



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

THIRD SECTION

**CASE OF THOMALDIS v. GREECE**

*(Application no. 28345/16)*

JUDGMENT

Art 10 • Freedom of expression • Finding of civil liability and order for damages against a journalist for the broadcast of materials in relation to alleged match fixing in Greek football on live television programmes he presented • Unlawful dissemination of witness statement from criminal investigation file and airing of unlawfully intercepted conversations • Boundaries of responsible journalism overstepped • Domestic courts adduced relevant and sufficient reasons, applied standards in conformity with Art 10 principles and based themselves on an acceptable assessment of the relevant facts • Interference “necessary in a democratic society” • Domestic authorities acted within margin of appreciation in striking a fair balance between competing interests at stake

Prepared by the Registry. Does not bind the Court.

STRASBOURG

7 May 2024

**FINAL**

**07/08/2024**

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



**In the case of Thomaidis v. Greece,**

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

Pere Pastor Vilanova, *President*,

Jolien Schukking,

Georgios A. Serghides,

Darian Pavli,

Andreas Zünd,

Oddný Mjöll Arnardóttir, *judges*,

Evgenia Prevedourou, *ad hoc judge*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 28345/16) 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”) by a Greek national, Mr Kyriakos Thomaidis (“the applicant”), on 10 May 2016;

the decision to give notice of the application to the Greek Government (“the Government”);

the withdrawal from the case of Mr Ioannis Ktistakis, the judge elected in respect of Greece (Rule 28 of the Rules of Court), and the ensuing decision of the President of the Section to appoint Ms Evgenia Prevedourou to sit as an *ad hoc* judge in the case (Article 26 § 4 of the Convention and Rule 29 § 1 of the Rules of Court),

the parties’ observations;

Having deliberated in private on 9 April 2024,

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

## INTRODUCTION

1. The application concerns a finding of civil liability against the applicant and an order to pay damages in relation to his work as a journalist and main presenter of a television programme.

## THE FACTS

2. The applicant was born in 1961 and lives in Thessaloniki. He was represented by Mr S. Tsakyrakis and Mr K. Mintziras, lawyers practising in Athens.

3. The Government were represented by their Agent’s delegate, Mr K. Georgiadis, Senior Adviser at the State Legal Council.

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

## I. TELEVISION PROGRAMMES

5. In 2011 criminal proceedings were initiated against several stakeholders of Greek professional football for allegedly fixing matches. Among the accused was Mr. V.M., the chairman of a football club and Vice-Chairman of the Hellenic Football Federation at the time.

6. The applicant is a journalist and the main presenter of the live television programme “Trial at SKAI” (“η δίκη στον ΣΚΑΙ”) which is broadcast by the nationwide television station “SKAI”.

7. The programme broadcast on 22 October 2012 was partly devoted to the subject of the reorganisation of the national football championships. During the programme the applicant produced a witness statement dating back to 2010, which was part of the main investigation into alleged match fixing. The applicant quoted from the statement, describing how A.M. (the chairman of a football club) had approached an Italian referee and claimed that he had collaborated with V.M. A.M. had then unsuccessfully attempted to bribe an Italian referee. Subsequently, V.M. had attempted to bribe the Italian referee through another referee, D., again without success, and V.M.’s team lost that match.

8. On 8 November 2012, on the television programme’s website, the applicant announced that A.K., a lawyer by profession and chairman of another football club, would make revelations about the match fixing scandal.

9. In a legal letter (εξώδικη διαμαρτυρία) served on the television station, the applicant and A.K. on 12 November 2012, V.M. complained that he had been repeatedly defamed by the television programme through the presentation of false facts and the unlawful use of audiovisual material and requested that they abstain from making any further malicious, insulting or defamatory reference to him and from presenting unlawful audiovisual material and intercepted evidence, while stating that he reserved all his legal rights.

10. On 12 November 2012 A.K. appeared on the programme and made comments about V.M. such as “since V.M. bought the shares ... there is literally a *junta* in Greek football” and “today everybody will understand ... who should go to prison, because football cannot tolerate this criminal organisation any longer, this *junta* which dominates ...”. A.K. further stated: “I was on the receiving end of terrible and slanderous behaviour by V.M., which I return to him in full measure and as of tonight all the Greek people and fans will learn who are the trash of Greek football and ... who should go to jail”. A.K. also read out lengthy parts of the records of intercepted conversations between A.M. and others, which indicated alleged attempts by V.M. to bribe referees and also contained some vulgar language. He further alleged that V.M. had been involved in a violent incident organised by the supporters of his football club’s fans against A.K.

11. At some point A.M. intervened by phone and complained that unlawfully intercepted conversations were being read out. A guest on the programme remarked that they had become listeners and not participants in a debate. The applicant stated that he could not condone A.K.'s views or the records of the intercepted conversations. He also remarked that "unlawful, intercepted transcripts of conversations" had been read out. However, he did not prevent A.K. from reading out or commenting on the transcripts.

12. It is apparent from the case file that the investigation into the allegations of match fixing attracted the attention of the media at the time. The issue had been made public before the two broadcasts and A.K. had previously shared in public information on the intercepted conversations.

## II. PROCEEDINGS AGAINST THE APPLICANT

13. On 19 November 2012 V.M. lodged a civil action against the applicant seeking compensation in the amount of about 500,000 euros (EUR) for non-pecuniary damage sustained on account of an infringement of his right to protection of his personality.

14. In judgment no. 2891/2013 of 20 May 2013 the Piraeus Court of First Instance held that the publication during the first broadcast of the witness statement, which formed part of the criminal investigation and the applicant's allowing the reading out of records of unlawfully intercepted conversations accompanied by insulting and defamatory comments made by A.K., who had been invited on the programme of 12 November 2012, had damaged V.M.'s honour and reputation and his social and professional position as a high-level stakeholder in Greek football. The publication of the witness statement in question had no connection with, and had not been necessary for the discussion of the reorganisation of the championship which followed, and it was already known to the public. It was expressly prohibited pursuant to Presidential Decree no. 77/2003 (which enacted the Code of Press Conduct, see paragraph 19 below), and the manner by which it had been made suggested that it aimed at insulting. The same applied to the second broadcast. It had not contributed to informing the public, since the allegations had already been known, but had aimed at providing A.K. with an opportunity to make insulting and defamatory comments in view of his personal quarrel with V.M. through the reading of the content of the unlawfully intercepted conversations. No commenting or substantial discussion among the guests had taken place. The fact that the applicant had declared that he had not endorsed A.K.'s views and that the transcripts of unlawfully intercepted conversations had been read out did not absolve him from his responsibility as the main presenter of the broadcast who allowed A.K. to air them and to make insulting comments. The court then examined the extent of the damage caused to V.M.'s reputation. It found that, in view of the national reach of the channel and its wide audience, which included sports professionals and

football fans, the damage was significant. In view of the type, extent and conditions of the damage caused, the applicant's responsibility for that damage and his intent to cause it, the time and place of the events, the wide publicity and its impact on V.M.'s professional, social and financial situation, the court found it reasonable to award EUR 10,000 to be paid to V.M. for non-pecuniary damage.

15. On 6 March 2014 the Piraeus Court of Appeal, by judgment no. 186/2014, dismissed the applicant's appeal and confirmed the award of damages. The Court of Appeal endorsed the judgment of the Piraeus Court of First Instance. It held that the content of the television programmes has been defamatory and harmful to the honour and reputation of V.M. and that the way in which the programmes had been constructed by the applicant indicated his intent to insult V.M. In this respect the court emphasised that the dissemination of the witness statement from an investigation file read out by the applicant was prohibited by law and that the conversations read out by A.K. had been unlawfully intercepted. In addition, the dissemination of the information in question had been unnecessary for public awareness as it had already been known to the public. The applicant's reading of the witness statement in the first programme had also been irrelevant to the discussion that followed on the restructuring of the Greek championship. In the second programme the applicant had, further, allowed A.K. to read the transcripts of unlawfully obtained conversations and make offensive comments about V.M., even though V.M. had called upon them to refrain from such behaviour. The court also noted that the applicant allowed A.K.'s remarks about V.M., in a context where there existed an intense dispute between the two men, without contributing to the viewers' awareness of the issue of match fixing in Greek football. As to the applicant's defence that his purpose was to inform the public and contribute to an in-depth discussion about match fixing, the court rejected it as no new revelations were made and no information was added for an in-depth investigation of the issue. Even though the applicant had, during the second programme, declared that he did not endorse A.K.'s views and that the transcripts read out were unlawfully obtained, he had planned the programmes in a way that indicated his intent to insult V.M. and failed to prevent A.K. from reading them out and making his insulting statements. The applicant's defence that he could not be responsible for the impugned content of his programmes was, thus, also rejected.

16. The Court of Cassation, by its judgment no. 1158/2015 of 31 August 2015, dismissed an appeal on points of law lodged by the applicant. The court agreed that the programmes broadcast constituted an insult to the plaintiff and found that the judgments rendered had been in compliance with Article 10 of the Convention and Article 14 of the Constitution on freedom of expression and press. It had also been in compliance with Articles 57 and 59 of the Civil Code on non-pecuniary damage for the infringement of personality rights combined with Articles 914 and 932 on tort liability, read in conjunction with

the provisions of the Penal Code prohibiting insult (see paragraph 18 below). The Court of Cassation equally dismissed the applicant's claim that the broadcast of the materials had been motivated by public interest and covered by journalistic freedom, noting the illegality of dissemination of the witness statement from the investigation file and the airing of unlawfully intercepted conversations, that their content had already been known to the public, and that no related discussion took place during the television programmes in question. Instead, it found that the design and content of both programmes, in particular that of 12 November 2012, had aimed to insult V.M. and attack his reputation. It concluded that the interference with the applicant's journalistic freedom had been proportionate in the circumstances.

17. It is apparent from the case file that in 2021 V.M. was acquitted of match fixing and of involvement in a criminal organisation.

## RELEVANT LEGAL FRAMEWORK AND PRACTICE

18. The relevant provisions of the Constitution, the Civil Code and the Criminal Code have been summarised, notably, in *Kapsis and Danikas v. Greece*, no. 52137/12, §§ 18-19, 19 January 2017, and in *Koutsoliontos and Pantazis v. Greece*, nos. 54608/09 and 54590/09, §§ 22-23 and 25, 22 September 2015.

19. Presidential Decree no. 77/2003 brought into force the Code of Conduct for news broadcasting and other journalistic and political programmes (hereafter "the Code of Press Conduct"), which describes the basic deontology principles regarding the production of news. Article 8 of the Code of Press Conduct states that information that is to be disseminated must be cross-checked and obtained by fair means; the dissemination of information that has been obtained through illegal interception, telephone tapping, hidden devices or any other similar unlawful means is not allowed. Article 11 of the same Code prohibits publication of documents obtained by the authorities in the course of an investigation or criminal proceedings.

20. The Government cited examples of the practice of the Court of Cassation and the Council of State to demonstrate that the approach of the highest Greek courts to allegations of insult and defamation made in respect of journalists under the cited provisions had been Convention-based and guided by the principle of proportionality. Thus, the overriding interest of the public to be informed of an important matter could result in a certain infringement of the right to privacy; at the same time publication of materials from pending investigation files could only be justified in truly exceptional circumstances, to avoid compromising the presumption of innocence and preserve the effective conduct of judicial proceedings, as well as the impartiality of the judiciary.

## THE LAW

### ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

21. The applicant complained that the domestic courts' judgments ordering him to pay compensation to V.M. had violated his right to freedom of expression guaranteed by Article 10 of the Convention, which reads as follows:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

#### **A. Admissibility**

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

#### **B. Merits**

##### *1. The parties' arguments*

23. The applicant argued that, as a journalist, he had a duty to impart the information in the context of the public debate concerning alleged match fixing – one of the main sports topics of the time, and involving high-placed public persons, such as the plaintiff. The subject matter was in no way related to V.M.'s private or family life, but focused on his public functions. The fact that the recordings had been obtained unlawfully could not alone justify the interference in question. Moreover, the documents were already in the public domain, reducing any harm that could be caused by their further disclosure. The applicant stressed that he had not been aware of the exact nature of the statements and revelations made by A.K. on the live programme in November 2012 and that he had dissociated himself from these statements. Finally, he was of the opinion that the sum awarded to V.M. for non-pecuniary damage had been disproportionate and risked creating a chilling effect on journalistic freedom.

24. The Government admitted an interference with the applicant's right to freedom of expression but considered that such interference had been proportionate and necessary in a democratic society, fully in line with the



Court's case-law. The interference was based on clear and accessible legal rules and pursued legitimate aims, such as protection of the reputation of others, prevention of disclosure of confidential information and protection of the judiciary. In this latter respect, in particular, the Government stressed that the publication of the witness statement from a pending criminal file had been illegal and that the conversations read out on the applicant's television programme had been unlawfully intercepted in clear breach of the standards of professional journalism. The Government pointed to the detailed review of the domestic courts which had, at three levels of jurisdiction, weighed the competing interests under Articles 8 and 10 of the Convention and had taken into account the factual circumstances of the case, thus remaining within the margin of appreciation accorded to the States in such matters.

25. These courts' decisions, in particular, concluded that the publication of the witness statement and information from the unlawfully intercepted conversations had neither been made in the context of a discussion on the reform of the championship, nor necessary to inform the public since their content had already been known; that their airing on the programmes thus added nothing new to the public debate; that A.M.'s reading from the intercepted conversation was accompanied by offensive and defamatory statements about the plaintiff; and that the applicant's intent to offend V.M. transpired from the design and presentation of the programmes. The Government finally submitted that the damages imposed on the applicant in civil proceedings had not been in any way disproportionate, in view of the level of damage to the plaintiff's interests carefully assessed by the courts. The civil penalty had not in any way interfered with the applicant's journalistic career, which continued uninterrupted.

## 2. *The Court's assessment*

26. The parties agree that the outcome of the civil proceedings complained of amounted to an interference with the applicant's right to freedom of expression. It is also undisputed that this interference was "prescribed by law" (see paragraphs 16 and 18 above) and pursued the legitimate aims of protecting "the reputation or rights of others", preventing "the disclosure of information received in confidence" and maintaining "the authority and impartiality of the judiciary". It remains to be established whether they were "necessary in a democratic society".

27. The relevant general principles of the Court's case-law have been summarised in *Bédat v. Switzerland* ([GC], no. 56925/08, §§ 48-54, 29 March 2016, with further references). The Court has reiterated, in particular, that the press plays an essential role in a democratic society and has a duty to impart information and ideas on matters of public interest. The protection afforded by Article 10 of the Convention to journalists, however, is subject to the proviso that they act in good faith in order to provide accurate and reliable information in accordance with the tenets of responsible journalism. The

concept of responsible journalism, further, embraces the lawfulness of the conduct of a journalist, and the fact that a journalist has breached the law is a relevant, albeit not decisive, consideration when determining whether he or she has acted responsibly (*ibid.*, § 49-50). When reporting on pending criminal proceedings, journalists must give consideration to everyone's right to a fair hearing as secured under Article 6 § 1 of the Convention, which includes the right to an impartial tribunal. The limits of permissible comment may, therefore, not extend to statements which are likely to prejudice, whether intentionally or not, the chances of a person receiving a fair trial (*ibid.*, § 51). It is legitimate for special protection to be afforded to the secrecy of judicial investigation in criminal proceedings in view of what is at stake, both for the administration of justice and for the right of persons under investigation to be presumed innocent (*ibid.*, §§ 68 and 80). In the specific context of the need to protect the confidentiality of information, one of the relevant considerations is whether the information in question was (un)known to the public. When a particular piece of information is already publicly known, the interest in maintaining its confidentiality might no longer constitute an overriding requirement. However, this factor will not necessarily remove the protection of Article 8 of the Convention, especially if the person concerned has not consented to its disclosure (see *N.Š. v. Croatia*, no. 36908/13, § 100, 10 September 2020, with further references).

28. The context in which remarks are made is also relevant, as in the case of oral statements made during a live broadcast, the host is deprived of the possibility of reformulating, perfecting or withdrawing them before they are made public (see *Lionarakis v. Greece*, no. 1131/05, § 44, 5 July 2007). Moreover, the punishment of a journalist for assisting in the dissemination of statements made by another person in an interview would seriously hamper the contribution of the press to discussion of matters of public interest and should not be envisaged unless there are particularly strong reasons for doing so (see *Jersild v. Denmark*, judgment of 23 September 1994, Series A no. 298, pp. 23-24, § 35, and, in the context of civil liability, *Erla Hlynisdóttir v. Iceland*, no. 43380/10, § 71, 10 July 2012).

29. The Court's task in exercising its supervisory function is not to take the place of the national authorities but rather to review, under Article 10 of the Convention, the decisions they have taken pursuant to their power of appreciation. What the Court has to do is look at the interference complained of in the light of the case as a whole and determine whether it was proportionate to the legitimate aim pursued and whether the reasons adduced by the national authorities to justify it are 'relevant and sufficient' (see *Bédat*, cited above, § 48). Where the national authorities have weighed up the interests at stake in compliance with the criteria laid down in the Court's case-law, the Court would require strong reasons to substitute its view for that of the domestic courts (*ibid.*, § 54, and *Axel Springer AG v. Germany* [GC], no. 39954/08, § 88, 7 February 2012). The Court will now examine the

justification for the interference, taking into account the domestic courts' assessment.

**(a) The lawfulness of the applicant's conduct**

30. There is no dispute that on 22 October 2012 the applicant had unlawfully disseminated the witness statement from a pending criminal investigation file and that the conversations disclosed on 12 November 2012 had been unlawfully intercepted. This was accepted by the domestic courts and not challenged by the applicant (see paragraphs 14-16 and 23 above). This element, while not a determining one, plays a role in the balancing of interests carried out by the Court. The Court finds that the domestic courts correctly emphasised it as part of their balancing of interests in the applicant's case as he, as a professional journalist, could not claim in good faith to have been unaware of the unlawful means by which the recordings had been obtained or that the disclosure of the witness statement was in breach of the relevant legislation (see *Bédat*, cited above, § 57, and *Giesbert and Others v. France*, nos. 68974/11 and 2 others, § 86, 1 June 2017).

**(b) Content of the broadcasts**

31. As regards the content of the impugned television programmes, the domestic courts concluded that it was intentionally defamatory and harmful to the honour and reputation of V.M. as well as his social and professional status within Greek football (see paragraphs 14-16 above). They further concluded that the records of the conversations and the allegations against V.M. made by A.K., accompanied by offensive language, were presented in the context of an intense dispute between the two men, without contributing further to the viewers' awareness of the match fixing cases.

32. The applicant argued that the information he had presented in the October programme was a quotation from a witness statement and that he had not taken a specific stance on the allegations against V.M. He had, further, expressly indicated in the November programme that he could not condone the views of A.K. or the records of the intercepted conversations (see paragraph 10 above). In addition, that programme was broadcast live on television, so he had but a limited possibility to reformulate, refine or retract A.K.'s comments before they were made public (see *Lionarakis*, cited above, § 44). The applicant asserted that he had formally distanced himself from A.K.'s statements and could not be held liable for his personal remarks (compare with *Jersild*, cited above, §§ 34-35).

33. The Court notes, as the domestic courts did, that the applicant made no effort in the October programme to contextualise the information about the allegations against V.M. in a broader informed discussion about the investigation of the match fixing cases. The same applies, as the domestic courts have stressed, to the November programme, which the applicant

prepared knowing in advance not only about the quarrel between the two men but also about the key content of A.K.'s contribution, as suggested by the announcement made prior to the broadcast (see paragraph 8 above). In addition, the Court notes that the applicant does not claim to have endeavoured to give V.M. the opportunity to react to the accusations raised against him and that he allowed A.K. to proceed to read out *in extenso* the records of the intercepted conversations without introducing any attempt to balance the negative views contained therein. The Court cannot but conclude from all the above that the applicant aimed for a sensationalised coverage of V.M.'s alleged role in match fixing and invited the viewers to reach a foregone conclusion on his guilt (compare *Bédât*, cited above, § 60, and contrast *Erla Hlynisdóttir v. Iceland* (no. 2), no. 54125/10, § 73, 21 October 2014).

**(c) Contribution to a public interest debate**

34. It is true that the criminal investigation into the match fixing cases was a matter of public interest, involving a problem about which the public would have an interest in being informed and which had been widely reported in the Greek sports media (see *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 171, 27 June 2017). However, the domestic courts in reasoned judgments held that since the information contained in the witness statement and the intercepted conversations was already known to the public, its disclosure had not contributed to informing the public. Here, a distinction must be made between the subject of the criminal investigation into the match fixing cases as a matter of public interest and the way in which the applicant prepared and conducted his programmes. The disclosures made on the applicant's programmes were not accompanied by any further discussion of the subject of the match fixing cases. Also, in addition to the fact that allegations about V.M.'s involvement in match fixing had already been disclosed more than a year previously, A.K. himself indicated that he had been reacting to V.M.'s previous remarks and his conduct appeared to have been part of a personal quarrel (contrast with *Ottan v. France*, no. 41841/12, § 63, 19 April 2018, and compare with the approach in similar context but concerning the applicant's own remarks, *Țuș v. Romania* (dec.) [Committee], no. 23562/13, § 28, 17 December 2019, with further references). In sum, the Court sees no reason to substitute its view for that of the domestic courts, which had a certain margin of appreciation in such matters (see *Bédât*, cited above, §§ 65-67).

**(d) Influence on the criminal proceedings**

35. It appears from the case file that parts of the records aired in both programmes have been disclosed earlier. However, as already noted, this factor alone cannot take away the protection normally accorded to the secrecy

of judicial investigations or to sensitive personal information (see paragraph 27 above). The Court notes that the witness statement read out by the applicant in the October programme was clearly covered by the secrecy of the criminal investigation in question. It further notes that V.M. had, prior to the November broadcast, called upon the applicant and A.K. to refrain from any defamatory reference to his name or character and from presenting any unlawfully obtained materials at their disposal (contrast *Brisco v. Romania*, no. 26238/10, § 113, 11 December 2018). The Court has already found that the content of the broadcasts in question invited viewers to reach a foregone conclusion on V.M.'s guilt in the match fixing cases. At a time when the criminal investigation was still ongoing, this entailed a risk of influencing the course of proceedings. The Court, therefore, sees no reason to substitute its view for that of the domestic courts when, in balancing the right to freedom of expression with the right to respect for private life and the maintaining of the authority and impartiality of the judiciary, they gave considerable weight to the illegality of how the materials in question were disseminated and obtained.

**(e) Infringement of V.M.'s right to respect for his private life**

36. The Court notes that V.M. was, in view of his position, a public figure and the limits of acceptable criticism must accordingly be wider than in the case of an ordinary person. It also agrees that the disclosed information did not concern his personal life, but rather his alleged conduct in his function as the chairman of a football club and a powerful actor in Greek football (see, *mutatis mutandis*, *Erla Hlynisdóttir*, cited above, § 65). However, as explained by the domestic courts, the design of the programmes and the statements made by A.K. on 12 November 2012 were capable of seriously tarnishing V.M.'s reputation, and thus attained a level of seriousness to be able to cause prejudice to the enjoyment of his right to respect for private life (see *Bédat*, cited above, § 72). They essentially portrayed V.M. as a dangerous person involved in illegal practices and prejudged the results of a pending investigation. There can be no doubt that, following the legal letter of 12 November 2012, the applicant was fully aware of this (see paragraph 8 above). In such circumstances, taking also into account the way in which the applicant planned and executed his programmes (see paragraph 33 above), the Court aligns with the domestic courts' assessment that the boundaries of responsible journalism have been overstepped in the present case (compare *Sağdıç v. Turkey*, no. 9142/16, §§ 40-41, 9 February 2021).

**(f) Proportionality of the damages awarded**

37. Lastly, the order for the applicant to pay damages was made in civil and not in criminal proceedings. In assessing the amount of damages the domestic courts explicitly referred to specific facts, such as the broadcasting

of the programme on a national television network, its wide audience including sports professionals and fans, the assessed damage to V.M.'s reputation (see paragraph 14 above). In the light of the above considerations, the Court finds that the reasons given by the national courts to justify the proportionality of the damages awarded were relevant and sufficient in the circumstances (compare with *Milosavljević v. Serbia* (no. 2), no. 47274/19, §§ 69-70, 21 September 2021, and *Peruzzi v. Italy*, no. 39294/09, §§ 64-65, 30 June 2015).

**(g) Conclusion**

38. In the light of the above considerations, the Court concludes that the reasons that the domestic courts adduced to justify the interference with the applicant's rights were "relevant and sufficient" and addressed the key elements of the case. The Court is satisfied that the domestic courts applied standards which were in conformity with the principles embodied in Article 10 of the Convention and based themselves on an acceptable assessment of the relevant facts. It therefore discerns no strong reasons which would require it to substitute its view for that of the domestic courts and to set aside the balancing done by them (see *Satakunnan Markkinapörssi Oy and Satamedia Oy*, cited above, § 198). The interference with the applicant's exercise of his right to freedom of expression could therefore reasonably be regarded as "necessary in a democratic society" within the meaning of Article 10 § 2 of the Convention and the authorities of the respondent State acted within their margin of appreciation in striking a fair balance between the competing interests at stake. The Court therefore concludes that there has been no violation of Article 10 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been no violation of Article 10 of the Convention.

Done in English, and notified in writing on 7 May 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova  
Deputy Registrar

Pere Pastor Vilanova  
President