

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

THIRD SECTION

CASE OF ISKRENOVIĆ v. SERBIA

(Application no. 39427/23)

JUDGMENT

Art 6 § 1 (criminal) and Art 6 § 3 (d) • Fair hearing • Equality of arms • Obtain attendance of witnesses • Overall fairness of minor-offence proceedings undermined by domestic courts' refusal to obtain objective video evidence and to hear a defence witness capable of providing an alternative account • Defence prevented from challenging the prosecution case effectively • Domestic courts failure to engage in a genuine examination of the relevance of the proposed evidence • Lack of relevant and sufficient reasons

Prepared by the Registry. Does not bind the Court.

STRASBOURG

16 June 2026

FINAL

16/09/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Iskrenović v. Serbia,

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

Ioannis Ktistakis*, President*,
Lətif Hüseynov,
Darian Pavli,
Úna Ní Raifeartaigh,
Mateja Đurović,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,
and Milan Blaško, *Section Registrar,*

Having regard to:

the application (no. 39427/23) against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Serbian national, Mr Jovan Iskrenović ("the applicant"), on 23 October 2023;

the decision to give notice to the Serbian Government ("the Government") of the complaints concerning the applicant's right to a fair trial and to the peaceful enjoyment of his possessions under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention respectively, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 19 May 2026,

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

INTRODUCTION

1. The main issue in this case is whether the refusal of the domestic courts to summon a witness on the applicant's behalf and to obtain video footage that he had proposed as evidence breached his rights under Article 6 §§ 1 and 3 (d) of the Convention.

THE FACTS

2. The applicant was born in 1986 and lives in Belgrade. He was represented by Ms G. Stanišić, a lawyer practising in the same city.

3. The Government were represented by their Agent, Ms Z. Jadrijević Mladar.

4. The facts of the case may be summarised as follows.

I. BACKGROUND

A. The factual context of the COVID-19 pandemic in Serbia

5. From early March 2020 the Serbian government introduced a series of measures to combat the spread of COVID-19, including restrictions on certain fundamental rights. A nationwide state of emergency was declared on 15 March and remained in force until 6 May. Various restrictive measures were applied during that period, including nationwide lockdowns, restrictions on movement and travel, a ban on public gatherings, and police curfews. Following the lifting of the state of emergency, the authorities gradually eased the restrictions. However, from mid-June 2020 a renewed increase in daily infections was recorded, leading to the introduction of further preventive measures (including physical distancing requirements and the mandatory wearing of face masks) and the reintroduction of a state of emergency in several municipalities.

6. On 7 July 2020 the authorities publicly announced that, in view of an increase in virus-related deaths, public gatherings of more than five people would be prohibited as of 8 July 2020. They further indicated that a police curfew was likely to be imposed in Belgrade from 6 p.m. on 10 July until 5 a.m. on 13 July and that this measure would likely apply nationwide as well.

7. Between 7 July and early August 2020 protests were held in various locations across the country in opposition to the proposed measures. The largest demonstrations took place in Belgrade, where several protestors were arrested following incidents involving the police.

B. The applicant's version of events

8. The applicant submitted that on 11 July 2020 at approximately 7.25 p.m. he had been walking on Kralja Aleksandra Boulevard in central Belgrade. He had been carrying a backpack and had an Anonymous (or Guy Fawkes) mask[1] placed on the back of his head. He stated that he had not noticed any police officers nearby. At a certain point he heard footsteps and someone behind him shouting "Stop". Not knowing who had called out, he began to run. Police officers caught up with him, forced him to the ground and ordered him to sit down. He had not insulted the officers at any point. The officers asked to see his identity card, which he produced. After checking it, one of the officers stated that he was "clean". The officers searched his bag and found two small bottles of water. They asked him about the mask and

[1] The Guy Fawkes mask, also known as the *V for Vendetta* or Anonymous mask, is a stylised depiction of Guy Fawkes, one of the conspirators behind the 1605 Gunpowder Plot. Created by illustrator David Lloyd for the graphic novel *V for Vendetta*, it later became widely used as a symbol of protest and anti-establishment movements, including by the online group Anonymous.

informed him that he was being taken into police custody because of it. According to the applicant, passers-by gathered around him and the officers, and he asked them to record the arrest, which some did. The officers ordered the bystanders to disperse and told them to stop recording. The applicant further stated that an officer with the initials M.V. had assaulted him inside the police vehicle on the way to the police station.

C. The Government's version of events

9. The Government submitted that on 11 July 2020 at approximately 7.25 p.m. a police patrol had been on duty on Kralja Aleksandra Boulevard in Belgrade. As they passed along the street, the applicant walked by and directed a series of offensive and insulting remarks about the police at them. He then moved away, and one of the officers followed him in order to stop and identify him. When ordered to stop, the applicant turned towards the officer, then turned away again and continued running in the same direction. The officer pursued him and, after approximately 20 metres, the applicant stumbled and fell. The officer then approached and arrested him. He was subsequently taken to a police station and placed in detention on the grounds that he had been caught in the act of committing a minor offence, that he could not be brought before a minor offences court immediately, and that there was a reasonable suspicion that he might abscond or continue to commit minor offences.

II. MINOR-OFFENCE PROCEEDINGS AGAINST THE APPLICANT

10. On 12 July 2020 the police initiated minor-offence proceedings against the applicant, alleging that he had insulted public officials while they were performing their official duties, in violation of Article 22 of the Public Order Act (see paragraph 22 below). The proceedings were conducted before the Belgrade Minor Offences Court ("the Minor Offences Court"). On the same day the court heard evidence from the applicant and the arresting officer, V.S. As their accounts differed (see paragraphs 8-9 above), the court ordered and conducted a face-to-face confrontation. The applicant requested that the court obtain video footage from a nearby shop's security cameras, stating that it would corroborate his account of events. However, the court rejected that request, on the grounds that the facts had been fully and accurately established on the basis of the evidence presented at the public hearing. After examining the parties and conducting the confrontation, the court found the applicant guilty and sentenced him to 60 days' imprisonment. The judgment was immediately enforceable.

11. The applicant appealed. In his appeal, he argued that the Minor Offences Court had found the facts to be fully established despite having only heard his testimony and that of the arresting officer, which had not been

substantially consistent. He complained, in particular, that the court had refused, without providing reasons, his request for it to obtain video footage from nearby premises that could have clarified the facts and verified the credibility of the statements supporting his defence. The applicant maintained that, by doing so, the court had failed to resolve the apparent discrepancies between the statements and had acted contrary to Article 254 of the Minor Offences Act, which requires reasons to be given for rejecting applications for evidence to be taken (see paragraph 27 below).

12. On 16 July 2020 the Minor Offences Court of Appeal ("the Court of Appeal") quashed the first-instance judgment. It found, *inter alia*, that the Minor Offences Court had failed to provide reasons for rejecting the applicant's request that it obtain surveillance camera footage. The Court of Appeal ordered a retrial and instructed the Minor Offences Court to deliver a new decision containing proper and comprehensible reasoning.

13. On 21 August 2020 the Minor Offences Court held a hearing in the repeated first-instance proceedings. At that hearing, the arresting police officer testified again. The applicant's lawyer renewed the request for the court to obtain surveillance camera footage and also proposed that it hear a certain D.B. as a witness, submitting that the applicant had posted a public call on social media inviting potential witnesses to the incident to come forward and testify before the court, if they were willing, and that D.B. had responded to the call, stating that he had been present during the incident. However, the court rejected those requests, deeming them unnecessary since the facts of the incident had already been established on the basis of the evidence presented at the hearing, namely, the arresting police officer's statement, the applicant's own statement and the face-to-face confrontation. On the same day the court again found the applicant guilty of a minor offence for insulting police officers on 11 July 2020. The court imposed a fine of 120,000 Serbian dinars (RSD), the equivalent of 1,020 euros (EUR), and exempted the applicant from paying the costs of the proceedings. When calculating the fine to be actually paid, the court took into account the time the applicant had spent in police detention between 11 and 12 July 2020, as well as the time served between 12 and 16 July 2020 under the prison sentence imposed by the previous first-instance judgment. This resulted in a remaining fine of RSD 115,000 (EUR 980) to be paid by the applicant.

14. The applicant appealed, alleging, among other things, that the court had not given any reasons for rejecting his requests for it to obtain surveillance camera footage and to hear a proposed witness, contrary to the explicit order of the Minor Offences Court of Appeal (see paragraph 12 above). The applicant also complained that the judgment had violated Article 254 of the Minor Offences Act, which requires judgments to be reasoned (see paragraph 27 below), and his right to a fair trial under Articles 32 and 33 of the Serbian Constitution and Article 6 of the Convention.

15. On 21 September 2020 the Court of Appeal upheld the first-instance judgment. In its reasoning, the court found that the Minor Offences Court had fully complied with its order in the repeated proceedings. It further held that the complaints concerning the rejection of the defence's applications for the court to obtain recordings from several security cameras and to hear the testimony of D.B., an alleged witness to the incident, were unfounded. Specifically, it considered that neither the video-recordings nor the proposed witness's testimony could have established the words addressed by the accused to the police officers. This was because security cameras only produced video footage without sound, making it impossible to determine what had been said. It also found that the proposed witness could not have given evidence on the facts of the case, as he had not been in the company of the accused or near the police officers and therefore could not have heard the words spoken by the accused.

16. On 28 October 2020, following the conclusion of the minor-offence proceedings, the Minor Offences Court granted a request by the applicant to pay the imposed fine in six monthly instalments.

17. On 4 December 2020 the Minor Offences Court revoked its previous decision to allow payment of the fine in instalments, noting that the applicant had failed to pay it. The court then initiated enforcement proceedings. It ordered the enforced collection of the outstanding fine of RSD 115,000 by seizing funds from the applicant's bank accounts. However, as only RSD 4,661 (EUR 38) was collected, the court annulled its decision and, on 3 February 2021, replaced the unpaid portion of the fine with a prison sentence of 60 days.

18. Following the imposition of the prison sentence, the applicant failed to appear voluntarily before the Minor Offences Court to begin serving it. The court therefore instructed the relevant police authorities to apprehend the applicant for enforcement purposes. However, the measures taken to that end proved unsuccessful as the applicant could not be located. The court then sought an arrest warrant in order to enforce the sentence.

19. On 10 October 2022 the Minor Offences Court suspended the enforcement proceedings on the grounds that the absolute statutory limitation period had expired before the sentence could be enforced.

III. PROCEEDINGS BEFORE THE CONSTITUTIONAL COURT

20. On 29 October 2020 the applicant lodged a constitutional appeal. He complained that the Minor Offences Court's judgment had been based solely on the arresting police officer's statement, and that the court had failed to provide reasons for its refusal to obtain surveillance camera footage or hear a proposed defence witness. The applicant also argued that the reasoning of the Court of Appeal had been arbitrary, particularly as it had asserted that the proposed witness had not been in his company and could therefore not have

testified about the relevant events. The applicant argued that the appellate court had invented that assertion of fact, as the defence had never raised the question of whether the witness had been in his company, nor had such an assertion been relied upon in any application for evidence to be taken, or established by any evidence in the case file, including witness statements, police reports or the request for the initiation of proceedings. The defence had proposed the witness not to establish whether he had heard specific words being addressed to the police, but to determine whether he could testify to any relevant aspects of the arrest, including the applicant's location, the positioning of the police officers, and the sequence of events. Furthermore, the applicant submitted that the requested video footage had been sought not to establish the precise wording allegedly used, but to demonstrate that he had not walked past the police officers and had therefore not been in a position to insult them, given that they had been located at a considerable distance from him.

21. On 23 May 2023 the Constitutional Court rejected the applicant's appeal. It found that the minor offences courts' judgments had been adequately reasoned and that the applicant's complaints were of a fourth-instance nature. The decision was served on the applicant's lawyer on 23 June 2023.

RELEVANT LEGAL FRAMEWORK

I. THE PUBLIC ORDER ACT (*ZAKON O JAVNOM REDU I MIRU*, PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF SERBIA, Nos. 6/16 AND 24/18)

22. Article 22 provides that anyone insulting a public official while he or she is performing his or her duties is to be fined between RSD 50,000 and RSD 150,000 or imprisoned for between 30 and 60 days.

II. THE MINOR OFFENCES ACT (*ZAKON O PREKRŠAJIMA*, PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF SERBIA, Nos. 65/13 AND 13/16)

23. Article 33 provides that for a minor offence, the law may prescribe the following punishments (*kazne*): imprisonment, a fine, or community service.

24. Under Articles 38 and 41, where a person fails to perform, in whole or in part, the community service imposed as a penalty, or fails to pay a fine in whole or in part, the court may replace the unperformed hours of community service or the unpaid amount with a term of imprisonment. A fine imposed on a minor cannot be replaced by a term of imprisonment.

25. Article 84 provides that minor-offence proceedings may not be instituted or conducted if one year has elapsed from the date on which the

minor offence was committed, save in respect of certain special categories of minor offences. In any event, the initiation and conduct of minor-offence proceedings become time-barred once a period equal to twice the statutory limitation period has elapsed.

26. Article 92 provides that the court must use its own judgment to assess the evidence. The facts which the court takes as proven must be determined on the basis of a conscientious and careful assessment of each piece of evidence individually, all the evidence taken together and the results of the proceedings as a whole.

27. Under Article 254, the reasoning of the judgment must briefly set out the content of the request for the institution of minor-offence proceedings, together with the established facts and the evidence on which the individual facts are based. It must also explain why the court considers those facts proven or not proven, why it did not accept certain proposals of the parties, the provisions on which the judgment is based, and the reasons for each of the operative provisions of the judgment.

28. Articles 280 and 281 provide that minor offence proceedings concluded by a final decision may be reopened where the accused acquires the possibility to rely on a judgment of the European Court of Human Rights establishing a violation of a human right, provided that such a violation could have influenced the adoption of a more favourable decision for the accused. A request for the reopening of the proceedings must be lodged within 60 days from the date on which the party became aware of the existence of the judgment of the Court finding such a violation.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 3 (d) OF THE CONVENTION

29. The applicant complained that the domestic courts had refused to hear a defence witness and had declined to obtain video evidence, which he believed could have corroborated his account of the events and proved his innocence. The applicant relied on Article 6 §§ 1 and 3 (d) of the Convention, which in its relevant part reads as follows:

> "1. In the determination of ... any criminal charge against him, everyone is entitled to a fair ... hearing ... by a[n] ... tribunal ...
>
> ...
>
> 3. Everyone charged with a criminal offence has the following minimum rights:
>
> ...

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

..."

A. Admissibility

1. *Compatibility* ratione materiae

30. It is undisputed by the Government that the minor offence proceedings in question concerned "a criminal charge" against the applicant within the meaning of Article 6 § 1 of the Convention and that as such they clearly attracted the guarantees of that provision. The Court sees no reason to hold otherwise.

2. Four-month time-limit

31. The Government argued that the applicant had submitted his application after the expiry of the four-month time-limit set out in Article 35 § 1 of the Convention. They argued that the Constitutional Court's decision had been served on the applicant's lawyer on 23 June 2023, meaning that the four-month period for submitting an application had expired on 23 October 2023. The Government also noted that the application form bore a stamp from the Court's Registry indicating 30 October 2023 as the date of receipt, which was after the expiry of the time-limit.

32. The applicant responded that the original application form had been dispatched on 23 October 2023 – that is, still within the time-limit – and that he had provided the Court with all the requested documents, including the envelope bearing a Serbian Post stamp confirming the date on which the registered letter had been handed over to a post office.

33. The Court notes that the applicant submitted documentary evidence showing that the envelope containing the application form had been handed over to a post office as a registered letter on 23 October 2023, that is within the time-limit set out in Article 35 § 1 of the Convention.

34. Accordingly, the Government's objection must be dismissed.

3. Conclusion as to admissibility

35. The Court further notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The applicant's submissions

36. The applicant argued that the proceedings against him had been unfair because his conviction had been based solely on the arresting police officer's statement, and he had been denied the right to call a witness and submit video footage. The first-instance court had provided no reasons for refusing his requests in that regard, while the reasoning provided by the second-instance court had merely been for appearances' sake, had been illogical, and had borne no connection to the grounds on which that evidence had been sought in the first place. Given that the arresting police officer's statement had been the only incriminating evidence, there had been an obvious inequality of arms.

2. The Government's submissions

37. The Government argued that the applicant's rights under Article 6 §§ 1 and 3 of the Convention had not been violated. They maintained that questions relating to the admissibility and assessment of evidence fell primarily within the competence of the domestic courts, and agreed with the reasoning of the minor offences courts. As correctly established by the Court of Appeal, since the proposed defence witness had not been mentioned earlier in the proceedings as having been present at the relevant time, he could not be considered a reliable source for establishing the facts. The Government also agreed with the domestic courts that the video-recordings from nearby surveillance cameras had been irrelevant because they had not recorded audio and could therefore neither confirm nor refute that the alleged words had been spoken. The Government further submitted that the principle of equality of arms did not entail an obligation on the domestic courts to grant every request for the examination of evidence, but required that each party be afforded a realistic opportunity to present its case under conditions that did not place it at a substantial disadvantage *vis-à-vis* the opposing party. The applicant had enjoyed such an opportunity and made full use of it by presenting his version of events, participating in the confrontation with the arresting officer, and lodging procedural applications. The Court of Appeal had clearly and sufficiently set out the reasons for its judgment, particularly with regard to the dismissal of the applicant's applications to examine the proposed witness and to have the first-instance court obtain and review the video-recordings. Lastly, in view of the minor nature of the offence in question, the relatively mild sanctions imposed and the simplified and expedited character of minor-offence proceedings, the Court should afford the State a wider margin of appreciation under Article 6 of the Convention.

38. The Government also drew attention to the broader social context in which the events had occurred. Both a few days before and on the day of the incident itself, "unannounced" protests had taken place in Belgrade following the announcement of stricter measures aimed at suppressing the COVID-19 epidemic (see paragraphs 5-7 above). Those protests had rapidly escalated into incidents involving property damage and serious disturbances to public peace and order. The situation was said to have generated a "high degree of social tension and insecurity", requiring "urgent and decisive action" from the relevant authorities to ensure public safety and maintain public order. Against that backdrop, the domestic courts had rightly recognised the importance of preserving the authority of public bodies and making it clear that "violent behaviour, including verbal violence", could not be tolerated, even in circumstances of heightened social tension.

3. The Court's assessment

(a) General principles

39. The Court reiterates that under Article 6 of the Convention, the admissibility of evidence is primarily a matter for regulation by national law and the Court's task is not to give a ruling as to whether statements of witnesses were properly admitted as evidence, but rather to ascertain whether the proceedings as a whole, including the way in which evidence was taken, were fair. Article 6 § 3 (d) of the Convention does not require the attendance and examination of every witness on the accused's behalf; the essential aim of that provision, as indicated by the words "under the same conditions", is to ensure a full "equality of arms" in the matter (see *Murtazaliyeva v. Russia* [GC], no. 36658/05, § 139, 18 December 2018, with further references). In addition, when a request by a defendant to examine witnesses is not vexatious, is sufficiently reasoned, is relevant to the subject matter of the accusation and could arguably have strengthened the position of the defence or even led to the defendant's acquittal, the domestic authorities must provide relevant reasons for dismissing it (see *Vidal v. Belgium*, 22 April 1992, § 34, Series A no. 235-B; *Polyakov v. Russia*, no. 77018/01, §§ 34-37, 29 January 2009; *Sergey Afanasyev v. Ukraine*, no. 48057/06, §§ 70-71, 15 November 2012; and *Topić v. Croatia*, no. 51355/10, § 42, 10 October 2013). Lastly, the Court has also acknowledged, albeit in the context of Article 10, the role of those who record protests through social media, a function that can take on particular importance in fast-developing crisis situations (see *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 374-379, 11 December 2025).

40. In *Murtazaliyeva* (cited above, § 158) the Court formulated the following three-pronged test for the assessment of whether the right to call a witness for the defence under Article 6 § 3 (d) has been complied with: (1) whether the request to examine a witness was sufficiently reasoned and

relevant to the subject matter of the accusation; (2) whether the domestic courts considered the relevance of that testimony and provided sufficient reasons for their decision not to examine a witness at trial; and (3) whether the domestic courts' decision not to examine a witness undermined the overall fairness of the proceedings.

41. In respect of the first element, it is necessary to examine whether the testimony of witnesses was capable of influencing the outcome of a trial or could reasonably be expected to strengthen the position of the defence. The "sufficiency" of the reasoning of applications by the defence to hear witnesses will depend on an assessment of the circumstances of a given case, including the applicable provisions of the domestic law, the stage and progress of the proceedings, the lines of reasoning and strategies pursued by the parties and their procedural conduct (ibid., §§ 160-61).

42. As to the second element of the test, generally the relevance of testimony and the sufficiency of the reasons advanced by the defence in the circumstances of the case will determine the scope and level of detail of the domestic courts' assessment of the need to ensure a witness's presence and examination. Accordingly, the stronger and weightier the arguments advanced by the defence, the closer must be the scrutiny and the more convincing must be the reasoning of the domestic courts if they refuse the defence's request to examine a witness (ibid., § 166).

43. With regard to the overall fairness assessment as the third element of the test, compliance with the requirements of a fair trial must be examined in each case having regard to the development of the proceedings as a whole and not on the basis of an isolated consideration of one particular aspect or one particular incident. While the conclusions under the first two steps of the test would generally be strongly indicative as to whether the proceedings were fair, it cannot be excluded that in certain, admittedly exceptional, cases considerations of fairness might warrant the opposite conclusion (ibid., §§ 167-68).

44. Lastly, regarding the applicant's complaint concerning the domestic courts' refusal to examine video evidence, the Court considers that the above test, as set out in *Murtazaliyeva* (cited above), should also apply, *mutatis mutandis*, to the present case (see *Abdullayev v. Azerbaijan*, no. 6005/08, § 60, 7 March 2019).

(b) Application of those principles to the present case

45. At the outset, the Court notes that the Minor Offences Act provides for imprisonment as a possible penalty for minor offences and for two other penalties – that is, fines and community service – that can be converted into imprisonment (see paragraphs 23-24 above). In this connection the Court observes that all penalties under this Act can ultimately lead to imprisonment, and that minor-offence proceedings in Serbia fall, in principle, within the criminal limb of Article 6 of the Convention, a point not disputed by the

Government (see paragraph 30 above), and that the guarantees of that provision should apply with their full stringency (contrast *Marčan v. Croatia*, no. 40820/12, §§ 37-38, 10 July 2014, in which the Court took into account the fact that there had been no threat of imprisonment under the applicable domestic law). This is particularly true in the present case, given that the relevant minor offence of which the applicant was convicted carried a potential custodial sentence of up to 60 days (see paragraph 22 above). Indeed, that penalty was initially imposed on the applicant and ultimately enforced, albeit only in part (see paragraphs 10 and 13 above). In view of the above, while acknowledging the wider context of social unrest and heightened social tension at the time in question, the Court cannot accept the Government's argument that there were special features that justify less stringency in assessing the compliance with the equality-of-arms requirements inherent in Article 6 of the Convention. The Court observes, in any event, that even where the guarantees of Article 6 do not necessarily apply with full stringency, the refusal to examine witnesses may nonetheless amount to a violation of that provision (see *Hannu Lehtinen v. Finland*, no. 32993/02, §§ 48-49, 22 July 2008).

46. As regards the first element of the *Murtazaliyeva* test, the Court notes that the applicant sought to examine a witness who had come forward in response to his public call for witnesses and who claimed to have been present at the relevant time. The proposed testimony was not limited to whether the witness had heard the words allegedly addressed to the police officers, but concerned the applicant's location, the position of the police officers and the sequence of events as a whole. In addition, the applicant requested that video footage from nearby surveillance cameras be obtained in order to clarify the spatial relationship between himself and the police officers and to establish whether he had been in a position to address them, as alleged by the police, or whether the officers had noticed him from a distance and followed him, as he maintained. In view of the disputed factual circumstances and the conflicting versions of events, the Court considers that the requests to hear the proposed testimony and to submit the video footage were not vexatious, were sufficiently reasoned and could reasonably have been regarded as capable of shedding additional light on the sequence of events, and were therefore relevant to the subject matter of the accusation (see *Polyakov*, cited above, § 34, and *Murtazaliyeva*, cited above, §§ 160-61).

47. Turning to the second element, the Court observes that the Minor Offences Court rejected the request that it obtain the video footage, merely noting that the facts had already been established on the basis of the evidence presented at the hearing (see paragraph 10 above). Despite being instructed by the Court of Appeal to address this issue (see paragraph 11 above), it subsequently repeated that reasoning without further elaboration and likewise refused to hear the proposed witness (see paragraph 13 above). It was only during the second set of proceedings on appeal that the Court of Appeal

reasoned that the witness could not have heard the alleged words because he had not been with the applicant or in the immediate vicinity of the police officers, and that the video footage was irrelevant (see paragraph 15 above). That conclusion appears to have been based on the implicit assumption that the applicant had been walking alone. However, even assuming that that had been so, it would not exclude the possibility that a passer-by could have seen or heard what was taking place. Even if incapable of recording the alleged verbal exchange, the footage might nevertheless have assisted the domestic courts in assessing the spatial configuration of the incident, the relative positioning of the persons involved and the plausibility of the competing accounts. Moreover, it is evident to the Court that the defence relied on the proposed evidence to elucidate the sequence of events as a whole and not solely the alleged verbal exchange. By declining to hear the witness or to obtain the video footage, the domestic courts did not carry out any substantive assessment of the probative value of the proposed evidence, on the basis of assumptions that were not expressly examined in the proceedings. In view of the above, it cannot be said that the domestic courts provided relevant reasons for dismissing the requests (see also *Vidal*, § 34; *Polyakov*, §§ 34-35; *Topić*, § 42; and *Murtazaliyeva*, §§ 162-66, all cited above).

48. Regarding the third element of the test, the Court notes that the applicant's conviction was essentially based on the testimony of the arresting police officer, with the case hinging on the credibility of his account as opposed to that of the applicant. In such circumstances, the refusal to hear a defence witness capable of providing an alternative account, combined with the refusal to obtain objective video evidence, significantly limited the defence's ability effectively to challenge the prosecution's version of events. Taken together, those refusals deprived the domestic courts of potentially decisive material for establishing the facts and prevented the defence from challenging the prosecution case effectively. The Court therefore concludes that the domestic courts failed to engage in a genuine examination of the relevance of the proposed evidence and did not provide sufficient reasons for refusing to obtain and examine it, contrary to the requirements of Article 6 §§ 1 and 3 (d) of the Convention, thereby undermining the overall fairness of the proceedings.

49. There has accordingly been a violation of the applicant's rights under Article 6 §§ 1 and 3 (d) of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

50. The applicant further complained of a breach of Article 1 of Protocol No. 1 to the Convention on account of the fine imposed on him in the minor-offence proceedings.

51. Inasmuch as the complaint under Article 1 of Protocol No. 1 essentially stems from the allegedly unfair character of the proceedings (Article 6 of the Convention) leading to the imposition of the fine, the Court considers that it has examined the main legal questions raised in the present application and that there is no need to give a separate ruling on the admissibility and merits of the complaint under Article 1 of Protocol No. 1 to the Convention (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

52. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

53. In his claim for just satisfaction, the applicant sought an award in respect of non-pecuniary damage, indicating an amount of 7,850 euros (EUR) in one paragraph and EUR 8,750 in the subsequent paragraph.

54. The Government contested that claim.

55. The Court points out that in order for the applicant to be, in so far as possible, put in the position in which he would have been had the requirements of Article 6 not been disregarded, the most appropriate form of redress would, in principle, be the reopening of the proceedings in question if requested (see, for example, *Öcalan v. Turkey* [GC], no. 46221/99, § 210, ECHR 2005-IV, and *Popov v. Russia*, no. 26853/04, § 263, 13 July 2006). However, in the specific circumstances of the present case, it is uncertain whether reopening would still be capable of affording practical redress. Notably, while Articles 280 and 281 of the Minor Offences Act provide for the possibility of having the impugned proceedings reopened on the basis of the Court's judgment (see paragraph 28 above), it is not certain that in the present case this would indeed be possible given that prosecution of the minor offence in question may have become statute-barred in the meantime (see paragraphs 19 and 25 above). It follows that the finding of a violation of the Convention cannot in and of itself constitute sufficient just satisfaction for any non-pecuniary damage sustained by the applicant. The Court is also of the opinion that, in any event, the applicant has certainly suffered some non-pecuniary damage. Given the nature of the violation found in the present case and making its assessment on an equitable basis, as required by Article 41 of the Convention, the Court awards the applicant the amount of EUR 3,600 in this connection, plus any tax that may be chargeable.

56. The applicant did not claim any costs or expenses. Accordingly, the Court makes no award under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 of the Convention admissible;

2. *Holds* that there has been a violation of Article 6 §§ 1 and 3 (d) of the Convention;

3. *Holds* that there is no need to examine the admissibility and the merits of the complaint under Article 1 of Protocol No. 1 to the Convention;

4. *Holds*,
   (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (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 June 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško Registrar	Ioannis Ktistakis President