KEY THEME[1]
Article 6 § 1 (criminal limb)
Presence at the appeal hearing after the first instance acquittal

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Introduction

Article 6 § 1 enshrines the right to a public hearing. This principle entails, *inter alia*, the right for the accused to give evidence in person to an appellate court. From that perspective, the principle of publicity pursues the aim of guaranteeing the accused's defence rights (*Tierce and Others v. San Marino*, 2000, § 95 *in fine*).

In general, the manner of application of Article 6 to proceedings before courts of appeals depends on three main factors (*Botten v. Norway*, 1996, § 39; *Hermi v. Italy* [GC], 2006, § 60, *Mtchedlishvili v. Georgia*, 2021, § 30):

1. The special features of the proceedings;
2. The entirety of the proceedings in the domestic legal order which must be taken into account; and
3. The role/powers of the appellate court within a domestic legal order.

Special considerations may apply in cases where an appellate court overturns an acquittal at first instance and the present Key Theme focuses on the relevant case-law principles in that regard.

Principles drawn from the case-law on presence at the appeal hearing

Although not expressly mentioned in Article 6 § 1, the object and purpose of the Article taken as a whole show that a person "charged with a criminal offence" is entitled to take part in the hearing. The Court considered it difficult to see how an accused could exercise his or her rights provided by sub-paragraphs (c), (d) and (e) of Article 6 § 3 without being present at the hearing (*Hermi v. Italy* [GC], 2006, § 59).

However, the personal attendance of a defendant does not have the same crucial significance for an appeal hearing as it does for a trial hearing (*Kamasinki v. Austria*, 1986, § 106; *Hermi v. Italy* [GC], 2006, § 60). While the requirement of publicity is undoubtedly one of the means whereby confidence in the courts is maintained, other considerations (such as the right to a trial within a reasonable time and the related need for expeditious handling of domestic cases) must be taken into account in determining the necessity to hold a public hearing at the appellate stage (*Fejde v. Sweden*, 1991, § 31, *Mtchedlishvili v. Georgia*, 2021, § 32).

When a public hearing has been held at first-instance, the absence of such a hearing at the appeal stage may be justified, after due account is taken of the nature of the domestic appeal system, the scope of the appellate court's powers and the manner in which the interests of the applicant have been presented and protected in appeal proceedings, particularly in the light of the nature of issues that are to be decided in that particular case (*Fejde v. Sweden*, 1991, § 27, *Botten v. Norway*, 1996, § 39; *Hermi v. Italy* [GC], 2006, § 62; *Mtchedlishvili v. Georgia*, 2021, § 31).

[1] Prepared by the Registry. It does not bind the Court.

The mere fact that an appeal court is empowered to overturn a first-instance acquittal does not, of itself, infringe the fair hearing guarantees of Article 6 § 1. A close examination of the role/power of the appellate court and the nature of issues to be decided may lead or not to a violation of fair hearing guarantees, depending on the circumstances of a case (*Botten v. Norway*, 1996, § 48).

Leave-to-appeal proceedings or proceedings which involve solely questions of law, as opposed to questions of fact, may comply with Article 6 even when a defendant does not have an opportunity to be heard in person and give evidence before an appellate court, provided that a public hearing is held at first instance (*Sutter v. Switzerland*, 1984 § 30; *Monnel and Morris v. the United Kingdom*, 1987; § 58, *Fejde v. Sweden*, 1991, § 31; *Botten v. Norway*, 1996, § 39; *Mtchedlishvili v. Georgia*, 2021, § 31).

Even when a court of appeal has jurisdiction to examine a case as to both facts and law, Article 6 does not always require a right to a public hearing irrespective of the nature of the issues to be decided (*Mtchedlishvili v. Georgia*, 2021, § 32). In this sense, if a hearing takes place, Article 6 does not guarantee a right of a defendant to be present at the appeal in person (*Botten v. Norway*, 1996, § 39).

However, where an appellate court is called upon to examine a case as to the facts and the law and to make a full assessment of the questions of the applicant's guilt or innocence, it cannot, as a matter of fair trial, properly determine those issues without a direct assessment of the evidence given by the accused, where the latter claims to have not committed the criminal offence with which he is charged (*Ekbatani v. Sweden*, 1988, § 32; *Bazo González v. Spain*, 2008, § 31; *Mtchedlishvili v. Georgia*, 2021, § 33). Exceptions may apply when an accused waives his or her rights to be present in person and a lawyer of his or her choice is able to orally present to the appellate court all the defence arguments on behalf of the applicant (*Lamatic v. Romania*, 2020, § 46).

Moreover, where an appellate court is competent to modify, including to increase, the sentence imposed by a lower court and when such appeal proceedings are capable of raising issues involving an assessment of the accused's personality and character and his or her state of mind at the time of the offence, which make such appeal proceedings of crucial importance for the accused, it is essential to the fairness of the proceedings that the defendant is enabled to be present at the hearing and afforded the opportunity to participate in it (*Cani v. Albania*, 2012, §§ 61 and 63; *Zahirović v. Croatia*, 2013, § 57; *X v. The Netherlands*, 2021, § 45).

There are cases when the facts and legal interpretation can be intertwined to an extent that it is difficult to separate the two from each other. Such situations appear, for example, when an appellate court has to make its own assessment, to a certain extent, for the purposes of determining whether the established facts provided a sufficient basis for convicting an accused. This is especially true with respect to the questions of intent to commit the crime and questions related to the determination of the final sentence, when an appellate court did not even have the benefit of having a prior assessment of such questions by the lower courts which had heard the accused directly (*Botten v. Norway*, 1996, §§ 49-50; *Suuripää v. Finland*, 2010, § 44).

In any event, Article 6 mandates that clear reasons are to be provided by the appellate court for refusing a defendant's request for a hearing, not least where the applicable national legislation requires an appellate court to provide reasons for dispensing with an oral hearing (*Mtchedlishvili v. Georgia*, 2021, § 39). This also applies when the accused requests an adjournment of an appeal hearing (*Henri Rivière and Others v. France,* 2013, §§ 30-33).

Exceptionally an appellate court may be required to act *ex officio* to ensure the presence of an accused at an appeal hearing. The mere fact that an accused did not specifically ask to be present cannot be held against him or her. This is especially true when national law foresees that an appellate court may itself invite the accused to attend a hearing even without his/her request, provided that the accused's presence is considered useful by the appeal court to clarify the case (*Mirčetić v. Croatia*, 2021, § 24 *in fine* and contrast this exceptionality with the position where the first-instance acquittal is overturned on appeal, see directly below).

Principles on presence at the appeal hearing when overturning an acquittal

When an appellate court overturns a first instance acquittal, it must take positive measures to secure the possibility for the accused to be heard (*Botten v. Norway*, 1996, § 53; *Dănilă v. Romania*, 2007, § 41; *Gómez Olmeda v. Spain*, 2016, § 32). Alternatively, if a direct assessment of the evidence is necessary for a new judgment, the appeal court must limit itself to quashing the lower court's acquittal and referring the case back for a retrial (*Júlíus þór Sigurþórsson v. Iceland*, 2019, § 38).

In this connection, in accordance with the above-noted general principles on an accused's presence in the appeal proceedings, the Court's case-law draws a distinction between **two situations** (*Styrmir Þór Bragason v. Iceland*, 2019, §§ 67-68):

- On the one hand, the accused's presence would be required where an appellate court, which reversed an acquittal without itself hearing the oral evidence on which the acquittal was based, not only had jurisdiction to examine points of fact and law but *actually* proceeded to a fresh evaluation of the facts;
- On the other hand, the presence of the accused would not necessarily be required where the appeal court only disagreed with the lower court on the interpretation of the law and/or its application to the established facts, even if it also had jurisdiction in respect of the facts.

Presence of the accused required:

The Court has therefore considered that the **presence of an accused was needed** before an appellate court following an acquittal at first instance in *inter alia* the following cases:

- When issues to be determined by an appellate court are predominantly factual in nature and not straightforward, involve a large number of witnesses and give rise to differences with the lower courts' assessment of facts (*Sigurþór Arnarsson v. Iceland*, 2003, §§ 34 and 36);
- When an appellate court determines the criminal charge itself and convicts an accused, the first court to do so, without him having the opportunity to give evidence and defend himself (*Constantinescu v. Romania*, 2000, § 59);
- When an appellate court has jurisdiction to hear points of fact and law and has the possibility to order an investigative hearing at the appeal level but fails to do so irrespective of whether the accused requested such a hearing or not (*Tierce and Others v. San Marino*, 2000, §§ 97 and 98);
- When an appellate court quashes a first-instance decision to acquit an accused, and then gives a fresh judgment on the merits by determining itself the criminal charges, convicting an accused on almost all charges and sentencing him to life imprisonment - without hearing evidence from him in person and without producing evidence in his presence at a public hearing with a view to adversarial argument (*Popovici v. Moldova*, 2007, § 71);
- When the issues to be assessed by an appellate court relate to the establishment of guilt for the first time, after two acquittals by the lower courts, and are predominantly factual: the appellate court must take positive measures to ensure that the accused is heard irrespective of whether a hearing was requested or not (*Dănilă v. Romania*, 2007, § 41);
- When facts and legal interpretation are intertwined to an extent that it is difficult to separate one from the other: for example, when an appellate court gives a different legal meaning to facts already established by a lower court and, in doing so, it has to make its own assessment for the purposes of determining whether the facts were not disputed and whether such facts provided a sufficient basis for convicting an accused (*Suuripää v. Finland*, 2010, § 44);
- When the proceedings before an appellate court are "full proceedings" governed by the same rules as a trial on the merits, with the appellate court being required to examine both the facts and questions of law, leading to a decision either to uphold the acquittal or convict the accused, after making a thorough assessment of the question of their guilt or innocence

– including an assessment of subjective elements such as intent to commit an offence (*Popa and Tănăsescu v. Romania*, 2012, §§ 48 and 52);

- When an appellate court departs from the first instance conclusions and makes a full assessment of the question of the accused's guilt after reassessing the case as to the facts and law, including an assessment of the subjective element of the offence – all this without a direct and personal examination of the evidence given in person by the accused who claims not to have committed the offence (*Gómez Olmeda v. Spain*, 2016, § 35);
- When an appellate court goes beyond the application of purely legal considerations of the facts established by the first-instance court: for example, when an appellate court disregards to a considerable extent parts of the evidence which were taken into account for the acquittal of the accused in first instance and bases its conviction primarily, if not exclusively, on its own assessment of the evidence for the purposes of determining whether the facts provide a sufficient basis for a conviction (*Júlíus þór Sigurþórsson v. Iceland*, 2019, § 42);
- When an appellate court takes a broader approach than the first-instance court as to the factors, from a legal perspective, which were relevant for the assessment: for example, when the initial disagreement with the first-instance court was of a purely legal nature but the application of the law inevitably implied that the appellate court had to make a broader factual assessment which, as a matter of fair trial, could not be properly done without summoning the accused and relevant witnesses for a hearing (*Styrmir Þór Bragason v. Iceland*, 2019, § 78);
- When an appellate court has to decide the weight to be given to statements of the accused and to his wife's confessions when the very same evidence directly heard only by the lower courts has been used both for acquittal and conviction (*Cipleu v. Romania*, 2014, § 38);
- When an appeal court does not simply give a different legal interpretation or makes another application of the law to facts already established at first instance, but carries out a fresh evaluation of facts beyond purely legal considerations (*Spînu v. Romania*, 2008, §§ 55-59; *Igual Coll v. Spain*, 2009, § 36; *Andreescu v. Romania*, 2010, §§ 65-70; *Almenara Alvarez v. Spain,* 2011, § 48);
- When an appeal court expresses itself on a question of fact, namely the credibility of a witness, thus modifying the facts established at first instance and taking a fresh position on facts which were decisive for the determination of the applicant's guilt (*Marcos Barrios v. Spain,* 2010, §§ 40-41. *García Hernández v. Spain*, 2010, §§ 33−34).

Presence of the accused not required:

In principle, the Court does not exclude the possibility that the nature of the issues to be dealt with before a court may not require an oral hearing even in the criminal sphere. This, for example applies to cases which, despite the certain gravity which is always attached to criminal proceedings, do not carry any significant degree of stigma (*Jussila v. Finland* [GC], 2006, § 43).

As a general rule, when a court of appeal, without a hearing, decides to reject an appeal on points of law as ill-founded, but has duly sought the views of the parties and there was a public hearing at first and second instance, the absence of a hearing before an appellate court does not infringe Article 6 § 1 (*Axen v. Germany*, 1983, § 28).

The Court has therefore found that the **presence of an accused was not needed** before an appellate court following an acquittal at first instance in *inter alia* the following cases:

- When the proceedings merely involve the adoption of a different legal interpretation without any fresh evaluation of facts or evidence and the overall predominantly legal nature of the examination carried by the appellate court does not make the public hearing indispensable (*Bazo González v. Spain*, 2008, § 36);

- When the lawyer of an accused is able to present to the appellate court all the defence arguments on behalf of the applicant, following the latter's waiver of the right to be heard in person at the appeal proceedings (*Lamatic v. Romania*, 2020, § 46);
- Where the applicant was given the opportunity to put forward all his defence arguments and that the disagreement between the first-instance and final-instance courts concerned the manner of assessing the documentary evidence rather than the reliability and credibility of the defence witnesses as such (*Ignat v. Romania*, 2021, § 57).

Waiver of the right:

A hearing may be dispensed with if a party unequivocally waives his or her right thereto and there are no questions of public interest making a hearing necessary (*Suuripää v. Finland*, 2010, § 37). For a waiver to be effective for Convention purposes, it must be shown that the accused could reasonably have foreseen the consequences of waiving his or her right to take part in a trial (*Sejdović v. Italy* [GC], 2006, §§ 86-87).

A waiver of the right to participate or be heard in the appeal proceedings may be done either expressly or by conduct, meaning that a waiver may be explicit or tacit (*Kashlev v. Estonia*, 2016, §§ 45-46; *Hernandez Royo v. Spain*, 2016, § 39; *Suuripää v. Finland*, 2010, § 37; *Bivolaru v. Romania (no. 2)*, 2019, §§ 138-146; *Dijkhuizen v. the Netherlands*, 2021, § 58).

Nevertheless, a waiver of the right to take part in the appeal hearing may not, in itself, imply a waiver of the right to be heard by the appellate court (*Maestri and Others v. Italy*, 2021, §§ 56-58). In each particular case, it is important to establish whether the relevant court took all the steps that could reasonably be expected of it to secure the examination of the applicant in the proceedings. For example, questioning via video-link could be a measure which ensures effective participation in the appeal proceedings (*Bivolaru v. Romania (No. 2)*, 2019, §§ 138-146).

The Court considered that an accused **waived** his or her right to appear before an appellate court following an acquittal at first instance level in *inter alia* the following cases:

- When an accused unequivocally waives his right to take part in the hearing before an appellate court, the Court does not see the need to further examine the question of whether the special features of the proceedings allowed such an appellate court to decide the case without a direct assessment of the evidence given by the accused in person (*Kashlev v. Estonia*, 2016, § 45);
- When an accused, present during the oral hearing before an appellate court and assisted by his chosen lawyer, explicitly states that he wishes to waive his right to be heard again in the appeal proceedings and that he maintains his claims as set out in writing as well as all of his previous statements, such waiver is accepted as legitimate (*Lamatic v. Romania*, 2020, § 25 and 46).

The Court has considered that the **waiver** of the right of an accused to appear before an appellate court **was not valid** following an acquittal at first instance level in the following case:

- When an accused has not explicitly waived his right to address an appellate court. The latter may not automatically consider that his lack of presence at the proceedings also constitutes a waiver of the right to be heard before such court. In such circumstances, the appellate court remains under the obligation to directly assess the evidence presented in person by the accused who proclaims his innocence and who has not explicitly waived his right to speak (*Maestri and Others v. Italy*, 2021, §§ 56-58);
- When it is in the applicant's interest to have a hearing before an appeal court only if his acquittal is to be changed, even a conditional request on that basis suffices to show that the applicant did not intend to waive his right to an oral hearing (*Suuripää v. Finland*, 2010, § 38).

Noteworthy examples

- *Botten v. Norway*, 1996 – concerning the conviction of an accused following an acquittal at first instance even though the issues involved could not, as a matter of fair trial, be properly examined without hearing the accused in person (violation of Article 6 § 1);
- *Constantinescu v. Romania*, 2000 – overruling of an acquittal decision by an appellate court and finding the defendant guilty, the first court to do so, without hearing evidence from him (violation of Article 6 § 1);
- *Tierce and Others v. San Marino*, 2000 – absence of a hearing before an appellate court even though that court was required to deal with facts and law in order to ascertain the applicants' guilt (violation of Article 6 § 1);
- *Sigurþór Arnarsson v. Iceland*, 2003 – failure by an appellate court to take oral statements from the applicant and witnesses before overturning an acquittal (violation of Article 6 § 1);
- *Popovici v. Moldova*, 2007 – conviction and sentencing by an appellate court following an acquittal at first instance level (violation of Article 6 § 1);
- *Bazo González v. Spain*, 2008 – lack of a public hearing before an appellate court which examined purely legal issues, with no changes being made to the facts that had been declared established at first instance (no violation of Article 6 § 1);
- *Igual Coll v. Spain*, 2009 – lack of a public hearing before an appellate court examining the law and the facts, including the accused's intention and conduct (violation of Article 6 § 1);
- *Suuripää v. Finland*, 2010 – when the facts and the legal interpretation can be intertwined to an extent that it is difficult to separate them and where the appellate court had to make its own assessment for the purposes of convicting the accused (violation of Article 6 § 1);
- *Dan v. Moldova*, 2011 – reassessment of the trustworthiness of a witness without a direct assessment of the evidence given by prosecution witnesses (violation of Article 6 § 1);
- *Popa and Tănăsescu v. Romania*, 2012 – assessment of the subjective element of the offence, namely the intent of the accused to commit the offences (violation of Article 6 § 1 in conjunction with Article 6 § 3 (c) and (d));
- *Hanu v. Romania*, 2013 – failure of an appellate court to redress the situation by not referring the case back for a fresh examination of evidence considering that the second-instance court failed to hear the witnesses in person (violation of Article 6 § 1);
- *Gómez Olmeda v. Spain*, 2016 – the imposition of a sentence for the first time by an appellate court after examining the intention, conduct and credibility of the accused (violation of Article 6 § 1);
- *Ghincea v. Romania* , 2018 – proceedings before an appellate court governed by the same rules as the trial on the merits, with the appellate court being required to examine both the facts and questions of law (violation of Article 6 § 1);
- *Júlíus þór Sigurþórsson v. Iceland*, 2019 –fresh evaluation of the evidence as a whole by the appellate court resulting in the accused's conviction on the basis of evidence which differed from that on which he had been acquitted at first instance (violation of Article 6 § 1);
- *Styrmir Þór Bragason v. Iceland*, 2019 – revaluation of oral evidence by an appellate court leading to conviction, following an acquittal at first instance, without hearing either the applicant or the witnesses (violation of Article 6 § 1);
- *Paixão Moreira Sá Fernandes v. Portugal*, 2020 – a court of appeal reassessing the facts established by the first-instance court, including whether the accused had acted out of necessity (violation of Article 6 § 1);
- *Zirnīte v. Latvia*, 2020 – concerning the refusal of an appellate court to call a witness requested by the defence and the reversal of an acquittal not based on a reassessment of

the credibility of this witness but on the reassessment of the intent of the accused who was heard in the appeal proceedings (no violation of Article 6 §§ 1 and 3 (d));

- *Marilena-Carmen Popa v. Romania*, 2020 – acquittal overturned by final-instance court without rehearing a witness on the basis of decisive weight given to expert evidence (no violation of Article 6);
- *Lamatic v. Romania*, 2020 – express waiver of the applicant's right to be heard in person by an appellate court whilst the lawyer of his choice was able to put forward his defence arguments (no violation of Article 6).

Related (but different) topics

Examination of evidence and hearing of witnesses:

- The principle of immediacy is based on the notion that the observations made by the court about the demeanour and credibility of a witness may have important consequences for the accused. Issues related to this principle may also arise when an appeal court overturns the decision of a lower court acquitting an accused of criminal charges without a fresh examination of the evidence, including the hearing of witnesses and their cross-examination by the defence (*Dan v. the Republic of Moldova (no. 2)*, 2020, §§ 51-52).
- Where a conviction is based solely or decisively on the evidence of absent witnesses, the Court must subject the proceedings to the most searching scrutiny. Fair trial guarantees in such occasions require an appeal court to rehear the witness testimony on the basis of which a lower court acquitted the accused, bearing in mind that the rehearing in such cases is for the purpose of ensuring a proper examination of the case on the basis of a fresh and direct assessment of the evidence (*Ibid.*, §§ 54-55).
- When disagreements between the first and the final-instance courts concern rather the weight that could be attached to the evidentiary value of an expert report and not the reliability and credibility of a witness, the Court considered that such cases are to be distinguished from other cases where the final-instance domestic courts convicted defendants, who had been acquitted by lower courts, without directly hearing evidence from them or reviewing relevant testimony (*Marilena-Carmen Popa v. Romania*, 2020, § 46).
- An appellate court is considered to have properly examined the issues to be determined without hearing a witness, as a matter of fair trial, when the reversal of the applicant's acquittal was not based on a reassessment of the credibility of that testimony or a new interpretation of his/her evidence (*Zirnīte v. Latvia*, 2020, § 54).

Further references

Other key themes:

- Absent witnesses and other restrictions on the right to examine witnesses
- Administration of (unlawfully obtained) evidence
- Hearings via video link
- Waiver of the guarantees of a fair trial

KEY CASE-LAW REFERENCES

Leading cases:

- *Botten v. Norway*, 19 February 1996, *Reports of Judgments and Decisions* 1996-I;
- *Tierce and Others v. San Marino*, nos. 24954/94 and 2 others, ECHR 2000-IX;
- *Kashlev v. Estonia*, no. 22574/08, 26 April 2016;
- *Júlíus þór Sigurþórsson v. Iceland*, no. 38797/17, 16 July 2019.

Other cases:

- *Axen v. Germany*, 8 December 1983, Series A no. 72;
- *Sutter v. Switzerland*, 22 February 1984, Series A no. 74;
- *Monnel and Morris v. the United Kingdom*, 2 March 1987, Series A no. 115;
- *Ekbatani v. Sweden*, 26 May 1988, Series A no. 134;
- *Kamasinki v. Austria*, 19 December 1989, Series A no. 168;
- *Fejde v. Sweeden*, 29 October 1991, Series A no. 212-C;
- *Constantinescu v. Romania*, no. 28871/95, ECHR 2000-VIII;
- *Sigurþór Arnarsson v. Iceland*, no. 44671/98, 15 July 2003;
- *Sejdović v. Italy* [GC], no. 56581/00, ECHR 2006-II;
- *Hermi v. Italy* [GC], no. 18114/02, ECHR 2006-XII;
- *Jussila v. Finland* [GC], no. 73053/01, ECHR 2006-XIV;
- *Dănilă v. Romania*, no. 53897/00, 8 March 2007;
- *Popovici v. Moldova*, nos. 289/04 and 41194/04, 27 November 2007;
- *Spînu v. Romania*, no. 32030/02, 29 April 2008;
- *Bazo González v. Spain*, no. 30643/04, 16 December 2008;
- *Igual Coll v. Spain*, no. 37496/04, 10 March 2009;
- *Suuripää v. Finland*, no. 43151/02, 12 January 2010;
- *Andreescu v. Romania*, no. 19452/02, 8 June 2010;
- *Marcos Barrios v. Spain*, no. 17122/07, 21 September 2010;
- *García Hernández v. Spain*, no. 15256/07, 16 November 2010;
- *Dan v. Moldova*, no. 8999/07, 5 July 2011;
- *Almenara Alvarez v. Spain*, no. 16096/08, 25 October 2011;
- *Cani v. Albania*, no. 11006/06, 6 March 2012;
- *Popa and Tănăsescu v. Romania*, no. 19946/04, 10 April 2012;
- *Zahirović v. Croatia*, no. 58590/11, 25 April 2013;
- *Hanu v. Romania*, no. 10890/04, 4 June 2013;
- *Henri Rivière and Others v. France*, no. 46460/10, 25 July 2013;
- *Cipleu v. Romania*, no. 36470/08, 14 January 2014;
- *Gómez Olmeda v. Spain*, no. 61112/12, 29 March 2016;
- *Hernandez Royo v. Spain*, no. 16033/12, 20 September 2016;
- *Ghincea v. Romania*, no. 36676/06, 9 January 2018;
- *Bivolaru v. Romania (no. 2)*, no. 66580/12, 2 October 2018;
- *Styrmir Þór Bragason v. Iceland*, no. 36292/14, 16 July 2019;

- *Marilena-Carmen Popa v. Romania*, no. 1814/11, 18 February 2020;
- *Paixão Moreira Sá Fernandes v. Portugal*, no. 78108/14, 25 February 2020;
- *Zirnīte v. Latvia*, no. 69019/11, 11 June 2020;
- *Dan v. the Republic of Moldova (no. 2)*, no. 57575/14, 10 November 2020;
- *Lamatic v. Romania*, no. 55859/15, 1 December 2020;
- *Mtchedlishvili v. Georgia*, no. 894/12, 25 February 2021;
- *Mirčetić v. Croatia*, no. 30669/15, 22 April 2021;
- *Dijkhuizen v. the Netherlands*, no. 61591/16, 8 June 2021;
- *Maestri and Others v. Italy*, nos. 20903/15 and 3 others, 8 July 2021;
- *X v. the Netherlands*, no. 72631/17, 27 July 2021;
- *Ignat v. Romania*, no. 17325/16, 9 November 2021.