



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

FIFTH SECTION

CASE OF ARVANITIS AND PHILELEFTHEROS PUBLIC COMPANY LIMITED v. CYPRUS

(Application no. 49917/22)

JUDGMENT

Art 10 • Freedom of expression • Civil sanctioning of journalist and newspaper publisher for publishing defamatory article on well-known lawyer in the context of general-interest issue of restitution of looted art • Exaggerated expressions, in reaction to lawyer's own article, not overstepping the boundaries permissible to free press • Domestic courts' approach overly restrictive and not in conformity with Art 10 principles • Civil sanction placing significant pecuniary burden on applicants and having chilling effect on open discussion on matters of public concern • Not relevant and sufficient reasons • Disproportionate interference not "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

3 July 2025

FINAL

03/10/2025

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

**In the case of Arvanitis and Phileleftheros Public Company Limited
v. Cyprus,**

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

Kateřina Šimáčková, *President*,

María Elósegui,

Stéphanie Mourou-Vikström,

Georgios A. Serghides,

Gilberto Felici,

Mykola Gnatovskyy,

Diana Sârcu, *judges*,

and Victor Soloveytschik, *Section Registrar*,

Having regard to:

the application (no. 49917/22) against the Republic of Cyprus lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Cypriot and Greek dual national, Mr Christos Arvanitis, and Phileleftheros Company Limited, a company registered in Cyprus (“the applicants”), on 20 October 2022;

the decision to give notice to the Cypriot Government (“the Government”) of the complaint concerning the applicants’ freedom of expression and to declare the remainder of the application inadmissible;

the decision of the Greek Government not to intervene in the case concerning the first applicant;

the parties’ observations;

Having deliberated in private on 10 June 2025,

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

INTRODUCTION

1. The case concerns an alleged breach of the right of the applicants – a journalist and the publisher of a daily newspaper – to freedom of expression under Article 10 of the Convention on account of a judgment given against them in civil defamation proceedings.

THE FACTS

2. The first applicant was born in 1951 and lives in Nicosia. The second applicant, Phileleftheros Public Company Limited, is a company registered under Cypriot law and is the publisher of the daily newspaper *Phileleftheros*. The applicants were represented by Mr G. Trillidis, a lawyer practising in Strovolos, Nicosia.

3. The Government were represented by their Agent, Mr G. L. Savvides, Attorney General of the Republic of Cyprus.

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

I. BACKGROUND TO THE CASE

5. In June 2007, a lawyer, C.K., wrote an article which was published in the Sunday edition of a well-known Greek newspaper – *To Vima* – explaining how he had managed to recover two paintings belonging to his family which had been left in the occupied areas of Cyprus when the family had fled during the 1974 Turkish invasion. C.K. explained that he had recovered the first painting “after paying a sum of over thirty silver coins” to unknown persons. Unable to recover the second painting “in exchange for money”, and inspired by the American film *The Thomas Crown Affair*, he had eventually managed to recover the painting by replacing it with a forgery.

II. THE PUBLISHED ARTICLE

6. On 1 July 2007 the first applicant, a columnist, wrote an article which was published by the second applicant in *Phileleftheros*, entitled “Property-Dignity, One-Nil” (“the article”). The article read as follows:

“A few years ago, a friend of mine took the business card of an antique dealer in the occupied territories, who, marketing himself to Greek Cypriots, advertised [his services], which included home delivery. It was obvious that almost all his merchandise originated from abandoned Greek-Cypriot houses. So, when I gave advice in this column on ‘how to repurchase your belongings’, I could not have imagined how many people would follow my advice, even without reading [my column]. Today, while some individuals have brought proceedings before the European Court [of Justice], two or three hundred people are negotiating with the thieves directly for [the return of] their property....

The lawyer [C.K.], who represents [M.A.] (in proceedings seeking to enforce [M.A.’s] property rights against British land-snatchers who unlawfully occupy his land situated in the occupied territories), described, in an emotional article in the Sunday edition of *To Vima*, how he had managed to (re)purchase two paintings by G. Pol. Georgiou, which belonged to his family, from their new ‘owners’, without forgetting to denounce in advance ‘self-appointed hyper-patriots’ who would most likely criticise his conduct, and also advising any future followers to seek inspiration from American cinema (for example, *The Thomas Crown Affair*).

I don’t know how a stolen house differs from a stolen painting or an old trunk, nor how paying a ‘ransom’ for a piece of art in the occupied territories fits in with American films and morals. Everyone is free to measure his or her own dignity and priorities as he or she sees fit, regardless of our own standards. Nonetheless, when the actions and public inducements of someone like a lawyer involved in an important case in Europe (the outcome of which is likely to affect the fate of many other cases brought by his compatriots) have wider consequences, dignity and personal priorities acquire special significance. Although it is not my business, I cannot help but wonder: is this how he advises his clients?

You may ask me, ‘What is it that you want? Why are you getting involved in matters which are none of your concern? So be it, pay a ransom, sell your dignity, suck up to

your rapists, “hang” your compatriots; it’s your right to do so!’ . And it is my right to respond to publicly stated opinions. As I see it, for a while now the Cypriot [problem] has been reduced to a ‘Thomas Crown affair’ *alla turca* ...”

7. The issue sold 24,482 copies.

III. CIVIL DEFAMATION PROCEEDINGS

A. First-instance proceedings (civil action no. 6483/08)

8. On 10 November 2008 C.K. lodged a civil defamation claim against the applicants with the Nicosia District Court.

9. C.K. argued that the article had damaged his personal and professional reputation. As a well-known Cypriot lawyer dealing with Greek-Cypriot properties in occupied Cyprus, he argued that the article falsely portrayed him as advising clients against the national interest. He stated that his active involvement in political, social and cultural issues made him a respected figure who had never faced such an attack before. He alleged that the article depicted him as prioritising material goods over the national interest, harming his compatriots who had applied to the European courts to reclaim their property, and as someone who negotiated with thieves. C.K. countered those claims, asserting that his actions and advice had never undermined national interests, and that his article in the Greek newspaper was a personal account, honouring a Cypriot artist.

10. The applicants argued that the article had been based on the truth and had constituted fair comment concerning a matter of public interest, namely the recovery of Greek-Cypriot property from the occupied areas. The article had been written in good faith. Specifically, the first applicant argued that the Cypriot audience had had access to the Greek newspaper, which had been available online. Having read C.K.’s article, he had wished to comment on it and to take part in a wider public debate concerning the issue of the movable property of Greek Cypriots, which had resurfaced with the opening of the barricades separating the north from the south side of the island in 2003. He had already commented on the issue in the past. He had not sought C.K.’s opinion prior to publishing his article as he considered the information given by C.K. to be true and in any event, there had been no obligation on him to seek the opinion of the writer of an already published article. He argued that his comments had been honest and sincere, expressing his own reflections on the matter. The applicants further argued that the following assertions were true: C.K. had recovered two paintings that had remained in the occupied territories after the 1974 invasion, paying for one and replacing the other with a forgery; he had unsuccessfully negotiated the return of a family painting; and he was indifferent to where the money ended up.

11. On 18 September 2014 the court gave a decision in favour of C.K. It found the publication defamatory and ordered the applicants to pay damages,

jointly and/or severally in the amount of 12,000 euros (EUR), plus statutory interest as of the date of the decision.

12. In making its assessment, the court considered that the article had gone beyond expressing an opinion on the matter and had made specific reference to C.K., directly attacking his personality and harming his professional standing by characterising him as a person who had given up his dignity and sold out his compatriots by bargaining with thieves. Both the applicant's dignity and his love of his country had been attacked. The article had been published at a time when C.K. was representing clients before the Court of Appeal of England and Wales on matters of property in the occupied parts of Cyprus. It had therefore been published at a time when C.K.'s reputation as a lawyer was at its peak, and it had called that reputation into question. The court further considered that the first applicant had failed to reach out to C.K. as a responsible journalist ought to have done. He had not enquired into whether the manner of recovering the property in question had been usual, nor had he asked C.K. how much he had paid to recover the first painting (which turned out to be 1,000 Cyprus pounds (CYP)). He had not made enquiries into the painting's value (which turned out to be over CYP 50,000) to check whether the amount paid could be compared to a ransom. At the same time, the court noted that C.K. had never said that he had bought the painting. While the recovery of the painting had been achieved "with money", that did not equate the exchange with an act of purchase. In any event, the amount paid by C.K. to recover the painting had not been equivalent to its value. In addition, as stated in C.K.'s article, C.K. did not know whether the money had been given to the Turkish tavern owner who had the painting in his possession or whether it had been kept by the party acting as an intermediary. Therefore, the applicants had wrongly inferred that C.K. had bargained with thieves and had bought the painting from the new owner. As such, the court considered that the article in question had had no basis in truth and that the applicants had distorted the meaning of C.K.'s article, using it as a basis for commentary and for expressing their own opinion.

13. The court went on to assess whether the article could be considered fair comment on a matter of public interest. It considered that the article concerned a matter of public interest, namely property issues arising from the Turkish occupation and the overall Cyprus problem. However, it considered that the article went beyond an expression of fair comment, but rather, it contained vulgar and bad-faith personal attacks on C.K. That finding was also supported by the fact that other individuals and State bodies had also paid money in the past to regain possession of antiquities or cultural goods belonging to Greek Cypriots at the time of the Turkish invasion and which had thereafter been stolen by third parties. The goal was to save and preserve the cultural heritage of Cyprus by returning such goods to their owners. Such an act had not been reprehensible or unfair as it had not always been possible

to achieve the goal in question through legal procedures. Accordingly, the court considered that the article had not had a sufficient factual basis. Furthermore, the applicants had created the impression that C.K. was a traitor, without first seeking C.K.'s opinion on the Cyprus problem before disseminating the article. This failure showed that the first applicant had not acted in good faith.

14. Lastly, the court did not consider C.K. to be a public figure. The fact that as a lawyer he had handled an important case did not make him one. In reaching that conclusion, the court referred to the fact that throughout the proceedings the applicants had suggested that C.K. was not widely regarded as a public figure; accordingly, they should not be able to rely on this as a mitigating factor. The first applicant gave evidence that he had been unaware of C.K.'s actions relating to the Cyprus problem and that the article had targeted C.K. as a lawyer handling a significant case, not as a political figure. The applicants had even tried to undermine C.K.'s professional image by questioning whether he or English lawyers had been leading counsel in the case before the Court of Appeal of England and Wales.

B. Appeal proceedings (no. 320/14)

15. The applicants lodged an appeal with the Supreme Court.

16. On 24 June 2022 the Supreme Court upheld the District Court's findings. It found, *inter alia*, that C.K. was a private individual, not a public figure. It further considered that the article had not been based on the truth as C.K. had never suggested that he had "bought" the paintings. Instead, C.K. had used the word "recovered". While the painting had been recovered as a result of the exchange of money, that did not, according to the Supreme Court, unequivocally mean that a purchase had taken place. The same applied to the fact that C.K. had not stated in his article that he had negotiated with the Turkish tavern owner who had been the new "owner of the painting". That being so, the first applicant had wrongly accused C.K. of "bargaining with thieves" and buying the painting from its "new owner". The Supreme Court agreed with the District Court that the article did not constitute fair comment and that in any event it had not had a basis in the truth.

RELEVANT LEGAL FRAMEWORK

17. The relevant constitutional provisions concerning freedom of expression, as well as the legislative provisions concerning the law of defamation, are set out in *Alithia Publishing Company Ltd and Constantinides v. Cyprus* (no. 17550/03, §§ 34-39, 22 May 2008).

18. Importantly, the defences available to an action for defamation are set out in section 19 of the Civil Wrongs Law (Cap. 148), which, in so far as relevant, provides:

“In an action for defamation it shall be a defence -

(a) that the matter concerning which the complaint was made was true:

Provided that where the defamatory matter contains two or more distinct charges against the plaintiff, a defence under this paragraph shall not fail by reason only that the truth of every charge is not proved, if the defamatory matter not proved to be true does not materially injure the plaintiff's reputation having regard to the truth of the remaining charges:

(b) that the matter of which complaint was made was a fair comment on some matter of public interest:

Provided that where the defamatory matter consists partly of allegations of fact and partly of expression of opinion, a defence of fair comment shall not fail by reason only that the truth of every allegation of fact is not proved, if the expression of opinion is a fair comment having regard to such of the facts alleged or referred to in the defamatory matter complained of as are proved:

Provided further that a defence under this paragraph shall not succeed if the plaintiff proves that the publication was not made in good faith within the meaning of subsection (2) of section 21 of this Law; ...”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

19. The applicants complained that the domestic courts' judgments constituted a disproportionate interference with their right to freedom of expression under 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 and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

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

20. The Court 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 parties' submissions*

(a) The applicants

21. The applicants reiterated the arguments raised before the domestic courts (see paragraph 10 above). They stressed that the article principally contained statements amounting to value judgments in response to C.K.'s autobiographical article which had brought the matter in question into the public sphere. The factual basis for those value judgments had been C.K.'s own article, and there had therefore been no need for the first applicant to undertake any further research. It had been clear from C.K.'s article that he had handed over money ("more than thirty pieces of silver") to people largely unknown to him to bring him one of the two paintings which had been hanging on the walls of a restaurant owned by a settler in the occupied parts of Cyprus. After he had handed over the money and had recovered the first painting, he had tried to do the same with the second, which, according to C.K.'s article, could not be recovered "in exchange for money". That being so, C.K. had come up with the plan, inspired by American films, of replacing the painting with a forgery. The applicants therefore argued that there was a sufficient factual basis for the allegations raised in the first applicant's article, even if not every single aspect of those allegations could be proved to be true. One of the paintings had indeed been retrieved from its new "owners" after money had been handed over; C.K. had made a sarcastic reference to "self-appointed hyper-patriots"; and C.K. had referred to being inspired by well-known American films to replace the original painting with a forgery. According to the applicants, any discrepancies were marginal and were permitted on account of journalistic freedom.

22. The applicants also argued that the language used, while caustic, had not been disproportionate, nor could it be considered to be an attack on C.K.'s reputation or dignity as the article had a sufficient factual basis. A certain degree of exaggeration in journalistic expression should be tolerated.

23. In addition, while C.K. was not a political figure, at the time of publication he had nonetheless been a public figure. C.K. himself had included in his written statement before the courts four pages listing his public activities such as interviews given to newspapers in his capacity as a novelist and details of publications in the Greek-Cypriot, Turkish-Cypriot, and British press in connection with his activities as a lawyer. Before the domestic courts, C.K. had insisted that he considered himself well known in the legal profession in Cyprus, particularly because of the high-profile case concerning Greek-Cypriot properties in the occupied parts of Cyprus. He also considered himself to be well known in Cypriot society owing largely to his substantial activity over the years in the political, social, and cultural domain.

(b) The Government

24. The Government did not dispute the existence of an interference with the applicants' rights under Article 10 of the Convention. They argued that the interference had been prescribed by law, namely the Civil Wrongs Law (Cap. 148), and had pursued the legitimate aim of protecting the rights and reputation of others. They accepted that the article addressed, generally, certain aspects of the property question arising in the context of the Cyprus problem and, specifically, the means of restitution of looted art to its rightful owners. As such, the Government accepted that the subject matter of the publication in question had attracted public interest and had the potential to contribute to an important public debate. However, they argued that the article had barely served that stated purpose and had merely constituted a vehement attack on C.K.'s reputation and dignity.

25. As regards the necessity of the interference, the Government endorsed the reasoning of the civil and appeal courts and maintained that there had been no violation of Article 10 in the present case. They further argued that the first applicant had failed to comply with his duty to act in good faith and to provide reliable and precise information, or to verify factual allegations before disseminating them to the public. They stressed that the first applicant, a journalist, had not enquired into the actual circumstances of the recovery of the paintings. Instead, he had made the false assumption that C.K. had "repurchased" them. The fact that a symbolic amount had been paid by C.K. to assist in the recovery of the painting could not be considered to entail repurchasing it. A reasonable interpretation of C.K.'s words could have suggested that he had paid someone to steal and return the painting, aligning with C.K.'s description of mobilising help for its safe return. The assertion that C.K. had repurchased the painting was thus false. The applicants had not made enquiries which might have clarified that the amount of the symbolic payment had only been a fraction of the painting's value and they had portrayed C.K.'s actions as "disgraceful" without proper context. The domestic courts had therefore rightly found that the first applicant had twisted C.K.'s words and had failed to convey the truth as to the relevant circumstances. In addition, the first applicant's explicit statement that C.K. had negotiated with the paintings' "new owners" had been false and entirely unsupported by evidence. C.K. had not negotiated with anyone. After receiving no answer to his request to have the paintings returned to him as their rightful owner, he had used the means described in his article to retrieve them. The defence of "truth" could not therefore be accepted. Similarly, the finding of malice defeated the defence of "fair comment", especially when viewed together with the intense tone of the accusations levelled against C.K.

2. *The Court's assessment*

(a) Existence of an interference and whether the interference was prescribed by law and pursued a legitimate aim

26. The Court notes that it is undisputed that the judgments in the civil proceedings against the applicants amounted to an “interference” with the exercise of their right to freedom of expression. The Court also finds, and the parties agree on this point, that the interference complained of was prescribed by law, namely the Civil Wrongs Law, and was intended to pursue a legitimate aim referred to in Article 10 § 2 of the Convention, namely, to protect “the reputation or rights of others”. Thus, the only point at issue is whether the interference was “necessary in a democratic society” to achieve such aims.

(b) Whether the interference was necessary in a democratic society

(i) General principles

27. The Court refers to the general principles for assessing the necessity of an interference with the exercise of freedom of expression as set out in *Axel Springer AG v. Germany* ([GC], no. 39954/08, §§ 78-95, 7 February 2012).

28. When called upon to examine the necessity of an interference in a democratic society in the interests of the “protection of the reputation or rights of others”, the Court may be required to ascertain whether the domestic authorities struck a fair balance when protecting two values guaranteed by the Convention which may come into conflict with each other in certain cases, namely, on the one hand, freedom of expression protected by Article 10 and, on the other, the right to respect for private life enshrined in Article 8 (see *Balaskas v. Greece*, no. 73087/17, § 37, 5 November 2020). In order for Article 8 to come into play, however, an attack on a person’s reputation must attain a certain level of seriousness and be carried out in a manner causing prejudice to personal enjoyment of the right to respect for private life (see *Axel Springer AG*, cited above, § 83, and *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, § 76, 27 June 2017). On the other hand, Article 8 cannot be relied on in order to complain of a loss of reputation which is the foreseeable consequence of one’s own actions, such as, for example, the commission of a criminal offence (see *Axel Springer AG*, cited above, § 83, and *Sidabras and Džiautas v. Lithuania*, nos. 55480/00 and 59330/00, § 49, ECHR 2004-VIII).

29. The Court has identified a number of relevant criteria that must guide its assessment when balancing Article 8 and Article 10, of which the following are particularly pertinent to the present case: whether a contribution is made to a debate of public interest; the status of the person concerned; the content, form and consequences of the publication in question; and the gravity of the penalty imposed on the journalists or publishers (see

Von Hannover v. Germany (no. 2) [GC], nos. 40660/08 and 60641/08, §§ 109-13, ECHR 2012, and *Axel Springer AG*, cited above, §§ 90-95).

30. The Court reiterates that there is little scope under Article 10 § 2 of the Convention for restrictions on political speech or on a debate on matters of public interest (see, for example, *Ceylan v. Turkey* [GC], no. 23556/94, § 34, ECHR 1999-IV; *Wingrove v. the United Kingdom*, 25 November 1996, § 58, *Reports of Judgments and Decisions* 1996-V; and, more recently, *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, § 96, ECHR 2015 (extracts)).

31. The press plays an essential role in a democratic society. Although it must not overstep certain bounds, regarding in particular protection of the reputation and rights of others, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest. Not only does the press have the task of imparting such information and ideas; the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of “public watchdog” (see *Axel Springer AG*, cited above, § 79).

32. Journalistic freedom also covers possible recourse to a degree of exaggeration or even provocation, and it is not for the Court, any more than it is for the national courts, to substitute its own views for those of the press as to what techniques of reporting should be adopted in a particular case (ibid., § 81). The methods of objective and balanced reporting may vary considerably (see *Eigirdas and VI "Demokratijos plėtros fondas" v. Lithuania*, nos. 84048/17 and 84051/17, § 80, 12 September 2023) and the scope of coverage and the technique of reporting a given subject are matters which fall within the sphere of journalistic freedom (see *Bild GmbH & Co. KG v. Germany*, no. 9602/18, § 38, 31 October 2023).

33. A distinction must be made between statements of fact and value judgments. The existence of facts can be demonstrated, whereas the truth of value judgments is not susceptible of proof. The requirement to prove the truth of a value judgment is impossible to fulfil and infringes freedom of opinion itself, which is a fundamental part of the right secured by Article 10. However, where a statement amounts to a value judgment, the proportionality of an interference may depend on whether there exists a sufficient “factual basis” for the impugned statement: if there is not, that value judgment may prove excessive. In order to distinguish between a factual allegation and a value judgment, it is necessary to take account of the circumstances of the case and the general tone of the remarks, bearing in mind that assertions about matters of public interest may, on that basis, constitute value judgments rather than statements of fact (see *Morice v. France* [GC], no. 29369/10, § 126, ECHR 2015).

(ii) Application of the above principles to the present case

34. The Court notes that the present case concerns a conflict between the right to respect for the applicants' freedom of expression under Article 10 of the Convention and C.K.'s right to the protection of his reputation under Article 8 of the Convention. The article made direct reference to C.K., presented him as a traitor and commented negatively on the manner in which he had regained his family's paintings. The Court considers that such characterisations could have tarnished C.K.'s reputation and caused him prejudice in his profession and social environment, therefore harming his rights under Article 8 of the Convention.

35. The parties agreed that the article addressed an issue of general interest, namely the restitution of looted art to its rightful owners. The disagreement between the parties is whether the article contributed to that debate or merely constituted an attack against C.K.

36. The Court considers that the domestic courts did not give sufficient weight to the fact that the applicants' article had been published in response to C.K.'s own article, which had referred to the recovery of looted art. That issue was undoubtedly of interest and importance to Cypriot society, also in view of the ongoing Cyprus problem. The applicants' publication therefore concerned a sphere in which there was little scope for restrictions under Article 10 § 2 of the Convention.

37. While C.K. cannot be equated with a politician, the Court cannot ignore the fact that he did open himself up to criticism by publishing an article about the recovery of his mother's paintings and participating, by extension, in a public debate and must therefore expect close scrutiny of his statements (see *Couderc and Hachette Filipacchi Associés*, cited above, § 121, *Drousiotis v. Cyprus*, no. 42315/15, § 51, 5 July 2022, *Kapsis and Danikas v. Greece*, no. 52137/12, § 35, 19 January 2017, and *Brunet-Lecomte and Lyon Mag' v. France*, no. 17265/05, § 46, 6 May 2010). It is to be noted that the applicants' article did not comment on C.K.'s private life, but rather commented on an issue first raised by C.K. himself.

38. The Court further considers, contrary to the domestic courts, that the expressions used in the applicants' article were essentially made up of value judgments and not concrete statements of fact. It is true that the first applicant used exaggerated expressions such as "pay a ransom, sell your dignity, suck up to your rapists, 'hang' your compatriots". Nonetheless, the Court reiterates that journalists may exaggerate and even provoke (see, in particular, *Mamère v. France*, no. 12697/03, § 25, ECHR 2006-XIII). The first applicant was reacting to C.K.'s article. According to the first applicant, C.K. had acted out of self-interest; he had chosen to use a non-legal avenue to restore the looted paintings, despite being a lawyer himself, and had then written an article about it, showing a lack of understanding for such a sensitive issue. The Court considers that the style of the first applicant's expression did not overstep the boundaries permissible to a free press (compare, among other

authorities, *Balaskas*, cited above, §§ 54-55, where a headmaster was characterised as a “well-known neo-Nazi” and *Kuliś and Różycki v. Poland*, no. 27209/03, § 39, 6 October 2009).

39. As to the factual basis of the expressions in question, the domestic courts followed a rigid approach and set up far-reaching requirements for the way in which journalists could comment on the conduct of a person who had sought publicity. Specifically, they faulted the first applicant for using the terms “repurchased” or “bought” instead of “recovered”, as used by C.K. in his article. They considered that the fact that money had been exchanged to have the painting recovered did not mean that a purchase had taken place, especially since the money that had been handed over did not reflect the value of the recovered painting. They further faulted the first applicant for having stated that C.K. had bought back his property from the “new owners”, whereas, in his article, C.K. had not specified that he had paid the “new owners” for the recovery of the paintings (see paragraphs 12 and 13 above). In addition, the domestic courts highlighted the fact that this way of recovering looted art was also used by officials of the State.

40. The Court further notes that the first applicant explained before the domestic courts the basis for his allegations (see paragraph 10 above) and how he had relied on information contained in C.K.’s article, namely that money had been paid to unknown persons for one of the two paintings. In this light, the Court does not consider that the first applicant’s article was completely without foundation, that C.K.’s article was taken out of context, or that the applicants’ intention was to mislead the readers. The fact that State officials had also used similar techniques when unable to recover looted art through legal means did not strip the article of the premise that C.K., despite being a lawyer, had not used a legal avenue for recovering the stolen art. Nor does the Court consider that it has been shown that the applicants acted in bad faith, regardless of the exaggerated language used. Rather, it considers that the national courts impermissibly attempted to substitute their own views for those of the applicants as to what technique of reporting should be used in the present case (see *Stoll v. Switzerland* [GC], no. 69698/01, § 146, ECHR 2007-V). The approach followed by the domestic courts was overly restrictive and not in conformity with the principles embodied in Article 10 of the Convention.

41. Finally, while the sanction imposed was indeed of civil nature, the amounts of the award in question nonetheless placed a significant pecuniary burden on the applicants and was liable to have a chilling effect on the open discussion of matters of public concern (see *Drousiotis v. Cyprus*, cited above, § 60).

42. In sum, the Court is of the opinion that the reasons adduced by the domestic courts cannot be regarded as relevant and sufficient to justify the interference at issue.

43. Regard being had to the above considerations and in particular to the interest of a democratic society in ensuring and maintaining the freedom of the press on subjects of public interest, the Court concludes that the authorities' reaction towards the applicants' article was disproportionate to the legitimate aim pursued and, accordingly, was not "necessary in a democratic society" for the "protection of the rights of others".

44. There has accordingly been a violation of Article 10 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

45. 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."

A. Damage

46. The applicants claimed 25,016.43 euros (EUR) in total in respect of pecuniary damage. This represented the amounts they had had to pay in damages (EUR 12,576.82) and legal costs to C.K. (EUR 6,671.37) in the civil proceedings as well as additional interest for the period starting with the date when the cause of action was filed by C.K. (EUR 4,542.24) and C.K.'s legal costs for the appeal (EUR 1,190) They further claimed EUR 15,000 in respect of non-pecuniary damage.

47. The Government accepted, as regards the applicants' claim for pecuniary damage, that should the Court find a violation of Article 10 of the Convention, the applicants would be entitled to just satisfaction in the form of the award made by the domestic courts, together with legal interest, taxes, and legal expenses. As regards the claim for non-pecuniary damage, the Government argued that a finding of a violation constituted sufficient just satisfaction.

48. In the light of the documents in its possession and having regard to the existence of a direct causal link between the violation found and the damage alleged by the applicants, the Court awards the applicants EUR 24,980.43 in respect of pecuniary damage, plus any tax that may be chargeable. Bearing in mind the finding of a violation and ruling on an equitable basis, the Court also awards the applicants jointly EUR 6,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

49. The applicants also claimed EUR 8,919.02 for the costs and expenses incurred before the domestic courts and EUR 8,528 for those incurred before the Court.

50. The Government dismissed the above claims as excessive and unreasonable as to the quantum.

51. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court rejects the claim for costs and expenses for the proceedings before it as the invoices provided by the applicants are not sufficiently itemised. It considers it reasonable to award the sum of EUR 8,919.02 for the domestic proceedings, plus any tax that may be chargeable to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 10 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicants jointly, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 24,980.43 (twenty-four thousand nine hundred eighty euros and forty-three cents), plus any tax that may be chargeable, in respect of pecuniary damage;
 - (ii) EUR 6,500 (six thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (iii) EUR 8,919.02 (eight thousand nine hundred and nineteen euros and two cents), plus any tax that may be chargeable to the applicants, 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 applicants' claim for just satisfaction.

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

Victor Soloveyitchik
Registrar

Kateřina Šimáčková
President