

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

THIRD SECTION

CASE OF KARAKASIDIS v. GREECE

(Application no. 46737/20)

JUDGMENT

STRASBOURG

16 December 2025

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



In the case of Karakasidis v. Greece,

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

Peeter Roosma*, President*,
Ioannis Ktistakis,
Lətif Hüseynov*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 46737/20) 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 2020 by a Greek national, Mr Charalambos Karakasidis ("the applicant"), who was born in 1977, lives in Amarynthos Evoias and was represented by Mr V. Chirdaris, a lawyer practising in Athens;

the decision to give notice of the application to the Greek Government ("the Government"), represented by their Agent, Ms N. Marioli, President of the State Legal Council, and their Agent's delegate, Ms S. Papaioannou, Legal Representative at the State Legal Council;

the parties' observations;

Having deliberated in private on 25 November 2025,

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

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaints under Article 6 §§ 1 and 2 of the Convention that his rights to the presumption of innocence and to a fair trial were violated on account of his criminal conviction by an insufficiently reasoned judgment that shifted the burden of proof from the prosecution to him.

2. On 8 November 2011, during a random traffic stop by the police, approximately 30 pieces of jewellery and numerous gemstones were found in a wooden box in the spare-tyre compartment of the applicant's car. He claimed that the goods in question belonged to his wife and were being stored in his car for safety reasons, owing to a recent burglary which had taken place at their house in June 2011. The applicant had reported the burglary to the police at the time. After the random traffic stop, a criminal file was transferred to the prosecutor, who charged the applicant with the offence of accepting proceeds of crime. In December 2012 the box containing the items in question and two photographs were deposited with the State Deposits and Loans Fund.

3. On 24 April 2018, by its judgment no. 3217/2018, the single-member Athens Misdemeanour Court found that in July 2011, on an unspecified date, the applicant had intentionally accepted possession of jewellery and gemstones which he knew had been stolen. It convicted him of the offence of accepting proceeds of crime and gave him a 15-month suspended prison

sentence. At the hearing the applicant stated that the items in question had belonged to his wife and that he had stored them and the two photographs in his car on account of the recent burglary.

4. The applicant lodged an appeal, which was dismissed by the Athens Criminal Court of Appeal in judgment no. 3339/2018, delivered on 28 November 2018. The court confirmed the finding that in July 2011 the applicant had intentionally accepted possession of proceeds of crime. In particular, he had accepted the pieces of jewellery and gemstones in question and had stored them in a wooden box, while having been aware that they had been stolen. It held that his assertion that they had belonged to his wife – to whom they had been given as gifts – had not been proved. It further held that the fact that he had stored the items in his car supported the finding that their origin was illegal. It upheld the applicant's conviction for accepting proceeds of crime and his 15-month suspended prison sentence.

5. Following an appeal on points of law lodged by the applicant, on 25 May 2020 the Court of Cassation, by judgment no. 1055/2019, ruled that the appellate court's judgment had clearly established the facts, from which it followed that the accused had committed the offence, having accepted goods which he knew had been stolen. It considered that the Athens Criminal Court of Appeal had not needed to mention any additional factual elements, as the fact that the offence had been committed was confirmed by the finding that the jewellery and gemstones had been stored in his car and had not belonged to his wife. It dismissed his appeal on points of law.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 §§ 1 AND 2 OF THE CONVENTION

6. The Court notes that the applicant's complaint under Article 6 §§ 1 and 2 is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

7. The applicant argued that his conviction had been based exclusively on the fact that the jewellery and gemstones in question had been found in a box in his car. It had not been established who had stolen those objects or from whom they had been stolen. Indeed, the courts had failed to give reasons to support the finding that they had in fact been stolen and that he had been aware of their illegal origin, unlawfully placing on him the burden of proof.

8. The Government argued that the domestic courts had examined a substantial amount of evidence and that the applicant had been given the chance to raise his arguments before the courts, which had dismissed them and ultimately convicted him. They further argued that the applicant's assertion that his wife had owned the jewellery and gemstones in question

had not been proved, and that the Athens Criminal Court of Appeal – on the basis of the principle of "moral proof" (*αρχή ηθικής απόδειξης*) – had not needed to specify the circumstances of the theft in order to consider those items to have been stolen, as noted by the Court of Cassation.

9. The Court reiterates that the presumption of innocence enshrined in Article 6 § 2 of the Convention is one of the elements of a fair criminal trial that is required by paragraph 1. It will accordingly consider the applicant's complaint from the standpoint of these two provisions taken together. It is for the Court to ascertain that the proceedings considered as a whole were fair, which in the case of criminal proceedings includes the observance of the presumption of innocence. Article 6 § 2 requires, *inter alia*, that when carrying out their duties, the members of a court should not start with the preconceived idea that the accused has committed the offence charged; the burden of proof is on the prosecution, and any doubt should benefit the accused (see, for instance, *Poletan and Azirovik v. the former Yugoslav Republic of Macedonia*, nos. 26711/07 and 2 others, §§ 63-64, 12 May 2016).

10. The Court reiterates that, under Article 6 § 2 of the Convention, the presumption of innocence will be infringed where the burden of proof is shifted from the prosecution to the defence (see *Telfner v. Austria*, no. 33501/96, § 15, 20 March 2001). However, the defendant may be required to provide an explanation after the prosecution has made a prima facie case against him or her (see *Poletan and Azirovik*, cited above, §§ 63-67, and *Telfner*, cited above, § 18).

11. The Court has also held that an issue with the *in dubio pro reo* principle, as a specific expression of the presumption of innocence (see, among other authorities, *Tsalkitzis v. Greece (no. 2)*, no. 72624/10, § 60, 19 October 2017), may arise if the domestic courts' decisions finding an applicant guilty are not sufficiently reasoned (see *Ajdarić v. Croatia*, no. 20883/09, §§ 34-35 and 51, 13 December 2011, and *Melich and Beck v. the Czech Republic*, no. 35450/04, §§ 49-55, 24 July 2008).

12. In accordance with Article 394 of the Greek Penal Code, as in force at the material time, anyone who intentionally accepted into their possession proceeds of crime must be punished by imprisonment. In order to convict an individual of that offence, the domestic courts must, according to the domestic case-law, reference the specific circumstances of how the accused obtained the items in question and the facts indicating his or her knowledge of their criminal origin (see, for example, judgment no. 201/2017 of the Court of Cassation). The Court notes that the judgment of the Athens Criminal Court of Appeal based the applicant's conviction for the offence of accepting proceeds of crime on the findings that the items in question had been stolen and that he had had knowledge of the theft. However, the material submitted before the domestic courts contained no reference to any theft. The circumstances in which the applicant had come into possession of the allegedly stolen items were not established, nor were there any concrete

indications that he knew of their allegedly illegal origin. The applicant repeatedly denied any such knowledge and no witness statement was adduced to the contrary.

13. The Court reiterates that it is not its task to review the manner in which forensic and witness evidence is assessed by the domestic courts. Nor is the Court called upon to rule on the guilt or innocence of a person convicted by the domestic courts, that matter being within the competence of the domestic courts (see, *mutatis mutandis*, *Rohlena v. the Czech Republic* [GC], no. 59552/08, § 55, ECHR 2015; and *Popov v. Russia*, no. 26853/04, § 188, 13 July 2006). However, it is within the Court's jurisdiction to assess whether the proceedings as a whole – including the obligation of the domestic courts to give reasons for their judgments and to observe the presumption of innocence – were in compliance with the Convention.

14. The domestic courts' finding that the applicant had failed to prove ownership of the items in question is distinct from the prosecution's obligation to prove beyond reasonable doubt their illegal origin and the applicant's knowledge of that origin. While the domestic courts' judgments determined that the items had been stolen and that the applicant had been aware of that situation, they did not mention any facts supporting those findings or any evidence corroborating them – except for the fact that he had kept the items in his car, which was considered to reinforce the conclusion that their origin had been illegal. It is further noted that at no point during the proceedings did any other individual claim ownership of the items or provide witness testimony to that effect, and that the items were discovered during a random traffic check, rather than in the context of the investigation of thefts.

15. The domestic courts' conclusions were therefore not the result of prima facie evidence which the applicant had failed to rebut. The Court cannot find that the evidence adduced by the prosecution constituted a case against the applicant which would have called for an explanation from him (see *Telfner*, cited above, § 18). The domestic courts in essence shifted the burden of proof from the prosecution to the applicant, in violation of the principles relating to the presumption of innocence. Furthermore, considering the proceedings as a whole, it cannot be said that the domestic courts' judgments were adequately reasoned, in accordance with the applicant's right to a fair trial under Article 6 § 1 of the Convention.

16. There has accordingly been a violation of Article 6 §§ 1 and 2 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. The applicant claimed 40,000 euros (EUR) in respect of non-pecuniary damage and EUR 1,240 in respect of the costs and expenses incurred before the Court.

18. The Government contended that the amount requested in respect of non-pecuniary damage was excessive and unjustified, given the particular circumstances of the case. They further contended that, should the Court find a violation, national legislation provided for the reopening of proceedings before the Court of Cassation. They argued that any award in respect of costs and expenses should not exceed EUR 1,000.

19. The Court considers it reasonable to award the applicant EUR 6,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

20. Having regard to the documents in its possession, the Court considers it reasonable to award the applicant EUR 1,240 for the proceedings before it, plus any tax that may be chargeable to him.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

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

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the following amounts:
      (i) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,240 (one thousand two hundred and forty euros), plus any tax that may be chargeable to him, in respect of costs and expenses;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points;

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

Done in English, and notified in writing on 16 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Peeter Roosma President