

10486/83

## COMPLAINTS

The applicant's initial defence counsel submitted a complaint on 26 August 1980 in which he alleged on behalf of the applicant a violation of Article 3 and Article 5 para. 3 of the Convention. He maintained that the solitary confinement to which the applicant had been subjected at that time for a period of approximately 7 months amounted to inhuman or degrading treatment. As regards Article 5 para. 3 it was alleged that the applicant had not been brought to trial within a reasonable time.

In a letter of 27 October 1982 the applicant alleged violations of Articles 3, 5, 6 and 7 of the Convention. With a covering letter of 9 June 1983 the applicant submitted his application form in which he referred to Articles 3, 5, 6 and 10 of the Convention and Article 1 of Protocol No. 4 to the Convention.

As regards Article 6 the applicant complains generally that he did not get a fair hearing by an impartial tribunal within a reasonable time. In particular the applicant points out

- that his rights under Article 6 were violated during the proceedings before the Probate Court;
- that the enormous press coverage had been instigated by the prosecution and thus violated his right to be presumed innocent until found guilty according to law;
- that the defence was refused permission to obtain the attendance and examination of a large number of witnesses;
- that the defence was denied resources to conduct a proper defence, since it had considerable difficulties in obtaining information and data from the prosecution and was not given effective access to the seized material;
- that the court records did not show the true picture of the facts of the case since no verbatim records were available and since the courts made incorrect dictations;
- that his own statements and comments were often ignored and thus not included in the court records;
- that the presiding judge at the City Court and the full Court of Appeal had taken more than 50 decisions to keep the applicant in detention on remand both before and during the trials as well as a number of other decisions during the investigation of the applicant's case (commissions rogatory) and the courts could not therefore be considered impartial when deciding on his guilt and when pronouncing the sentence against him.

