and Article 6 § 1 does not guarantee that the "right result" will be reached by the domestic courts (see *Klasen v. Germany*, no. 75204/01, § 43, 5 October 2006).

85. Turning to the instant case, the Court notes that the applicant had complete freedom to present his case before the courts and to bring the evidence he deemed necessary. The domestic courts addressed all the relevant submissions made by him, and the reasons upon which they based their decisions are sufficient to rule out the assumption that their evaluation of the case was arbitrary.

86. In this respect the Court notes that the Satu Mare County Court had granted the applicant's request for the hearing of three witnesses, while it considered that the hearing of the fourth witness was not relevant as he had heard about the facts of the case from the applicant indirectly during their detention in the same cell (see paragraph 36 above). The applicant had made a request for the hearing of additional witnesses in the appeal proceedings at the last hearing. The appeal court had dismissed his request on the ground that new evidence did not seem necessary, taking into account the evidence adduced up to that time (see paragraph 45 above).

87. The Court further notes that the applicant had complained about the refusal of his request for additional witnesses in his appeal on points of law. The High Court of Cassation and Justice had provided ample justification for the appeal court's refusal of his request for evidence (see paragraph 55 above). Therefore, the Court considers that the reasons relied on by both domestic courts for refusing to accept new witnesses on behalf of the applicant in the appeal proceedings were sufficient.

88. The applicant's conviction appears to have been the result of corroborated evidence that comprised the statements of co-accused and witnesses whom he had had the opportunity to cross-examine at various stages of the proceedings in the presence of his lawyers. The Court considers that nothing has been shown to support the conclusion that the applicant's defence rights were not properly complied with in respect of the evidence adduced, or that its evaluation by the domestic courts was arbitrary.

89. Therefore, the Court finds that these complaints concerning the evidence are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

3. The alleged lack of interpreting

(a) The parties' submissions

90. The applicant claimed that despite the fact that the court had a list of available court-certified interpreters into the Czech language and that he had expressed satisfaction with the interpreter who had previously provided the interpretation before the Iași County Court, he had been assisted before the Satu Mare County Court by two non-certified interpreters who spoke the Slovak language. In this respect he complained that the interpretation services offered by them were inadequate. Moreover, he claimed that the most important documents, such as the indictment, the judgments of the domestic courts, and the appeals lodged by the prosecutors, were delivered to him in the Romanian language. He added that the Oradea Court of Appeal had ordered him to pay for the interpretation services provided.

91. The respondent Government submitted that the Romanian courts had appointed interpreters for the applicant, who had assisted him throughout the criminal proceedings. They further contended that according to the Romanian Code of Criminal Procedure a defendant was entitled to be assisted by an interpreter, but not to have the documents of the file translated in writing into a language other than Romanian.

92. The Czech Government submitted that it had no doubts about the correctness of the findings of the Brno Regional Court as regards the violation of the applicant's right to an interpret as guaranteed by Article 6 § 3 (e) of the Convention.

(b) The Court's assessment

93. The Court reiterates that the guarantee provided in paragraph 3 (e) of Article 6 signifies that a person "charged with a criminal offence" who is unable to understand or speak the language used in the court has the right to the free assistance of an interpreter for translation or interpretation of all those documents or statements in the proceedings instituted against him which it is necessary for him to understand or to have rendered into the court's language in order to have the benefit of a fair trial (see *Luedicke, Belkacem and Koç v. Germany*, 28 November 1978, § 48, Series A no. 29). For the guaranteed right to be effective, the obligation of the competent authorities is not limited to the appointment of an interpreter but, if they are put on notice in the particular circumstances, may also extend to a degree of subsequent monitoring of the adequacy of the interpretation provided (see *Kamasinski v. Austria*, 19 December 1989, § 74, Series A no. 168).

94. The Court also reiterates that it is not required however that all written evidence or official documents be translated. The interpretation provided should be such as to enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to place his version of events before the court.

95. Turning to the instant case, the Court notes that two (see paragraphs 19 and 51 above) and sometimes three (see paragraph 25 above) Romanian lawyers, chosen by the applicant, had assisted him during the proceedings. Lawyer H.C. had assisted him before all three levels. Therefore it is not persuaded that the applicant was not properly informed of the nature and legal classification of the charges against him, or that the proceedings were rendered unfair by the lack of a written translation of the indictment and other procedural acts. Moreover, it is not apparent that the substance of the evidence against him was not explained to him by his lawyers. There is in particular no evidence that the assistance provided to him before and during the trial did not enable him to have knowledge of the case against him or to defend himself by being able to place his version of events before the courts.

96. In so far as there were any points of difficulty, it was open to him to request further clarification during his consultations with his legal advisers at which an interpreter was present.

97. The Court notes that the applicant's request to have interpreter C.E. replaced with another interpreter, was granted by the Satu Mare County Court (see paragraph 27 above). Moreover, after interpreter C.E. had been replaced, the applicant did not request the re-hearing of the witnesses in the presence of the new interpreter.

98. The High Court of Cassation and Justice allowed the applicant to be assisted by two interpreters (see paragraph 50 above).

99. The Court further notes that the High Court of Cassation and Justice had thoroughly examined the applicant's complaint about the alleged infringement of his right to an interpreter (see paragraphs 53-54 above) and concluded that it was unfounded.

100. The Court notes that no hearing was held in the absence of an interpreter in respect of the applicant, and that the courts had postponed the hearings each time an interpreter had not been able to attend (see paragraphs 34, 40, 41 and 42 above). It also notes that the High Court of Cassation and Justice revoked the Oradea Court of Appeal's, under which it had asked the applicant for a fee for interpretation (see paragraph 52 above).

101. The Court finds that the applicant's complaint that he did not receive a fair trial because of the inadequacy of the interpretation and translation facilities provided is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 1 and 4 of the Convention.

B. Complaint under Article 6 § 2 of the Convention

102. The applicant complained of a violation of the presumption of innocence on account of the declarations made by the Prime-Minister about his alleged guilt on 21 July 2001. He relied on Article 6 § 2 of the Convention, which reads as follows:

"2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

1. The parties' submissions

103. The respondent Government raised an objection of non-compliance with the six-month rule. They pointed out that the applicant had complained of an infringement of the presumption of innocence in connection with the Prime Minister's public declarations made on 21 July 2001, but only in his application to the Court.

104. The applicant submitted that he had raised the issue of the political pressure exercised on the courts in his appeal on points of law.

2. The Court's assessment

105. The Court notes that the applicant complained about the alleged infringement of the presumption of innocence in connection with the Prime Minister's statements of 21 July 2001, only in his application lodged with the Court on 16 November 2005. However, the Court finds that it is not necessary to examine the Government's objection as the complaint is in any event inadmissible for the following reasons.

106. The Court reiterates that the principle of presumption of innocence enshrined in Article 6 § 2 will be infringed if a statement of a public official concerning a person charged with a criminal offence reflects an opinion that he is guilty before he has been proved so according to law. It suffices, even in the absence of any formal finding, that there is some reasoning to suggest that the official regards the accused as guilty (see *Daktaras,* cited above, § 41; *Virabyan v. Armenia*, no. 40094/05, § 185, 2 October 2012 and *Viorel Burzo v. Romania*, nos. 75109/01 and 12639/02, §§ 159 and 164, 30 June 2009).

107. Whether a statement of a public official is in breach of the principle of the presumption of innocence must be determined in the context of the particular circumstances in which the impugned statement was made (see *Daktaras*, cited above § 43 and *A.L. v. Germany*, no. 72758/01, § 31, 28 April 2005).

108. In the instant case the Prime Minister's statements were made in the context of the meetings of the Tepro's employees unsatisfied with the Oradea Court of Appeal's decision to replace the detention of the applicant and of the manager of Tepro with an obligation not to leave their place of residence (see paragraph 29 above). In his statements, the Prime Minister promised to ask the General Prosecutor to explain why those considered by the citizens of Iași to be guilty of murder were being prosecuted without being detained.

109. The Court considers that, having regard to the context in which the statements were made, the Prime Minister was referring not to the question whether the applicant's guilt had been established by the evidence, but

described the degree of suspicion against the applicant expressed by the Iași citizens. In fact he did not express his own opinion about the applicant's guilt. Therefore, his statements could not be regarded as an attempt to prejudge the domestic courts' verdict in the applicant's case.

110. Moreover, the Court reiterates that there is no indication in the file that the courts dealing with the applicant's case, which were constituted entirely of professional magistrates who generally possess appropriate experience and training enabling them to resist any outside influence (*Craxi v. Italy* (no. 1), no. 34896/97, § 104, 5 December 2002 and *Mircea v. Romania*, no. 41250/02, § 75, 29 March 2007), were somehow influenced by the Prime Minister's statements (see paragraphs 78 and 79 above). The Court notes that the Supreme Court dismissed the extraordinary appeal lodged by the General Prosecutor and upheld the decision of the Oradea Court of Appeal to replace the applicant's detention with an obligation not to leave his place of residence (see paragraph 32 above).

111. For all these reasons, the Court considers that the Prime Minister's statements did not have as a consequence a breach of the presumption of the applicant's innocence.

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

C. Remainder of the application

112. The applicant complained under Article 6 § 3 (b) about the substantiation of the domestic decisions.

113. The Court has examined this complaint as submitted by the applicant. However, having regard to all the material in its possession and in so far as this complaint falls within its competence, the Court finds that it does not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that this complaint must be rejected as manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Santiago Quesada
Registrar

Josep Casadevall
President