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

THIRD SECTION

DECISION

Application no. 46884/22
Kristjan SUŠINSKI
against Slovenia

The European Court of Human Rights (Third Section), sitting on 13 November 2025 as a Committee composed of:

Lətif Hüseynov*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 46884/22) against the Republic of Slovenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 30 September 2022 by a Slovenian national, Mr Kristjan Sušinski ("the applicant"), who was born in 1971, lives in Portorož and was represented by Odvetniška družba Čeferin in partnerji, o.p., d.o.o., a law firm from Grosuplje;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns criminal proceedings in which the applicant, together with N.S. and Mr Igor Bavčar, was convicted of money laundering under Article 252 § 3 of the Criminal Code (for further factual background, see *Bavčar v. Slovenia*, no. 17053/20, §§ 8-61, 7 September 2023).

2. At a hearing held on 16 April 2013, the presiding judge in the criminal proceedings against the applicant restricted the applicant's lawyer in respect of a question posed to a witness, stating that he could have recourse to a remedy against the judgment of the trial court.

3. In its judgment of 5 September 2016, the Ljubljana District Court found the applicant guilty and sentenced him to three years' imprisonment. It held, *inter alia*, that he had acted with direct intent to conceal the illicit origin of

money in his bank account. It also considered that he had acted with indirect intent when further disposing of the money, as he had been aware that doing so would further conceal its origins.

4. On 27 September 2016, while an appeal lodged by the applicant against the first-instance judgment was pending before the Ljubljana Higher Court, G.K., the then Minister of Justice, gave a television interview against the background of allegedly problematic medical opinions and a system which allowed the execution of prison sentences to be postponed. The interview was entitled "Mr G.K.: If the *Bavčar* case becomes time-barred, a lot of people will have to answer [for that]", and included the relevant passages (translation):

> "Journalist: ... if you are influential and have money, you can buy yourself a medical opinion in order not to go to jail. When the case is getting close to becoming time-barred, you happily play basketball. ...
>
> [Minister], at a political level, you are politically responsible for ensuring the functioning of the judiciary, [and] that there are no such anomalies. But today it seems to me a mockery of both prosecutors and police officers and, last but not least, judges who reached a [decision about] conviction in this case, that Mr Bavčar apparently, having pretended that he was sick (maybe he will sue me for that word), now plays basketball. Is that justified? ...
>
> Minister: What is happening now, however, is absolutely a slap in the face for the Slovenian rule of law. ... What [has been] forgotten is that the judgment against Mr Bavčar was issued at the time when we changed the law, [and] under [that law] he should have gone on to serve his sentence and could no longer avoid serving his sentence owing to his so-called 'medical reasons', which may or may not have been justified (I am not a doctor), [except the judgment] was overturned by the Supreme Court, and today he is a free man.
>
> ...
>
> Journalist: Make no mistake, none of us, none of us here, is calling upon (ne apelira tukaj, da mora sodišče obsoditi) the court to convict Mr Bavčar. It's about everyone having equal power in their hands. And now I will ask you this...: the case may become time-barred, since the judge has been writing the verdict for three weeks, although the trial at first instance was undeniably swift. Do you think there are sufficient reasons to take so long writing the judgment? Because, you know, if the case becomes time-barred, you and your President [Prime Minister] will [suffer] all the political consequences. ...
>
> Minister: It is always like this. The Ministry of Justice, although it has extremely little leverage to put pressure on the prosecution or the judiciary, is always blamed in the end. But I would like to say something. Writing what, I assume, is a very complex judgment in three weeks, I would not like to point the finger at the judge here. However, if in this case, in the case of Bavčar – not because he is Bavčar, but because this concerns one of the important transition stories in the history of the Republic of Slovenia.
>
> Journalist: On the basis of which the credibility of the judiciary and the trust in the rule of law is being assessed.
>
> Minister: [That] also. And on the basis of many other cases, and some that should be taken into consideration but are not...If this case becomes time-barred, let me say here: I have made a commitment many times on your show, and I hope that I have delivered.

> Here I will do everything possible to make heads roll. As you said, and we are both lawyers, ... [I will do this] not because someone should be convicted or acquitted ..., but because the time-barring of any court case, and we have too many of them [time-barred cases], is the worst possible result. I believe this will not happen, but if it does ... I think a lot of people will have to answer [for that] and I will be the first to demand answers. ..."

For further details regarding the relevant background to the case, see *Bavčar* (cited above, §§ 8-61, and in particular §§ 26-30).

5. The applicant lodged an appeal and an application for the protection of legality, arguing that the judgments of the lower courts had not been sufficiently reasoned and that they had failed to correctly apply domestic law. Moreover, he alleged that, on the basis of the statement by the presiding judge (see paragraph 2 above) and his subsequent sentencing, his right to an impartial tribunal had been violated.

6. The applicant was unsuccessful before the Ljubljana Higher Court and the Supreme Court respectively.

7. In its judgment of 5 February 2019 dismissing the applicant's appeal, the Supreme Court held that the first-instance court had addressed both the objective elements of the offence and the circumstances indicating that the applicant knew the money was of illegal origin and intended to conceal it by disposing of it. The applicant's subjective attitude toward concealing the money's origin was inferred from the conclusions detailed in the operative part of the judgment. The Supreme Court reiterated that the subjective attitude of a perpetrator did not have to be described in the operative part of a judgment, which only had to include objective factual circumstances from which the subjective attitude could be inferred. In the present case the subjective attitude of the applicant – that is, that he had wanted or had at least agreed to conceal the origins of the money – had been outlined in the judgment's reasoning, which the Supreme Court found to be sufficient.

8. In a subsequent constitutional complaint, the applicant raised the same complaints as before the Higher Court and the Supreme Court (see paragraph 5 above).

9. On 30 May 2022 the Constitutional Court declared the applicant's constitutional complaint inadmissible. Having regard to the context of the presiding judge's statement (see paragraph 2 above), the Constitutional Court considered that it could not have had any effect on the tribunal's appearance of impartiality. It also confirmed that Article 252 of the Criminal Code permitted the interpretation that the offence of money laundering could be committed with direct or indirect intent. It concluded that the development in the case-law according to which criminal liability for money laundering could be established also in case of indirect intent had been consistent with the substance of the criminal offence in question and could have been reasonably foreseen by the applicant.

10. Before the Court, the applicant complained that his right to the presumption of innocence under Article 6 § 2 of the Convention and his right

to a fair trial by an impartial tribunal under Article 6 § 1 had been violated by the Minister of Justice's statement. He also complained that his right to a fair trial had been further violated by the statement of the presiding judge and by his sentencing. Lastly, he complained under Articles 6 and 7 of the Convention about the establishment of the facts by the domestic courts and their interpretation of domestic law.

THE COURT'S ASSESSMENT

A. Presumption of innocence and impartial tribunal

11. The relevant principles concerning the right to the presumption of innocence under Article 6 § 2 of the Convention and the right to a fair trial under Article 6 § 1 of the Convention have been recently summarised in *Gorše v. Slovenia* (no. 47186/21, §§ 49-52, 6 March 2025).

12. At the outset the Court notes that the applicant never raised before any of the domestic courts his complaint regarding the statement made by the Minister of Justice (see paragraph 4 above), and only complained about that matter for the first time before the Court. This may raise an issue of the applicant's exhaustion of domestic remedies. At the same time, those complaints had been raised by Mr Bavčar, one of his co-accused in the proceedings, and extensively examined by the domestic courts (see *Bavčar*, cited above, §§ 35-61).

13. Be that as it may, even assuming that domestic remedies have been properly exhausted, the Court considers that the present case must be distinguished from *Bavčar* (cited above) in several important aspects.

14. First of all, in *Bavčar* the Court found a violation of Article 6 § 2 of the Convention in view of the "cumulative effect of the statements of both the Minister of Justice and... the Prime Minister" in respect of Mr Bavčar (ibid., § 122). The Court considered that the Prime Minister's statement in that case, which concerned Mr Bavčar alone, essentially amounted to a declaration of doubt about his innocence (ibid.).

15. The Court notes that, unlike Mr. Bavčar, who also relied on the Prime Minister's remarks which pertained only to him, the applicant relied solely on the statements of the Minister of Justice and maintained that they alone had violated his presumption of innocence. In that connection, the Court cannot but note the entire context of the Minister's statement, which had been given in an interview focussing on allegedly problematic medical opinions and a system allowing the postponement of the execution of prison sentences, none of which concerned the applicant in the present case. It can moreover not ignore the statements by both the show's host and the Minister of Justice, clarifying that neither of them was calling for a conviction in the case (see paragraph 4 above). The Court further notes that the Minister's statement concerned the proceedings before the appeal court (see paragraph 4 above).

Under domestic law that court had the discretion to either refer the case back to the first-instance court, to uphold the first-instance conviction or to reverse it (see *Bavčar*, cited above, §§ 65 and 117).

16. In light of the foregoing, the Court finds that the impugned statement given in the above context and relating only and specifically to another co-accused in the proceedings cannot be interpreted as indicating that the applicant should be convicted. The Minister's impugned statement therefore could not have breached the applicant's presumption of innocence, nor could it *a fortiori* be construed as having jeopardised the independence and impartiality of the appeal court as a whole.

17. As regards the applicant's complaints concerning the statement of the presiding judge (see paragraph 2 above) and his sentencing, the Court does not find his misgivings regarding the judge's lack of impartiality objectively justified. In the Court's view, the presiding judge merely informed the applicant's lawyer of the appropriate legal action to be pursued if he disagreed with the ultimate outcome of the case and there was nothing in the judge's statements to reveal any bias against the applicant. As regards the alleged bias in sentencing, the Court notes that the applicant was sentenced within the prescribed penalty range and that the decision itself was well reasoned and gave no indication of bias.

18. The Court therefore finds these complaints to be manifestly ill-founded and rejects them in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Other alleged violations of the Convention

19. Relying on Articles 6 and 7 of the Convention, the applicant also challenged the facts as established by the domestic courts and their interpretation of domestic law regarding the elements of the criminal offence of which he was convicted.

20. The Court reiterates that its powers are limited to verifying the Contracting States' compliance with the human rights engagements they undertook in acceding to the Convention and the Protocols thereto. Furthermore, in the absence of powers to intervene directly in the legal systems of the Contracting States, the Court must respect the autonomy of those legal systems. That means that it is not its task to deal with errors of fact or law allegedly committed by a national court unless and in so far as such errors may have infringed rights and freedoms protected by the Convention (see, for example, *De Tommaso v. Italy* [GC], no. 43395/09, § 170, 23 February 2017).

21. The Court notes that some of the issues now raised by the applicant regarding his conviction for money laundering on the basis of indirect intent were already addressed in *Bavčar* (cited above, §§ 128-58), where the Court found no violation of Article 7 of the Convention. It sees no reason to depart

from that conclusion in the present case. As regards the applicant's remaining complaints regarding the interpretation of domestic law in relation to the other elements of the criminal offence, the Court notes that there is no sign of contradiction, unreasonableness or arbitrariness in the judgments of the domestic courts (see *Perlala v. Greece*, no. 17721/04, § 25, 22 February 2007).

22. Lastly, as for the applicant's complaint regarding the establishment of the facts, the Court reiterates that it should not act as a court of fourth instance by calling into question the outcome of a trial or engaging in an assessment of the facts and evidence or the sufficiency of the latter justifying a conviction (see *Khan v. the United Kingdom*, no. 35394/97, § 34, ECHR 2000-V).

23. The Court therefore finds these complaints manifestly ill-founded and rejects them in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 11 December 2025.

Olga Chernishova Deputy Registrar	Lətif Hüseynov President