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

FIFTH SECTION

DECISION

Application no. 34695/22
David RATH
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 2 June 2026 as a Chamber composed of:

María Elósegui,
Andreas Zünd,
Diana Sârcu,
Mykola Gnatovskyy,
Vahe Grigoryan,
Sébastien Biancheri*, judges*,
Pavel Šturma*, ad hoc judge*,

and Martina Keller, *Deputy Section Registrar,*

Having regard to the above application lodged on 20 June 2022,

Having regard to the decision to give notice to the Czech Government ("the Government") of the complaints under Article 6 §§ 1 and 2 of the Convention concerning an alleged lack of an independent and impartial tribunal and an alleged breach of the principle of presumption of innocence;

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

Having regard to the decision of the Vice-President of the Section to appoint Mr P. Šturma to sit as an *ad hoc* judge (Article 26 § 4 of the Convention and Rule 29 § 1 (a) of the Rules of Court), Ms K. Šimáčková, the judge elected in respect of the Czech Republic, having withdrawn from sitting in the case (Rule 28 § 3),

Having deliberated, decides as follows:

INTRODUCTION

1. The application concerns criminal proceedings on serious corruption-related charges brought in May 2012 against the applicant, a well-known politician, which were widely covered in the media. The

applicant complained under Article 6 §§ 1 and 2 of the Convention that adverse public statements and interventions made by various State officials were incompatible with the presumption of innocence and that there were several other elements compromising the impartiality and independence of the judges involved in the proceedings.

THE FACTS

2. The applicant was born in 1965 and lives in Zbuzany. He was represented by Mr R. Jelínek, a lawyer practising in Prague.

3. The Government were represented by their Agent, Mr P. Konůpka, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. The applicant was a well-known politician at the material time. He was Minister of Health from 2005 to 2006, governor of the Central Bohemian Region from 2008 to 2012 and a member of the Czech Parliament from 2006 to 2013. He devoted much of his political career to tackling corruption.

A. Criminal proceedings against the applicant

6. On 14 May 2012, after having been the subject of covert surveillance for several months, the applicant was arrested by the anti-corruption police with a large amount of cash on him, charged with several serious corruption-related offences and remanded in custody. Given the applicant's public profile, and since it was the first time that a deputy enjoying parliamentary immunity was being prosecuted during his parliamentary term, his arrest and the subsequent criminal proceedings attracted extensive media coverage and public attention (see paragraph 20 below).

7. In November 2012 the police asked the Central Bohemian Region whether it wished to join the criminal proceedings as a civil party in order to seek damages. Despite the then governor's positive response on 19 November 2012, the Region did not participate in any way in the subsequent criminal proceedings or lodge any formal claims for damages (see paragraph 10 *in fine*).

8. On 5 April 2013 the applicant was formally indicted before the Prague Regional Court. His case was assigned to Criminal Chamber 4T, which consisted of a presiding judge, R.P., and two lay assessors, T.M. and J.O., with the lay assessors having been earlier elected to their positions by the assembly of the Central Bohemian Region. R.P. subsequently informed the parties that the lay assessors' four-year term would end during the proceedings, at which point the assembly of the Central Bohemian Region would have to either extend their mandate or elect new lay assessors. He also invited the parties to, if they wished, raise at the outset any objections concerning the impartiality of the lay assessors or to request reassignment of

the case to another court. No objection was raised by the applicant at that time.

9. Also on 5 April 2013 the Regional Court allowed journalists to take photographs of the applicant's case file in R.P.'s office in order to demonstrate that the examination of the case would require a significant amount of time, given the size of the file. One of the journalists present managed to take a photograph, which was subsequently published, of the front of a folder containing the applicant's personal data. In May 2013 the vice-president of the Regional Court apologised to the applicant on that account.

10. The Regional Court handed down its judgment on 23 July 2015. Relying, *inter alia*, on evidence collected as a result of surveillance measures and the interception of communications carried out during the investigation phase, it convicted the applicant of bribe-taking. No ruling was made as to damages as none of the civil parties had lodged any claims.

11. On 17 October 2016, the Prague High Court quashed that judgment. It considered that the warrants authorising the interception and surveillance measures had not been sufficiently reasoned, meaning that the measures had been unlawful and the information so obtained should not have been admitted as evidence.

12. Subsequently, the Minister of Justice challenged the High Court's conclusions on the unlawfulness of the interception and surveillance measures by way of an extraordinary complaint to the Supreme Court alleging a breach of law (*stížnost pro porušení zákona*).

13. In the proceedings before the Supreme Court the applicant raised an objection alleging bias on the part of the judges dealing with the Minister's complaint and further alleging that they must have been influenced by a campaign against him in the media and by intense pressure that had been exerted by the President of the Czech Republic, who had publicly criticised the High Court's decision. On 31 May 2017 the Supreme Court rejected the applicant's objection. The applicant lodged a constitutional appeal against that decision, which was dismissed on 5 September 2017 (decision no. II. ÚS 2395/17). While the Constitutional Court acknowledged that the applicant's case was indeed the subject of extreme media coverage and that the statements made by the President had often bordered on undue influence on the judiciary, it considered that the applicant's arguments were unfounded in that they were based on the external influence being exerted by the President but had not succeeded in casting doubt on either the subjective or objective impartiality of the judges, whom the court deemed capable of resisting external media and political pressure. The Constitutional Court did not accept the applicant's submission that the powers of the President with regard to the judiciary meant that the judges in question were not impartial, as if that were true it would potentially mean that all domestic criminal judges were biased.

14. In its (interpretative) decision of 7 June 2017, the Supreme Court allowed the Minister's complaint, finding that the surveillance and communications-interception warrants had been lawful and that the evidence obtained by way of those measures had thus been admissible. It pointed out, however, that its finding was not binding in the applicant's case because the fact that the law had been breached in the applicant's favour meant that the Supreme Court could not quash the High Court's decision. The Supreme Court also noted that its conclusions were nevertheless important *pro futuro* for all subsequent decisions.

15. In its second judgment, given on 27 June 2018, the Regional Court considered, nevertheless, that it could not ignore the above-mentioned interpretative decision of the Supreme Court, and ruled that the records of the interception of telephone communications and the secret surveillance had been lawfully obtained. Relying, *inter alia*, on that evidence and on the testimony of one of the applicant's co-accused, I.S., who had been granted the status of "cooperating accused", the court convicted the applicant again. It found him guilty of bribe-taking, committed in his capacity as a public official, and sentenced him to eight and a half years' imprisonment and the confiscation of certain assets, including the sum found on the applicant on 14 May 2012.

In its judgment the court expressly denied having been subjected to any external pressure or influence, noting that it had made every effort to conduct the proceedings in a fair manner.

16. On 26 June 2019[1], that judgment was overturned by the High Court. It again excluded the evidence obtained by telephone interception and surveillance, considering that the conclusions formulated in its first decision of 17 October 2016 had been binding, unlike the Supreme Court's decision which was only interpretative and could not be used to worsen the situation of the accused. In its judgment the High Court replaced the applicant's conviction with a lesser offence, finding him guilty, in his capacity as a public official, of an attempt at securing an advantage in a public tender in exchange for an undue financial benefit and harming the financial interests of the European Union (a more specific offence, under the *lex specialis* principle, in relation to bribe-taking). The applicant was sentenced to seven years' imprisonment, a financial penalty, the confiscation of certain assets and seven years' prohibition from carrying out public-function activities.

As to the applicant's repeated complaints about a lack of impartiality on the part of the Regional Court, the High Court pointed to the large number of

[1] On 21 June 2022, that judgment was overturned and replaced by a new judgment of the High Court which convicted the applicant of a continuous offence which consisted, among other acts, of the individual acts covered by the judgment of 26 June 2019. In those proceedings the court was bound by the factual findings made in the proceedings which are at the origin of the present application and could not impose a less severe sentence on the applicant.

objections of bias previously raised by the applicant and concluded that the raising of such objections was an obstructive procedural strategy. It reiterated that the case had been transparently allocated to Chamber 4T of the Regional Court, which Judge R.P. had joined on 1 April 2012, and concluded that both R.P. and the lay assessors had been impartial and free from any external influence.

17. The applicant, his co-accused and the Supreme Prosecutor all lodged appeals on points of law with the Supreme Court, all of which it dismissed on 2 March 2021.

It observed that both of the lower courts had repeatedly dealt with the applicant's objections of bias and found nothing to cast any doubt on the impartiality of any of the judges who had participated in his case.

As to the applicant's argument that Judge R.P. lacked impartiality because he had allowed journalists to take photographs of the case file bearing the applicant's personal details on the cover (see paragraph 9 above), the Supreme Court observed that arguments based on the manner of conducting the proceedings could not constitute grounds for alleging bias. Nor did it consider that a lack of impartiality could be inferred from a decision which the Office for the Protection of Personal Data had taken to fine the Regional Court for having breached its data-protection obligations in relation to that incident.

Concerning the applicant's argument that the fact that he had brought an action for the protection of his personality rights against Judge R.P. meant that the judge could not be considered impartial, the Supreme Court stated that the mere fact of bringing such an action (which, moreover, had been dismissed as unfounded in the meantime) did not in itself mean that the judge was lacking in impartiality nor did it reveal, without further evidence, any ground warranting the judge's disqualification from hearing the case.

The Supreme Court next dealt with the applicant's complaint concerning the Regional Court's lay assessors who, in his view, lacked impartiality because they had been appointed by the assembly of the Central Bohemian Region, which had the status of a civil party in the criminal proceedings in question, and because their assignment to the case had not been transparent. The court noted that the lay assessors had been (re-)elected according to a lawful procedure, that they were not in any way accountable to the body that had elected them nor were they remunerated by the latter, and that the Central Bohemian Region had not acted as a civil party in the impugned proceedings. Furthermore, the lay assessors who had sat in the applicant's case had been assigned to Chamber 4T in line with the case-allocation schedule which had been in force at the time when the applicant's case was brought before the trial court.

Lastly, the Supreme Court addressed the question whether statements made by public officials could have infringed the applicant's right to an independent tribunal and to the presumption of innocence. Referring the

existing case-law and the Constitutional Court's decision of 5 September 2017 (see paragraph 13 above), it reiterated that, in general, neither political nor media pressure in themselves could be regarded as compromising the fairness of the proceedings or the independence or impartiality of specific judges; a different conclusion was warranted only if there was compelling evidence suggesting that the adjudicating judges had in fact been influenced by the media. In the present case, however, there was no reason to believe that the impugned statements by public officials, namely the *sui generis* political proclamations of the President, had influenced the lower courts' judges – the judges concerned had themselves denied being influenced (see paragraph 15 *in fine* above). Moreover, the fact that the appellate court had upheld some of the applicant's arguments and reduced his sentence demonstrated that the judges who had examined the charges brought against him had not been influenced by any of the impugned statements. Finally, the exercising by the Minister of Justice of his prerogative to lodge an extraordinary complaint alleging a breach of law and his subsequent public expressions of his satisfaction with the outcome thereof could not be considered as demonstrating any improper influence on the courts.

In view of the foregoing considerations, the Supreme Court considered, with regard to the presumption of innocence, that the impugned statements and media publications had not exerted any influence on the decision-making process and had not constituted grounds for seeking the recusal of the judges involved in the applicant's case.

18. On 2 July 2021 the applicant lodged a constitutional appeal in which he raised a wide range of complaints, reasserting, *inter alia*, that contrary to the principle of the presumption of innocence, several public officials had repeatedly referred to him as a person guilty of having committed a criminal offence before his guilt had been established by the courts. He also complained that his case had not been heard by an independent and impartial tribunal.

19. On 14 December 2021 the Constitutional Court dismissed (decision no. I. ÚS 1775/21) the applicant's constitutional appeal as manifestly ill-founded. It found it natural that criminal proceedings against political figures would attract considerable media and public attention and that authorities involved in such proceedings would communicate with the media, with the only relevant question being whether those authorities raised, by their media statements, doubts about the impartiality of such proceedings. However, the Constitutional Court was of the view that no such situation had arisen in the applicant's case, observing that his allegations were couched in vague and general terms and did not point to any specific statement or act capable of casting doubts on the impartiality of the authorities involved in the proceedings against him (including the prosecutor, L.B.). It also endorsed the thorough response given by the Supreme Court to the applicant's allegation that the Regional Court's judges and lay assessors had been influenced by the

President and other representatives of the executive branch, noting that the applicant had barely challenged the Supreme Court's reasoning in his constitutional appeal.

B. Specific facts relating to the applicant's complaints of a lack of independence and impartiality and of a breach of the principle of presumption of innocence

20. Throughout the proceedings, the applicant repeatedly complained that his trial had been affected by a virulent media campaign against him, allegedly encouraged by public statements made by various high-ranking State officials, namely the supervising prosecutor, L.B., the (then) Minister of Justice Rt.P. and the (then) President of the Czech Republic, M.Z. He repeatedly submitted that that campaign was incompatible with his right to be presumed innocent and that it was aimed at encouraging the public to believe that he was guilty, as well as at influencing the courts. In response, the courts maintained that they did not consider themselves to be under any pressure (see paragraphs 13, 15 *in fine*, 17 *in fine* and 19 *in fine* above).

21. In that context, he referred in particular to a statement of the Regional Prosecutor L.B. at a press conference of 15 May 2012 when explaining the reasons for his arrest to the effect that the applicant had been interviewed by police and charged with the offence of bribe-taking after a large amount of money had been found on him as he was leaving a certain location "where the offence had been committed".

He also pointed to a blog post published in June 2012 by Rt.P., who later became Minister of Justice, in which Rt.P. had opined that the arrest of the applicant was remarkable news and that the prosecutors involved deserved national honours.

Further, the applicant challenged statements made by the President, who had declared, at public meetings in January and October 2013, that although the principle of presumption of innocence applied, he personally believed that the applicant was a thief; at a ceremony for the appointment of new judges in January 2017 he had stated that – without wishing to interfere with a court decision – it seemed to him that when someone had been found with millions of korunas on him, discussions about him being guilty or innocent were somehow misplaced; in a TV programme broadcast in January 2017, he had referred to the applicant as a fraudster; and, at a public meeting in February 2017, he had stated that if someone had been convicted like the applicant had been, that person should not be released because of obstructions but should remain in jail for eight and a half years.

The applicant also considered problematic criticism by the Minister of Justice (Rt.P.) and the President, in the national press, of the appellate court's decision of 17 October 2016 (see paragraph 11 above). In particular, they had contemplated the possibility of bringing disciplinary proceedings against the

president of the relevant chamber of the appellate court; the judge concerned had subsequently published a statement in January 2017 on a website dedicated to issues of justice, in which he considered such criticism to be a way of influencing the Supreme Court's decision, which he regarded as extremely dangerous. Furthermore, the President had expressed his support for the Minister's decision to lodge an extraordinary complaint, and both of them had later praised the Supreme Court's decision of 7 June 2017 allowing that complaint (see paragraph 14 above).

22. Furthermore, the applicant lodged multiple complaints of bias against all of the judges involved in the proceedings, eight of which concerned the Regional Court's judges. Apart from the influence allegedly exerted on the judges by the virulent campaign against him (see paragraphs 20-21 above), he pointed out that in 2013 the Regional Court had been fined by the Office for the Protection of Personal Data for having failed to take sufficient measures to prevent unauthorised access to the applicant's personal data (see paragraph 9 above). Another reason given by the applicant in support of his complaints was the fact that he had lodged an action against R.P., the president of the Regional Court's Chamber 4T, for protection of his personality rights on the basis of the same incident of 5 April 2013. That action was dismissed in 2016. Having found that the information had leaked owing to an unauthorised action by a journalist, which the Regional Court had failed to prevent, the courts concluded that such an action could not be brought against Judge R.P. because he as a private individual was not responsible for any breach of data protection.

He further argued, firstly in July 2014, that the two lay assessors sitting in the first-instance court had been elected by the council of the Central Bohemian Region, which had been a civil party in the proceedings.

All those complaints were dismissed as unfounded – and even obstructive and harassing – by the courts at several levels of jurisdiction, with reference, *inter alia*, to the fact that, while the applicant was discontented with the way in which the proceedings had been conducted, this did not mean that they had been biased. The courts further considered that the fact that Judge R.P. had been sued by the applicant for the protection of personality rights (and that R.P. had been awarded, against the applicant, the reimbursement of his legal costs, which he had then donated to charity) did not prevent R.P. from adjudicating the applicant's case because judges were professionals who were expected to disregard any external influence. The courts likewise considered that the manner in which the lay assessors – who were not answerable to the entity that elected them – had been chosen to sit in the case had been lawful, and they rejected the applicant's argument concerning the status of the Central Bohemian Region as a civil party in the proceedings as it had not availed itself of any of its procedural rights.

23. In connection with those complaints, the applicant also lodged two specific constitutional appeals.

The first related to his unsuccessful complaint about the alleged breach by Judge R.P. of the protection of his personal data, and was rejected for being premature on 17 December 2014 (decision no. III. ÚS 2773/14). The Constitutional Court noted that, at the time, the criminal proceedings against the applicant were still ongoing at the first-instance court and that appropriate remedies – such as an appeal and an appeal on points of law – were thus available to him within those proceedings.

In the second, lodged on 20 March 2017, the applicant sought an order from the Constitutional Court prohibiting the President from continuing to interfere with his rights by making further public statements compromising the independence and impartiality of the judges involved in his case. On 3 April 2018 (decision no. Pl. ÚS 9/17), that constitutional appeal was declared inadmissible for non-exhaustion of the available remedies. The Constitutional Court found that, if the applicant considered the President's statements to be private (that is, not made in direct connection with the exercise of his function), he should have sued him for the protection of his personality rights under the Civil Code; on the other hand, if he considered that the President's statements amounted to an unlawful interference by an administrative authority, he should have exhausted the remedies provided by the Code of Administrative Justice. Lastly, the Constitutional Court observed that if the applicant genuinely feared that the impugned statements could jeopardise an independent and impartial examination of the criminal case against him, he should use the procedural means available to him in the criminal proceedings.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

A. The Code of Criminal Procedure (Law no. 141/1961)

24. Article 30 § 1 of the Code provides that no judge, lay assessor, prosecutor, investigator or police representative may act in criminal proceedings if there is any doubt as to his or her impartiality, whether because of a connection with the case, with the parties involved therein or with the lawyers, statutory representatives or agents of the parties, or because they have a connection with another authority involved in the criminal proceedings. In accordance with Article 30 § 2, a judge and a lay assessor must also be excluded if they acted in the case as a prosecutor, police officer, lawyer or a representative of a civil party.

25. Pursuant to Article 31, a decision requiring a judge or a lay assessor to exclude themselves for the reasons provided for in Article 30 should be taken, if necessary *proprio motu*, by the authority concerned. With respect to a judge or a lay assessor sitting in a particular chamber, the decision should be taken by that chamber. Such decisions are amenable to appeal and the matter should be settled by a higher authority.

B. Domestic court practice

26. On 2 February 2021, in judgment no. IV. ÚS 3076/20, the Constitutional Court dealt with false statements made in a television programme by President M.Z. about the alleged dismissal of a former government employee, holding that since the statements had borne no substantive connection to the exercise of the presidential office, M.Z. was liable therefor as a private individual.

THE LAW

A. The government's preliminary objections

1. Abuse of the right of application

27. The Government invited the Court to dismiss the applicant's complaints on the grounds that his conduct before the national authorities qualified as abuse of the right of application. They argued that the applicant had lodged multiple similar and groundless complaints with the domestic courts about a lack of impartiality of the Regional Court (see paragraph 22 above), thereby affecting the courts' workload and the smooth processing of his case; that behaviour had been qualified by the High Court as an obstructive procedural strategy (see paragraph 16 *in fine* above).

28. The applicant argued that each of his complaints lodged at the domestic level had been based on specific and unique circumstances which had gradually, and independently of his will, arisen during the trial. No two complaints of bias had been identical in substance and they had not resulted in any fragmentation of the proceedings. In his view, the fact of him lodging those objections should not in any way have impeded the courts from proceeding with his case, since the courts could have examined the complaints either as the trial progressed or altogether before delivering the judgment.

29. The Court notes that it has rejected applications under Article 35 § 3 (a) of the Convention upon ascertaining, on the basis of a cumulative analysis of an applicant's behaviour both at the domestic level and before the Court, the misuse of the safeguard mechanisms established by the Convention, in which domestic remedies are the primary means to protect human rights. It has also found that the misuse of domestic remedies and the applicant's conduct before the national authorities are relevant factors in assessing whether an application should be considered an abuse of the right of application (see, for example, *Ferrara and Others v. Italy* (dec.), no. 2394/22 and 18 others, § 43, 16 May 2023).

30. In the present case, the Court does not consider that the applicant's conduct in domestic proceedings and before the Court was so manifestly contrary to the purpose of the right of individual application as provided for

in the Convention as to amount to an abuse of that right (contrast with *Ferrara and Others*, cited above, and *Mamić and Others v. Croatia* (dec.), no. 21714/22 and others, 9 July 2024).

The Government's objection must therefore be dismissed.

2. Incompatibility ratione materiae

31. As to the statements published in June 2012 on a blog run by Rt.P., the Government contended that they dated back to a period when he had been a private lawyer and that they had not had any relation to his subsequent function as Minister of Justice, which made the applicant's complaint in this part incompatible *ratione materiae* with Article 6 § 2.

Furthermore, some of the statements made by Rt.P. when he was minister and by the President, about which the applicant complained, had related to the proceedings on the extraordinary complaint alleging a breach of law (see paragraph 21 *in fine* above). However, those proceedings did not fall within the scope of Article 6 of the Convention, all the more so given that the Supreme Court's decision on that complaint was not binding on the courts hearing the applicant's case (see paragraph 14 above), which was why this part of the applicant's complaint was also incompatible *ratione materiae* with Article 6 §§ 1 and 2 of the Convention.

32. The applicant argued, first, that the blog post published by Rt.P. before he had held any public office had remained accessible during the period when Rt.P. had served as Minister of Justice, which made it relevant for the purposes of Article 6 § 2.

He further contended that the President's comments on the Minister's extraordinary complaint, on the reasons for that complaint and on the reasoning of the ensuing decision of the Supreme Court clearly demonstrated an intention to bind the criminal courts dealing with his case and to influence the outcome thereof; there was thus a clear connection with the proceedings held against him.

33. The Court notes, as to the Government's argument that one of the statements complained of by the applicant had been made by a private person who had only later become the Minister of Justice, that in cases concerning adverse publicity, the question of whether the impugned publications were attributable to, or informed by, the authorities, is just one of the factors taken into consideration (see *Abdulla Ali*, cited above, § 90, and *Paulikas v. Lithuania*, no. 57435/09, § 59, 24 January 2017). Furthermore, it cannot ignore that the author of those statements later served as the Minister of Justice and played a role in the applicant's trial, with the impugned blog post remaining accessible throughout the relevant period. The Court therefore rejects this part of the Government's objection (see, *mutatis mutandis*, *Drago Tadić v. Croatia*, no. 25551/18, §§ 88-89, 28 November 2023).

34. Concerning the Government's objection that some of the other impugned statements only related to the proceedings on the Minister's

extraordinary complaint alleging a breach of law, which did not fall within the scope of Article 6, the Court notes that Article 6 § 2 aims to prevent the undermining of a fair criminal trial by prejudicial statements made in close connection with the relevant proceedings. It has previously held that Article 6 § 2 may apply where a court decision rendered in proceedings that are not directed against an applicant in his or her capacity as "accused" but which nevertheless concern and have a link with criminal proceedings simultaneously pending against the applicant imply a premature assessment of guilt (see, for example, *Karaman v. Germany*, no. 17103/10, § 41, 27 February 2014, and further references therein).

35. The Court observes that, in the present case, the Minister's extraordinary complaint alleging a breach of law was based on the factual circumstances of the applicant's case and on the reasoning adopted by the appellate court with regard to the admissibility of the evidence collected as a result of the interception of communications and surveillance measures targeting the applicant. Moreover, in the proceedings after the case had been remitted both of the lower courts then explicitly took a stance on the Supreme Court's decision allowing the Minister's complaint, which thus had an impact on their decisions as to the admissibility of evidence against the applicant (see paragraphs 15 and 16 above). In the Court's view, the proceedings on the above extraordinary complaint and their outcome were thus directly related to the applicant's criminal case; consequently, the applicant could legitimately consider that the statements made by third parties, notably the President, in connection with those proceedings could have had a prejudicial effect on his criminal trial.

36. Regard being had to the above, the Court considers that the relevant part of the applicant's complaints cannot therefore be rejected under Article 35 § 3 (a) of the Convention as incompatible *ratione materiae* with the provisions of the Convention.

B. Alleged violation of Article 6 § 1 of the Convention on account of a lack of independence and impartiality of the trial courts

37. The applicant complained that the judges sitting at the first-instance court had not been independent and impartial because that court had been fined on account of having made his personal data accessible to the media, and because he had lodged an action for protection of his personality rights against the president of the chamber of that court that had heard his case. He also pointed out that it was only during the proceedings against him that that judge had been permanently assigned to that court by the Minister of Justice. He also objected to the fact that the lay assessors had been elected by the council of the Central Bohemian Region, which had been a civil party in the proceedings against him. Lastly, the applicant asserted that, in their

assessment of the facts, the trial courts had been influenced by inappropriate statements made by public officials, which had prejudged his guilt.

The applicant relied on Article 6 § 1 of the Convention which, as far as relevant, reads as follows:

> "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."

1. The parties' arguments

(a) The Government

38. The Government noted that the applicant challenged rather the objective impartiality of the president of the relevant chamber of the first-instance court – R.P., given that he had not raised any arguments calling into question R.P.'s subjective impartiality or independence. They maintained that his complaints in this regard were vexatious, obstructive, irrelevant and unsubstantiated and that they should be declared manifestly ill-founded.

39. Specifically, as to the applicant's first objection that R.P. had erred in allowing journalists to take pictures of his criminal file, on which his personal data could be seen (see paragraph 9 above), the Government noted that that incident had been the subject of repeated and meticulous examinations at the domestic level. Acknowledging that, according to the Office for the Protection of Personal Data, the applicant's personal data had not been sufficiently protected on that occasion, the Government emphasised that the failure had been attributable to the Regional Court, which had been fined on that account, rather than to Judge R.P. (see paragraphs 17 and 22 above). Moreover, the interference with the applicant's personal rights had been insignificant because his personal data had been freely accessible at the material time in public registers, and it had been remedied by the apology he had received from the vice-president of the court (see paragraph 9 above).

40. Concerning the applicant's further argument that R.P.'s impartiality was compromised by the fact that the applicant had sued him for the protection of his personality rights in connection with the above-mentioned incident, the Government pointed to the domestic courts' findings that such a suit could not be brought against R.P. (see paragraph 22 above), precisely because he was not responsible for any breach of the data protection rules. The Government maintained that, in the absence of any additional elements giving rise to objective doubts about the judge's impartiality, the mere fact of R.P. having been the subject of those proceedings did not establish his bias. They noted, moreover, that R.P. had maintained professional restraint and equanimity and that he had expressed himself on the applicant's action through his legal representative and in a manner which had not been disproportionate to the applicant's line of defence. Lastly, the Government also pointed out that the applicant's action had been dismissed in 2016, nearly

a year and a half before the Regional Court gave its second judgment convicting him, and that when the applicant was ordered to pay R.P.'s costs in the defence of personality proceedings, R.P. had donated the sum received to charity.

41. The Government observed that the applicant had, further, contested the independence and impartiality of the two lay assessors sitting in the relevant chamber of the first-instance court with R.P., on the sole ground that that they had been elected by the council of a regional entity which had been a civil party in the proceedings against him. In their view, those complaints, which had been duly examined by the domestic courts, were also unfounded and purely obstructive. On the other hand, the complaints about the lay assessors' re-election, as opposed to their initial election, were essentially new since the applicant had raised them only in his observations to the Court.

42. The Government submitted, first, that it was before the applicant had been formally indicted that the lay assessors in question had been elected for a renewable four-year term by the assembly of the Central Bohemian Region, in accordance with the relevant law, and assigned to Chamber 4T of the Regional Court; at that time, each chamber had had a limited pool of lay assessors which were being appointed to specific cases according to a rotation system based on the court's work schedule. To the extent that the applicant had challenged in his observations the aspect of the lay assessors' re-election, the Government pointed out that that was essentially a newly raised complaint and that, in any event, the re-election had followed the lawful procedure.

43. Concerning general safeguards against external pressure, the Government emphasised that, once elected, the lay assessors were not subordinate to any regional body, that they were bound solely by the law and that they were obliged to decide in an impartial and fair manner. Moreover, they could not be prematurely removed from office for reasons connected to their decision-making. Furthermore, their remuneration and expenses were paid by the court, not by any regional entity.

44. The Government further pointed out that, in the present case, the applicant had been informed of the composition of the relevant chamber of the Regional Court shortly after being indicted, and had been invited to raise at the outset any complaints of bias that he might have had; however, he had not done so until July 2014 (see paragraphs 8 and 22 above). In none of his subsequent complaints had he relied on any specific facts suggesting that the lay assessors hearing his case might have felt any obligation to or pressure from the Central Bohemian Region; his arguments were thus purely speculative and hypothetical. The Government emphasised that, although the Central Bohemian Region had been formally granted the status of civil party, it had remained entirely passive throughout the proceedings and had not exercised any of its civil-party rights (see paragraphs 7, 10 and 17 above).

45. Lastly, the Government submitted that even assuming that some of the statements made by public officials had breached the applicant's presumption

of innocence, that did not mean that those statements had influenced the courts in their decision-making or rendered the applicant's trial unfair.

(b) The applicant

46. The applicant reiterated that there were several specific facts calling into question both the subjective and objective impartiality of Judge R.P. as well as his independence from the executive authorities (see paragraph 37 above). He submitted that when his case had been assigned to Chamber 4T of the Regional Court, R.P. had been only temporarily assigned to that court. That assignment having been effective until 31 December 2013, it had only been after R.P.'s conduct in the case had proved to be in line with the views of the executive branch that the Minister of Justice had confirmed his permanent transfer to the Regional Court as of 1 January 2014. The applicant reiterated that Judge R.P. had unlawfully disclosed his personal data to journalists and that, in the civil proceedings that he had brought against R.P. on that account, the judge had described the applicant's action and arguments as highly unserious and outrageous, thereby showing that R.P. had not maintained professional detachment, contrary to what the Government had contended.

47. As to the lay assessors hearing his case, the applicant argued that, by asking him on 5 April 2013 to raise at the outset any objections he might have had (see paragraph 8 above), the Regional Court had demonstrated it had been aware that the assessors could have been biased and thus should have excluded them without him being required to raise an objection. In any event, he had lodged all his objections of bias in due time. He further noted that both of the assessors had been re-elected while his criminal proceedings had been underway, and that the assembly of the Central Bohemian Region – which had had the status of victim in the proceedings – had had unrestricted discretion in that regard; had it been dissatisfied with the assessors' conduct in the proceedings, it could have prevented their re-election and thus triggered a change in the composition of the chamber. He considered it likely, therefore, that the lay assessors had decided his case in a manner consistent with the financial interests of the Central Bohemian Region.

48. The applicant also criticised a lack of any predetermined criteria or procedure governing the assignment of lay assessors to different criminal chambers and noted that, upon the proposal of the court's president, they could be removed from their office by the authority that had elected them, provided that it was considered that they had lost the moral qualities required for the proper performance of their functions.

2. The Court's assessment

49. The relevant Convention principles concerning the impartiality of tribunals have been summarised in the cases of *Morice v. France* ([GC],

no. 29369/10, §§ 73-78, ECHR 2015) and *Denisov v. Ukraine* ([GC], no. 76639/11, §§ 60-65, 25 September 2018). The Court reiterates that there are two aspects of the requirement of impartiality in Article 6 § 1 of the Convention. First, the tribunal must be subjectively impartial, that is, no member of the tribunal should hold any personal prejudice or bias. Personal impartiality is presumed unless there is evidence to the contrary. Secondly, the tribunal must also be impartial from an objective viewpoint, meaning it must offer sufficient guarantees to exclude any legitimate doubt in this respect (see *Daktaras*, cited above, § 30).

50. The Court also notes that the concepts of independence and objective impartiality are closely linked and, depending on the circumstances, may require joint examination (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 150, 6 November 2018). The Court has held that "independence" refers to the necessary personal and institutional independence that is required for impartial decision-making, and that it is thus a prerequisite for impartiality. It characterises both a state of mind which denotes a judge's imperviousness to external pressure as a matter of moral integrity, and a set of institutional and operational arrangements – involving both a procedure by which judges can be appointed in a manner that ensures their independence and selection criteria based on merit – which must provide safeguards against undue influence and/or unfettered discretion of the other State powers, both at the initial stage of the appointment of a judge and during the performance of his or her duties (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § 234, 1 December 2020). Compliance with this requirement is assessed, in particular, on the basis of statutory criteria, such as the manner of appointment of the members of the tribunal and the duration of their term of office, or the existence of sufficient safeguards against the risk of outside pressures. The question whether the body presents an appearance of independence is also of relevance. Furthermore, the principles established in the Court's case-law concerning independence and impartiality are to be applied to lay judges in the same way as to professional judges (see *Suren Antonyan v. Armenia*, no. 20140/23, § 97-98, 23 January 2025, and the references cited therein).

51. In the present case, the Court considers that the applicant's arguments concerning the alleged hostile attitude of Judge R.P. raise issues of a lack of subjective impartiality, while his complaints concerning the lay assessors who participated in the hearing of his case are to be examined to the objective impartiality test, in order to determine whether the applicant's doubts in this regard may be regarded as having been objectively justified. It notes in this respect that there is no watertight division between subjective and objective impartiality since the conduct of a judge may not only prompt objectively held misgivings as to impartiality from the point of view of the external observer (objective test) but may also go to the issue of his or her personal

conviction (subjective test) (see *Ramos Nunes de Carvalho e Sá*, cited above, § 146).

52. First, the Court notes that the applicant's fear that Judge R.P. lacked subjective impartiality was based on two considerations: that the judge had made the applicant's personal data accessible to the media and breached data protection rules, for which the court had been fined; and that the applicant had brought on that account an action for the protection of his personality rights against the judge, who thus had had to defend himself and had done so with insufficient restraint.

53. The Court acknowledges that these considerations could have raised questions in the applicant's mind, but considers that they do not provide a legitimate reason to doubt the subjective impartiality of Judge R.P. It notes at the outset that they were properly examined by the domestic courts and that Judge R.P. never declared himself biased. Furthermore, the Court is satisfied that the Government's observations in this connection, which were based on the conclusions drawn by the Czech courts in the present case (see paragraphs 39-40 above), provide a sufficient rebuttal of the complaints raised by the applicant. In its view, there were no grounds to call into question the subjective impartiality of Judge R.P. in deciding the case against the applicant or to doubt his professional conduct.

54. The applicant further claimed that Judge R.P.'s permanent assignment to the Regional Court had been a reward for having convicted him. In this respect, the Court reiterates that security of judicial tenure is a fundamental guarantee of the independence of members of a court against any arbitrary acts of the executive, and that the mere appointment of judges by the executive does not entail a relationship of subordination if, once appointed, they are free from influence or pressure when carrying out their adjudicatory role (see, among other authorities, *Thiam v. France*, no. 80018/12, §§ 77 and 80, 18 October 2018). In the present case, the Court finds that – even assuming that the applicant had duly submitted that claim to the domestic courts – it appears to be purely speculative and remains within the realm of hypothesis. It notes, first, that it is a common practice for the judges in the Czech Republic to be temporarily assigned to a higher court before being permanently transferred thereto. Furthermore, the applicant had himself observed that, from its very beginning, R.P.'s temporary assignment had been planned until 31 December 2013 (see paragraph 46 above). Here the Court notes that R.P.'s permanent transfer to the Regional Court became effective after the end of that period, that is on 1 January 2014, quite some time before the applicant had been convicted by that court.

55. Concerning the lay assessors sitting in the first-instance court, the Court reiterates that the participation of lay judges in tribunals is not, as such, contrary to Article 6; the principles established in the case-law concerning independence and impartiality are to be applied to lay judges as to professional judges (see *İbrahim Gürkan v. Turkey*, no. 10987/10, § 18,

3 July 2012). Nor does such a participation call into doubt the independence of the "tribunal" within the meaning of Article 6 § 1 of the Convention (see *Suren Antonyan*, cited above, § 105). Furthermore, the very fact that legal officers are appointed by a member of the executive branch, or in some cases by a legislative body, does not render them subordinate to the authorities if, once appointed, they receive no pressure or instructions in the performance of their judicial duties (see, *mutatis mutandis*, *Sacilor-Lormines v. France*, no. 65411/01, § 67, ECHR 2006-XIII).

56. The Court observes, first, that the applicant did not dispute the Government's argument that the two lay assessors had been elected and assigned to the Regional Court before his case had been brought to trial (see paragraph 42 above). While it is true that they were elected by the assembly of the regional entity which had potentially been harmed by the applicant's conduct, the Court notes, first, that the Central Bohemian Region did not in any way participate in the criminal proceedings or make any formal claim for damages. Second, and as the Government have pointed out, the Court finds that the statutory situation of the lay assessors and the existence of protections against external pressure, namely their irremovability during their term of office, were such as to protect them from any attempt to undermine their independence, all the more so as the applicant failed to submit any evidence to show that those safeguards were merely theoretical and did not operate in practice. It emphasises in this respect that the lay assessors were not in a position of subordination in relation to the body that elected them and that the applicant failed to demonstrate that they had been subjected to any pressure or received any instructions in the exercise of their judicial duties, and that there appears to be no reasonable grounds to fear that they might have allowed themselves to be unduly influenced by the fact that they would have to be re-elected if they were to serve a new term of office.

57. Lastly, in so far as the applicant complained that the inappropriate statements of public officials – which he challenged separately under Article 6 § 2 of the Convention (see paragraphs 60-73 below) – had constituted unacceptable pressure on the judges and had influenced the outcome of his trial, the Court observes that the judicial formation of the Regional Court, which determined the charges against the applicant at first instance, included and was presided over by a professional judge and that the judicial formations dealing with the applicant's appeal and appeal on points of law were composed entirely of professional judges who generally possess the appropriate experience and training to enable them to resist any outside influence (see *Mircea v. Romania*, no. 41250/02, § 75, 29 March 2007, and *Drago Tadić*, cited above, § 104). While lay judges participated in the examination of the case by the first-instance court, it cannot be considered that this fact alone is problematic in the absence of indication of undue influence. In particular, the Court observes that the domestic courts issued reasoned judgments based on multiple pieces of evidence and that the

appellate court upheld some of the applicant's arguments, convicted him of a lesser offence and reduced his sentence. The trial judges did not refer to the impugned statements of public officials except to deny that they had been subjected to any external pressure or influence (see paragraphs 15 *in fine* and 16 *in fine* above), and did not take any actions or decisions in the course of the trial itself which would have had an impact on the applicant's right to be presumed innocent. Accordingly, there is no evidence in the case file to suggest that the judges who assessed the arguments put forward by the applicant and who examined the charges brought against him were influenced by any of the incriminated statements.

58. The Court, therefore, sees no evidence of a lack of independence and impartiality on the part of the trial judges who examined the applicant's case.

59. Accordingly, this complaint is manifestly ill-founded and must be declared inadmissible pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

C. Alleged violation of Article 6 § 2 of the Convention on account of the statements of public officials

60. The applicant complained under Article 6 § 2 of the Convention that his right to the presumption of innocence had been breached by the public statements made by several State officials during the criminal proceedings against him because they had encouraged the public to believe him guilty and had constituted unacceptable pressure on the judges.

Article 6 § 2 of the Convention reads as follows:

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

1. The parties' arguments

61. At the outset, the Government submitted that the applicant had not exhausted all domestic remedies, given that he had challenged only the statements made by the President, and even that solely by means of a constitutional appeal (see paragraph 23 above). The Government referred to the Constitutional Court's decision of 3 April 2018 and noted its finding that, if the applicant considered that any State officials had made statements he considered prejudicial to the proceedings against him, he should have lodged either a civil action for the protection of his personality rights or an administrative action against an unlawful interference by an administrative authority. Both those remedies could have had a preventive effect and the civil action could moreover have led to a public apology or compensation for non-pecuniary damage; compensation could also have been obtained under the State Liability Act, had the impugned statements been considered to have been made in the exercise of State powers and, as such, to amount to official misconduct.

62. In this connection, the Government observed that the applicant had been aware of those avenues because he had lodged an action for the protection of his personality rights in relation to two prosecutors' statements which are not the subject of the present application; the fact that he had not been successful was owing to the fact that, in one case, his claim had been time-barred and that, in the other, the courts had considered that the prosecutor was not personally liable and that the applicant should have sued the State. The Government also cited domestic practice according to which the president could be sued in his or her private capacity, namely when his or her statements were not directly related to the exercise of the powers of the office (see paragraph 26 above), as had been the case here. It had been in the applicant's own interest to seek protection of his rights and thereby to allow the domestic courts to develop the relevant practice through their interpretative powers.

63. As to the remedies available to the applicant within the criminal proceedings, the Government submitted, again referring to the Constitutional Court's decision of 3 April 2018 (see paragraph 23 *in fine* above), that those would have been effective only if the impugned statements had been such as to be capable of jeopardising an independent and impartial examination of his criminal case. However, all of the relevant courts had assured him that the public officials' statements and the media attention were not capable of influencing their decision-making (see paragraphs 15-19 above). Furthermore, with regard to the alleged breach of the presumption of innocence, the Government emphasised that, as the statements came from persons not directly involved in the proceedings, the criminal courts had not been in a position to provide appropriate redress to the applicant since they were not entitled to order any public official to refrain from further statements or to offer an apology, nor could they order that compensation be paid to the applicant (the Government referred to the case of *Okropiridze v. Georgia*, nos. 43627/16 and 71667/16, 7 September 2023). Thus, the only way in which the applicant could have sought compensation for such an interference would have been to avail himself of the separate actions mentioned above.

64. The applicant submitted that the objection of violation of the presumption of innocence which he had raised during the criminal proceedings should, in the specific circumstances of the present case, be regarded as an effective remedy. As the Court had already held, such an objection allowed the criminal courts to restore the applicant to the position he would have been in had the requirements of Article 6 had not been disregarded (he referred, in particular, to the case of *Šantare and Labazņikovs v. Latvia*, no. 34148/07, § 71, 31 March 2016); it had thus not been unreasonable to pursue the matter within the criminal proceedings rather than resorting to another remedy, with that choice being the applicant's to make (here he cited *Mamaladze v. Georgia*, no. 9487/19, §§ 66-67, 3 November 2022). The applicant emphasised in that regard that, since the

comments made about his case by public officials were likely to influence the courts' decision-making and affect his fair-trial rights, he had deemed it appropriate to avail himself of remedies available within the criminal proceedings and, additionally, of the constitutional appeal. Moreover, prior to the Constitutional Court's decision of 2 February 2021 (see paragraph 19 above), statements made by public officials were attributable exclusively to the State and could not be challenged under the Civil Code, with the practice in that area remaining unsettled.

2. The Court's assessment

65. The Court reiterates that the rule of exhaustion of domestic remedies referred to in Article 35 § 1 of the Convention requires applicants first to use the remedies provided by the national legal system, thus dispensing States from answering before the Court for their acts before they have had an opportunity to put matters right through their own legal systems. In order to comply with the rule, normal recourse should be had by an applicant to remedies which are available and sufficient to afford redress in respect of the breaches alleged. Where there are several effective remedies available, it is for the applicant to select which remedy to pursue in order to comply with the requirements of Article 35 § 1 (see, for example, *Hajnal v. Serbia*, no. 36937/06, § 120, 19 June 2012).

66. The Court previously held that allegations of a breach of the presumption of innocence were normally raised in the course of criminal proceedings against the applicant (see, for example, *Dovzhenko v. Ukraine*, no. 36650/03, § 42, 12 January 2012), in order to give the criminal courts an opportunity to place the applicant, as far as possible, in the position he or she would have been in had the requirements of Article 6 not been disregarded (see *Šantare and Labazņikovs*, cited above, § 71). The Court also held in several cases that a civil claim for damages could only be related to the alleged violation and sufficient in part; it could not fully remedy the alleged infringement of the presumption of innocence (see, for example, *Konstas v. Greece*, no. 53466/07, § 29, 24 May 2011) and thus could not constitute an effective remedy for the purposes of Article 35 § 1 of the Convention (see *Paulikas*, cited above, § 41, and the authorities cited therein).

67. However, the Court has also made a distinction between, on one hand, cases in which the applicant's complaint of a breach of his right to be presumed innocent was primarily formulated as a procedural guarantee in the context of a criminal trial itself and cases in which the issues at the heart of the applicant's complaint were solely the various statements that public officials, not involved in the criminal proceedings, had made outside the trial (see *Okropiridze*, cited above, §§ 113 and 114). In *Okropiridize* the Court observed, citing *Kasatkin v. Russia* ((dec.), no. 53672/14, §§ 20-22, 22 June 2021), that in the latter situation the criminal proceedings against the applicant could not, in principle, provide an adequate forum in respect of the

statements made because the trial judge lacked jurisdiction to entertain the applicant's grievance and to impose sanctions on the public officials concerned or to award damages. Since in such circumstances criminal proceedings could neither put an end to the alleged violation of the applicant's presumption of innocence nor offer any meaningful redress, the Court concluded that only the civil-law remedy – if available in the relevant domestic system - could, on the basis of the criteria set out in the Court's case-law, provide adequate and sufficient redress and, therefore, must be exhausted (se *Okropiridze*, cited above, §114, *Lakatoš and Others v. Serbia*, no. 3363/08, §§ 108-11, 7 January 2014; *Januškevičienė v. Lithuania*, no. 69717/14, § 59, 3 September 2019, with further references).

68. It follows that the question which remedies need to be exhausted in respect of allegations about a violation of the presumption of innocence depends inevitably on the particular facts of and the domestic law applicable to the case.

69. In the present case, the Government argued that, with regard to the alleged breach of the presumption of innocence stemming from the statements of public officials not involved in the proceedings, the remedies available to the applicant within the criminal proceedings could not be considered effective because the trial judges lacked jurisdiction to entertain the applicant's grievances and to impose sanctions on the public officials concerned or to award damages. By contrast, the applicant maintained that he could and had raised this complaint before the courts dealing with his criminal case, which had rendered the pursuit of the civil-law remedy redundant.

70. The Court notes, at the outset, that in the present case the applicant's complaint does not concern any alleged action or decision taken by the judges or another public official having a procedural role in the course of the trial itself, which had an impact on the applicant's presumption of innocence (see, notably, the Court's reasoning in paragraph 57 above, and, for similar circumstances, *Rimšēvičs v. Latvia* ((dec.), no. 31634/18, § 50, 10 October 2023, and *Okropiridze,* cited above, § 114). The issues at the heart of the applicant's complaint were solely the various statements that public officials, not involved to the criminal proceedings, had made outside the trial. The Court notes in this respect that contrary to the above-mentioned case of *Rimšēvičs* (§§ 51-53,) where the Latvian Criminal Procedure Law provided for a procedure enabling the authority in charge of the criminal proceedings, on the basis of a reasoned complaint by the individual concerned, to acknowledge a violation of the presumption of innocence and to ensure that that acknowledgement was publicised, under the relevant domestic law the trial judges in the present case lacked jurisdiction to entertain the applicant's grievance and to impose sanctions on the public officials concerned or to award damages. Accordingly, the Court considers that the criminal proceedings against the applicant could not provide an adequate forum in respect of those statements since they could neither put an end to the alleged

violation of the applicant's presumption of innocence by ordering the public officials to refrain from further statements nor offer any meaningful redress by ordering to offer an apology or awarding damages (see, *mutatis mutandis*, *Okropiridze,* cited above, § 114).

71. In such circumstances, the civil-law and the administrative-law remedies put forward by the Government, namely the proceedings for the protection of personality rights under the Civil Code, could, on the basis of the criteria set out in the Court's case-law, provide adequate and sufficient redress to the applicant in the present case (compare with *Mamaladze*, cited above, § 65; *Januškevičienė*, cited above, § 59; and *Okropiridze*, cited above, § 114). Notably, that remedy could have had a preventive effect and led to a public apology and compensation. Compensation could also have been obtained under the State Liability Act, had the impugned statements been considered to have been made in the exercise of State powers and, as such, to amount to official misconduct. Consequently, he should have pursued those proceedings in the present case, as he had been advised by the Constitutional Court in its decision no. Pl. ÚS 9/17 of 3 April 2018, by which his constitutional appeal challenging the statements of the President was declared inadmissible for non-exhaustion of domestic remedies (see paragraph 23 above).

72. In this context, the Court considers that the examples of domestic case-law which the Government submitted to it appear to be sufficient to demonstrate the effectiveness of the civil-law remedy in the context of the right to the presumption of innocence. While those examples did not concern a situation identical to the applicant's, they demonstrated that proceedings for the protection of personality rights under the Czech Civil Code could be instituted in respect of allegations pertaining to a breach of the right to the presumption of innocence. The applicant has not put forward convincing arguments demonstrating that the remedies at issue were for some reason inaccessible or ineffective.

73. The Court, therefore, accepts the Government's objection concerning the applicant's failure to exhaust domestic remedies. This part of the application must thus be rejected pursuant to Article 35 §§ 1 and 4 of the Convention.

D. Other alleged violations of the Convention

74. Lastly, the applicant complained under Article 6 of the Convention that the warrants allowing the interception of communications and surveillance that had been issued in his case had not been sufficiently reasoned, that his trial had been conducted in an incomplete and one-sided manner, without a proper inquiry into all relevant (mainly exculpating) circumstances, and that it had suffered from delays. He also asserted that there

had been an inequality of arms owing to the lodging by the Minister of Justice of an extraordinary complaint alleging a breach of law.

75. In the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court considers that the remaining complaints do not disclose any appearance of a violation of any of the Articles of the Convention relied on. It follows that these complaints are inadmissible under Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, by a majority,

Declares the application inadmissible.

Done in English and notified in writing on 25 June 2026.

Martina Keller Deputy Registrar	María Elósegui President