



Grand Chamber hearing on disciplinary sanction imposed on judge for Facebook posts

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 18 December 2024 at 9.15 a.m.** in the case of **Danileț v. Romania** (application no. 16915/21).

The case concerns a disciplinary sanction imposed on the applicant by the National Judicial and Legal Service Commission for posting two messages on his Facebook page. He was a judge at Cluj County Court at the relevant time.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A recording of the hearing will be available this afternoon on the Court's internet site (www.echr.coe.int).

The applicant, Vasilică-Cristi Danileț, is a Romanian national who was born in 1975 and lives in Cluj-Napoca (Romania).

In 2019 the National Judicial and Legal Service Commission (*Consiliul Superior al Magistraturii* – “the CSM”) imposed a two-month, 5% pay cut on Mr Danileț as a disciplinary sanction for posting two messages on his Facebook page.

Basing its decision on Article 99 (a) of Law no. 303/2004 on the rules governing judges and public prosecutors, the CSM found that, in his first post, Mr Danileț had caused damage to the honour and reputation of the judiciary and had breached his duty of discretion. It further found that the language he had used in his comment on the second post had overstepped the limits of propriety and had been unworthy of a judge.

In May 2020 the High Court of Cassation and Justice dismissed an appeal by Mr Danileț and upheld the CSM's decision.

Complaint

Relying on Article 10 of the European Convention on Human Rights, Mr Danileț complains of an interference with his right to freedom of expression.

Procedure

The application was lodged with the European Court of Human Rights on 18 March 2021.

In its [judgment](#) of 20 February 2024 the Court (Chamber) held, by a majority, that there had been a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-judge Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

On 24 June 2024 the case was referred to the Grand Chamber at the Romanian Government's request.

Several organisations were granted leave to intervene in the written proceedings as third parties.

Composition of the Court

The case will be heard by a Grand Chamber of 17 judges, composed as follows:

Marko **Bošnjak** (Slovenia), *President*,
Arnfinn **Bårdsen** (Norway),
Ivana **Jelić** (Montenegro),
Mattias **Guyomar** (France),
Lado **Chanturia** (Georgia),
Ioannis **Ktistakis** (Greece),
María **Elósegui** (Spain)
Gilberto **Felici** (San Marino),
Saadet **Yüksel** (Türkiye),
Andreas **Zünd** (Switzerland),
Davor **Derenčinović** (Croatia),
Mykola **Gnatovskyy** (Ukraine),
Oddný Mjöll **Arnardóttir** (Iceland),
Sebastian **Răduleţu** (Romania),
Gediminas **Sagatys** (Lithuania),
Stéphane **Pisani** (Luxembourg),
Úna **Ní Raifeartaigh** (Ireland), *judges*,
Frédéric **Krenc** (Belgium),
Lorraine **Schembri Orland** (Malta),
Kateřina **Šimáčková** (the Czech Republic), *substitute judges*,

and also Abel **Campos**, *Deputy Registrar*.

Representatives of the parties

Government

Oana-Florentina **Ezer**, *Agent*,
Laura-Corina **Iordache**, Adriana-Mihaela **Bărbieru** and Claudiu-Marian **Drăguşin**, *Advisers*;

Applicant

Nicoleta-Tatiana **Popescu** and Mihaela **Ghirca-Bogdan**, *Counsel*.

The applicant in the case, Vasiliţă-Cristi **Danileţ**, will also attend the hearing.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.