



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF POURROS v. GREECE

(Application no. 74259/17)

JUDGMENT

STRASBOURG

16 July 2026

This judgment is final but it may be subject to editorial revision.

In the case of Poulos v. Greece,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Peeter Roosma, *President*,

Ioannis Ktistakis,

Lətif Hüseyinov, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 74259/17) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 12 October 2017 by a Greek national, Mr Athanasios Poulos (“the applicant”), who was born in 1988, lives in Drosia Attikis and was represented by Mr D. Ninopoulos, a lawyer practising in Athens;

the decision to give notice of the complaints concerning Article 6 §§ 1 and 3 (d) of the Convention to the Greek Government (“the Government”), represented by their Agent, Ms N. Marioli, and their Agent’s delegate, Ms I. Kotsoni, Legal Representative at the State Legal Council, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 23 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. On 7 August 2010 the applicant was driving his car under the influence of alcohol when he lost control of the car, which veered off course and hit the pedestrian I.G., who was walking on the side of the road. I.G. was taken by the applicant to the Kapandriti Health Centre and, owing to the seriousness of his condition, was subsequently transferred to the “Korgialeneio Benakeio” General Hospital. He was intubated and admitted to the intensive care unit, where he remained until his death on 4 October 2010.

2. The applicant was charged with the offence of negligent homicide. On 3 December 2013 the three-member Athens Criminal Court for misdemeanours delivered judgment no. 62812/2013 by which it found the applicant guilty and sentenced him to a two-and-a-half-year suspended prison sentence. The court dismissed the applicant’s request for an expert report to determine the victim’s cause of death and his request to call two doctors who had treated the victim as witnesses. It reasoned that the fact that the victim had remained in the intensive care unit throughout his time in hospital had been a direct result of the accident and that an infection acquired in hospital could not have been considered a decisive factor in his death. The applicant appealed against the judgment.

3. On 2 April 2015 – that is, the day of the appeal hearing before the three-member Athens Criminal Court of Appeal for misdemeanours and before the start of the evidentiary procedure – the applicant again requested that the appellate court order an expert report to ascertain the victim’s cause of death, arguing that he had died from an infection acquired in hospital as a result of the hospital’s inadequate hygiene standards. He raised several questions which he believed the expert report should address, and he indicated the relevant documents and evidence that should be taken into consideration. In addition, he requested that two doctors who had treated the victim and who had signed allegedly contradictory documents relating to the victim’s state of health and circumstances surrounding his death be called as witnesses. By an incidental decision (*παρεμπίπτονσα απόφαση*), the appellate court dismissed the request for an expert report, stating that an expert report “was not required”. The president of the appellate court then ordered the start of the evidentiary procedure. By judgment no. 1813/2015, the appellate court again found the applicant guilty and sentenced him to a two-year suspended prison sentence.

4. The applicant lodged an appeal on points of law with the Court of Cassation arguing, *inter alia*, that the appellate court had failed to provide adequate reasons for dismissing his request for an expert report and had provided no reasons for rejecting his request to examine the doctors as witnesses. By judgment no. 837/2017 of 4 May 2017, the Court of Cassation dismissed the appeal, holding that the appellate court had tacitly rejected the applicant’s request for witnesses to be examined as inadmissible owing to its vagueness, in so far as the applicant had not specified in respect of which facts the witnesses would have testified, the expected outcome of their testimony or the reason why their testimony was necessary. The Court of Cassation reiterated that the request for an expert report had been dismissed as unnecessary by the appellate court. It further held that it was apparent from the reasoning of the appellate court in its judgment finding the applicant guilty, why an expert report had not been necessary. The applicant’s request had therefore been dismissed because the appellate court had already formed an opinion on the applicant’s criminal liability on the basis of the existing evidence.

5. The applicant complained under Article 6 §§ 1 and 3 (d) of the Convention that he had been convicted of negligent homicide, despite the fact that the domestic courts’ judgments had not been adequately reasoned and he had not been given an opportunity to examine witnesses of his choice.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The Court notes that the applicant's complaint regarding the reasoning of the domestic courts' judgments dismissing his request for an expert report is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other grounds. It must therefore be declared admissible.

7. The applicant argued that the victim's cause of death had not been clear, in particular whether it had been caused by the injuries sustained in the car accident or by an extraordinary infection acquired in hospital. The verification of the cause of death was the crucial line of the applicant's defence and the rejection of his request for an expert report by the appellate court had been completely without justification.

8. The Government submitted that the domestic courts had delivered fully reasoned judgments dismissing the applicant's request for an expert report. They argued that the appellate court had considered that the report had not been necessary, in so far as it had been convinced of the applicant's criminal liability on the basis of the evidence already available.

9. The Court reiterates that judgments of courts should adequately state the reasons on which they are based. The extent to which this duty to give reasons applies may vary according to the nature of the decision and must be determined in the light of the circumstances of the case (see *García Ruiz v. Spain* [GC], no. 30544/96, § 26, ECHR 1999-I). Without requiring a detailed answer to every argument, this obligation presupposes that parties to judicial proceedings can expect to receive a specific and explicit reply to the arguments which are decisive for the outcome of those proceedings (see, among other authorities, *Ruiz Torija v. Spain*, 9 December 1994, §§ 29-30, Series A no. 303-A). It must be clear from the decision that the essential issues of the case have been addressed (see *Taxquet v. Belgium* [GC], no. 926/05, § 91, ECHR 2010). In examining the fairness of criminal proceedings, the Court has held, in particular, that by ignoring a specific, pertinent and important point made by the accused, the domestic courts fall short of their obligations under Article 6 § 1 of the Convention (see *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, §§ 337-41, 26 September 2023; *Zahariev v. North Macedonia*, no. 26760/22, §§ 49-50, 5 November 2024; and *Cupiał v. Poland*, no. 67414/11, § 57, 9 March 2023).

10. In that regard, the requirement of a fair trial does not impose on a domestic court an obligation to order an expert opinion or any other investigative measure merely because a party has requested it. It is for the domestic courts to decide whether it is necessary or advisable to accept such evidence for examination at the trial (see, for instance, *Hodžić v. Croatia*, no. 28932/14, § 61, 4 April 2019).

11. In the present case, the Court notes that the applicant's request for an expert report was lodged in support of his argument that the victim had died from an infection that was unrelated to the injuries sustained in the car accident. The applicant's request was reasoned, relevant to the subject matter of the case, and would have clarified an issue that the applicant considered to be unclear and of paramount importance with regard to the outcome of the criminal proceedings against him. Under these circumstances, dismissing the request merely as being unnecessary did not meet the requirement for a reasoned decision.

12. The Court takes note of the Government's submissions and the Court of Cassation's judgment, stating that the appellate court's judgment dismissing the applicant's request for an expert report was adequately reasoned in view of the reasons given in its judgment by which it found the applicant guilty of the alleged offence. However, the appellate court dismissed the applicant's request at the beginning of the hearing and before the start of the evidentiary procedure. The examination of the first witness and the admittance of the written evidence occurred after the appellate court's incidental decision to dismiss the applicant's request as unnecessary. The Court observes that the appellate court was required to deliver a judgment on the merits, having conducted a fresh evaluation of the evidence following the applicant's appeal against the first-instance decision.

13. Accordingly, the appellate court could not possibly have decided to dismiss the applicant's request on the basis of the evidence already available to it, as such evidence had not yet been admitted. The appellate court's reasoning for dismissing the request was not therefore the result of the court's deliberations on the applicant's guilt, which took place after the evidence had been admitted, as the request had already been expressly dismissed by the court's incidental decision. There is no indication that the appellate court endorsed the reasons given by the lower court in its own judgment, which, in any event, was included in the documents admitted as evidence after the rejection of the request (compare and contrast *Stepanyan v. Armenia*, no. 45081/04, §§ 35-37, 27 October 2009). Nor does the Court find that in the absence of the submission of any evidence at that stage, could the domestic court consider it sufficient to dismiss the request.

14. In the light of the above, the Court finds that the dismissal of the applicant's request for an expert report was not adequately reasoned. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. OTHER COMPLAINTS

15. The applicant also complained under Article 6 §§ 1 and 3 (d) of the Convention that he did not have an opportunity to examine witnesses of his choice. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal

questions raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. The applicant claimed 3,000 euros (EUR) in respect of non-pecuniary damage, EUR 2,300 in respect of costs and expenses incurred before the domestic courts and EUR 970 for those incurred before the Court. The applicant further requested that his conviction be quashed.

17. The Government contended that the amount claimed in respect of non-pecuniary damage was excessive and unjustified, further submitting that the potential finding of a violation would constitute sufficient just satisfaction. With regard to the applicant's request for his conviction to be quashed, the Government argued that, since this was a misdemeanour case, the reopening of the case would lead to the offence becoming time-barred. They argued that the amount claimed for costs and expenses was excessive, uncorroborated by any documents and, in any event, should not exceed EUR 300.

18. The Court considers it reasonable to award the applicant EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable. In respect of the applicant's request for his conviction to be quashed, the Court notes that the national legislation provides for the reopening of proceedings in the domestic courts.

19. As regards costs and expenses, the Court notes that the applicant's claim is not accompanied by any supporting documents. It therefore dismisses the applicant's claim for costs and expenses (see *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-73, 28 November 2017, and *Altay v. Turkey* (no. 2), no. 11236/09, §§ 87-89, 9 April 2019).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the failure to provide adequate reasoning for the rejection of the applicant's request for an expert report under Article 6 § 1 of the Convention admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds* that there is no need to examine separately the remaining complaint under Article 6 of the Convention;

4. *Holds*

- (a) that the respondent State is to pay the applicant, within three months, EUR 3,000 (three thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President