

# EUROPEAN COURT OF HUMAN RIGHTS

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Press release issued by the Registrar

## GRAND CHAMBER JUDGMENT (ARTICLE 41) IN THE CASE OF THE FORMER KING OF GREECE & OTHERS v. GREECE

The European Court of Human Rights has today delivered judgment at a public hearing in the case of *the Former King of Greece & Others v. Greece* (application no. 25701/94) concerning just satisfaction under Article 41 of the European Convention on Human Rights.

The Court decided, unanimously, to award, for pecuniary damage:

- 12,000,000 euros (EUR) to former King Constantine of Greece;
- EUR 900,000 to Princess Irene; and,
- EUR 300,000 to Princess Ekaterini,

The Court also awarded EUR 500,000 jointly to the three applicants for costs and expenses.

In its principal judgment (delivered on 23 November 2000) the Court found that the applicants owned the properties in question - the *Tatoi*, the *Polydendri* and the *Mon Repos* estates - as private individuals rather than in their capacity as members of the royal family. The expropriation of these properties would have been legitimate, however, had the Greek State paid the applicants compensation. The Court held, by 15 votes to two, that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights and, unanimously, that it was not necessary to examine the applicants' complaint under Article 14 (prohibition of discrimination) taken together with Article 1 of Protocol No. 1.

### 1. Principal facts

The applicants are: the former King of Greece, his sister, the Princess Irene, and his aunt, the Princess Ekaterini. The first applicant lives in London, the second in Madrid and the third in Buckinghamshire.

The case concerns the ownership status of the Greek Royal property. The applicants' complaints arise out of Law No. 2215/1994, which was passed by the Greek State on 16 April 1994 and came into force on 11 May 1994. By virtue of Article 2 of this Law, the Greek State became the owner of the applicants' moveable and immovable property. There is no provision for compensation in this Law. On 25 June 1997 the Supreme Special Court held that Law No. 2215/1994 is constitutional, which renders ineffective any further attempt by the applicants to seek judicial protection of their property rights.

Before the European Court of Human Rights, the applicants complained that their right to the peaceful enjoyment of their possessions and their right not to be subjected to discrimination, guaranteed under Article 1 of Protocol No. 1 and Article 14, had been violated.

## 2. Procedure and composition of the Court

The application was lodged with the European Commission of Human Rights on 21 October 1994. Having declared the application partly admissible, the Commission adopted a report on 21 October 1999 in which it expressed the unanimous opinion that there had been a violation of Article 1 of Protocol No. 1 and that that it was not necessary to examine whether there had been a violation of Article 14 of the Convention taken together with Article 1 of Protocol No. 1. It referred the case to the Court on 30 October 1999 and on 6 December 1999 the panel of the Grand Chamber determined that the case should be decided by the Grand Chamber.

Judgment was given by a Grand Chamber of 17 judges, composed as follows:

Luzius **Wildhaber** (Swiss), *President*,  
Jean-Paul **Costa** (French),  
Luigi **Ferrari Bravo**<sup>1</sup> (Italian),  
Gaukur **Jörundsson** (Icelandic),  
Elisabeth **Palm** (Swedish),  
Lucius **Caflich**<sup>2</sup> (Swiss),  
Ireneu **Cabral Barreto** (Portuguese),  
Willi **Fuhrmann** (Austrian),  
Boštjan **Zupančič** (Slovenian),  
Nina **Vajić** (Croatian),  
John **Hedigan** (Irish),  
Wilhelmina **Thomassen** (Dutch),  
Matti **Pellonpää** (Finnish),  
Margarita **Tsatsa-Nikolovska** (FYROMacedonia),  
Egils **Levits** (Latvian),  
Kristaq **Traja** (Albanian), *judges*,  
Georgios **Koumantos** (Greek), *ad hoc Judge*,

and also Paul **Mahoney**, *Registrar*.

## 3. Decision of the Court<sup>3</sup>

The Court observed that the compensation to be fixed did not need to reflect the idea of wiping out all the consequences of the interference in question. As the lack of any compensation, rather than the inherent illegality of the taking, was the basis of the violation found, the compensation did not need necessarily to reflect the full value of the properties.

The Court also considered that less than full compensation might be called for where the taking of property was resorted to with a view to completing fundamental changes to a country's constitutional system such as the transition from a monarchy to a republic.

In conclusion, the Court deemed it appropriate to fix a lump sum based, as far as possible, on an amount "reasonably related" to the value of the property taken, i.e. an amount which the

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1 Former judge elected in respect of San Marino.

2. Judge elected in respect of Liechtenstein.

3. This summary by the Registry does not bind the Court.

Court would have found acceptable under Article 1 of Protocol No. 1, had the Greek State compensated the applicants. In determining the amount the Court took into account the claims of each applicant, the question of the movable property, the valuations submitted by the parties and the possible options for calculating the pecuniary damage, as well as the lapse of time between the dispossession and the present judgment.

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The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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*The European Court of Human Rights was set up in Strasbourg in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. On 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Commission and Court.*