



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

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THIRD SECTION

Application no. 24469/22
Fotios DIMITRIADIS
against Greece
lodged on 5 May 2022
communicated on 10 September 2026

SUBJECT MATTER OF THE CASE

The application concerns the final conviction of the applicant for selling drugs on a professional basis by taking into account a previous non-final conviction, which was later quashed and of which the applicant was ultimately acquitted.

On 7 October 2019 the applicant was convicted for selling drugs on a professional basis by judgment no. 273/2019 of the five-member Thrace Criminal Court of Appeal. The court considered that the applicant's commission of the crime "on a professional basis" had been proven, since he had been convicted of a drug offence in the past and in particular by judgment no. 149/2015 of the three-member Thrace Criminal Court of Appeal, delivered on 24 March 2015. On 8 November 2019, judgment no. 149/2015 was quashed and the applicant was acquitted of the drug-related offence by judgment no. 306/2019 of the five-member Thrace Criminal Court of Appeal.

The applicant appealed on points of law against judgment no. 273/2019 with the Court of Cassation invoking, *inter alia*, a violation of his presumption of innocence. By judgment no. 13/2022, delivered on 7 January 2022, the Court of Cassation held that in order to conclude that the crime had been committed on a professional basis, the impugned judgment had not relied solely on the quashed judgment convicting the applicant, but also on other evidence.

Relying on Article 6 § 2 of the Convention the applicant complains that the presumption of innocence had been violated, as he had been considered to have committed an offence for which he was later acquitted, while also casting doubt on his acquittal.

QUESTION TO THE PARTIES

Was the presumption of innocence, guaranteed by Article 6 § 2 of the Convention, respected in the present case (see, for instance, *Nealon and Hallam v. the United Kingdom* [GC], nos. 32483/19 and 35049/19, §§ 101-08, 11 June 2024; *Allen v. the United Kingdom* [GC], no. 25424/09, §§ 93-94, ECHR 2013; and *Kangers v. Latvia*, no. 35726/10, §§ 51-61, 14 March 2019)?