

Breaking THE BARRIERS

TRANSNATIONAL PARTICIPATORY
JUDICIAL TRAINING ON PROCEDURAL RIGHTS

CASE STUDY 4 – Presumption of Innocence

Facts

As AA, a policeman, was driving his private car after a night out, he hit three minors, aged 10 years, causing their death. After the crash, he left the scene of the accident. The following day he surrendered to the police authorities, admitting his responsibility for the death of the three minors, but denying that he was driving under the influence of alcohol.

The news gained massive attention in his country, and the media reported extensively on the circumstances of the accident and the lack of responsibility demonstrated by many police officers in the past. In particular:

- 1) The Minister of Public Order stated the following: “Apologies are not enough. The Chief of Police must assume personal responsibility for this terrible incident. This is not the first time that police officers, who are supposed to control traffic violations, have caused terrible accidents.”
- 2) Five days after the incident, under pressure of public opinion, the Minister of Public Order and the Chief of Police submitted their resignation.
- 3) In the wake of the crisis within the Police, the President of the Republic made the following statements: “The loss of the three children, the crime committed by an officer and its circumstances require clear answers and solutions. It is unacceptable that crimes committed by police officers are punished with relatively mild sentences.”
- 4) The newspaper “Early Edition” published a photo of the accused person and the headline of the article next to it was: “The police officer who caused the crime, AA, surrendered to the authorities only after it would not have been possible to detect alcohol in his body. Those responsible should resign.”

AA claims that the publication of his photograph, as well as all the above facts (under 1-4) violated the presumption of innocence, in accordance with Directive 2016/343, as transposed into national law, and Article 6 paragraph 2 ECHR.

Questions

1. Do all the above-mentioned alleged violations of the presumption of innocence fall within the scope of Directive 2016/343?
2. If not, do they fall within the scope of Article 6 paragraph 2 of the ECHR?
3. Do you agree with AA's allegations that the presumption of innocence was violated in this case?

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