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This factsheet does not bind the Court and is not exhaustive

Police arrest and assistance of a lawyer

Article 6 § 3 (c) (right to legal assistance) of the **European Convention on Human Rights**: “Everyone charged with a criminal offence has the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require.”

“Certainly the primary purpose of Article 6 [of the Convention] as far as criminal matters are concerned is to ensure a fair trial by a tribunal competent to determine any criminal charge, but it does not follow that the Article has no application to pre-trial proceedings.” (*Imbriosca v. Switzerland*, judgment of 24 November 1993, § 36).

« [I]n order for the right to a fair trial to remain sufficiently “practical and effective” ..., Article 6 § 1 [of the Convention] requires that, as a rule, access to a lawyer should be provided as from the first interrogation of a suspect by the police, unless it is demonstrated in the light of the particular circumstances of each case that there are compelling reasons to restrict this right. Even where compelling reasons may exceptionally justify denial of access to a lawyer, such restriction – whatever its justification – must not unduly prejudice the rights of the accused under Article 6 ... The rights of the defence will in principle be irretrievably prejudiced when incriminating statements made during police interrogation without access to a lawyer are used for a conviction.” (*Salduz v. Turkey*, Grand Chamber judgment of 27 November 2008, § 55).

Access to a lawyer

Salduz v. Turkey

27 November 2008 (Grand Chamber)

Charged with, and subsequently convicted of, participation in an unauthorised demonstration in support of the PKK (the Workers’ Party of Kurdistan, an illegal organisation), the applicant, in the absence of a lawyer, made a statement while in police custody admitting his guilt.

The European Court of Human Rights held that there had been a **violation of Article 6 § 3 (c)** (right to legal assistance) **taken together with Article 6 § 1** (right to a fair trial) of the European Convention on Human Rights. It found that even though the applicant had been able to contest the charges at his trial, the fact that he could not be assisted by a lawyer while in police custody had irretrievably affected his defence rights, especially as he was a minor.

Pishchalnikov v. Russia

24 September 2009

Arrested on suspicion of aggravated robbery, the applicant was interrogated – both on the day of his arrest and immediately on the following day – in the absence of a lawyer, although he had clearly indicated a defence counsel he wanted to represent him. During these interrogations he confessed to having taken part in the activities of a criminal group which included among others a murder and kidnapping, crimes for which he was later convicted.

The Court held that there had been a **violation of Article 6 § 3 (c) in conjunction with Article 6 § 1** of the Convention. It found that the lack of legal assistance to the

applicant at the initial stages of police questioning had affected irreversibly his defence rights and undermined the possibility of him receiving a fair trial.

Dayanan v. Turkey

13 October 2009

The applicant, who was charged with, and subsequently convicted of, being a Hezbollah member, did not have the assistance of a lawyer while he was in police custody.

The Court held that there had been a **violation of Article 6 § 3 (c) taken together with 6 § 1** of the Convention. It found that that restriction (which was systematic, as it was prescribed by the relevant provisions of Turkish law) of the right of an individual deprived of his liberty to have access to a lawyer was sufficient for it to be able to conclude that there had been a violation of Article 6 of the Convention, even though the applicant had remained silent while in police custody.

Yeşilkaya v. Turkey

8 December 2009

The applicant was refused access to a lawyer while in police custody, although he had denied any involvement in the offences imputed to him by the interviewing officers.

The Court held that there had been a **violation of Article 6 § 3 (c) taken together with Article 6 § 1** of the Convention on account of the lack of legal assistance to the applicant while in police custody.

Boz v. Turkey

9 February 2010

Arrested on suspicion of belonging to the PKK (Workers' Party of Kurdistan, an illegal organisation), the applicant was at the end of his trial sentenced to the death penalty for "membership of an armed gang", a sentence which was subsequently commuted to life imprisonment. He complained in particular of the fact that he did not have access to a lawyer while in police custody.

The Court reiterated that systematic restriction of access to a lawyer pursuant to the relevant legal provisions **breached Article 6** of the Convention.

Brusco v. France

14 October 2010

The applicant, who was suspected of having masterminded an aggression, was taken into police custody and questioned as a witness, after being made to swear to tell the truth.

The Court held that there had been a **violation of Article 6 §§ 1 and 3** (right to remain silent and not to incriminate oneself) of the Convention. According to the Court, the applicant was not a mere witness but a person "charged with a criminal offence", and as such should have had the right to remain silent and not to incriminate himself, guaranteed by Article 6 §§ 1 and 3 of the Convention. The situation was aggravated by the fact that the applicant was not assisted by a lawyer until his 20th hour in police custody. Had a lawyer been present, he would have been able to inform the applicant of his right to remain silent.

Nechiporuk and Yonkalo v. Ukraine

21 April 2011

The first applicant complained in particular about the unfairness of the proceedings against him, notably that his conviction for a number of offences, including premeditated murder for profit committed following a conspiracy with a group of persons, had been based on statements made without the assistance of a lawyer.

The Court held that there had been a **violation of Article 6 §§ 1 and 3 (c)** of the Convention. It was undisputed by the parties that the applicant had not become legally represented until having spent three days in detention. The applicant had confessed several times to murder at the early stage of his interrogation when he was not assisted by counsel, and had undoubtedly been affected by the restrictions on his access to a lawyer in that his confessions to the police were used for his conviction.

Mader v. Croatia

21 June 2011

Serving a prison sentence for murder, the applicant complained in particular of having been beaten by the police during his questioning at the Zagreb Police Department, of having been forced to sit on a chair and having been deprived of sleep and food during the three days that he was questioned. He also complained that the criminal proceedings against him had been unfair, in particular as he had lacked legal assistance during the police questioning.

The Court held that there had been a **violation of Article 6 § 3 in conjunction with Article 6 § 1** of the Convention, on account of the lack of legal assistance afforded to the applicant during his questioning by the police. While it was not for the Court to speculate on the impact which access to a lawyer during police custody would have had on the ensuing proceedings, it was clear that neither the assistance provided subsequently by a lawyer nor the adversarial nature of the proceedings could counteract the defects which had occurred during his initial questioning. The applicant had further not waived his right to legal assistance during his police questioning, as he had complained about the lack of that assistance from the initial stages of the proceedings. The Court also held that there had been a **violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention both in respect of the applicant's treatment at the Zagreb Police Department and in respect of the failure to investigate his complaint.

Huseyn and Others v. Azerbaijan

26 July 2011

This case concerned the complaint by opposition activists about the unfairness of criminal proceedings brought against them for allegedly inciting demonstrators to violence.

As to the applicants' legal assistance upon their arrest, the Court noted that three of them had been questioned without a lawyer, and without having expressly waived their right to legal assistance. Such a restriction had clearly infringed their defence rights at the initial stage of the proceedings, in **violation of Article 6 § 1 taken together with Article 6 § 3 (c)** of the Convention.

Bandaletov v. Ukraine

31 October 2013

The applicant was summoned to a police station with several others for questioning as a witness in connection with an investigation into a double murder committed in his home. He confessed to the offence. The following day he was arrested as a suspect and a lawyer was appointed to assist him. The applicant at all times thereafter confirmed his confession. He was sentenced to life imprisonment. The applicant complained that at the initial stage of the investigation he had not been assisted by a lawyer, and that the domestic courts had failed to mitigate his sentence even though he had voluntarily surrendered to the police and confessed to the crime.

The Court held that there had been **no violation of Article 6 §§ 1 and 3** of the Convention, finding that the criminal proceedings against the applicant had been fair overall. The domestic authorities had changed the applicant's status from witness to suspect and provided him with a lawyer as soon as they had plausible reasons to suspect him. At his first interview as a suspect the applicant was legally represented and no investigative measures were taken after his initial confession before he had been assigned a lawyer. The applicant had maintained his confession throughout the pre-trial investigation and judicial proceedings, during which he was represented by several different lawyers. His initial confession could hardly be regarded as having been used to convict him, as the trial court had relied exclusively on the investigative measures conducted afterwards, when the applicant already had legal assistance. Lastly, the applicant's request for mitigation of sentence on the ground of his voluntary surrender had been examined by the domestic courts.

Pakshayev v. Russia

13 March 2014

Convicted of murder and sentenced to ten years' imprisonment in January 2001 – the conviction being eventually upheld in October 2006 – the applicant complained that he had been denied access to a lawyer during his questioning and first few days of police custody in May 1997. He submitted that during the questioning he had been threatened by the investigator that if he did not confess he would be raped by his cellmates. The applicant then confessed to the murder but retracted his confession during the trial when represented by a lawyer. Before the Court, he complained that he had not had any legal assistance during the initial stage of the criminal proceedings and that the confession he had made was then used to convict him.

The Court held that there had been a **violation of Article 6 §§ 1 and 3** of the Convention, finding that the use of his confession statement made without the benefit of legal advice for the applicant's conviction undermined the fairness of the proceedings as a whole.

Blaj v. Romania

8 April 2014

The applicant, who was suspected of accepting a bribe, had been placed under police surveillance. A third party who had been cooperating with the police came to meet him and left an envelope containing money on his desk. The police officers intervened immediately and caught the applicant red handed. In accordance with domestic law, they drew up a report of the offence. Later that day the applicant was informed of the charges against him and of the fact that he had a right to remain silent and to see a lawyer. Subsequently he had the assistance of a lawyer during questioning. The applicant complained in particular that he had not been informed of his right to silence and legal representation at the time when he was "caught in the act".

The Court held that there had been **no violation of Article 6 §§ 1 and 3** of the Convention in respect of the lack of assistance from a lawyer during the applicant's questioning by the police under the *flagrante delicto* procedure. Observing that under Romanian law where a person is "caught in the act" of committing an offence, the investigating authorities must confine themselves to questions about the material evidence found at the scene of the *flagrante delicto* and must not question the person about his involvement in a criminal offence, it found that the investigating authorities had not overstepped the mark in the applicant's case. It also noted that when the applicant had been questioned by the anti-corruption prosecutor about the offence he had had access to a lawyer. In all his statements, the applicant had maintained his innocence and had never contested the statements contained in the *procès-verbal*. The Court therefore found that the use of those statements at trial could not be said to have prejudiced the fairness of his trial. The Court also noted in conclusion that the applicant had never alleged that his very first statements recorded in the *procès-verbal* had been the result of duress or ill treatment.

Carkçı (no. 2) v. Turkey

14 October 2014

Serving a life sentence for participating in an armed robbery of a jewellery shop during which the shop owner was shot dead, the applicant complained in particular that the criminal proceedings against him had been unfair. Notably, he alleged that the statements taken from him without the assistance of a legal representative and not even bearing his signature had been used as evidence to convict him.

The Court held that there had been a **violation of Article 6 § 3 (c) taken in conjunction with Article 6 § 1** of the Convention, on account of the lack of legal assistance afforded to the applicant while in the custody of the gendarmerie.

A.T. v. Luxembourg (no. 30460/13)

9 April 2015¹

This case concerned the failure to provide the applicant with effective legal assistance after he was arrested under a European Arrest Warrant, during both his police interview and his first appearance before the investigating judge the next day.

The Court found in particular that, as regards the police interview, the statutory provisions then in force implicitly excluded the assistance of a lawyer for persons arrested under a European Arrest Warrant issued by Luxembourg. Since the domestic court had not remedied the consequences of that lack of assistance, by excluding from its reasoning the statements taken during that interview, the Court held that there had been a **violation of Article 6 § 3 (c) taken together with Article 6 § 1** of the Convention on account of the failure to provide legal assistance during the police interview. As further regards the applicant's first appearance before the investigating judge, the Court found that the lack of access to the file prior to that hearing had **not** constituted a **violation of Article 6 § 3 (c) taken together with Article 6 § 1**, as Article 6 of the Convention did not guarantee unlimited access to the file prior to such an appearance. However, the Court held that the possibility for the applicant to consult his lawyer before that hearing was not sufficiently guaranteed by Luxembourg law. In so far as the applicant had not been able to converse with his lawyer before the hearing in question, the Court thus found a **violation of Article 6 § 3 (c) taken together with Article 6 § 1** of the Convention.

Applications pending before the Grand Chamber

Dvorski v. Croatia (application no. 25703/11)

28 November 2013 (Chamber judgment) – case referred to the Grand Chamber in April 2014

This case essentially concerns a murder suspect's allegation that he was denied access to a lawyer hired by his parents to represent him during his questioning by the police and that this created a coercive environment in which he had incriminated himself.

In its Chamber [judgment](#) of 14 November 2013 the Court held, by five votes to two, that there had been no violation of Article 6 §§ 1 and 3 of the Convention. It found in particular that, although the applicant had not been represented by a lawyer of his own choice during the pre-trial stage of the proceedings against him, this had not made the ensuing proceedings as a whole unfair. He had had the benefit of effective legal advice, had been able to put forward all his arguments on the charges and evidence against him and his confession had not been the sole or decisive evidence in the case and, as such, did not call into question his conviction and sentence. Nor had there been grounds to believe that any pressure had been exerted on the applicant to confess, the Court dismissing as unsubstantiated his claims that he had been ill-treated or held in inadequate conditions of detention during his questioning.

On 16 April 2014 the case was [referred to the Grand Chamber](#) at the request of the applicant.

On 21 January 2015 the Court held a Grand Chamber [hearing](#) in the case.

Ibrahim and Others v. the United Kingdom (nos. 50541/08, 50571/08, 50573/08 and 40351/09)

16 December 2014 (Chamber judgment) – case referred to the Grand Chamber in June 2015

On 21 July 2005 four bombs were detonated on the London transport system but failed to explode. The perpetrators fled the scene and a police investigation immediately commenced. The first three applicants were arrested on suspicion of having detonated three of the bombs. The fourth applicant was initially interviewed as a witness in respect of the attacks but it subsequently became apparent that he had assisted one of the bombers after the failed attack and, after he had made a written statement, he was also arrested. All four applicants were later convicted of criminal offences. The case

¹. This judgment will become final in the circumstances set out in Article 44 § 2 of the [European Convention on Human Rights](#).

concerned the temporary delay in providing the applicants with access to a lawyer, in respect of the first three applicants, after their arrests, and, as regards the fourth applicant, after the police had begun to suspect him of involvement in a criminal offence but prior to his arrest; and the admission at their subsequent trials of statements made in the absence of lawyers.

In its Chamber [judgment](#) of 16 December 2014, the Court held, by six votes to one, that there had been no violation of Article 6 § 1 and 3 (c) (right to a fair trial and right to legal assistance) of the Convention. The Court was satisfied that, at the time of the four applicants' initial police interviews, there had been an exceptionally serious and imminent threat to public safety, namely the risk of further attacks, and that this threat provided compelling reasons justifying the temporary delay in allowing the applicants' access to lawyers. The Chamber also found that no undue prejudice had been caused to the applicants' right to a fair trial by the admission at their trials of the statements they had made during police interviews and before they had been given access to legal assistance. It took into account the counterbalancing safeguards contained in the national legislative framework, as applied in each of the applicants' cases; the circumstances in which the statements had been obtained and their reliability; the procedural safeguards at trial, and in particular the possibility to challenge the statements; and the strength of the other prosecution evidence. In addition, as concerned the fourth applicant, who had made self-incriminating statements during his police interview, the Chamber emphasised the fact that he had not retracted his statement even once he had consulted a lawyer but had continued to rely on his statement in his defence up until his request that it be excluded at trial.

On 1 June 2015 the case was [referred to the Grand Chamber](#) at the request of two of the applicants (Mr Omar (no. 50573/08) and Mr Abdurahman (no. 40351/09)).

Cases concerning minors

[Salduz v. Turkey](#)

27 November 2008 (Grand Chamber)

Charged with, and subsequently convicted of, participation in an unauthorised demonstration in support of the PKK (the Workers' Party of Kurdistan, an illegal organisation), the applicant, in the absence of a lawyer, made a statement while in police custody admitting his guilt.

The Court held that there had been a **violation of Article 6 § 3 (c) taken together with Article 6 § 1** of the Convention. It noted in particular that one of the specific elements of the instant case was the age of the applicant – a minor at the time of the offence. Having regard to a significant number of relevant international law materials concerning legal assistance to minors in police custody, it stressed the fundamental importance of providing access to a lawyer where the person in custody is a minor (see paragraph 60 of the [judgment](#)).

[Panovits v. Cyprus](#)

11 December 2008

This case concerned in particular the failure to inform the applicant, who was a minor, of his right to consult a lawyer prior to first police questioning.

The Court held that there had been a **violation of Article 6 §§ 1 and 3 (c)** of the Convention. In view of the circumstances, and especially given the applicant's age and the fact that he had not assisted by his guardian during the questioning, it found that the lack of sufficient information on the applicant's right to consult a lawyer before his questioning by the police had constituted a breach of his defence rights.

[Güvec v. Turkey](#)

20 January 2009

This case concerned in particular the inability of a minor defendant to participate effectively in his criminal trial and lack of adequate legal representation. When questioned by the police, and subsequently by the prosecutor and the judge, the

applicant was not represented by a lawyer. During the retrial, both the applicant and his lawyer were absent from most of the hearings.

The Court held that there had been a **violation of Article 6 § 1 in conjunction with Article 6 § 3 (c)** of the Convention. It considered in particular that the applicant had not been able to effectively participate in the trial, given that he had not attended at least 14 of the 30 hearings both during the initial trial and at retrial. Having considered the entirety of the criminal proceedings against the applicant, and their shortcomings, in particular the lack of legal assistance for most of the proceedings, the Court concluded that there had been a violation of his defence rights.

Soykan v. Turkey

21 April 2009

At the age of 16 the applicant was arrested and eventually sentenced to two years and six months' imprisonment for assisting the illegal organisation "Revolutionary People's Liberation Party/Front" (Devrimci Halk Kurtuluş Cephesi Partisi – DHKP/C). He complained in particular of violations of his defence rights in the criminal proceedings against him.

The Court held that there had been a **violation of Article 6 § 3 c in conjunction with Article 6 § 1** of the Convention as the applicant had not had access to a lawyer while in police custody.

Adamkiewicz v. Poland

2 March 2010

At the age of 15 the applicant was accused of murdering a 12-year-old boy. He was found guilty of the charges against him and placed in a reformatory for six years. The applicant complained in particular of the restrictions placed on the exercise of his defence rights during the investigation and the fact that statements made by him then had been admitted at the trial.

The Court held that there had been a **violation of Article 6 § 3 (c) taken in conjunction with Article 6 § 1** of the Convention. It observed in particular that the applicant had not been informed by his lawyer of his right to remain silent until six weeks after the proceedings had begun and he had been placed in a children's home, after several unsuccessful attempts by his lawyer to meet him. The authorities had therefore obtained his incriminating admissions before he had even been informed of that right. Given his age, it could not be asserted that the applicant knew of his right to seek legal representation and of the consequences of his failure to do so, whereas it was crucial for him, isolated in a children's home as he had been during the decisive period of the investigation, to have broad access to a lawyer from the very beginning of the proceedings.

Dushka v. Ukraine

3 February 2011

This case concerned the unlawful detention and questioning without a lawyer of a 17-year-old's. The applicant alleged that he was tortured in police custody in order to make him confess to a robbery.

The Court found that such practice, especially given the applicant's vulnerable age, qualified as inhuman and degrading treatment, in **violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention. In particular the fact that the confession had been made in a setting lacking such procedural guarantees as the presence of a lawyer, and had then been retracted upon release, pointed to the conclusion that it might not have been given freely.

Application pending before the Grand Chamber

Blokhin v. Russia (no. 47152/06)

14 November 2013 (Chamber judgment) – case referred to the Grand Chamber in March 2014

This case concerns the detention for 30 days of a mentally disturbed 12-year old boy in a juvenile temporary detention centre. The applicant maintains notably that the

proceedings against him had been unfair because he was allegedly questioned by the police in the absence of his guardian, counsel or a teacher.

In its Chamber [judgment](#) of 14 November 2013 the Court held in particular, unanimously, that there had been a violation of Article 6 §§ 1 and 3 of the Convention. On the basis of the evidence before it, it found it established that the applicant had not had an opportunity to contact his family or obtain legal assistance when questioned by the police. Given his young age, the circumstances surrounding the interview had been psychologically coercive and conducive to breaking down any resolve he might have had to remain silent. Moreover, he had undoubtedly been affected by the restrictions on his access to a lawyer. His confession obtained without legal assistance had served as a basis for finding that his actions had contained elements of a criminal offence and that it was thus necessary to place him in the temporary detention centre. His defence rights had therefore been irretrievably prejudiced and the fairness of the proceedings had been undermined as a whole.

On 24 March 2014 the case was [referred to the Grand Chamber](#) at the request of the Russian Government.

Voluntary waiver of right to assistance of a lawyer

Aleksandr Zaichenko v. Russia

18 February 2010

Convicted of stealing diesel from the company for which he worked as a driver and sentenced to a suspended prison sentence, the applicant complained that his conviction had been based on admissions he had made to police before the trial in the absence of a lawyer.

The Court held that there had been **no violation of Article 6 § 3 (c) taken together with Article 6 § 1** of the Convention. Although the applicant had not been free to leave when he was stopped on 21 February the circumstances of the case disclosed no significant curtailment of his freedom of action sufficient to activate a requirement for legal assistance at that stage. The police's role had been to draw up a record of inspection of the car and to hear the applicant's explanation as to the origin of the cans. That information had then been passed to an inquirer who had in turn compiled a report on the basis of which his superior had decided to open a criminal case against the applicant. At that stage (2 March 2001) the applicant was apprised of his right to legal assistance, but voluntarily and unequivocally agreed to sign the act of accusation and waived his right to legal assistance, indicating that he would defend himself at the trial.

Yoldas v. Turkey

23 February 2010

Held in police custody on charges of membership of an illegal organisation, the applicant was at the end of his trial sentenced to life imprisonment. He complained in particular that he had not been assisted by a lawyer while in police custody.

The Court held that there had been **no violation of Article 6 §§ 1 and 3 (c)** of the Convention. Noting in particular that, despite having the right to be assisted by a lawyer while in police custody and having been reminded of that right, the applicant had refused assistance, it found that nothing in the proceedings gave grounds to suspect that the waiver by the applicant of his right to be assisted by a lawyer while in police custody had not been free and unequivocal.

Absence of an interpreter during police questioning

Baytar v. Turkey

14 October 2014

This case concerned the questioning in police custody, without the assistance of an interpreter, of an individual who did not have a sufficient command of the national language.

The Court held that there had been a **violation of Article 6 § 3 (e)** (right to the assistance of an interpreter) **taken together with Article 6 § 1** of the Convention. It found in particular that, without the possibility of having the questions put to her interpreted and of forming as accurate an idea as possible of the alleged offences, the applicant had not been put in a position to appreciate fully the consequences of waiving her right to keep silent and the right to legal assistance.

Loss of “victim” status in case of acquittal

Bouglame v. Belgium

2 March 2010 (decision on the admissibility)

This case concerned the denial of legal assistance to the applicant while in police custody on charges relating to international drug trafficking. He was subsequently acquitted of the charges by the first instance court whose judgment was confirmed on appeal.

The Court declared the application **inadmissible** (manifestly ill-founded). Having been acquitted, the applicant could no longer claim to be a “victim” of a violation of Article 6 of the Convention.

Lawfulness of pre-trial detention in the absence of assistance of a lawyer

Simons v. Belgium

28 August 2012 (decision on the admissibility)

This case concerned a detention alleged to be unlawful on account of lack of legal representation during police custody and questioning by investigating judge. Relying on Articles 5 § 1 (right to liberty and security), 6 § 1 (right to a fair trial) and 6 § 3 (c) (right to be assisted by a lawyer) of the Convention, the applicant complained that on account of the inadequacy of Belgian law, she had not been assisted by a lawyer during her police custody or in her interview by the police, or her first examination by the investigating judge, and had not been notified of her right to remain silent.

As the case was still pending before the domestic courts, the Court considered that the application was premature from the standpoint of **Article 6** (right to a fair trial) of the Convention and, pursuant to Article 35 (admissibility criteria) of the Convention, it **rejected** this part of the application.

Under **Article 5** (right to liberty and security) of the Convention, the Court had to ascertain whether there was a “general principle” implicit in the Convention according to which all persons deprived of their liberty had to have the possibility of being assisted by a lawyer from the beginning of their detention. The Court noted that, according to its case-law, accused persons had the right to be assisted by a lawyer from the start of their time in police custody or pre-trial detention, and when being questioned by the police or the investigating judge. While some restrictions on that right might be justified in certain conditions, the fact of being unable to obtain the assistance of a lawyer in such circumstances by virtue of a rule of domestic law was incompatible with the right to a fair trial. However, this was a principle inherent in the right to a fair trial, which was based specifically on Article 6 § 3 of the Convention concerning the right of any accused to be assisted by a lawyer of his or her choosing. It was not a “general principle” implicit in the Convention, such principles being by definition overarching in nature. Accordingly,

although the impossibility in law for accused persons placed in detention to be assisted by a lawyer from the start of their detention had a bearing on the fairness of the criminal proceedings, this did not imply that the detention in question was in breach of **Article 5 § 1** (right to liberty and security) of the Convention. The applicant's application was manifestly ill-founded from the standpoint of that provision, and the Court therefore declared it **inadmissible**.

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