



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

THIRD SECTION

CASE OF ALEXANDROS SAVVAS v. GREECE

(Application no. 27153/20)

JUDGMENT

Art 10 • Freedom of expression • Disciplinary sanction of a three-month temporary suspension imposed on a judge for out-of-court declarations, delivered by a bailiff to the Minister of Justice, responding to comments by other judges made in their official capacity in the context of an internal promotion procedure • Exaggerated and strong worded statements akin to value judgements with sufficient factual basis not exceeding permissible limits • Statements did not concern the exercise of the applicant's adjudicatory function and were not made public • Sanction serious enough to have repercussions on the applicant's future career prospects and possibly discourage him from voicing criticism to statements affecting his professional reputation in the future • Domestic courts' failure to provide relevant and sufficient reasons and to strike a fair balance between competing rights • Interference not "necessary in a democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

8 September 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Alexandros Savvas v. Greece,

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

Peeter Roosma, *President*,
Ioannis Ktistakis,
Lətif Hüseynov,
Darian Pavli,
Diana Kovatcheva,
Canòlic Mingorance Cairat,
Vasilka Sancin, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 27153/20) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Greek national, Mr Alexandros Savvas (“the applicant”), on 25 June 2020;

the decision to give notice to the Greek Government (“the Government”) of the complaint concerning Article 10 of the Convention and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 30 June 2026,

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

INTRODUCTION

1. The application concerns a disciplinary procedure, which allegedly breached Article 10 of the Convention as it resulted in a three-month temporary suspension for the applicant, a judge, for the disciplinary offence of “inappropriate conduct in and outside the service”.

THE FACTS

2. The applicant was born in 1954 and lives in Athens. He was represented by Mr V. Chirdaris, a lawyer practising in Athens.

3. The Government were represented by their Agent’s delegates, Mr K. Georgiadis and Ms I. Kotsoni, Legal Counsellor and Legal Representative respectively at the State Legal Council.

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

I. THE APPLICANT'S CANDIDATURE FOR PROMOTION

A. Proceedings before the Supreme Judicial Council of Civil and Criminal Justice

5. On 14 May 2018 the Supreme Judicial Council of Civil and Criminal Justice ("the SJC") was convened to decide on the promotion of presidents of the Court of Appeal with the aim of filling 18 vacancies for judges at the Court of Cassation. The applicant, who at the time was a president of the Court of Appeal, was among the candidates for promotion.

6. By decision no. 71/2018, the SJC decided, by a majority, not to promote the applicant, considering that although his professional performance was not lacking, his behaviour towards his colleagues and judicial employees had been inappropriate and had caused problems in the administration of justice.

B. Appeal proceedings before the Court of Cassation

7. On 21 May 2018 the applicant challenged the above decision before the plenary Court of Cassation.

8. On 18 June 2018 the Court of Cassation heard the case. During an exchange of views with the members of the plenary, some of the judges expressed their opinion on the applicant's performance.

9. The judge rapporteur of the case suggested that the appeal be dismissed, stating that the applicant had no pending or ongoing cases and, according to official statistical data, he delivered judgments within a short period of time. Nonetheless, the judge rapporteur noted that the decision of the SJC had focused on the applicant's behaviour towards his colleagues and rapporteurs and, in particular, to an incident that had taken place involving the applicant and a registrar. He added that the applicant had worked in his judicial section, and that he had been "diligent and hardworking, but did not stand out for the quality of his work".

10. Judge E.P. stated, first, that over the years she had been hearing labour disputes as an appeals judge, she had been "exasperated" ("αγανακτούσα") by the judgments delivered by the applicant.

11. Judge A.A. added that the judgments delivered by the applicant did not appear appropriate upon review by the Court of Cassation.

12. Judge H.P. stated that she had been told by the Head of the Court of Appeal (Judge Th.K.) that the applicant would often write both concurring and dissenting opinions (*έγραφε και την πλειοψηφία και τη μειοψηφία των αποφάσεων*) and did not allow his colleagues to draft dissents (*δεν έδινε τις αποφάσεις στους συναδέλφους του για να γράψουν τη μειοψηφία*). As a result, most of the judgments ended up being quashed or delayed.

13. Judge M.A., the Vice-President of the Court of Cassation, stated that an incident involving the applicant, which later became widely known, had

taken place on 7 June 2017 when she had been an Inspector at the Athens Court of Appeal. The incident concerned a case in which the applicant had agreed with the judge presiding over another case that he would interrupt the hearing he had scheduled for 12 noon to allow his colleague to read out a judgment in the other case as the deadline for that case was expiring within 18 months and his colleague was leaving the next day. However, on the day in question, the applicant had refused to interrupt the hearing, despite what had been agreed. During the court proceedings, the applicant had insulted a registrar sent by the applicant's colleague to ask the applicant to interrupt the hearing. Judge M.A. stated that the applicant had become enraged and had insulted the registrar using very offensive language, reducing her to tears, and causing serious tension in the courtroom. After some time had passed, he had interrupted the hearing. She further stated that the registrar and the lawyers who had been present in the courtroom had reported the incident in detail to her.

14. The applicant was given the opportunity to express his opinion on the comments made by his colleagues during the appeal hearing. He explained, with regard to the incident of 7 June 2017, that he had not interrupted the trial immediately, but had waited 10 minutes, as the defendant had been in the middle of submitting his defence and an abrupt interruption might have given the wrong impression. He argued that his responsible action, which in any event had not impacted the proper functioning of justice, had been misinterpreted. The applicant then commented on his performance over the years and noted that his appraisals attested to his excellent performance and the fact that he had never been involved in any disciplinary proceedings throughout his long career.

15. By decision no. 29/2018 the plenary Court of Cassation rejected the applicant's appeal by a majority vote. While not questioning his professional performance, it was considered that his behaviour towards his colleagues and judicial employees had been inappropriate and had caused problems for the administration of justice.

II. THE APPLICANT'S OUT-OF-COURT DECLARATIONS

16. Subsequently, the applicant served out-of-court declarations on Judges M.A., E.P. and Th.K. via a court bailiff. The Minister of Justice was also given notice of those declarations.

17. The out-of-court declaration served on Judge M.A. stated that her testimony had been "vague", "fake" and "slandorous", and that she had given testimony "knowingly with the intention of dismissing [his] appeal and preventing his promotion". He further stated, *inter alia*, that there had been no prior agreement between him and his colleague to interrupt the hearing, that the deadline of the case had not been approaching – it was an appeal hearing, not one expiring within the 18-month time-limit – and that his

colleague had not been leaving the next day. He denied having insulted the registrar and stated that “all these lies have been found to be false by the witnesses who were present on the day”.

18. The out-of-court declaration served on Judge E.P. stated that her testimony had been “vague”, “fake” and “slandorous” and that she had given testimony “knowingly or through gross negligence with the intention of dismissing [his] appeal and preventing his promotion”. He stated that E.P.’s claims had been entirely false as he had never met Judge E.P., had never served as a labour court judge, and had not therefore issued any decisions on the subject matter in question which may have led to her feeling “exasperated” when she examined them on appeal.

19. The declaration served on Judge Th.K. stated that he had provided false information to Judge H.P. because, based on his experience and position, he knew it would negatively affect the applicant’s promotion, which it ultimately did. It was further explained that the information had been entirely untrue, as Th.K. had been well aware that drafts were, in any event, transferred from the president to a dissenting judge, who would then write, sign and return the dissenting opinion. Only in rare cases would the president draft the dissent as well, and only with the consent of the dissenting judge, who would sign it only if he or she agreed with its content. Otherwise, he or she would write his or her own opinion, possibly with additional reasoning. According to the declaration, such exceptions occurred only in very urgent cases to save time. The declaration also stated that Judge Th.K. had repeatedly followed the same practice and it was “therefore a lie to suggest that I acted alone, as there had been an agreement between colleagues, who, having approved the reasoning of the minority position, agreed to sign it ...”. The applicant added that he had asked Th.K. to provide the names of the judges and supporting evidence for his vague allegations, but Th.K. had refused, claiming that the information was confidential. In addition, according to the declaration, Th.K. had failed in his duty to verify the accuracy of such claims, either by consulting the applicant or by checking the progress of the drafts through the registry.

20. All three declarations concluded as follows:

“Through these fake facts and fabricated claims ... you have managed to mislead and convince the members of the plenary [Court of Cassation] to issue the said decision causing irreparable damage to my professional, family, social and personal life, and to my property. The announcement of false and slanderous facts, regardless of any disciplinary liability incurred by the judge, may support a charge being brought against him or her of misleading the court if the objective and subjective conditions of that offence are otherwise met, that is, if the announcement was made with the aim of obtaining an illegal financial benefit for himself, herself or someone else, resulting in damage to someone else’s property owing to the deliberate deception of the court by concealing or silencing a crucial incident in the case. For these reasons, I strongly protest against the above illegal behaviour and I call on you to withdraw, within ten days of receiving this letter, the false and untrue statements you have made against me. Otherwise, I declare that I reserve the right to bring proceedings in the criminal and

civil courts, as well as any other institutional body, in order to protect my name and my status as a senior judge who has served conscientiously and responsibly for 31 years in the field of justice, without blemish.”

21. Of the three judges, only E.P. replied, informing the applicant that, as an appellate court judge, she had had the opportunity to read the decisions issued by him and, on the basis of those decisions, she had felt exasperated. Although she did not know him personally, she had formed her opinion on the basis of his decisions – whether or not they were labour disputes – and she had expressed her opinion, as she had every right and obligation to do, before the plenary Court of Cassation.

III. PRELIMINARY INVESTIGATION

22. On 14 September 2018 the Vice-President of the Court of Cassation, Judge M.A., became aware of the applicant’s out-of-court declaration addressed to her. She considered such behaviour unbecoming of a judicial officer and reported it to the President of the Court of Cassation and the Chief Inspector of the Inspectorate for all members of the judiciary for investigation. Subsequently, Judges E.P. and Th.K. reported that they had also received out-of-court declarations.

23. As a result, the Chief Inspector of the Inspectorate ordered N.F. to conduct a preliminary investigation into whether there were grounds to initiate disciplinary proceedings against the applicant on account of his behaviour.

24. In the course of the preliminary investigation, N.F. interviewed the applicant, judges A.K., M.T., E.L. and A.M., who had been members of the panel on 7 June 2017, the public prosecutor A.M., the court secretary M.A., together with two lawyers (I.G. and P.K.) who had been present on the day of the hearing. The registrar who had allegedly been verbally assaulted by the applicant was not interviewed because she was on sick leave.

25. With the exception of Judge M.T., the individuals interviewed made the following statements with regard to the incident with the registrar. The registrar had entered the hearing room asking the applicant to interrupt the hearing because I.G.’s presence was requested in another court where a different trial was being held. The applicant rebuked her – using stern but not insulting language – for interrupting the court because the defendant had been in the middle of submitting his defence and stated that he would examine the matter later. They continued hearing the defendant’s submissions and, after a while, the applicant himself interrupted the trial and released I.G. from his duties. The applicant’s behaviour towards the registrar had been strict but proper and no one remembered seeing her cry.

Judge M.T. stated that there had been a brief but intense exchange between the applicant and the registrar which had led to the intervention of a lawyer, but she could not recall what had been said, nor did she see the registrar cry.

26. On 8 October 2018 N.F. drew up a report summarising the findings of the investigation. She considered that, in the light of the applicant's rank and status, the content of the out-of-court declarations – in particular the phrases "...were made with aim of ... misleading ... I ask you to retract [your statement] within ten days otherwise I reserve the right to bring legal proceedings [in the domestic courts]" – constituted the disciplinary offence of inappropriate conduct both in and outside of the judicial service under Article 90 and Article 91 §§ 1 and 2(d) of Law 1756/1988 (see paragraph 38 below) and there were therefore grounds for initiating disciplinary proceedings against him.

IV. DISCIPLINARY PROCEEDINGS

A. Initiation of disciplinary proceedings and the applicant's defence

27. The Chief Inspector of the Inspectorate initiated disciplinary proceedings nos. EF 70/13.11.2018, EF 72/15.11.2018 and EF 73/16.11.2018 against the applicant. She considered the applicant's behaviour, including his out-of-court declarations to be incompatible with the office he held. She submitted that his actions had compromised both himself and the justice system in general, and that all elements of inappropriate conduct in and outside of the judicial service were present in order to initiate disciplinary proceedings. She asked that disciplinary sanctions be applied.

28. The applicant submitted his written defence against the above claims. He explained that he had made the out-of-court declarations in question in order to protect his reputation and honour as a private individual and as a judge against unsubstantiated accusations. He relied on the fact that witness statements obtained during the preliminary investigation conducted by N.F. corroborated his submissions and contended that the allegations made against him concerning the incident of 7 June 2017 had been false, that his behaviour towards the secretary had been polite and decent, and that he had interrupted the trial after a while so as to allow for the other trial to take place. He added that, although he had written both the majority and minority judgments in certain urgent cases, they had been approved and signed by the dissenting judges and, moreover, that other judges had also adopted such a practice. In addition, he stated that in so far as he had never served in the labour disputes division of the court, the allegations concerning the poor quality of his judgments as a labour court judge were false. Under the circumstances he had considered it justified to ask the relevant judges to retract their statements and to rectify the injustice created. He argued that he had every right to express his opinion and disagreement, and to set the record straight; the right to make out-of-court declarations was available to any citizen affected by unjust actions of a third party.

B. Decision of the seven-member disciplinary council of the Court of Cassation

29. On 17 April 2019, the seven-member disciplinary council of the Court of Cassation (“the disciplinary council”) imposed on the applicant the disciplinary penalty of three months’ temporary suspension for inappropriate conduct in and outside the service (decision no. 158/2019). In doing so, it considered that the three out-of-court declarations served on Judges M.A., E.P. and Th.K. had been incompatible with the office he held, had harmed his reputation together with the administration of justice in general, and had amounted to the disciplinary offence of inappropriate conduct in and outside of the service as the declarations had been served via a bailiff who was aware of their content.

30. With regard to the out-of-court declaration sent to Judge M.A., it was found that it contained a threat to initiate proceedings. In order to do so, the applicant knew that he would have to prove deceit on the part of Judge M.A., even though all the constituent elements of the offence had not been met. Specifically, Judge M.A. had an obligation – as a member of the plenary Court of Cassation and in so far as she had been the Inspector at the Athens Court of Appeal at the time of the incident of 7 June 2017 – to report the incident since the candidates’ attitude and behaviour were part of the assessment criteria. The disciplinary council held that the applicant knew that the statement made by Judge M.A. concerning the event had not been false or made with the intention of misleading the plenary Court of Cassation or causing him harm, since he had indeed spoken to the court’s registrar using an intense and insulting tone. The registrar would have had no reason to complain to the inspector otherwise, and he would not have interrupted the trial in order to report the incident to the President of the Court of Appeal in order to resolve the issue with his colleague.

31. As to the out-of-court declaration sent to Judge E.P., it was decided that it contained an allegation of slanderous defamation in her respect and a threat (rather than a mere warning about exercising a legitimate right) to initiate criminal proceedings against her despite the applicant knowing that proof of deceit would be required. The fact that E.P. referred to labour disputes, despite the applicant never having served as a labour dispute judge, had been an honest mistake. It did not, however, alter the impression that E.P. had formed upon reviewing other criminal or civil judgments written by the applicant sitting as a first-instance judge. Similar opinions had been expressed by other judges.

32. As regards the out-of-court declaration sent to Judge Th.K., it was again stated that it contained a threat to initiate criminal proceedings against him unless he withdrew his statements. This was despite the fact that the information disseminated by Judge Th.K. to his colleagues had not formed part of the reasoning for the decision to dismiss the applicant’s candidature

for promotion. In the reasoning for the dismissal it had been explained that although his professional performance was not lacking, his behaviour towards his colleagues and court officers had been improper.

33. In reaching its decision to sanction the applicant, the disciplinary council noted that it had also taken his rank, experience, personal and family circumstances into account. These factors were not, however, discussed in detail.

34. One dissenting judge on the disciplinary council considered that a fine would have been a more proportionate sanction than a three-month suspension. The judge noted that there was no evidence of improper behaviour by the applicant towards his colleagues, court staff or in the courtroom on 7 June 2017. Neither the inspector, N.F., the judges on the bench on 7 June 2017, nor the lawyers present had reported any negative behaviour. The judge observed that the applicant believed he had been wronged and had issued three sharply worded extrajudicial statements asserting that the allegations were false and defamatory, reserving the right to pursue legal action. Although the applicant was entitled to express his views, the judge found that the threatening tone of the notices, their service by a bailiff, and their notification to the Minister of Justice had exceeded what was necessary. The judge therefore accepted that the applicant had committed a disciplinary offence under Article 91, § 2(d) of Law 1756/1988 (see paragraph 38 below). However, he considered that, in the light of Article 10 of the Convention and the circumstances surrounding the applicant's conduct, his degree of culpability was limited. The judge emphasised that the applicant had consistently performed his duties successfully, had risen to the rank of president of the Court of Appeal, had no prior disciplinary record, and had maintained harmonious professional relationships with his colleagues. Applying the principle of proportionality, the minority judge concluded that a fine would have been an appropriate sanction.

C. Appeal before the nine-member disciplinary council of the Court of Cassation

35. On 10 October 2019 the applicant appealed against the decision of the seven-member disciplinary council of the Court of Cassation. He argued that the disciplinary council had failed to consider the evidence collected in the course of N.F.'s preliminary investigation. He repeated that he had been entitled to make the out-of-court declarations in question and argued that, *inter alia*, the principle of proportionality and his right to freedom of expression under Article 14 of the Constitution and Article 91 of Law no. 1756/1988 had been violated in so far as he was being punished for expressing his disagreement with his colleagues' comments and exercising his rights. The expressions he had used had not been excessive, but had conveyed his disagreement. Such out-of-court declarations were an

established form of protest which provided transparency. His personal and professional integrity had been attacked and his protest had been commensurate with the insults he had endured.

36. On 26 May 2020 the nine-member disciplinary council of the Court of Cassation adopted decision no. 12/2020 upholding decision no. 158/2019. Relying on the reasoning of the lower instance, it considered that the applicant had not been sanctioned for exercising his right to make out-of-court declarations, but rather for their content.

RELEVANT LEGAL FRAMEWORK

I. THE CONSTITUTION

37. Article 14 § 1 of the Greek Constitution provides:

“Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State.”

II. THE CODE OF COURTS (LAW No. 1756/1988)

38. The provisions of Law no. 1756/1988 containing the Code of Courts (as in force at the material time) read, in so far as relevant:

Article 49

“ ...

5. Promotion to the rank of ... Court of Cassation judge, ... shall be decided by an absolute majority: as a condition of promotion, the above judicial officers must have outstanding qualifications in addition to the formal requirements. The substantive qualifications to be assessed shall include, in particular, morality, fortitude, judgment and perception, qualitative and quantitative performance, academic background, and social standing.

6. ...

7. When assessing the substantive qualifications of nominees, their inspection reports, personal files, and any other relevant evidence shall be taken into account.

8. The decisions of the relevant Supreme Judicial Council and the relevant plenum shall, in all cases, be fully reasoned. The members may also base their decision on their personal view of the nominees' ability to administer justice and their overall qualifications, providing reasons for their decision.”

Article 91

“1. A disciplinary offence shall consist of a culpable and imputable (*υπαίτια και καταλογιστή*) act or omission by a judge, in or outside the service, which is contrary to the obligations set out in the Constitution and relevant provisions, or which is incompatible with the office held and which harms his or her reputation or the reputation of justice.

2. Disciplinary offences by a judge shall include:

...

(d) undignified or improper behaviour in or outside the service;

...”

Article 93

“1. The disciplinary penalties that may be imposed on a judicial officer shall include:

(a) a written reprimand;

(b) a fine, ranging from two days’ net wages to three months’ net wages;

(c) a temporary suspension from ten days to six months; or

(d) dismissal from office.

2. ...

3. The type and duration of the penalty imposed shall be determined in accordance with the gravity of the offence, the rank and experience of the judicial officer, the circumstances in which the offence was committed, and the degree of malice or negligence of the person against whom the disciplinary proceedings have been brought.”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

39. The applicant complained that the fact that he had been found guilty of a disciplinary offence and suspended for three months had infringed his 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

1. The parties’ submissions

40. The Government argued that the applicant had failed to exhaust domestic remedies as he had not alleged a violation of his rights under

Article 10 of the Convention at any stage in the domestic proceedings, nor had he raised the issue of proportionality in relation to the magnitude, nature and severity of the penalty imposed on him.

41. The applicant disagreed.

2. *The Court's assessment*

42. The Court reiterates that the rule on exhaustion of domestic remedies laid down in Article 35 § 1 of the Convention must be applied with some degree of flexibility and without excessive formalism (see *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* [GC], no. 21881/20, § 140, 27 November 2023). At the same time, it requires, in principle, that the complaints intended to be made subsequently before the Court should have been made to the appropriate domestic body, at least in substance, and in compliance with the formal requirements and time-limits laid down in domestic law (see, among many other authorities, *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, § 72, 25 March 2014, and *Gherghina v. Romania* (dec.) [GC], no. 42219/07, §§ 84-87, 9 July 2015).

43. The Court considers that although the applicant did not explicitly cite Article 10 of the Convention, he clearly invoked the corresponding provision of the Greek Constitution – that is, Article 14 (see paragraphs 35 and 37 above). The applicant also argued that the principle of proportionality and his right to freedom of expression had been violated as a result of his being punished for expressing his disagreement with his colleagues' comments and for exercising his rights (see paragraph 35 above). He has repeatedly submitted that the expression of an opinion by a judge does not constitute a disciplinary offence (see paragraphs 28 and 35 above).

44. Accordingly, the applicant's complaint under Article 10 of the Convention was raised, at least in substance, before the domestic courts. The Government's objection of failure to exhaust domestic remedies must therefore be dismissed. The Court further notes that the application is not manifestly ill-founded, nor is it 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 applicant*

45. The applicant argued that by making the out-of-court declarations he had exercised his legitimate right to express his opinion, defend himself against unfounded accusations, defend his interests in the context of the process for promotion, and protect the public interest by ensuring a fair judicial promotion procedure. His comments had not been intended to insult

anyone and the language used had not been excessive. He had merely highlighted the falsity of the allegations, provided a sufficient factual basis, and exercised his right to take legal action. He submitted that the domestic courts had wrongly perceived the announcement of legal action as a threat. He accepted that other judges were entitled to express their views on his professional capacity, but stressed that domestic law required reasoned opinions rather than vague or false accusations. He argued that the authorities had failed to distinguish between statements of fact and value judgments, and had ignored evidence disproving the allegations. In his view, expressing an opinion should not constitute a disciplinary offence. He further submitted that the sanction had been disproportionate, given his clean record and the significant personal and professional consequences of a three-month suspension, including the loss of salary and a permanent note on his employment record. He asserted that the measure had harmed his career, reputation and dignity, and had created a lasting fear of expressing opinions and defending the truth, contrary to Article 10.

(b) The Government

46. The Government argued that the right to freedom of expression did not extend to the dissemination of facts capable of damaging the honour or reputation of others. Judges especially had to exercise their freedom of expression in a way that protected the dignity of the judiciary. The applicant had exceeded the limits of his right to freedom of expression by making out-of-court declarations that had disproportionately insulted colleagues, accusing them of criminal conduct and fabricating facts intended to prevent his promotion. The Government maintained that the applicant had not been sanctioned for the fact of making the declarations, but for their threatening content, which alleged the commission of criminal offences. As a judge, he was required to respect his colleagues' dignity, show restraint, and to balance his rights with the obligations of the office he held. He could have simply expressed his objections in a milder manner, without offending his colleagues, before the plenary of 18 June 2019. Alternatively, he could have submitted a written memorandum via official internal channels (*υποβολή μιας αναφοράς/υπομνήματος, που θα κοινοποιούσε υπηρεσιακά αρμοδίως*) instead of serving out-of-court declarations via a bailiff (*όχι επιδίδοντας εξώδικες δηλώσεις με δικαστικό επιμελητή*). Alternatively, if he considered that his colleagues had committed disciplinary offences, he could have submitted a written report to the competent disciplinary bodies (*θα μπορούσε να υποβάλει έγγραφη αναφορά προς τα αρμόδια πειθαρχικά όργανα*).

47. The Government added that the applicant had not exercised his right to freedom of expression to defend his interests in the context of the promotion procedure, as the process had been completed approximately three months before the out-of-court declarations were sent. They argued that the present case did not involve the public expression of an opinion, criticism or

protest, but rather an accusation that judges had committed criminal offences, which implicitly threatened legal action against them.

48. The Government further submitted that even if it were accepted that there had been an interference with the applicant's right to freedom of expression, such interference had been lawful on the basis of Article 91 of Law 1576/1988. It had further pursued the legitimate aim of protecting judicial integrity. They noted that judges may have to face criticism, but only within permissible limits. The penalty imposed had, in their view, been proportionate, necessary to protect the authority of the judiciary, and had been supported by detailed reasoning.

2. *The Court's assessment*

(a) **Whether there has been an interference**

49. In cases concerning disciplinary proceedings against judges or their removal or appointment, the Court has had to ascertain first whether the measure complained of amounted to an interference with the exercise of the applicant's freedom of expression – in the form of a “formality, condition, restriction or penalty” – or whether the impugned measure merely affected the exercise of a right to hold a public post in the administration of justice, a right not secured in the Convention. In order to answer this question, the scope of the measure must be determined by putting it in the context of the facts of the case and of the relevant legislation (see *Baka v. Hungary* [GC], no. 20261/12, § 140, 23 June 2016, and the references therein).

50. The present case concerns disciplinary proceedings which led to the imposition of a three-month suspension on the applicant. The disciplinary sanction was not imposed because of a failure on the part of the applicant to perform his duties as a judge. In that regard, the present case can be distinguished from *Harabin v. Slovakia* ((dec.), no. 62584/00, ECHR 2004-I) in which the applicant's dismissal related to, *inter alia*, his failure to initiate the dismissal of a Supreme Court judge who had attacked an official of the Ministry of Justice and his alleged attempts to obtain the exclusive right to determine the number of judges of the Supreme Court and assignment or transfer of judges to that court. It can further be distinguished from *Harabin v. Slovakia* (no. 58688/11, 20 November 2012) which concerned the imposition of a sanction on the applicant because he had prevented a group of auditors from the Ministry of Finance from carrying out an audit at the Supreme Court (*ibid*, § 150), and, for illustrative purposes, from *Augustė v. Lithuania* ([Committee], no. 65717/14, 26 February 2019) in which the imposition of a sanction on the applicant was motivated by her refusal to follow the court's established case-law (*ibid*, § 35). In addition, this case differs from *Simić v. Bosnia and Herzegovina* ((dec.), no. 75255/10, 15 November 2016) in which the applicant gave media interviews criticising

the Constitutional Court and held an unauthorised press conference without offering any evidence in support of his allegations (*ibid*, § 34).

51. In the present case it is evident that the facts giving rise to the disciplinary sanction consisted in the content and form of the applicant's out-of-court declarations and in their delivery by a bailiff, who was thus made aware of their content. The Court therefore accepts that the reasoning of the disciplinary decision was related to the applicant's views and his right to hold and impart opinions and information, and that such expression was considered by the domestic authorities to be evidence of inappropriate behaviour (see, *mutatis mutandis*, *Kayasu v. Turkey*, nos. 64119/00 and 76292/01, § 80, 13 November 2008, and *Guz v. Poland*, no. 965/12, § 88, 15 October 2020).

52. While the disciplinary offence of which the applicant was accused and found guilty did not involve any publications or statements made in the media or published in the press (compare *Kayasu*, cited above, § 93; *Di Giovanni v. Italy*, no. 51160/06, § 76, 9 July 2013; and *Panioglu v. Romania*, no. 33794/14, § 111, 8 December 2020), it appears that, in their assessment, the domestic courts took into account, as an aggravating factor, the fact that the delivery of the out-of-court declarations was carried out by a bailiff, who was thus made aware of their content. In any event, the Court has previously accepted the applicability of Article 10 and the existence of an interference in cases involving comments made in an intra-judicial context (see *Guz*, cited above, § 73), or even in respect of statements made in private correspondence, albeit not in a judicial context, served by a bailiff (see *Matalas v. Greece*, no. 1864/18, §§ 35 and 58, 25 March 2021).

53. In the light of the above, the Court considers that the disciplinary sanction imposed on the applicant constitutes an interference by the authorities with his right to freedom of expression under Article 10 of the Convention.

(b) Whether the interference was lawful and pursued a legitimate aim

54. It is not in dispute between the parties that the interference was “provided for by law” – namely, by Article 91 of Law 1576/1988 (see paragraph 38 above) – and the Court sees no reason to hold otherwise.

55. As to the question whether the interference pursued legitimate aims – namely, protecting “the reputation or rights of others” and “maintaining the authority and impartiality of the judiciary” the Court considers that it is essentially connected with the proportionality of the interference and will be more appropriately considered under this head. The Court will therefore assume that the measure at stake complied with the said condition and proceed to examine whether it was “necessary in a democratic society” (see *Kudeshkina v. Russia*, no. 29492/05, § 81, 26 February 2009 and *Wille v. Liechtenstein* [GC], no. 28396/95, § 56, ECHR 1999-VII).

(c) Whether the interference was proportionate

56. The general principles concerning the question whether an interference with the right to freedom of expression is “necessary in a democratic society” are well established in the Court’s case-law (see, among other authorities, *Morice v. France* [GC], no. 29369/10, § 124, ECHR 2015; *Bédat v. Switzerland* [GC], no. 56925/08, § 48, 29 March 2016; and *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, § 75, 27 June 2017). The general principles concerning the freedom of expression of judges are summarised by the Court in its judgment in *Baka v. Hungary* ([GC], no. 20261/12, §§ 162-67, 23 June 2016) and, more recently, in *Danileț v. Romania* ([GC], no. 16915/21, §§ 149-70, 15 December 2025).

57. Turning first to the context and nature of the disputed declarations and the applicant’s position, the Court notes that they were made in response to opinions expressed by his colleagues during the promotion procedure for the post of Court of Cassation judge. They amounted to allegations of misconduct or slanderous defamation on the part of his fellow judges. In his declarations, the applicant sought to defend himself against what he considered to be unjustified remarks made by his colleagues and to ensure the fairness of the promotion procedure (see also *Guz*, cited above, § 86).

58. It appears that, without assessing whether the impugned statements were “value judgments” or “facts”, the domestic authorities treated them as facts which were deemed to be false (see paragraphs 29 and 36 above). However, in view of the limited scope of their reasoning in this respect, the Court is not persuaded by their approach and cannot share their conclusions in full (compare *Matalas*, cited above, § 50).

59. Following its assessment of the applicant’s out-of-court statements together with the explanations provided before the domestic authorities, the Court concludes that the applicant’s remarks (“vague”, “fake” and “slanderous”) and the characterisations attributed to his colleagues were akin to value judgments (compare *Guz*, cited above, § 92) which had “sufficient factual basis”. He had credible grounds to challenge what he had considered to be an inaccurate account of the events, supported by evidence that he neither delivered labour-law judgments, nor delayed decisions, that his occasional drafting of dissenting opinions reflected an accepted practice also used by colleagues, and that the domestic authorities failed to address key witness testimony and argument supporting his defence (see paragraphs 9, 25, 28 and 34 above).

60. As regards the manner in which the applicant expressed himself the Grand Chamber judgment in *Danileț* (cited above, §§ 155-156) clarifies that the assessment of a judge’s expression cannot be confined to whether the language used was strong, unpleasant or capable of displeasing the persons concerned. Judges and prosecutors do not enjoy an exemption from the obligations flowing from their duty of discretion: they must be circumspect

and prudent in tone and language and must consider the possible consequences of their words for judicial dignity. At the same time, the Court emphasised that it is essential for judges to use clear language, so as to avoid multiple interpretations capable of undermining public confidence in the justice system. This requirement of clarity is directly linked to the public's legitimate expectation that judges, precisely because of their office, express themselves with particular precision, sobriety and intelligibility.

61. However, the applicant's statements did not concern the exercise of his adjudicatory function. Rather, they responded to comments made by other judges, acting in their official capacity in the context of an internal promotion procedure, which made them subject to criticism within the permissible limits (see *Guz*, cited above, § 89). Although exaggerated and strong worded, the applicant's remarks did not exceed those limits and appeared merely to signal the possibility of pursuing legal remedies available in the domestic legal order.

62. The declarations were neither published in the media nor made available to the public (compare, for example, *Simić*, cited above). Their service by bailiff and disclosure to the Minister of Justice did not render them public (see, *mutatis mutandis*, *Matalas*, cited above, § 58). The domestic authorities thus failed to assess the extent of the impact of the out-of-court declarations on the judges' reputation or on the authority of the judiciary in general in a manner corresponding to the Convention standards (see *Danileț*, cited above, § 176).

63. Importantly, as to the nature and severity of the penalty imposed, the Court notes that the applicant was given a three-month suspension, which is at the more serious end of the spectrum (see Article 93 § 1 of Law no. 1756/1988 in paragraph 38 above). When imposing the sanction, the disciplinary council made a passing reference to the applicant's rank, experience, personal and family circumstances, without however discussing them in detail (see paragraph 33 above). It is not clear from that reference whether the disciplinary council genuinely weighed in the balance, *inter alia*, the applicant's overall positive professional record and lack of any previous disciplinary issues (see paragraphs 9 and 14 above), on the one hand, and its interest in condemning the manner and style in which the applicant had exercised his right to criticism (see, *mutatis mutandis*, *Matalas*, cited above, § 50), on the other. Thus, the proportionality of the sanction is in doubt. It appears that during his suspension the applicant had lost his salary and the information about his disciplinary sanction was placed in his personal file. The Court reiterates that interference with freedom of expression may have a "chilling effect" on the exercise of that freedom (see *Kudeshkina*, cited above, §§ 99-100, and *Baka*, cited above, § 167). While the sanction imposed on the applicant was not the most serious (which would have been a six-month suspension or a dismissal), it was serious enough to have repercussions on his future career prospects and possibly to discourage him from voicing criticism

to statements affecting his professional reputation in the future. The Court also notes, in that regard, the concerns raised by a dissenting judge on the disciplinary council in respect of the severity of the sanction imposed (see paragraph 34 above).

64. The foregoing considerations are sufficient to enable the Court to conclude that the domestic courts failed to provide relevant and sufficient reasons for the interference at issue and to strike a fair balance between the need to maintain the authority of the judiciary and protect the rights of others on the one hand, and the need to guarantee the applicant's right to freedom of expression on the other. While the Court is mindful of the fundamentally subsidiary role of the Convention mechanism, it cannot at the same time conclude that the domestic courts applied standards that were "in conformity with the principles embodied in Article 10 of the Convention" or that they "based themselves on an acceptable assessment of the relevant facts" (see *Danileț*, cited above, §§ 166-70). It follows that the impugned interference was not "necessary in a democratic society".

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

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

66. 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

67. The applicant claimed 5,211.15 euros (EUR) in respect of pecuniary damage, which represented his salary arrears from his three-month suspension, plus EUR 7,000 in respect of non-pecuniary damage.

68. Although the Government did not dispute the applicant's loss of salary in the amount of EUR 5,211.15, they argued that no causal link had been established between the alleged pecuniary loss and the violation found. They further submitted that the amount claimed in respect of non-pecuniary damage was excessive and unjustified.

69. As regards the amount claimed in respect of pecuniary damage, the Court finds that the applicant suffered pecuniary loss as a result of the sanction imposed on him and accordingly awards him EUR 5,211.15 in respect of pecuniary damage, plus any tax that may be chargeable.

70. The Court, ruling on an equitable basis, also awards the applicant EUR 6,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

71. The applicant also claimed EUR 1,000 for the costs and expenses incurred before the Court, enclosing the relevant receipt for the sum paid to his representative.

72. The Government dismissed the above claim as excessive. They submitted that should the Court decide to award the applicant an amount for costs and expenses, that amount should not exceed EUR 500.

73. 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 criteria set out above, the Court considers it reasonable to award the sum of EUR 1,000 to cover the costs incurred before the Court, plus any tax that may be chargeable to the applicant.

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 applicant, 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 5,211.15 (five thousand two hundred and eleven euros and fifteen cents), plus any tax that may be chargeable, in respect of pecuniary damage;
 - (ii) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (iii) EUR 1,000 (one thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

ALEXANDROS SAVVAS v. GREECE JUDGMENT

Done in English, and notified in writing on 8 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Peeter Roosma
President