



Policeman convicted of killing children whilst drunk driving did not have unfair trial

In today's Chamber judgment¹ in the case of [Paulikas v. Lithuania](#) (application no. 57435/09) the European Court of Human Rights held, unanimously, that there had been:

no violation of Articles 6 § 1 (right to a fair hearing), 6 § 2 (presumption of innocence), or 14 (prohibition of discrimination) taken in conjunction with Article 6, of the European Convention on Human Rights

The case concerned the criminal trial and conviction of Mr Paulikas, in relation to a car accident in which his vehicle had killed three ten-year-old children. Mr Paulikas admitted to causing the incident, but denied criminal liability (in particular, he alleged that he had not been drinking or speeding). The case received extensive media coverage and political attention. The trial court found that Mr Paulikas had caused the accident whilst under the influence of alcohol and exceeding the speed limit; and that he had immediately fled the scene. Mr Paulikas complained that his trial had been made unfair by media coverage and comments by politicians, which had allegedly declared him guilty before his trial was over.

In regard to the media coverage, the Court held that, though some of the language used could have influenced public perception of Mr Paulikas' guilt, the case had been decided in well-reasoned judgments on the basis of extensive evidence by professional judges who had been trained to disregard improper external influence: there was no evidence that they had decided the case improperly due to the media coverage. As to the public statements made by politicians, though the Court had some concerns about the words used by the President of Lithuania, it held that neither he nor any other politicians had asserted that Mr Paulikas had been guilty, or made any specific statements about the aspects of the case which had been key to determining such guilt (such as whether Mr Paulikas had been drinking or speeding).

Principal facts

The applicant, Saulius Paulikas, is a Lithuanian national who was born in 1980 and lives in Skuodas (Lithuania). At the relevant time, Mr Paulikas worked as a traffic police officer.

On the afternoon of 7 November 2007, three ten-year-old children were killed after being hit by a car in the village of Aleksandrija in the Skuodas region. The following morning, Mr Paulikas turned himself in to police and confessed that he had been driving the car.

The accident attracted considerable media coverage, which linked it to allegations of there being an endemic problem of drunk police officers causing traffic accidents. The Police Commissioner General, the Minister of the Interior and several politicians made statements about the accident and the wider issue. On 12 November 2007 the Police Commissioner General and the Minister of the Interior resigned. On the same day, after accepting their resignations, the President of Lithuania

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

issued an official statement, referring to the events directly, and linking them to wider problems in the police force.

Mr Paulikas was charged with a breach of road traffic regulations while being under the influence of alcohol which resulted in the death of other persons, and with a failure to provide assistance to persons in a life-threatening situation. He admitted that he had been driving the car, but denied that he had been drunk or that he had exceeded the speed limit, claiming that the accident had been caused by the weather and the reckless actions of some of the children. The significant media coverage continued throughout the trial, including articles in a number of publications referring to Mr Paulikas as “a killer of children” and witnesses testifying for the defence as “defenders of the killer of children”.

The Klaipėda District Court found Mr Paulikas guilty on both counts, holding that he had been under the influence of alcohol, driving at twice the speed limit, and that he had immediately fled the scene after the accident. He was sentenced to 10 years’ imprisonment, and ordered to pay a total of 3,000,000 Lithuanian Litai in damages to the families of the three children.

Mr Paulikas appealed the conviction and sentence, claiming that his trial had been unfair due to the public statements made by State officials and the media campaign against him. He also complained that he had been given a stricter punishment because he had been a police officer. The Klaipėda Regional Court rejected his complaint of an unfair trial, but did reduce his sentence to nine years’ imprisonment, and the damages to 900,000 litai. Mr Paulikas made a cassation appeal, but the Supreme Court dismissed this on 8 May 2009.

Complaints, procedure and composition of the Court

Relying on Article 6 § 1 (right to a fair hearing) and Article 6 § 2 (presumption of innocence), Mr Paulikas complained that he had not received a fair trial because of the media reports and public comments by State officials; in particular, because these had breached his right to the presumption of innocence. Relying on Article 14 (prohibition of discrimination) read in conjunction with Article 6, he complained that his role as a police officer had been unfairly taken into consideration by the domestic courts when determining his guilt and sentence.

The application was lodged with the European Court of Human Rights on 19 October 2009.

Judgment was given by a Chamber of seven judges, composed as follows:

András Sajó (Hungary), *President*,
Vincent A. De Gaetano (Malta),
Nona Tsotsoria (Georgia),
Krzysztof Wojtyczek (Poland),
Egidijus Kūris (Lithuania),
Iulia Motoc (Romania),
Marko Bošnjak (Slovenia),

and also Marialena Tsirli, *Section Registrar*.

Decision of the Court

[Article 6 § 1 \(right to a fair hearing\) and Article 6 § 2 \(presumption of innocence\)](#)

The Court held that extensive media coverage of the events and public statements by State officials had been justified in the circumstances, and that these had not breached Mr Paulikas’ right to a fair trial.

The public statements by State Officials

Though both the Minister of the Interior and the President of Lithuania had stated that Mr Paulikas had caused the accident, this had already been accepted by Mr Paulikas at the time. What he had denied was criminal liability for the incident, which had not been addressed by the State officials. Individual criminal liability was also not discussed by the Police Commissioner General, the President's spokesperson, or by a number of politicians who had provided newspaper comments. Furthermore, the resignations of the Minister of the Interior and the Police Commissioner General cannot have been seen as declarations of Mr Paulikas' guilt.

As to the President's statement issued on 12 November 2007, the Court held that the President should have exercised particular caution; and that it had some concerns about the choice of wording that he had used. The references to the need to "thoroughly examine" and "especially strictly evaluate" offences committed by police officers, and the criticism of the past trend of "relatively mild punishments" could have been regarded as expressing an opinion about the sentence to be given to Mr Paulikas, thus implying his guilt. However, the President had not stated that Mr Paulikas had been guilty, and had not made any specific statements about the aspects of the case which had been key to determining such guilt (such as whether he had been drinking or speeding). Taking into account the history of police officers escaping criminal liability for causing traffic accidents, as well as the ongoing discussion about political responsibility for problems with the police force, the Court did not find that the President's statement had prejudged the case against Mr Paulikas.

The media publications

Some of the language used in the publications had been strong and unambiguous (such as calling Mr Paulikas "the killer of children"). Though this could have influenced public perception of Mr Paulikas' guilt, the case had been decided in well-reasoned judgments, on the basis of extensive witness and expert evidence, by professional judges who had been trained to disregard improper external evidence. There was no evidence to suggest that the judges had failed to properly analyse the case, by being influenced by the publications in the press.

Article 14 (prohibition of discrimination) taken in conjunction with Article 6

In regard to Mr Paulikas' complaint that his role as a police officer was taken into account when deciding his sentence, the Court noted that complaints about discrimination only have effect in relation to rights safeguarded by other substantive provisions of the Convention; and, given that matters of sentencing largely fall outside the scope of the Convention, this part of Mr Paulikas' complaint was therefore inadmissible.

In regard to the complaint that Mr Paulikas' job was taken into consideration when determining his guilt, the Court noted that the domestic court had taken Mr Paulikas' job into account, but this had not been discriminatory. Under domestic legislation, the crime of failing to assist a person in a life-threatening situation can only be committed by a person who had had an obligation to provide such assistance. As police officers do have such an obligation under domestic law, establishing that Mr Paulikas had been a police officer was an appropriate aspect of the proceedings, and had not been discriminatory.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.