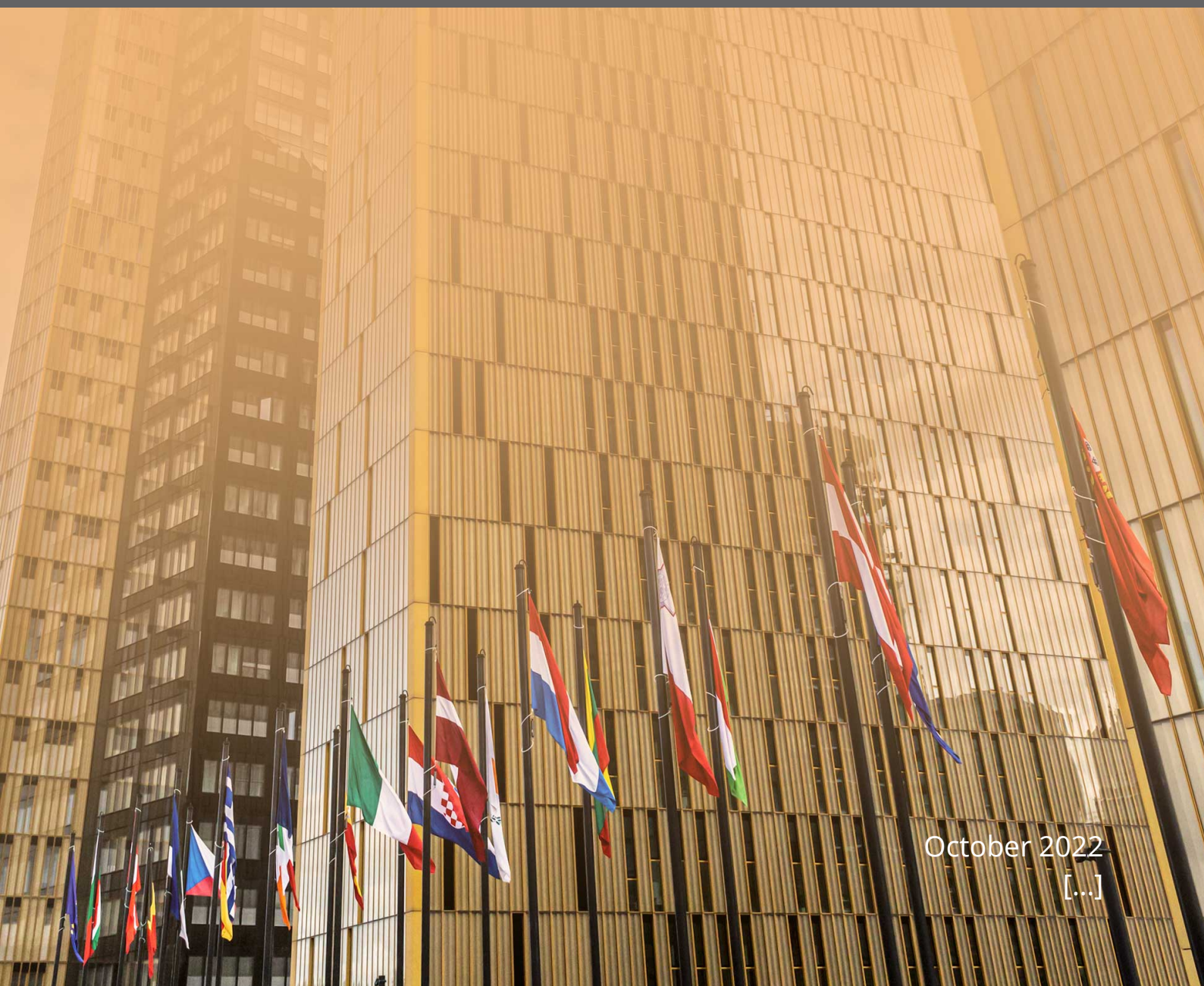




# RESEARCH NOTE

## RESEARCH AND DOCUMENTATION DIRECTORATE

Names and citations of anonymised cases



October 2022  
[...]



Subject: Methods of naming and citing cases anonymised in the highest courts of the Member States, the United Kingdom and the United States, the European Court of Human Rights, the International Court of Justice and the International Criminal Court on the publication of court decisions

[...]



## SUMMARY

### INTRODUCTION

1. This research note seeks to examine how cases anonymised in courts in the Member States,<sup>1</sup> selected third countries and international courts,<sup>2</sup> are named and cited. Although it follows earlier studies on the anonymisation of party names on the publication of court decisions, this note is not an update of those studies, but rather addresses a separate issue,<sup>3</sup> namely how cases that have already been anonymised are named and cited.
2. For the purposes of this research note, the concept of 'naming' refers to the manner in which cases are named by the court concerned, using namely, just as is the practice at the Court,<sup>4</sup> elements such as the usual name or conventional name. The term 'citation', on the other hand, refers to all the elements used when referring to a case either in case-law or in legal literature, such as (in addition to the usual name and/or the conventional name), as is the practice at the Court, the date of the decision, the case number, the name of the court, the ECLI number or the publication reference. In the context of this note, the concept of 'usual name' refers specifically to the names of parties (whether anonymised or not) as included in the names of cases. By contrast, the concept 'conventional name' is broader in scope and covers all instances where one or more terms (whether descriptive or not), or a name that is not the actual name of a party, are used, formally or informally, in the name or citation of a case.
3. In this respect, it should be noted from the outset that the summary tables, which provide information on the analysed cases, draw a distinction between case names and citations which contain the names of the parties (Table I) and those which do not (Table II). In fact, where a case name does not contain any party names, anonymising the case will have no impact on how that case is named or cited. However, for the sake of completeness, Table II also sets out how cases in that scenario are named and cited.
4. As regards the **Member States**, as well as the **United Kingdom** and the **United States**, the study relates exclusively to the practice of the highest courts of the respective States.<sup>5</sup>
5. In the vast majority of the legal orders examined (21 national laws), anonymisation does not have any effect on the names and citation of cases, since party names are not used for the purposes of naming cases.
6. Only in a minority of countries (6 national laws) are the names of parties used for the purposes of naming cases, and there three methods can be identified: (i) the use of initials (fictitious or real), which make up the vast majority of cases; (ii) the use of first names (fictitious or real); and (iii) the

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<sup>1</sup> [...]

<sup>2</sup> This note examines all the Member States, as well as the United Kingdom and the United States, and also the European Court of Human Rights, the International Court of Justice and the International Criminal Court.

<sup>3</sup> [...]

<sup>4</sup> See, for example, the Order of the Court of 27 September 2022, *Ryanair DAC (Air carrier's obligation to provide information)* (C-307/21, EU:C:2022:729), whereby 'Ryanair DAC' is the usual name and 'Air carrier's obligation to provide information' is the conventional name.

<sup>5</sup> However, no clear distinction is drawn between pending cases and closed cases [...]. Naming and citation are therefore not dealt with as two separate issues, with clarifications relating specifically to one or the other provided as required on an ad hoc basis.

use of fictitious names (solely in the United States). In addition, the International Court of Justice and the International Criminal Court have their own particular systems, where case names include the names of parties but are never anonymised.

7. Conventional names (formal or informal) in various formats are included in case names or citations in several legal systems, both in respect of cases whose names include party names and for those whose do not, and irrespective of whether the names of the parties are anonymised.

## I. ABSENCE OF PARTY NAMES FROM CASE NAMES

8. To illustrate the situation in the national law of the Member States, in a clear majority of them, that is, 21 national laws (**Austrian, Bulgarian, Croatian, Czech, Danish, Estonian, Finnish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Luxembourg, Netherlands, Polish, Portuguese, Romanian, Slovenian, Spanish, and Swedish** law), cases are never given names incorporating the names of natural or legal persons. Any anonymisation of party names thus has no impact on the names of the cases concerned.
9. In **Belgian, French and Slovak** law, case names generally do not contain the names of parties but may do so on an exceptional basis.
10. It should be noted that in **Spain**, as part of the anonymisation of the names of the parties appearing in the court decisions of the Tribunal Supremo (Supreme Court), those names are replaced by fictitious first names. Anonymisation is carried out centrally by the Centro de documentación judicial (Judicial Documentation Centre) and is applied to all court decisions being published.<sup>6</sup> However, those fictitious first names do not appear in the names of the cases in question and a search has not identified any citation of these cases by the courts or in legal literature using such first names.

## II. INCLUSION OF PARTIES' NAMES IN CASE NAMES

11. Case names generally include the names of the parties in three Member States, namely **Cyprus, Ireland and Malta**. In this respect, whereas in **Cyprus**, after anonymisation, a case is named using the initials of the parties' surnames and first names (in family law cases or those involving children, as well as certain criminal law cases), or surnames only with first names redacted (for all other cases), in **Malta** fictitious initials<sup>7</sup> or the word 'Omissis'<sup>8</sup> will be included in the case name. As anonymisation is the exception to the rule, it is important to point out that it is only, as applicable, the surname and first name of the anonymised party which are replaced by letters or by the term word 'Omissis'.
12. In **Ireland**, the name of a claimant and/or of the defendant who is the subject of anonymisation is replaced with fictitious initials, by the initials of the surname and the first name, or by fictitious or real first names. Those elements may be followed by the name, in brackets, of the claimant's country of origin (in asylum cases) or by an indication in brackets that the case concerns a minor (by adding the word 'minor').<sup>9</sup> In the citation, those letters, initials or first names are often

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<sup>6</sup> [...]

<sup>7</sup> For cases before the Qorti tal-Appell (Court of Appeal) (competent in civil matters).

<sup>8</sup> For cases before the Qorti tal-Appell Kriminali (Court of Criminal Appeal).

<sup>9</sup> This applies to most cases concerning minors, for example, *G O (a minor) v Minister for Justice* [2010] 2 IR 19.



replaced by a single letter.<sup>10</sup> The situation is similar in the **United Kingdom**, where fictitious initials<sup>11</sup> are followed, where applicable, by the term ‘minor’ (where it is the names of minors being anonymised) or the country of origin (where it is the names of third country nationals being anonymised).

13. In the **United States**, a fictitious name<sup>12</sup> is used if the name of one of the parties has been anonymised at their request.<sup>13</sup> The full citation of the case name retains this anonymity.
14. In **Belgian, French** and **Slovak** law, the case names may include, exceptionally, the names of parties. Following anonymisation, those names are replaced by fictitious or real initials, while the real first name may be retained.
15. As regards the **European Court of Human Rights**, where it is to be anonymised, the applicant’s name is replaced by the initials of the anonymised name or by fictitious initials, as per their preference. In that regard, under paragraph 12 of the Practice direction on the institution of proceedings,<sup>14</sup> where an applicant requests his or her identity not to be disclosed, he or she must also state whether, in the event of anonymity being authorised by the President of the Chamber, he or she wishes to be designated by his or her initials or by a single letter (e.g. ‘X’, ‘Y’ or ‘Z’).<sup>15</sup> Furthermore, under the Practice direction on requests for anonymity,<sup>16</sup> such a request may also relate to cases published on HUDOC before 1 January 2010. If an applicant wishes to request anonymity in respect of such a case, he or she should send a letter to the Registry setting out the reasons for the request and specifying the impact that this publication has had or may have for him or her. The applicant should also provide an explanation as to why anonymity was not requested while the case was pending before the Court.

### III. CONVENTIONAL NAMES

16. It should furthermore be noted that the use of conventional or similar names has been identified, to a greater or lesser extent, in 10 Member States (**Austria, Belgium, Czechia, Denmark, France, Germany, Hungary, Netherlands, Romania** and **Sweden**), although this is unrelated to the anonymisation of the names of the parties. In some cases, however, those names do not appear in the citations of the cases as used by the courts, but only in lists of cases on the websites of the courts concerned or in case-law databases. In this respect, a trend can be

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<sup>10</sup> For example, the judgment in *A.C. v Karen Fitzpatrick, Director of Nursing at St Finbarry’s Nursing Home, the Health Service Executive and Comyn Kelleher Tobin Solicitors* [2018] IESC 64 is cited as *C v Fitzpatrick & Ors* [2018] IESC 64; the judgment *Michael (a minor), Sarah (a minor), Azmi (a minor), Afsar (a minor) (All suing through their mother and next friend Ms. X), Ms Z and Ms X -v- Minister for Social Protection & Ors And Emma (A minor suing by her mother and next friend Ms Y) and Ms Y v- Minister for Social Protection & Ors* [2019] IESC 82 is cited as *O v Minister for Social Protection and A v Minister for Social Protection* [2019] IESC 82.

<sup>11</sup> According to practice guidance on the anonymisation of judgments (*Practice Guidance: Anonymisation and Avoidance of the Identification of Children and the Treatment of Explicit Descriptions of the Sexual Abuse of Children in Judgments intended for the Public Arena*) and the checklist contained in that guidance, particular attention must be paid to the choice of initials, as certain letters may indicate an ethnic or religious group.

<sup>12</sup> See, for example, *Roe v. Wade*, 410 U.S. 113 (1973), in which the name of the plaintiff, Norma McCorvey, was replaced by the pseudonym ‘Jane Roe’ to protect her identity.

<sup>13</sup> For federal and state rules on anonymisation, see <https://withoutmyconsent.org/50state/filing-pseudonymously/>.

<sup>14</sup> *Practice direction issued by the President of the Court under Article 32 of the Rules of Procedure on 1 November 2003* and amended on 22 September 2008, 24 June 2009, 6 November 2013, 5 October 2015, 27 November 2019, 25 January 2021 and 1 February 2022.

<sup>15</sup> For example, *E.B. v. France* [GC], no. 43546/02, 22 January 2008.

<sup>16</sup> *Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 14 January 2010*.

observed whereby short conventional names are used in citations and longer conventional names which summarise the legal issues are used on websites or in databases.

17. In that regard, in **Germany**, the courts have the option of assigning a name (*Entscheidungsname*) to a judgment.<sup>17</sup> As a general rule, this is a matter for the chamber of the higher court with jurisdiction to decide the case. In the field of intellectual property, it is customary to name and cite decisions on the basis of the name of a trade mark, substance or device that is the subject of a patent, or by reference to the subject matter of the case.<sup>18</sup> It should also be noted that there is a practice of certain judgments being cited in legal literature and in the case-law using a conventional name.<sup>19</sup> The courts also make reference to the official collection of decisions<sup>20</sup> and use descriptive terms to describe cases,<sup>21</sup> particularly on their websites.<sup>22</sup>
18. In **Austria**, certain names of current and important decisions of the supreme courts, namely the Oberster Gerichtshof (Supreme Court), the Verwaltungsgerichtshof (Supreme Administrative Court) and the Verfassungsgerichtshof (Constitutional Court), which can be accessed on their respective websites,<sup>23</sup> include descriptive terms which may be regarded as conventional names (although they may be up to 10 words long).
19. In **Belgium**, on the Constitutional Court's webpage with information on cases that have given rise to references for preliminary rulings before the Court, and only on this webpage, a conventional name is provided in addition to the names of the parties (or, where they are anonymised, letters).<sup>24</sup> A similar situation exists in **Czechia**, where the Constitutional Court uses, on the case-law search form on its website<sup>25</sup> and, rather exceptionally, in its case-law, conventional names that briefly state the 'theme' of the proceedings.<sup>26</sup> By contrast, in **Romania**, the decisions of the

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<sup>17</sup> This name may correspond to the name of a party, for example a famous person of public interest.

<sup>18</sup> See examples of practice at the Bundesverfassungsgericht (Federal Constitutional Court, 'the BVerfG') and the Bundesgerichtshof (Federal Court of Justice, 'the BGH'): Order of the [BVerfG of 21 July 2022, 1 BvR 469/20, 1 BvR 470/20, 1 BvR 471/20, 1 BvR 472/20, ECLI:DE:BVerfG:2022:rs20220721.1bvr046920](#), named 'Impfnachweis (Masern)'; Order of the [BGH of 5 July 2022, EnVR 77/20, ECLI:DE:BGH:2022:050722BENVR77.20.0](#), named 'REGENT'; Order of the [BGH of 23 July 2020, I ZR 56/19, ECLI:DE:BGH:2020:230720BIZR56.19.0](#), which contains a request for a preliminary ruling and is named 'HEITEC II'; judgment of the [BGH of 26 April 2022, X ZR 44/20, ECLI:DE:BGH:2022:260422UXZR44.20.0](#), named 'Verbundelement'; and judgment of the [BGH of 28 July 2022, I ZR 141/20, ECLI:DE:BGH:2022:280722UIZR141.20.0](#), named 'Elektronischer Pressespiegel'.

<sup>19</sup> For example, see BVerfG's Decision of 18 February 2019, [1 BvR 2556/17](#), which is cited using the name 'Loud', which is the name of an album and was already known and being used, BVerfG [GRUR 2019, 606](#).

<sup>20</sup> This is the case for references to the official collection of decisions of the BVerfG ('BVerfGE'), the BGH (in particular, 'BGHZ'), the Bundesverwaltungsgericht (Federal Administrative Court, 'the BVerwG') ('BVerwGE'), the Bundesarbeitsgericht (Federal Labour Court) ('BAGE'), the Bundesfinanzhof (Federal Fiscal Court) (in particular, 'BFHE'), and the Bundessozialgericht (Federal Social Court) ('BSGE').

<sup>21</sup> For example, see the decision of the BVerwG of 26 June 2022, 8 CN 1.21, which has the 'Titelzeile' ('title line') 'Gleichheitswidrige Regelung von Rentenanwartschaften in einer Versorgungssatzung' (discriminatory statutory regulation concerning the expectation of a retirement pension).

<sup>22</sup> Links to the decision of the BVerwG: <https://www.bverwg.de/de/280622U8CN1.21.0> and <https://www.bverwg.de/entscheidungen/pdf/280622U8CN1.21.0.pdf>.

<sup>23</sup> This is in addition to access through the Rechtsinformationssystem des Bundes (the Legal Information System of the Republic of Austria) ('the RIS'), a database providing access to the decisions of the Oberster Gerichtshof (Supreme Court), the decisions of other courts which may be relevant to it and the decisions of the administrative courts and the Verfassungsgerichtshof (Constitutional Court). In that regard, it is important to clarify that only closed cases are displayed in the RIS, with no access to pending cases.

<sup>24</sup> For example, Transitional rules on the Firearms Act (Défense Active des Amateurs d'Armes ASBL, NG, WL v Conseil des ministres).

<sup>25</sup> This applies to judgments only, not to orders.



Constitutional Court include, in their actual title, an indication of the subject of the plea of unconstitutionality.

20. In very specific circumstances in **Denmark**, reference may also be made to a conventional name. A judgment (or a series of judgments) may thus be referred to by such a name, for example 'Umbrella-dommene' (the Umbrella judgments), which covers a wide range of cases with numerous judgments. That name is used both in the press and by the courts in the citation of case-law. The situation is very similar in **Hungary**, where certain cases of political or economic importance are referenced by the courts, in legal literature or by the media, using an informal conventional name.
21. In **France** (solely in the Constitutional Council), a conventional name is added as part of the long case name used in communications such as press releases,<sup>27</sup> but also, more generally, on the webpage containing decisions. It is important to point out in that regard that in legal literature a case is generally cited using the case number and the conventional name, without also including the anonymised name of the applicant.
22. An informal conventional name is given to certain cases in legal literature in the **Netherlands**.<sup>28</sup> It is important to note that, where cases have become well known under the name assigned by a private publishing house, the supreme courts may subsequently use that name when they refer to the case in question.<sup>29</sup>
23. In **Sweden**, a conventional name is only assigned to certain decisions of the Högsta domstolen (Supreme Court), and this has been the case since 2017. In that regard, according to the description published on the court's website, 'when referred to in later rulings, even older precedents are sometimes given names. These names are a sort of working title that, in addition to the case and NJA Nytt Juridiskt Arkiv (new legal archive) references,<sup>30</sup> aim to simplify recognition and citing of cases. Such names are stated alongside the relevant rulings on the website'.<sup>31</sup>

#### IV. INTERNATIONAL COURT OF JUSTICE AND INTERNATIONAL CRIMINAL COURT

24. As regards the **International Court of Justice** and the **International Criminal Court** (Table III), due to the particular nature of their disputes (inter-State disputes in the case of the International

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<sup>26</sup> On the Ústavní soud (Czech Constitutional Court) website, such conventional names are referred to as 'popular names' and vary in length from two to around 10 words. They appear to be used by the Ústavní soud (Constitutional Court) when citing case-law, particularly in important and high-profile cases, and sometimes by academic writers to facilitate the citation of a decision of the Ústavní soud (Constitutional Court).

<sup>27</sup> For example, Decision no. 2017-624 QPC of 16 March 2017, Mr Sofiyan I. (maximum duration of house arrest in the context of a state of emergency).

<sup>28</sup> For example, in the anonymised case of the Hoge Raad der Nederlanden (Supreme Court of the Netherlands); 'the Hoge Raad') of 13 April 2007, ECLI:NL:HR:2007:AZ8751, a private publishing house added, between square brackets, as the usual name, 'Iraanse vluchteling' (Iranian refugee).

<sup>29</sup> For example, the Hoge Raad refers to a criterion it set out in its judgment of 19 December 1995, ECLI:NL:HR:1995:ZD0328, as the Zwolsman criterion ('het Zwolsman-criterium'). This name was assigned to this anonymised Hoge Raad criminal law judgment by a private publishing house (it was added, in square brackets, to the citation of the case) and is the name of a natural person who was a suspect in the case.

<sup>30</sup> The NJA is a publication comprising all the published case-law of the Supreme Court. A summary ('Referat') of the decisions of the Supreme Court is published in the NJA around four months after the court has given the decision. When those summaries have been published, an NJA reference is cited alongside the relevant ruling on the website of the Högsta domstolen (Supreme Court). The established way of referring to rulings published in this way is to indicate 'NJÄ' followed by the year and page in the NJA on which the relevant decision starts, for example, 'NJÄ 2020, s. 711'.

<sup>31</sup> <https://www.domstol.se/en/supreme-court/about-the-supreme-court/more-about-rulings/>

Court of Justice, and, in the case of the International Criminal Court, ruling on individual criminal responsibility for the most serious crimes affecting the whole of the international community), there is no requirement to anonymise the titles and names of the cases they adjudicate or to which they refer. Therefore, they have not adopted specific rules on the matter.

25. The **International Court of Justice** is not in fact open to private individuals in the exercise of its jurisdiction. As inter-State disputes and advisory procedures are, by their very nature, public, the International Court of Justice does not anonymise the names of the cases brought before it and, consequently, has not adopted specific rules for that purpose. Neither does its Statute and Rules provide for this scenario. [...] the information presented in Table III [is based on publicly available information]. In order to give a general overview of the different methods for establishing case names, the table is divided into categories relating to the nature of the proceedings (contentious or advisory) and, in contentious matters, according to whether proceedings are instituted by notification of a special agreement or by the submission of an application. More specific diplomatic or consular protection cases are also referenced.
26. Unless there is an incidental and isolated procedural exception (a priori linked to the maintenance of the confidentiality of certain elements of the main proceedings – and of which only one example has been identified),<sup>32</sup> the **International Criminal Court** does not anonymise the names of the parties, either in the body of its decisions or in the names of decisions. Therefore, the name always includes the name of the person being prosecuted.<sup>33</sup> In certain summary documents that are available on the International Criminal Court's website, that name is supplemented by the stage the proceedings are at in brackets (pre-trial stage, trial stage, appeals stage, reparations stage) or contextual elements relating to the procedural outcome of the case (acquittal final, charges declined, charges withdrawn, at large, closed case, case withdrawn).<sup>34</sup>
27. Summary tables on the current situation in the law of the Member States, the United Kingdom and the United States, as well as at the European Court of Human Rights, the International Court of Justice and the International Criminal Court, are annexed to this summary.

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<sup>32</sup> See [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016\\_01538.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_01538.PDF). It should also be noted that, in this particular case, the subject of the anonymisation is a document sent to the Registry in the course of the proceedings (transmission of documents to the defence). In the authentic English version, certain data, including the name of the defendant which appears in the name of the case, are replaced by the word '[REDACTED]'.

<sup>33</sup> For examples, see [CR2014\\_06929.PDF \(icc-cpi.int\)](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2014_06929.PDF) and [CR2016\\_01994.PDF \(icc-cpi.int\)](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2016_01994.PDF).

<sup>34</sup> See <https://www.icc-cpi.int/sites/default/files/Publications/TheCourtTodayEng.pdf>.

## ANNEXES

### I. SUMMARY TABLE 'INCLUSION OF PARTY NAMES IN CASE NAMES'

	Basic components	Additional components
<b>Belgium</b> <sup>35</sup>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation:</b> fictitious <b>initials</b></p>	<p>Conventional name</p> <p><i>Examples: Transitional rules on the Firearms Act (C.C., 25 March 2021, No. 50/2021); Tax transparency within the European Union I (C.C., 17 December 2020, No. 167/2020)</i></p>
<b>Cyprus</b>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation:</b> <b>initials</b> of the surnames and first names of the parties or <b>surnames only</b> (first names redacted)</p> <p>Case number, date</p>	<p>ECLI number <sup>36</sup> type of case <sup>37</sup></p> <p><i>Example: Χριστοδούλου ν. Πανεπιστήμιο Κύπρου, Αναθεωρητική Έφεση Αρ. 155/2014, ημερομηνίας 17.3.2021, ECLI:CY:AD:2021:C100</i></p> <p><i>Christodoulou v. University of Cyprus, Administrative Appeal No. 155/2014, of 17 March 2021, ECLI:CY:AD:2021:C100</i></p>
<b>France</b> <sup>38</sup>	<p>Name of the applicant/claimant/appellant</p> <p><b>After anonymisation:</b> <b>first name</b> (retained) and surname replaced by <b>initials</b> (Constitutional Council); <b>initials</b> of the applicant's name (Council of State)</p> <p>Case number</p>	<p>Conventional descriptive name (Constitutional Council)</p> <p><i>Example: Decision 2022-1010 QPC of 22 September 2022, Mr Mounir S. [Customs officers' right to inspect]</i></p>

<sup>35</sup> Applies only to the Constitutional Court.

<sup>36</sup> This is not included in a systematic way.

<sup>37</sup> Included systematically in criminal and administrative matters and unsystematically in civil matters.

<sup>38</sup> Applies only to the Constitutional Council and, in specific cases, the Council of State.

<b>Ireland</b>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation:</b> fictitious <b>initials</b> or initials of the surname and first name, or fictitious or real <b>first names</b> or initials, followed, in brackets, by the name of the claimant's country of origin <sup>39</sup> or an indication that the case concerns a minor (word 'minor')</p> <p>Year of the decision, court abbreviation and decision number</p>	Publication reference (if decision prior to the introduction of the neutral citation system)
<b>Malta</b>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation:</b> fictitious <b>initials</b> or word '<b>Omissis</b>'</p> <p>Case/decision number, date of decision, name of the court</p>	
<b>Slovakia</b>	<p>Surname if party is a natural person; name or status if party is a legal person</p> <p><b>After anonymisation:</b> fictitious <b>initials</b></p> <p>Case number, date of decision or decision number (if decision published in official collection of decisions)</p>	ECLI number
<b>United Kingdom</b>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation:</b> fictitious <b>initials</b>, followed, where appropriate, by the term 'minor' <sup>40</sup> or the country of origin <sup>41</sup></p> <p>Year of decision, court abbreviation and decision number</p>	Publication reference (if decision prior to the introduction of the neutral citation system)

<sup>39</sup> In asylum cases.

<sup>40</sup> Where it is the names of minors being anonymised.

<sup>41</sup> Where it is the names of third-country nationals being anonymised.

<p><b>United States</b></p>	<p>Name of the applicant/claimant/appellant and name of the defendant/respondent</p> <p><b>After anonymisation: fictitious name</b></p> <p>Year and/or court that issued the decision <sup>42</sup></p>	<p>Citation of source (namely, either a neutral reference or case number, if provided by the court, or the volume and page number of the official journal where the case is published and the page number specifically supporting the point of law advanced)</p> <p><i>Example: Roe v. Wade, 410 U.S. 113 (1973)</i></p>
<p><b>European Court of Human Rights</b></p>	<p>Name of the applicant and name of the respondent State</p> <p><b>After anonymisation: initials</b> of anonymised names or fictitious initials, as per the applicant's request</p> <p>Date of decision</p>	<p>Application number</p>

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<sup>42</sup> These elements consist of common abbreviations; they may be omitted if the case is sufficiently identifiable from the citation of the source.

## II. SUMMARY TABLE 'ABSENCE OF PARTY NAMES FROM CASE NAMES'

Names and citations of cases that have been anonymised		
	Common basic components	Additional components
Germany	Case/decision number, date/year, name of the court	<p>Reference to official collection of decisions, name of the decision (<i>Entscheidungsname</i>), conventional name, ECLI number, descriptive terms</p> <p><i>Examples:</i></p> <p>'Loud' (BVerfG, Beschluss vom 18. Februar 2019 – 1 BvR 2556/17 – ECLI:DE:BVerfG:2019:rk20190218.1bvr255617) (Order of the Federal Constitutional Court of 18 February 2019 – 1 BvR 2556/17 – ECLI:DE:BVerfG:2019:rk20190218.1bvr255617)</p> <p>Urteil vom 28.06.2022 – BVerwG 8 CN 1.21 'Gleichheitswidrige Regelung von Rentenanwartschaften in einer Versorgungssatzung' (Judgment of the Bundesverwaltungsgericht (Federal Administrative Court) of 26 June 2022, 8 CN 1.21 'discriminatory statutory regulation concerning the expectation of a retirement pension')</p>
Austria	Case/decision number, date/year, name of the court	<p>Conventional name (descriptive terms of up to ca. 10 words)<sup>43</sup></p> <p><i>Example:</i> OGH, 9 Ob 66/22d, 31.8.2022, Mitwirkungspflicht im Abstammungsverfahren und Demenz; Keine Pflicht zur Mitwirkung, soweit diese mit einer ernsten oder dauernden Gefahr für Leben oder Gesundheit verbunden wäre (OGH, 9 Ob 66/22d, 31.8.2022, Duty to cooperate in relation to parentage procedures and dementia; no duty to cooperate in the event of serious and permanent danger to life or health)</p>

<sup>43</sup> [Entscheidungen des OGH | Der Oberste Gerichtshof | ogh.gv.at](https://www.ogh.gv.at/Entscheidungen-des-OGH-Der-Oberste-Gerichtshof-ogh.gv.at).



<b>Bulgaria</b>	Case/decision number, date/year, name of the court	Subject matter/type of case <i>Example: Определение от 20.11.2002 г. на САС по гр. д. № 2273/2002 г., гр. колегия, 5 с-в (Order of 20 November 2002 of the Sofyiski apelativen sad (Court of Appeal, Sofia), civil case no. 2273/2002, civil panel, 5th Chamber)</i>
<b>Belgium</b> <sup>44</sup>	Case/decision number, date/year, name of the court	
<b>Croatia</b>	Case/decision number, date/year, name of the court	Type of records
<b>Denmark</b>	Case/decision number, date/year, name of the court	Publication reference, conventional name <i>Example: 'Umbrella-dommene' (Umbrella judgments)</i>
<b>Spain</b> <sup>45</sup>	Case/decision number, date/year, name of the court	ECLI number
<b>Estonia</b>	Case/decision number, date/year, name of the court	
<b>Finland</b>	Case/decision number, date/year, name of the court	ECLI number
<b>France</b>	Case/decision number, <sup>46</sup> date/year, name of the court	

<sup>44</sup> The specific case of the Belgian Constitutional Court is set out in Summary Table I.

<sup>45</sup> Variations in names and citations may be identified depending on whether it is a first occurrence or subsequent occurrences and depending on the court concerned.

<b>Greece</b>	Decision number, date/year, name of the court	Subject matter, applicable law
<b>Hungary</b>	Case/decision number, date/year, name of the court	<p>Subject matter, field of law, stage of the procedure, informal conventional name</p> <p><i>Examples:</i></p> <p>- <i>field of law: Kúria Pfv.III.21.492/2014/5. Pfv [decision of the Kúria (Supreme Court, Hungary)] (appeal for revision in a civil law case)</i></p> <p>— <i>informal conventional names: ‘malomkartell-ügy’ (‘mill cartel case’), ‘Voldemort ügy’ (‘Voldemort case’), ‘dr. Cs. J. K. – megvesztegetett pszichiáter ügy’ (‘dr. Cs. J.K. case – corrupt psychiatrist’)</i></p>
<b>Italy</b>	Case/decision number, date/year, name of the court	Number of summary <sup>47</sup>
<b>Latvia</b>	Case/decision number, date/year, name of the court	ECLI number, one or two sentences providing essential information on the scope of the decision in question, <sup>48</sup> acts or norms at issue <sup>49</sup>
<b>Lituania</b>	Case/decision number, date/year, name of the court	Type of case
<b>Luxembourg</b>	Case/decision number, date/year, name of the court	

<sup>46</sup> As a general rule, only the case number is used. The specific cases concerning the Council of State and the Constitutional Council are set out in Summary Table I.

<sup>47</sup> Applies only to criminal cases of the Corte suprema di cassazione (Supreme Court of Cassation).

<sup>48</sup> Applies only to the most important decisions as chosen by the Augstākā tiesa (Senāts) (Supreme Court) and published on that court's website.

<sup>49</sup> Applies only to decisions of the Latvijas Republikas Satversmes tiesa (Constitutional Court), which has jurisdiction to rule, in particular, on the compatibility of government laws or regulations with the Constitution (Latvijas Republikas Satversme), or on the compatibility of government regulations with laws. The name of the case is formulated as follows: ‘On the compatibility of the [norms of a lower act in the hierarchy of legal norms] with [the norms of a higher act in the hierarchy of legal norms]’. This citation method also applies to pending cases.

<b>Netherlands</b>	Case/decision number, date/year, name of the court	ECLI number, usual name or informal conventional name  <i>Examples: 'Zwolsman-arrest' ('Zwolsman judgment') (informal usual name); 'Iraanse vluchtelingen' ('Iranian refugee') (informal conventional name)</i>
<b>Poland</b>	Case/decision number, date/year, name of the court	Subject matter of the case <sup>50</sup>  <i>Example: Postanowienie Trybunału Konstytucyjnego z dnia 8 czerwca 2022 r., SK 74/20, Prawo osadzonego do otrzymywania zapomogi (Order of the Constitutional Court of 8 June 2022, SK 74/20, Detainee's right to receive assistance)</i>
<b>Portugal</b>	Case/decision number, date/year, name of the court	Name of the judge-rapporteur, <sup>51</sup> ECLI number, publication reference <sup>52</sup>
<b>Romania</b>	Case/decision number, date/year, name of the court	Subject matter of the case/conventional name, stage of proceedings  <i>Example: Decizia nr. 329 din 26 mai 2022 referitoare la excepția de neconstituționalitate a dispozițiilor art. 297 din Codul penal (Decision No. 329 of 26 May 2022 concerning the plea of unconstitutionality of provisions of Article 297 of the Penal Code)</i>
<b>Slovakia</b> <sup>53</sup>	Case/decision number, date/year, name of the court	ECLI number

<sup>50</sup> Applies only to the list of cases of the Trybunał Konstytucyjny (Constitutional Court). It should be noted, however, that this element is not part of the name of the case and is not the subject of a citation, but serves only to facilitate the search for or review of decisions published in the database.

<sup>51</sup> Particularly in legal literature and in an unsystematic manner.

<sup>52</sup> Judgments are available in a database ([www.dgsi.pt](http://www.dgsi.pt)).

<sup>53</sup> For specific cases, see Summary Table I.

<b>Slovenia</b>	Case/decision number, date/year, name of the court	
<b>Sweden</b>	Case/decision number, date/year, name of the court	Publication reference, <sup>54</sup> conventional name  <i>Examples of conventional names: Dagsbot och skuldsanering (Day fine and debt relief); Initialerna (The initials)</i>
<b>Czechia</b> <sup>55</sup>	Case/decision number, date/year, name of the court	Publication reference, conventional name <sup>56</sup>  <i>Examples: 'nález Ústavního soudu ze dne 8. 3. 2006 sp. zn. Pl. ÚS 50/04 (N 50/40 SbNU 443; 154/2006 Sb.) – cukerné kvóty III' [judgment of the Constitutional Court of 8 March 2006, sp. zn. Pl. ÚS 50/04 [N 50/40 SbNU (official collection of judgments and orders) 443; 154/2006 Sb. (official collection of legislation) – sugar quotas III]]<sup>57</sup></i>  <i>'K povinnosti soudu odůvodnit usnesení o zamítnutí žádosti DLE § 327 odst. 1 písm. b) trestního řádu' [Obligation on the court to state reasons for an order rejecting an application made under section 327(1)(b) of the Criminal Procedural Code]<sup>58</sup></i>

<sup>54</sup> Namely, the number of the page in the NJA on which the relevant decision starts [for decisions of the Högsta domstolen (Supreme Court)]. As regards cases of the Högsta förvaltningsdomstolen (Supreme Administrative Court), decisions are published in the *Högsta förvaltningsrättens årsbok*, either as a 'Referat' ('ref.'), or as a 'Notis' ('not.'), depending on the importance of the case. The name ('HFD') of cases published by the Högsta förvaltningsdomstolen (Supreme Administrative Court) is followed by the year of publication and 'ref.' or 'not.', and the number in chronological order of the case in the publication.

<sup>55</sup> However, on rare occasions, usual names containing the names of the parties appear in the case-law, in addition to the above-mentioned information. This applies, in particular, to the case-law of the Nejvyšší správní soud (Supreme Administrative Court) and the administrative courts, but it is an informal and optional practice which is far from systematic. This practice therefore has no impact on anonymised cases.

<sup>56</sup> The Constitutional Court uses, in the case-law search form on its website, and rather exceptionally in its case-law, conventional names that briefly state the 'theme' of the proceedings.

<sup>57</sup> Citation of case-law ([sp. zn. Pl. ÚS 10/17](#)).

<sup>58</sup> Constitutional Court website ([I.ÚS 868/21 #1](#)).

### III. SUMMARY TABLE ON THE NAMES AND CITATIONS OF CASES BEFORE THE INTERNATIONAL COURT OF JUSTICE AND THE INTERNATIONAL CRIMINAL COURT

International Court of Justice		International Criminal Court
In contentious matters	In advisory matters	
<p>I. <u>Proceedings instituted by notification of a special agreement</u>: name composed of the <b>legal question</b>, followed, in brackets, by the <b>names of the States</b> involved, separated by an oblique.</p> <p>Example: <i>Frontier dispute</i> (Benin/Niger)<sup>59</sup></p> <p>II. <u>Proceedings instituted by submission of an application</u>: name composed of the <b>legal question</b>, followed, in brackets, by the <b>names of the States</b> involved, separated by abbreviation of the word 'against'.</p> <p>Example: <i>Territorial and maritime dispute</i> (Nicaragua v. Colombia)<sup>60</sup></p> <p>III. <u>Diplomatic or consular protection cases</u>: where applicable, the <b>name of the person concerned</b>/of one of the persons concerned, whether they are a natural or legal person, followed, in brackets, by the <b>names of the States</b> at issue, separated by the abbreviation of the word 'against' or by an oblique, in accordance with how the proceedings have been brought</p>	<p>The <b>legal question</b> determines the name of the case.</p> <p>Examples: <i>Legal consequences of the separation of the Chagos archipelago from Mauritius in 1965</i>;<sup>62</sup> <i>Accordance with international law of the unilateral declaration of independence in respect of Kosovo</i><sup>63</sup></p>	<p>The case name contains the <b>name of the person being prosecuted</b>, in the format 'The Prosecutor v. <i>name of the accused person</i>'.</p> <p>The <b>commonly used name of the person being prosecuted</b> may be added in brackets and in inverted commas after his or her surname.<sup>64</sup></p> <p><u>Citation of the case-law</u>: follows the same format, sometimes in an abbreviated form, with the addition of a procedural code where appropriate.</p> <p>Examples: 'Lubanga OA5 judgment',<sup>65</sup> 'Ngudjolo judgment'<sup>66</sup></p>

<sup>59</sup> <https://www.icj-cij.org/case/125>.

<sup>60</sup> <https://www.icj-cij.org/public/files/case-related/124/7078.pdf>.

<p>before the Court (see I or II above).</p> <p>Example: <i>Jadhav</i> (India v. Pakistan)<sup>61</sup></p> <p>IV. <u>Citation of the case-law</u>: follows the same format.</p>		
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<sup>62</sup> <https://www.icj-cij.org/public/files/case-related/169/169-20170623-REQ-01-00-EN.pdf>.

<sup>63</sup> <https://www.icj-cij.org/public/files/case-related/141/14798.pdf>.

<sup>64</sup> For example, in the case *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ('Ali Kushayb').

<sup>65</sup> <https://www.legal-tools.org/doc/585c75/pdf>.

<sup>66</sup> See example here: [https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2018\\_03730.PDF](https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2018_03730.PDF).

<sup>61</sup> <https://www.icj-cij.org/case/168>. For further examples, see <https://www.icj-cij.org/case/103>, <https://www.icj-cij.org/case/128>, <https://www.icj-cij.org/fr/case/104>, <https://www.icj-cij.org/case/76>, <https://www.icj-cij.org/case/50>, <https://www.icj-cij.org/case/34>, <https://www.icj-cij.org/case/18>, <https://www.icj-cij.org/case/14>.