



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

THIRD SECTION

CASE OF TSATANI v. GREECE

(Application no. 42514/16)

JUDGMENT

Art 6 § 1 (civil) • Independent and impartial tribunal • Disciplinary proceedings against a prosecutor, leading to a sanction, brought by the Court of Cassation (CC) President, after she conducted the preliminary disciplinary investigation and examined the applicant's recusal request against her • CC disciplinary councils satisfied Art 6 § 1 "tribunal" requirements • Disciplinary council's failure to address the impact on the fairness of the proceedings of the CC President's official press release issued during the confidential preliminary investigation referring to the applicant and analysing the merits of the recusal request • CC President's statements ipso facto incompatible with the notion of an "independent and impartial" tribunal • CC President being the highest authority within the civil and criminal courts and being well known as a former interim prime minister, should have exercised caution not to create the impression of influencing the proceedings, particularly as she was conducting a disciplinary investigation against a member of the judiciary • Emphasis on the singular context of the case • Lack of objective impartiality

Prepared by the Registry. Does not bind the Court.

STRASBOURG

14 October 2025

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 Tsatani v. Greece,

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

Peeter Roosma, *President*,
Ioannis Ktistakis,
Darian Pavli,
Diana Kovatcheva,
Úna Ní Raifeartaigh,
Canòlic Mingorance Cairat,
Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 42514/16) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Greek national, Ms Georgia Tsatani (“the applicant”), on 20 July 2016;

the decision to give notice to the Greek Government (“the Government”) of the complaint concerning Article 6 § 1 of the Convention and to declare the remainder of the application inadmissible;

the parties’ observations;

the decision to treat as confidential the documents deposited with the Registry as annexes to the Government’s observations (Rule 33 of the Rules of Court);

Having deliberated in private on 8 July and 16 September 2025,

Delivers the following judgment, which was adopted on the last-mentioned date:

INTRODUCTION

1. The case concerns disciplinary proceedings against the applicant, a prosecutor. The applicant complained that she had not been heard by an impartial tribunal, in violation of Article 6 § 1 of the Convention, as the President of the Court of Cassation (hereinafter also “the CC”), who had been conducting the preliminary disciplinary investigation, had herself examined the recusal request submitted by the applicant against her and had subsequently brought disciplinary proceedings against the applicant.

THE FACTS

2. The applicant was born in 1952 and lives in Athens. She was represented by Mr T. Sofos, a lawyer practising in Athens.

3. The Government were represented by their Agent, Ms N. Marioli, and their Agent’s delegate, Ms O. Patsopoulou, Legal Advisor at the State Legal Council.

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

I. DISCIPLINARY PROCEEDINGS

A. Preliminary disciplinary investigation

5. On 23 March 2016, V.T., the President of the CC at the relevant time, informed the applicant, a prosecutor at the Athens Court of Appeal at the relevant time, that she had opened a preliminary disciplinary investigation against her. V.T. had taken that action on the basis of letters by the Cypriot Minister of Justice and the Advocate General, both dated 24 February 2016, in which those officials had expressed concern as regards the applicant's decision to close criminal investigations into a criminal fraud case, which had been covered by the media, involving Greek and Cypriot individuals. V.T. sent to the applicant the evidence that she had collected in the context of the investigation (witness testimonies and documents) and reports by the Cypriot officials, and called upon the applicant to present her written defence within ten days.

6. On 30 March 2016, the applicant submitted a report to the Prosecutor at the CC. Noting that she was under preliminary investigation by V.T., she argued that the Prosecutor of the CC had exclusive competence in the matter and requested the latter to launch a preliminary investigation. The applicant also complained that D.P., deputy Minister of Justice, had referred to the pending disciplinary proceedings against the applicant in a speech before Parliament on 29 March 2016, even though the proceedings were confidential. The applicant invited the Prosecutor of the CC to investigate.

7. On 1 April 2016, the applicant replied to V.T. She complained that she had not been called upon to present an oral defence and that V.T. had failed to clearly specify the acts allegedly committed by the applicant which constituted the disciplinary offence in question.

8. On 4 April 2016, V.T. replied to the applicant that, in order to avoid tension and to expedite the proceedings, she was enclosing a detailed statement specifying the acts in question, and invited the applicant to present her written and oral defence within a fresh ten-day time-limit.

B. Applicant's recusal request

9. On 4 April 2016, the applicant submitted her written defence to V.T. She also submitted a recusal request against V.T., arguing that the latter had previously been involved in the case and, therefore, could not be impartial. In particular, on account of the fact that V.T. had had a previous function as interim prime minister in September 2015, she had special relations (in her capacity as a hierarchical superior) with D.P., deputy Minister of Justice at the time, which had been ongoing. The applicant noted that D.P., in his speech

before Parliament on 29 March 2016, had apparently been aware of the pending disciplinary proceedings against her (see paragraph 34 below). She alleged that V.T. had provided this information to D.P., even though the proceedings were confidential.

10. The applicant submitted that V.T. had also developed special relations (in her capacity as interim prime minister) with the Cypriot officials who had written to V.T. about the applicant's actions (see paragraph 5 above).

11. Lastly, the applicant alleged that V.T. had failed to remain impartial because she had addressed questions to the applicant and to the witnesses in a prejudicial manner and had given an incomplete copy of the file to the applicant.

C. Further steps in the preliminary disciplinary investigation

12. On 12 April 2016, V.T. referred the case to a Vice-President of the CC so that the latter could pursue the preliminary investigation.

13. In the referral document, V.T. stated that the applicant's recusal request constituted an abuse of process, that the reasons relied on had been unfounded and that the applicant's objective had been to delay the proceedings. In particular, V.T. stated that her relations with the Cypriot officials in question had been strictly confined to her official functions as interim prime minister. She had not initiated the preliminary investigation in question under pressure by the Cypriot authorities. V.T. had decided to conduct the investigation herself under Article 99 § 9 of Law no. 1756/1988 owing to the high socioeconomic interest in the cases handled by the applicant. She reiterated that, under the same provision, she had the power to assign the investigation to another judge. Furthermore, under the case-law of the CC, the manner in which a judge formulated questions to witnesses could not constitute valid grounds for recusal. V.T. added that the applicant's allegation that she had given to the applicant an incomplete copy of the case file had constituted an abuse of process, as the document that had allegedly been missing was one which had already been known to the applicant.

14. V.T. concluded that, even though the applicant's request was unfounded, it was necessary to refer the case to the Vice-President of the CC "... in order to safeguard the authority and credibility of both my institutional position and of the judiciary in general ...".

15. On 21 April 2016, the applicant complained to the Vice-President of the CC that V.T. had issued a press release regarding the recusal request that the applicant had lodged, and she submitted as a supporting document a press publication wherein V.T. had been quoted as declaring that the applicant's recusal request had been ill-founded and had constituted an abuse of process (see paragraph 32 below). The applicant requested that the Vice-President of the CC take no further action in the preliminary investigation until the recusal request against V.T. had been decided by the competent judicial body.

16. On 5 May 2016, the Vice-President of the CC concluded the preliminary investigation and proposed, on the basis of the evidence collected by V.T. and the written defence submitted by the applicant to V.T., that V.T. bring a disciplinary action against the applicant. The Vice-President of the CC noted that the applicant had reiterated before her the recusal request she had submitted against V.T. and, noting that V.T. had dismissed it as an abuse of process on 12 April 2016 (see paragraphs 12 and 14 above), declared it inadmissible for lack of standing.

D. Disciplinary action brought by V.T. against the applicant

17. On 24 June 2016, V.T. brought a disciplinary action against the applicant and referred her to the seven-member disciplinary council of the Court of Cassation (“the seven-member disciplinary council”).

18. As regards the applicant’s recusal request, V.T. stated that it was inadmissible, as it had not been lodged with the Prosecutor of the CC under Article 17 § 2 and Articles 19 and 20 of the Code of Criminal Procedure. Therefore, it could only be considered an invitation for V.T. to withdraw, which had not created an obligation for her. V.T. further found that, in the referral document dated 12 April 2016, she had not dismissed any “recusal request”, but had rather exercised her right under Article 99 § 9 of Law no. 1756/1988 to assign the preliminary disciplinary investigation to another judge and had provided reasons to that effect. In any event, V.T. noted that the applicant could raise before the seven-member disciplinary council her concerns as regards V.T.’s alleged bias.

E. Proceedings before the seven-member disciplinary council

19. On 6 July 2016, the President of the seven-member disciplinary council invited the applicant to present her written defence.

20. On 19 July 2016, the applicant presented her written defence.

21. On 16 September 2016, the council heard the applicant in person; she presented her oral defence, assisted by an attorney.

22. The council, by decision no. 22/2016 of 10 October 2016, found that the applicant had committed acts entailing serious negligence, which had damaged the prestige of the judiciary. It found that the applicant had terminated criminal investigations which had been under the exclusive competence of the Anti-Corruption Prosecutor and had breached an agreement between Greek and Cypriot authorities, concluded in the context of the European Union Agency for Criminal Justice Cooperation (EUROJUST), according to which some aspects of the case had to be investigated by the Cypriot authorities. It sentenced the applicant to sixty days of salary deprivation.

23. As regards the applicant's recusal request in respect of V.T., the council noted that it was inadmissible, as the applicant had failed to submit it before the Prosecutor of the CC. The applicant's report to the Prosecutor of the CC (see paragraph 6 above) did not amount to a recusal request because, *inter alia*, the applicant had not included therein a concrete grievance *vis-à-vis* V.T.'s impartiality, nor had she alleged that V.T. had leaked information pertaining to the disciplinary investigation. Furthermore, the council held that, as the applicant's recusal request was inadmissible, V.T. was not bound by it in any way. V.T. had not dismissed the "recusal request", but had exercised her right under Article 99 § 9 of Law no. 1756/1988 to delegate the preliminary investigation to another judge. Accordingly, the council held that V.T.'s assignment of the investigation to the Vice-President of the CC had been lawful and dismissed the applicant's written and oral objections asserting that it had warranted a procedural annulment owing to the invalidity of the disciplinary action.

24. The applicant lodged an appeal.

F. Proceedings before the nine-member disciplinary council

25. On 9 and 10 January 2017, the applicant's case was heard by the nine-member disciplinary council of the Court of Cassation ("the nine-member disciplinary council"). During the hearing, the applicant complained that she had been unjustly subjected to negative publicity.

26. On 16 March 2017, it dismissed the applicant's appeal by decision no. 7/2017.

27. As regards the applicant's recusal request, the council noted that the applicant had been aware that such requests were to be submitted to the Prosecutor of the CC under the applicable provisions of the Code of Criminal Procedure, which applied *mutatis mutandis*, but she had chosen, for her own reasons, not to submit it to the competent body. The applicant's request before the Prosecutor of the CC did not amount to a recusal request because, *inter-alia*, the lawyer signing it had not submitted a power of attorney which mentioned the specific grounds of recusal relied on, in accordance with Article 17 §§ 1-2 of the Code of Criminal Procedure. Further, the Prosecutor of the CC did not take any action on the basis of that request.

28. The council found that V.T. had not dismissed the applicant's recusal request. V.T. had merely referred the case to the Vice-President of the CC and had provided reasons, notably explaining why the applicant's recusal request had been inadmissible and non-binding on her, and that her own actions had been aimed at preserving the prestige of the judiciary. Furthermore, V.T. had explained that, even if the applicant's recusal request were to be considered an invitation to withdraw, there had been no valid ground for her to do so.

29. The council also found that, in any event, the applicant's recusal request was unfounded. It noted, *inter alia*, that the applicant's allegations regarding V.T.'s previous functions as interim prime minister did not amount to a valid ground for recusal: as regards V.T.'s relations with D.P., they had been formal and, in any event, V.T. had not been in a position of dependence in respect of D.P., but had rather been his hierarchical superior. As regards V.T.'s relations with the Cypriot officials in question, they had also been strictly official. Moreover, V.T.'s accidental omission to include one document from the case file with the applicant's copy of the file did not raise doubts as to V.T.'s impartiality, as, *inter alia*, the applicant could obtain a copy of the document upon request. Lastly, the applicant's allegation that V.T. had leaked information regarding the proceedings was unsubstantiated.

30. Accordingly, the council found that the applicant's objection regarding grounds for annulment in the proceedings before V.T. was unfounded and had been rightly dismissed by the seven-member disciplinary council.

31. On 22 March 2021, the nine-member disciplinary council, by decision no. 5/2021, rejected a request by the applicant to reopen the proceedings.

II. OTHER DEVELOPMENTS

A. Press release by V.T. regarding the disciplinary investigation

32. On 18 April 2016, V.T. issued a press release in her capacity as President of the CC. V.T. explained that she was issuing the press release because some persons had tried to misinform the public by undermining public confidence in her and in the institution of President of the CC because they were upset by the fact that V.T. was "fighting big, interconnected interests". As regards the disciplinary proceedings against the applicant, in the press release V.T. mentioned the following:

"A. Regarding the competence [to exercise] disciplinary control (regarding which there is a criticism that a law has been adopted that grants the President of the Court of Cassation the power to exercise disciplinary control by herself):

(1) The competence to exercise disciplinary proceedings (pursuant to Article 99 § 1 of the Code of Courts – Law no. 1756/1988) is vested in the Prosecutor of the Court of Cassation and the Chief Inspector in respect of all members of the judiciary (judges and prosecutors), in the Presidents of the Courts of Appeals managing a Court of Appeal in respect of the judges of their region, and in the Prosecutors of the Courts of Appeal in charge of a Prosecutor's Office in respect of the prosecutors in their region. Under Article 46 § 3 of Law no. 4356/2015, the competence of the President of the Court of Cassation was added. Therefore, the question of who is bothered and why reasonably arises, in view of the fact that the President of the Court of Cassation has also acquired this competence in addition to the Prosecutor of the Court of Cassation and the Chief Inspector. It is also clear from the text of the law that all the bodies with the power to exercise disciplinary proceedings are single-member bodies and it is completely

inaccurate that until now only multi-member bodies have had the right to exercise disciplinary control, as some people claim in an attempt to misinform.

(2) It is also completely inaccurate that the President who brings disciplinary proceedings judges the person under review by participating in the disciplinary council, given that ‘those persons who have brought a disciplinary action or have conducted the investigation in the same disciplinary case may not participate in a disciplinary council or tribunal for the purpose of hearing a particular disciplinary case’ (Article 97 § 5 of the above-mentioned Law).

B. Regarding my exercise of disciplinary control against the Prosecutor of the Court of Appeal, Georgia Tsatani, (in respect of the ... case against V.):

(1) The person vested with the power to bring disciplinary proceedings has the right (under Article 99 § 1 (a) of the above-mentioned Law) to launch a preliminary investigation which is carried out by his order, or by another member of the judiciary who outranks the person under investigation, or in person, as I have done in the present case, because of the wide publicity the case has received and the high socioeconomic interest in the cases handled by the person under investigation.

(2) Consequently, the grounds for recusal which were relied on, involving suspicions regarding my impartiality, namely that I myself undertook the disciplinary investigation allegedly ‘upon the advice of’ the Cypriot officials or that I allegedly have a relationship of acquaintance with them because of my status as a former interim prime minister, or that I allegedly maintain a relationship of official cooperation with the Deputy Minister of Justice, Mr. D.P., do not even require a reply, because, if formal official relations or mere acquaintance are to be assessed as grounds for recusal, then every member of the judiciary would need to be recused. The other grounds for recusal have been held to be ill-founded in case-law (decision no. 1080/2010 of the Court of Cassation), besides being completely unfounded in substance and inaccurate, as was the reason that I allegedly admitted that the summons for a written defence served on her were vague.

(3) However, in spite of the unfoundedness of the recusal request in question, of the fact that it constituted an abuse of process, and of the fact that I never had any animosity or antipathy towards the person under investigation, with whom, on the contrary, I always maintained very good official relations, and the fact that I have no particular relationship whatsoever with the Cypriot officials who submitted the reports, I have, nonetheless, entrusted a Vice-President of the Supreme Court with the further conduct of the disciplinary investigation and the drafting of the relevant report in order to safeguard the authority and credibility of both my institutional position and of the judiciary in general ...”

33. On 18 and 19 April 2016, the above-cited press release by V.T. was mentioned in articles in the press. Such an article was published on 19 April 2016 by the newspaper *Efimerida ton Sintakton*, entitled “[V.]T.: I fight big, interconnected interests”, which mentioned that V.T. had issued an unprecedented press release. V.T. was quoted as referring to the pending disciplinary proceedings and mentioning the applicant by name, stating that she had no particular relationship with the Cypriot officials who had written to her about the case and reiterating that the applicant’s recusal request was “unfounded” and an “abuse of process”.

B. Statements of the deputy Minister of Justice to Parliament

34. On 29 March 2016, Parliament held a discussion as regards developments in the judiciary. In that context, D.P., deputy Minister of Justice, Transparency and Human Rights, intervened, alleging that there was a plot which was aimed at framing him for alleged interventions in the judiciary. In that context, D.P. noted that the applicant had also made allegations that he had tried to influence her handling of cases. He added that a disciplinary investigation was pending against the applicant and that the origin of that investigation had been the letter by the Cypriot Minister of Justice to the President of the CC. He noted that he had mentioned this information “to protect the plotters from making other mistakes in their effort to once more distort reality” and that it was preferable “to await the finalisation of the disciplinary investigation and whatever else will be revealed afterwards”.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. RELEVANT LEGISLATION

A. The Constitution

35. The Constitution provides, in so far as relevant:

Article 37

Appointment of the Prime Minister and the government

“ ...

3. ... if it is confirmed that it is impossible to form a government which has the confidence of Parliament, [the President of the Republic] shall seek the formation of a government from all the parties in Parliament for the purpose of holding elections and, in the event of failure, shall instruct the President of the Supreme Administrative Court or the Court of Cassation or the Court of Auditors to form a government, [which is] as broadly acceptable as possible, in order to hold elections, and shall dissolve Parliament.”

Article 87

Judicial independence

“1. Justice is delivered by courts composed of permanent judges who enjoy personal and functional independence ...

...”

Article 88

Guarantees of independence of members of the judiciary, remuneration and secondments

“1. Members of the judiciary are appointed by Presidential Decree, in accordance with a law which provides for the qualifications and the selection procedure, and are permanent.

2. Remuneration of members of the judiciary is analogous to their function. Everything relevant to their hierarchical and compensatory development and their situation in general are provided for in a special law ...

4. Members of the judiciary may be dismissed, only following a court decision, on account of a criminal conviction or for serious disciplinary misconduct, illness, disability or incapacity to serve, to be ascertained as provided for by law and after the provisions of paragraphs 2 and 3 of Article 93 have been complied with.

5. Members of the judiciary, up to the rank of appeal judge or deputy appeal prosecutor and equivalent to those ranks, shall be compulsorily retired from service on reaching the age of sixty-five years, and those with ranks higher than that or equivalent to those ranks shall be compulsorily retired from service on reaching the age of sixty-seven years.” ...

Article 90

Supreme Judicial Council

“1. Promotions, assignments, transfers, detachments and secondments of members of the judiciary shall be effected by Presidential Decree, issued by a decision of the Supreme Judicial Council. [The Council] shall be composed of the president of the supreme court concerned and of members of the same court appointed by lot from among those who have at least two years’ service in that court, as prescribed by law. ...

...

5. Promotions to the posts of President ... of the Court of Cassation ... shall be effected by Presidential Decree, issued on the proposal of the Council of Ministers, by selection from among the members of the relevant Superior Court, as prescribed by law ...

...”

Article 91

Supreme Disciplinary Council

“...

3. ... Disciplinary authority over other members of the judiciary shall be exercised at the first and second levels of jurisdiction by councils constituted by drawing lots from ordinary judges, as specified by law. The disciplinary action can also be brought by the Minister of Justice.

4. Disciplinary decisions under the provisions of this Article shall not be subject to appeal before the Supreme Administrative Court.”

B. The Code of Courts (Law No. 1756/1988)

36. 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 53
Immovability

“1. The members of the judiciary shall be permanent. Before being appointed as professional judges, they shall undergo a period of education and testing ...”

Article 97
Establishment and functioning of the other disciplinary councils

“1. The seven-member and nine-member disciplinary councils of the Supreme Administrative Court, the Court of Cassation and the Court of Auditors shall be composed of a corresponding number of ordinary judges, appointed each year by lot ...

5. The following persons may not participate in a disciplinary council to hear a particular disciplinary case: ...

(c) those who have brought disciplinary proceedings or have conducted the investigation in the same disciplinary case ...

(f) those who are connected by a special friendship or are in a ... dispute with the person under investigation or have a special connection with the case, so as to cast doubt on their impartiality.

A member of the judiciary who is prevented from acting on account of the [circumstances] above shall have the obligations set out in Article 23 of the Code of Criminal Procedure, which shall apply *mutatis mutandis* ...”

Article 98
Procedural provisions

“...

2. The pre-trial phase before disciplinary ... councils shall be secret. ... The main proceedings in the other disciplinary councils shall be secret ...”

Article 99
The bringing of disciplinary proceedings

“1. The persons that have the power to bring disciplinary proceedings are:

(a) the Minister of Justice, Transparency and Human Rights for all members of the judiciary ...

(d) the President of the Court of Cassation, the Prosecutor of the Court of Cassation and the Chief Inspector of the Inspectorate for all members of the judiciary of the civil and criminal courts, except for members of the Court of Cassation ...

9. The person vested with the power to bring disciplinary proceedings has the right to immediately conduct a preliminary investigation. The preliminary investigation shall be informal and shall be conducted either by the person vested with the power to bring disciplinary proceedings or, upon his instructions, by another member of the judiciary who outranks the person alleged to have committed a disciplinary offence.

10. The person conducting a preliminary investigation must request oral or written explanations from the person alleged to have committed the disciplinary offence. He shall have the right to request information or the transmission of relevant information from any other authority, shall arrange for the gathering of evidence and shall examine witnesses if necessary. The person called upon to present his defence shall have the right to be acquainted beforehand with all the evidence relating to him. A report shall

be drawn up on the preliminary examination, the conclusions of which shall be reasoned ...”

Article 100

Initiation and termination of disciplinary proceedings

“1. Disciplinary proceedings shall be initiated with the bringing of a disciplinary action and shall be terminated with the delivery of a definite (*οριστικής*) and final (*τελεσίδικης*) decision within a short period of time.

2. The disciplinary action shall contain:

(a) the name and official data of the person subject to the proceedings; [and]

(b) a determination of the facts which constitute the disciplinary offence alleged, the circumstances in which it was committed and the relevant provisions.

3. The disciplinary action shall be brought before the competent council ...”

Article 101

Pre-trial procedure

“... ”

2. The rapporteur shall invite the person concerned to present his defence. The summons shall state a reasonable time-limit, which shall not be shorter than five days and may be extended, on the request of the person concerned, to up to three times the time-limit ...

3. The person concerned may consult the disciplinary file and request copies of the documents, in which case a special report shall be drawn up. The defence shall be [submitted] in writing to the rapporteur, who shall issue a written acknowledgment of receipt ... The defence shall be accompanied by all the information at the disposal of the person subject to the proceedings, who may ask the rapporteur for a reasonable time-limit for submitting additional information. In the defence, the examination of a maximum of five witnesses may be proposed and it may be indicated that the disciplinary report must be complemented by certain crucial documents or other evidence with any authority ...”

Article 103

Setting of a hearing – summoning of the person subject to the proceedings

“1. After the end of the investigation and the preparation of the relevant report, the president of the council, after receiving the case file, shall set a date for the hearing of the case before the disciplinary board ...

This act shall also be communicated to the person subject to the proceedings with a summons to appear and to examine the file, if he so wishes, and to attend the hearing. The summons shall be served at least ten days before the date of the hearing. Failure of the person subject to the proceedings to attend shall not hinder the progress of the proceedings.

2. The president of the council may, of his own motion or at the request of the person being prosecuted, summon witnesses to appear before the council.”

Article 104

Main proceedings before disciplinary councils

“ ...

2. The person subject to the proceedings may request in writing before the beginning of the hearing the recusal of a maximum of two members of the disciplinary council, stating the grounds for recusal. The council shall take a decision on the request, without the participation of the member whose recusal has been requested, by means of a reasoned decision to be entered in the minutes. The members whose recusal has been decided by the council shall be replaced by alternates.

3. During the hearing, the rapporteur shall transmit (*διαβιβάζει*) the disciplinary action and the findings of the investigation, if one has taken place. The witnesses shall then be called for examination and the person subject to the proceedings shall be given the opportunity to present his defence orally and answer the questions of the members of the council. The person subject to the proceedings shall have the right to submit a memorandum within a reasonable time limit set by the president ...

4. The council shall assess the evidence freely. If it considers it insufficient, it may decide to order the taking of further evidence ...

The decision shall contain the composition of the council, the name and rank of the accused, an indication of any appearance or legal summons, a summary of the accusation and of the defence with the essential allegations of the accused, the reasons for the finding or not of guilt and for the calculation of the sentence, and an operative part ...”

Article 105

Appeals

“1. The definite (*οριστικές*) decisions of the councils referred to in Article 95 §§ 5, 7, 9 and 11 are subject to appeal when they have been delivered at first instance ...

4. As regards the appeal procedure before the disciplinary councils, the rights of the person subject to the proceedings, the issuance and service of the decision and the above-mentioned provisions regarding first-instance disciplinary councils shall apply *mutatis mutandis* ...

6. The decisions of the disciplinary councils shall not be open to any other appeal before any other court or to an appeal before any other authority besides the remedies referred to in the preceding paragraphs.”

C. Legislative amendments as regards the President of the Court of Cassation’s power to bring disciplinary proceedings against judges and prosecutors

37. Article 99 of Law no. 1756/1988, amended by Article 46 § 3 of Law no. 4356/2015 (which entered into force 24 December 2015), effectively added, for the first time since the current Constitution came into force in 1975, the President of the CC to the list of persons vested with the authority to bring disciplinary proceedings against civil and criminal judges and prosecutors (with the exception of members of the Court of Cassation). According to the

explanatory report, this was necessary, “as the presidents of supreme courts had the general supervision and control of all judges of their respective jurisdiction and considering the specificities of civil and criminal jurisdiction”.

38. Article 99 of Law no. 1756/1988 was further amended by Article 23 of Law no. 4786/2021 (which entered into force 23 March 2021), with the effect of removing the President of the CC from the list of persons vested with such authority. The new Code of Courts (Law no. 4938/2022), which entered into force on 6 June 2022 and remains in force to date, did not reinstate the President of the CC’s power to bring disciplinary proceedings against civil and criminal judges and prosecutors.

D. The status of prosecutors in the Greek judicial system

39. The Greek judicial system makes no fundamental distinction between the status of judges and that of prosecutors, both being considered members of the judiciary. In accordance with the Constitution, all members of the judiciary enjoy the same guarantees of independence (Article 88). Further, the same bodies are competent with respect to transfers, promotions, supervision and disciplinary control (Articles 90 and 91) for all members of the judiciary (see also paragraph 35 above). The status of all members of the judiciary, including prosecutors, was, at the relevant time, regulated in a uniform way by Law No. 1756/1988 (see also paragraph 36 above) regarding appointment (Articles 34-39), rights (Articles 43-47), transfers and secondments (Articles 49-52), seniority and precedence (Articles 54-55), suspension (Articles 56-57) and termination of career (Articles 58-60), all members of the judiciary being permanent (Article 53) and their supervision (Articles 80-88) and disciplinary control (Articles 90-107) being regulated in a uniform manner. Lastly, in accordance with Article 24 of Law No. 1756/1988, the Prosecutor’s office shall be a judicial authority independent from the courts and the executive, and prosecutors shall be hierarchically subordinate to the Prosecutor of the CC.

E. Code of Criminal Procedure

40. The provisions of the Code of Criminal Procedure, as in force at the material time, read, in so far as relevant:

Article 17

Content and submission of the request for recusal

“1. The recusal request shall clearly specify the grounds for the recusal of the judicial person, specifically mention the facts on which those grounds are based and mention the supporting evidence. Otherwise, the request shall be rejected as inadmissible at the same hearing by the same composition of the court or council to which it was submitted.

2. The recusal request must be signed by the claimant himself or by a representative who has a special power of attorney for this purpose. Subsequent production of the power of attorney shall not be permitted for any reason. The power of attorney must state specific and concrete grounds for which the recusal is requested. If the above formalities are not complied with, the request shall be rejected as inadmissible at the same hearing by the same composition of the court or council to which it was submitted.

3. The recusal request shall be submitted to the public prosecutor of the court where the person whose recusal was requested is serving...”

Article 18

When the application is inadmissible

“1. If the recusal request has been submitted ... irregularly or if it has deficiencies of content, the court, having competence under Article 20 ..., shall reject it as inadmissible within a maximum of two days after its submission. The person concerned by the recusal shall not take part in the composition and the applicant is summoned along with, if possible, the other parties...”

Article 20

Competent court

“1. ... [T]he prosecutor shall submit the recusal request to the court in which he or she is serving, or to the indictments division if the request concerns an investigating judge or a member of the indictments division. The court or indictments division ... shall decide on the recusal request. The person whose recusal is requested may not take part in the composition. He or she shall be replaced in accordance with the law ...”

II. CASE-LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

41. In *Inspektorat kam Visshia sadeben savet* (30 April 2025, C-313/23, C-316/23, C-332/23, EU:C:2025:303), the Court of Justice of the European Union (hereinafter the CJEU) held, *inter alia*, that Article 19 of the Treaty on the EU, read in conjunction with Article 47 of the Charter of Fundamental Rights of the EU, must be interpreted as meaning that the principle of judicial independence precludes a practice under which the members of a judicial body who are competent notably to investigate the activity of judges and prosecutors and to propose the initiation of disciplinary proceedings, continue to perform their functions beyond the legal duration of their terms of office, where the extension does not have an express legal basis in national law. In conducting the abovementioned analysis, the CJEU held the following:

“86 As regards specifically the rules governing the disciplinary regime in respect of judges, the requirement of independence of courts and tribunals following from the second subparagraph of Article 19(1) TEU requires that that regime must provide the necessary guarantees in order to prevent any risk of its being used as a system of political control of the content of judicial decisions.

...

87 Since the prospect of opening a disciplinary investigation is, as such, liable to exert pressure on those who have the task of adjudicating in a dispute, it is essential that a

body competent to conduct investigations and bring disciplinary proceedings should act objectively and impartially in the performance of its duties and, to that end, be free from any external influence (see, to that effect, judgments of 18 May 2021, *Asociația 'Forumul Judecătorilor din România' and Others*, C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19, EU:C:2021:393, paragraph 199, and of 11 May 2023, *Inspeția Judiciară*, C-817/21, EU:C:2023:391, paragraph 49). That applies in particular to a judicial body which, like the Inspectorate, has broad powers to scrutinise the activity of judges, public prosecutors and investigating magistrates in the performance of their functions, to carry out checks in respect of their integrity and the absence of conflicts of interest on their part, as well as to propose to another judicial body, following such checks, the initiation of disciplinary proceedings with a view to the imposition of disciplinary penalties on those persons.”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE OF 6 § 1 OF THE CONVENTION

42. Relying on Article 6 § 1 of the Convention, the applicant complained that her case had not been heard by an independent and impartial tribunal, as the President of the CC, who had been conducting the preliminary disciplinary investigation, had herself examined the recusal request submitted by the applicant against her and had subsequently brought disciplinary proceedings against the applicant. Article 6 § 1 of the Convention reads, in so far as relevant:

“In the determination of his civil rights and obligations or of any criminal charge against him ... everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law.”

A. Admissibility

1. *The parties' submissions*

43. The Government argued that Article 6 § 1 of the Convention was not applicable, either under its civil or its criminal limb.

44. As regards the civil limb, the Government noted that, in the context of disciplinary proceedings against judges and prosecutors, Article 91 § 4 of the Constitution expressly excluded access to a court for those judges or prosecutors who had had disciplinary sanctions imposed on them by the seven-member or nine-member disciplinary councils. This was justified by the fact that power of the judiciary was one of the essential manifestations of State sovereignty and public power, which, for the constitutional legislator, rendered it essential that disciplinary power be conferred to special courts whose decisions would be excluded from judicial review.

45. As regards the criminal limb, the Government argued that the sanction imposed on the applicant had not concerned criminal law, but had rather

related exclusively to the disciplinary field and the applicant's professional conduct. As such, no criminal charge had been brought against the applicant.

46. The applicant contested that assertion. She argued that Article 6 § 1 of the Convention applied under both its civil and criminal limbs.

2. The Court's assessment

(a) Whether Article 6 § 1 applies under its criminal head

47. The Court reiterates that the concept of a "criminal charge" in Article 6 § 1 is an autonomous one (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 122, 6 November 2018). The Court's established case-law sets out three criteria, commonly known as the "Engel criteria", to be considered in determining whether or not there was a "criminal charge" (see *Engel and Others v. the Netherlands*, 8 June 1976, § 82, Series A no. 22, and *Gestur Jónsson and Ragnar Halldór Hall v. Iceland* [GC], nos. 68273/14 and 68271/14, § 75, 22 December 2020). The first of these criteria is the legal classification of the offence under national law, the second is the very nature of the offence, and the third is the degree of severity of the penalty that the person concerned risks incurring. The second and third criteria are alternative, and not necessarily cumulative. This, however, does not exclude a cumulative approach where separate analysis of each criterion does not make it possible to reach a clear conclusion as to the existence of a criminal charge (see, among other authorities, *Ezeh and Connors v. the United Kingdom* [GC], nos. 39665/98 and 40086/98, § 82, ECHR 2003-X; *Jussila v. Finland* [GC], no. 73053/01, §§ 30-31, ECHR 2006-XIV; and *Gestur Jónsson and Ragnar Halldór Hall*, cited above, §§ 75, 77-78).

48. The Court has found on numerous occasions that disciplinary proceedings brought against judges did not constitute a "criminal charge", be it in the context of dismissal (see *Oleksandr Volkov v. Ukraine*, no. 21722/11, §§ 93-95, ECHR 2013, and *Kamenos v. Cyprus*, no. 147/07, §§ 51-53, 31 October 2017), the imposition of a serious fine (see *Ramos Nunes de Carvalho e Sá*, cited above, §§ 124-28), or vetting procedures (see *Xhoxhaj v. Albania*, no. 15227/19, § 245, 9 February 2021). In the present case, the applicant, a prosecutor, was subject to disciplinary proceedings for undertaking actions that were contrary to the authority of the judiciary. The proceedings brought against the applicant were exclusively of a disciplinary nature not involving the criminal courts or the application of criminal law whatsoever. Furthermore, the applicable provisions were aimed solely at a specific category, namely judges and prosecutors, for an offence falling squarely under disciplinary law. As regards the degree of severity of the penalty, salary deprivation was a classic disciplinary measure for professional misconduct and cannot be confused with a criminal penalty. It follows that

the disciplinary proceedings brought against the applicant did not constitute a “criminal charge” for the purposes of Article 6 § 1.

49. In these circumstances, the Court considers that the elements above, taken alternatively or cumulatively, are insufficient to reach a conclusion that Article 6 is applicable under its criminal limb.

(b) Whether Article 6 § 1 applies under its civil head

50. The Court further reiterates that as regards officials employed in the civil service, according to the criteria established in *Vilho Eskelinen and Others v. Finland* ([GC], no. 63235/00, ECHR 2007-II), the respondent State cannot rely before the Court on an applicant’s status as a civil servant to exclude the protection embodied in Article 6 unless two conditions are fulfilled. First, the State in its national law must have excluded access to a court for the post or category of staff in question. This condition is satisfied where domestic law contains an explicit exclusion from access to a court. However, the same condition may also be satisfied where the exclusion in question is of an implicit nature, in particular where it stems from a systemic interpretation of the applicable legal framework or the whole body of legal regulation (see *Grzęda v. Poland* [GC], no. 43572/18, § 292, 15 March 2022). Secondly, the exclusion must be justified on objective grounds in the State’s interest. In order for the exclusion to be justified, it is not enough for the respondent State to establish that the civil servant in question participated in the exercise of public power or that there existed a special bond of trust and loyalty between the civil servant and the State, as employer. It is also for the respondent State to show that the subject matter of the dispute in issue was related to the exercise of State power or that it had called into question the special bond. Thus, there can in principle be no justification for the exclusion from the Article 6 guarantees of ordinary labour disputes, such as those relating to salaries, allowances or similar entitlements, on the basis of the special nature of the relationship between the particular civil servant and the State in question. There will, in practice, be a presumption that Article 6 applies. It will be for the respondent State to demonstrate, first, that a civil servant applicant did not have a right of access to a court under national law and, secondly, that the exclusion of the Article 6 rights was justified in the case of that civil servant (see *Grzęda*, cited above, § 261, with further references, and §§ 291, 292, 296 and 299).

51. For the purposes of Article 6 § 1, a “tribunal” need not be a court of law in the traditional sense, integrated within the standard judicial machinery. It may be set up to deal with specific subject matter which can be appropriately administered outside the ordinary court system (see *Mutu and Pechstein v. Switzerland*, nos. 40575/10 and 67474/10, § 139, 2 October 2018, with further references).

52. The Court has applied the criteria set out in *Vilho Eskelinen and Others* (cited above) to various types of disputes concerning judges, including

those relating to recruitment/appointment, career/promotion, transfer, suspension, disciplinary proceedings, dismissal, reduction in salary following conviction for a serious disciplinary offence, removal from post while remaining a judge or judges being prevented from exercising their judicial functions after legislative reform (see *Grzęda*, cited above, § 263, with further references). It has also applied the *Eskelinen* criteria to a dispute regarding the premature termination of the term of office of a chief prosecutor (see *Kövesi v. Romania*, no. 3594/19, §§ 124-25, 5 May 2020), to the demotion of a prosecutor (see *Čivinskaitė v. Lithuania*, no. 21218/12, § 95, 15 September 2020), or to the suspension of a prosecutor general (see *Stoianoglo v. the Republic of Moldova*, no. 19371/22, §§ 30-35 and 38-39, 24 October 2023).

53. In the present case, the Government argued that domestic law expressly excluded access to a court in cases such as the applicant's and that this was objectively justified in the State's interest (see paragraph 44 above). The Court notes to that effect that Article 91 § 4 of the Constitution provides that no appeal before the Supreme Administrative Court is allowed as regards disciplinary decisions concerning the career of judges and prosecutors.

54. The parties did not take a clear stance on whether they considered the disciplinary councils of the CC to be "tribunals" (see paragraph 53 above, and paragraphs 60 and 61 below).

55. The Court notes that the disciplinary councils of the CC, albeit outside the standard judicial structure of the civil and criminal courts, were, within the framework established under Law No. 1756/1988, as in force at the material time, established by law and decided disciplinary matters within their competence on the basis of Article 91 of the Constitution and Article 97 of Law no. 1756/1988, and after proceedings conducted, notably, in accordance with Articles 101-104 of Law no. 1756/1988 (see paragraphs 35 and 36 above). These councils adopted decisions on disciplinary actions (Article 104 of Law no. 1756/1988), having the power to find the interested party guilty or not guilty of an offence and to decide on the appropriate sanction on the basis of the applicable legal provisions. In the context of these proceedings, the disciplinary councils established the facts and their legal characterisation after freely assessing the evidence (Article 104). The persons subject to disciplinary proceedings could, with legal assistance, present their written defence and appear in person to present their defence orally, have full knowledge of the case file and submit their own evidence, including calling witnesses (Articles 101 and 104). The above-mentioned councils were composed, exclusively, of judges of the CC, who were selected randomly each year by lot (Article 97 of Law No. 1756/1988). These judges were professional superior court judges who benefited from guarantees of institutional independence as provided for in Articles 87 and 88 of the Constitution, notably immovability, a guarantee which was reiterated in Article 53 of Law No. 1756/1988. If there was a doubt about the impartiality

of a judge sitting in these councils, domestic law provided for the possibility of the judge's withdrawal or of a recusal request.

56. Accordingly, the Court considers that the disciplinary councils established under Law No. 1756/1988, as in force at the material time, should be regarded as a tribunal having full jurisdiction in the determination of disciplinary responsibility in proceedings to which the guarantees of Article 6 applied (see, *mutatis mutandis*, *Cotora v. Romania*, no. 30745/18, §§ 37-39, 17 January 2023, with further references).

57. In view of the considerations above, the Court dismisses the Government's objection and finds that Article 6 § 1 of the Convention is applicable under its civil limb.

(c) Conclusion

58. The Court further notes that the Government, even though they noted that the applicant's recusal request had been inadmissible under domestic law, did not raise an explicit plea of inadmissibility on grounds of failure to exhaust domestic remedies (see *Navalnyy v. Russia* [GC], nos. 29580/12 and 4 others, §§ 60-61, 15 November 2018). Accordingly, the Court cannot examine this question of its own motion (see *M.C. v. Türkiye*, no. 31592/18, § 44, 4 June 2024, with further references).

59. 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

60. The applicant alleged that V.T.'s actions had irreversibly compromised the independence and impartiality of the disciplinary proceedings. The applicant had lodged a recusal request against V.T., which was admissible, as she had submitted it to both V.T. and the Prosecutor of the CC (see paragraph 6 above). When faced with the applicant's recusal request, V.T. should have refrained from any further action in the disciplinary proceedings until her recusal request had been decided by other judges. Instead, V.T. had dismissed in substance the recusal request by means of procedural actions (see paragraphs 12-14 above) and also publicly by means of an official press release (see paragraph 32 above), wherein V.T. had identified the applicant by name and had stated that the applicant's recusal request had been "unfounded" and an "abuse of process". Furthermore, V.T. had proceeded with lodging the disciplinary action against the applicant. The applicant argued that the requirement of objective impartiality under Article 6 required that the same judge not be involved in one case at several procedural stages, that is, on the one hand, conducting the preliminary investigation and

lodging the disciplinary action and, on the other hand, examining the recusal request. The applicant alleged that V.T.'s decision to bring disciplinary proceedings against her had been politically motivated and sought by the government. In that connection, the applicant noted that the President of the CC had been granted, for the first time, the right to bring disciplinary proceedings only in December 2015, a few months before V.T. had initiated the preliminary investigation in issue. The applicant concluded that there had been an institutional failure of the State to secure an impartial judge in her case.

61. The Government argued that V.T. had not dismissed the applicant's recusal request, but had merely instructed the Vice-President of the CC to complete the preliminary investigation in accordance with Article 99 § 9 of the Code of Courts (see paragraphs 12-14 above) and provided reasons to that effect. It was the seven-member disciplinary council which had decided on the recusal request and the nine-member disciplinary council on appeal. In any event, the applicant's request had been inadmissible, as had been found by the disciplinary councils, considering that the applicant's report submitted to the Prosecutor of the CC had not amounted to a recusal request. The Government further noted that the Court's role was not to deal with alleged errors of law or fact committed by the national courts, unless it could be said to amount to "unfairness" in breach of Article 6 of the Convention. In the present case, the review provided by the disciplinary councils (which belonged to the judicial – not administrative – organisation of the State and was composed of judges) could not be said to amount to such "unfairness". As regards the substance of the applicant's recusal request, the Government referred to the findings of the nine-member disciplinary council, which had replied to all the applicant's grievances and found, notably, that V.T. had not leaked information to the public in breach of confidentiality of the proceedings (see paragraph 29 above). Lastly, the Government argued that the press article referred to by the applicant, entitled "I fight big, interconnected interests" (see paragraph 33 above), had reflected the subjective views of its author and not those included in V.T.'s official press release.

2. The Court's assessment

(a) General principles

62. The Court reiterates that Article 6 of the Convention requires courts to be independent and impartial. Impartiality normally denotes the absence of prejudice or bias and its existence or otherwise can be tested in various ways. According to the Court's settled case-law, the existence of impartiality for the purposes of Article 6 § 1 must be determined according to (i) a subjective test, where regard must be had to the personal conviction and behaviour of a particular judge, that is, whether the judge held any personal prejudice or bias

in a given case; and (ii) an objective test, that is to say by ascertaining whether the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality (see, for example, *Kyprianou v. Cyprus* [GC], no. 73797/01, § 118, ECHR 2005-XIII; *Micallef v. Malta* [GC], no. 17056/06, § 93, ECHR 2009; and *Morice v. France* [GC], no. 29369/10, §§ 73-78, ECHR 2015).

63. However, there is no watertight division between subjective and objective impartiality, as the conduct of a judge may not only prompt objectively held misgivings as to the tribunal's impartiality from the point of view of the external observer (the objective test), but may also go to the issue of the judge's personal conviction (the subjective test; see *Kyprianou*, cited above, § 119). In some cases where it may be difficult to obtain evidence with which to rebut the presumption of the judge's subjective impartiality, the requirement of objective impartiality provides a further important guarantee (see *Pullar v. the United Kingdom*, 10 June 1996, § 32, *Reports of Judgments and Decisions* 1996-III, and *Otegi Mondragon v. Spain*, nos. 4184/15 and 4 others, § 54, 6 November 2018).

64. The objective test mostly concerns hierarchical or other links between the judge and other protagonists in the proceedings. It must therefore be decided in each individual case whether the relationship in question is of such a nature and degree as to indicate a lack of impartiality on the part of the tribunal (see *Morice*, cited above, § 77).

65. In this connection even appearances may be of a certain importance or, in other words, "justice must not only be done, it must also be seen to be done" (see *De Cubber v. Belgium*, 26 October 1984, § 26, Series A no. 86). What is at stake is the confidence which the courts in a democratic society must inspire in the public. Thus, any judge in respect of whom there is a legitimate reason to fear a lack of impartiality must withdraw (see *Castillo Algar v. Spain*, 28 October 1998, § 45, *Reports* 1998-VIII; *Micallef*, cited above, § 98; and *Morice*, cited above, § 78).

66. The manner in which a recusal request is examined by the domestic courts is a factor to be taken into account in assessing whether the court has been impartial and, in particular, whether the applicant's concerns can be regarded as objectively justified. The fact that such a request is examined by the judge concerned himself or herself may indeed raise doubts as to the impartiality of the judge in question (see *Doynov v. Bulgaria*, no. 27455/22, § 54, 1 April 2025, with further references).

(b) Application of those principles in the present case

(i) Scope of the case and approach to be taken

67. The Court reiterates that, in practice, it is very difficult to establish the existence of personal bias of a judge under the subjective test, and the Court normally prefers to assess the situation from the objective standpoint (see

Rustavi 2 Broadcasting Company Ltd and Others v. Georgia, no. 16812/17, § 359, 18 July 2019, with further references). Accordingly, it considers that it is appropriate to examine the present case from the objective standpoint.

68. The Court observes at the outset that domestic law, as in force at the material time, provided that the President of the CC could bring disciplinary proceedings against judges and prosecutors by conducting a preliminary investigation and bringing a disciplinary action. The Court notes that this competence of the President of the CC was introduced on 24 December 2015 for the first time since the current Constitution came into force in 1975; it was removed on 23 March 2021 and has not been reinstated to date (see paragraphs 37 and 38 above).

69. In the present case, V.T.'s role in the impugned disciplinary proceedings was to conduct the pre-trial phase, that is, to conduct the preliminary investigation and lodge, if necessary, a disciplinary action. Following the lodging of disciplinary action, the proceedings continued before the disciplinary councils, in which V.T. did not sit. Before the councils, the applicant raised objections regarding the conduct of the pre-trial phase, including as regards the recusal request against V.T. The applicant complained that V.T. had examined the recusal request that she had submitted against the latter, therefore irreversibly compromising the proceedings as regards the impartiality requirement of Article 6 of the Convention. She further complained that V.T. had dismissed the recusal request against herself by way of a public statement.

70. The Court further notes that, as the Government pointed out, the applicant's recusal request and grievances as regards V.T.'s impartiality were examined by the CC disciplinary councils and eventually dismissed on the merits by the nine-member disciplinary council (see paragraphs 23 and 27-29 above).

71. The Court reiterates that even where an adjudicatory or administrative body determining disputes over "civil rights and obligations" does not comply with Article 6 § 1 in some respect, no violation of the Convention can be found if the proceedings before that body are "subject to subsequent control by a judicial body that has full jurisdiction and does provide the guarantees of Article 6 § 1" (see *Ramos Nunes de Carvalho e Sá*, cited above, § 132, and *Denisov v. Ukraine* [GC], no. 76639/11, § 65, 25 September 2018).

72. The Court has established that the disciplinary councils of the CC constituted a "tribunal" within the meaning of Article 6 § 1 of the Convention and that they had full jurisdiction over the matter (see paragraphs 55-56 above). In such circumstances, the Court will limit its examination to the issue of fairness of the proceedings before the disciplinary councils of the CC.

73. The Court has previously acknowledged in cases concerning the fairness of civil proceedings that public statements made by high-ranking public officials might, in view of their content and the manner in which they

were made, be incompatible with the notion of an “independent and impartial tribunal” within the meaning of Article 6 § 1 of the Convention (see *Čivinskaitė*, cited above, § 117, with further references). It also held that what was at stake was not actual proof of influence or pressure on judges but the importance of the appearance of impartiality (*ibid.*).

74. Accordingly, the Court considers that the applicant’s complaints should be examined from the perspective of the impact of the statement made by V.T. on independence and impartiality of the proceedings before the disciplinary councils of the CC (see *Čivinskaitė*, cited above, § 118). In its analysis, the Court will assess the content of V.T.’s statement and the context in which it was made, focusing on V.T.’s institutional position, the applicant’s status as member of the judiciary and the review provided by the disciplinary councils of the CC.

(ii) The impact of V.T.’s public statement on the independence and impartiality of the proceedings before the disciplinary councils of the CC

75. The Court observes at the outset that V.T. issued an official press release as President of the CC, mentioning that she was “fighting big, interconnected interests”, mentioning the applicant by name, referring to the pending disciplinary case against her, analysing the merits of the recusal request based on the case-law of the CC and stating that the applicant’s recusal request had been ill-founded and an “abuse of process” (see paragraph 32 above; contrast *Čivinskaitė*, cited above, §§ 132-36). This press release was republished in part in a newspaper article, wherein V.T. was quoted as referring to the pending disciplinary proceedings and to the applicant and reiterating her view that the applicant’s recusal request was “unfounded” and an “abuse of process” (see paragraph 33 above).

76. The Court further observes that it is apparent from the applicable provisions that disciplinary investigations are secret under domestic law (see paragraph 36 above). Therefore, it notes with concern that V.T. issued an official press release while the preliminary disciplinary investigation was still pending.

77. The Court notes that while issuing the above-mentioned press release, V.T. was not only the president of the court that heard the applicant’s disciplinary case. The President of the CC occupies a unique institutional position in the Greek legal order, being the most senior judge within the civil and criminal jurisdiction. As was stated in the explanatory report on the provision vesting the President of the CC with disciplinary power, “the president ... had the general supervision and control of all judges” (see paragraph 37 above). From the applicable general provisions, it is apparent that the President of the CC has a central role in the careers of civil and criminal judges, being the president of the Supreme Judicial Council, a body that decides on promotions, assignments, transfers and secondments of judges and prosecutors (Article 90 of the Constitution). Furthermore, contrary to

ordinary judges, the President of the CC is selected by a decision of the Council of Ministers, under Article 90 § 5 of the Constitution, from among the serving judges of the CC, and is eligible for the office of interim prime minister in the context of a caretaker government under Article 37 of the Constitution (see paragraph 35 above).

78. The Court draws attention to V.T.’s post at the time to emphasise that, as President of the CC, she embodied, *par excellence*, the highest authority within the civil and criminal courts, having the general supervision and control in that regard (see paragraph 37 above). Furthermore, she was well known to the public, notably on account of her previous functions as interim prime minister. Therefore, on account of her position, V.T. should have been particularly cautious not to create the impression that she wished to influence the outcome of the proceedings (see, *mutatis mutandis*, *Konstas v. Greece*, no. 53466/07, § 43, 24 May 2011).

79. The Court does not consider it necessary to examine whether the powers conferred on the President of the CC were by themselves capable of generating latent pressures resulting in judges’ subservience or of having “chilling” effects on their internal independence, as it did in *Parlov-Tkalčić v. Croatia* (no. 24810/06, §§ 87-97, 22 December 2009). The central issue in the present case is the impact of V.T.’s overall conduct on the objective impartiality of the proceedings before the above-mentioned councils in these very particular circumstances in which appearances hold particular importance.

80. Further, the Court cannot lose sight of the fact that the applicant was a prosecutor subject to disciplinary proceedings. V.T., after making an official press release expressing her opinion on the merits the applicant’s recusal request, went on to bring a disciplinary action against the applicant which eventually led to the imposition of a disciplinary sanction against the latter.

81. The Court reiterates that a party to proceedings such as prosecutors cannot be bound by the same obligations of independence and impartiality that Article 6 imposes on a “tribunal” (see *Thierry v. France* (dec.), no. 37058/19, § 30, 31 January 2023, with further references).

82. However, the above approach should be nuanced in the present case where the disciplinary proceedings were initiated against a member of the judiciary. In that connection, the Court observes that in *Inspektorat kam Visshia sadeben savet*, the Court of Justice of the European Union reiterated that a disciplinary regime in respect of judges must provide the necessary guarantees in order to prevent any risk of its being used as a system of political control of the content of judicial decisions. Since the prospect of opening a disciplinary investigation against members of the judiciary is liable to exert pressure on the latter, it is essential that those vested with the authority to conduct disciplinary investigations and bring disciplinary proceedings against members of the judiciary should act objectively and

impartially in discharging such duties. That applies in particular to a judicial body which has the power to propose to another judicial body the initiation of disciplinary proceedings with a view to the imposition of disciplinary penalties on members of the judiciary (see paragraph 41 above). In the same vein, given the prominent place that the judiciary occupies among State bodies in a democratic society and the growing importance attached to the separation of powers and to the necessity of safeguarding the independence of the judiciary, the Court must be particularly attentive to the protection of members of the judiciary against measures affecting their status or career that can threaten their judicial independence and autonomy (see *Paják and Others v. Poland*, nos. 25226/18 and 3 others, § 197, 24 October 2023, with further references).

83. For the same reasons, in the present case, the Court considers that V.T. had the obligation to act objectively and impartially when conducting the preliminary investigation and bringing the disciplinary proceedings against the applicant, who, under domestic law, was a member of the judiciary benefiting from guarantees of independence (see paragraph 39 above; see, *mutatis mutandis*, *Stoianoglo*, cited above, § 38). This obligation was even more important as the applicant had argued in her recusal request that V.T. had had a relationship with a member of the executive branch in connection with her previous functions as interim prime minister (see paragraph 9 above).

84. The Court notes that the applicant explicitly complained of the public statement in question in the investigation phase (see paragraph 15 above) and voiced concerns regarding unjustified negative publicity during the hearing (see paragraph 25 above). However, the nine-member disciplinary council did not make any mention of that public statement, while rejecting as unsubstantiated the applicant's allegation that V.T. had leaked information on the confidential disciplinary investigation (see paragraph 29 above). The nine-member disciplinary council dismissed the applicant's recusal request against V.T. with a reasoning similar to that of the press release, notably as regards V.T.'s relations with the Cypriot officials and the deputy Minister of Justice (see paragraphs 29 and 32 above). Having regard to the above, the Court is of the view that the nine-member disciplinary council of the CC failed to address the impact of the official press release issued by V.T. in her capacity as President of the CC directly in the context of the disciplinary proceedings on the fairness of the impugned proceedings (compare and contrast with *Čivinskaitė*, cited above, §§ 132-136, and see, *mutatis mutandis*, *Ismoilov and Others v. Russia*, no. 2947/06, § 169, 24 April 2008, with further references).

85. The Court reiterates that Article 6 of the Convention is not concerned with the outcome of proceedings, but guarantees fairness in the proceedings themselves, including the guarantee of impartiality. It thus sees no reason to speculate on what effect V.T.'s statements had on the course of the

disciplinary proceedings, including the examination of the applicant's recusal request by the CC disciplinary councils. It is sufficient to note that the applicant's recusal request was rejected and that, in view of its content and the manner in which it was made, V.T.'s statement was *ipso facto* incompatible with the notion of an "independent and impartial tribunal" within the meaning of Article 6 § 1 of the Convention, it being understood that what is at stake here is not actual proof of influence or pressure on judges but the importance of the appearance of impartiality (see, *mutatis-mutandis*, *Ivanovski v. the former Yugoslav Republic of Macedonia*, no. 29908/11, § 147, 21 January 2016, and *Kinsky v. the Czech Republic*, no. 42856/06, §§ 94 and 98, 9 February 2012).

86. To sum up, the Court draws attention to the singular context of the case. The tribunal which heard the disciplinary case against a member of the judiciary failed to address the impact of an official press release issued in the context of these proceedings by the President of the CC, whose impartiality had been challenged by the applicant, and who was the president of the same tribunal. Furthermore, the Court notes that the President of the CC had also previously served as interim prime minister and was vested with the relevant disciplinary authority, exceptionally, for the first time since the current Constitution came into force in 1975, a few months before she brought the disciplinary proceedings. She also, according to the explanatory report of the provisions vesting the President of the CC with such power, "had the general supervision and control of all judges". In view of the above, the Court considers that the applicant's concerns as to the impartiality of the courts that heard her case were not unreasonable, subjective or unjustified. The Court concludes that the particularities of the impugned proceedings therefore failed to meet the required Convention standard under the objective impartiality test.

87. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

88. The applicant did not submit any claim with respect to just satisfaction or costs and expenses. Accordingly, the Court considers that there is no call to award her any sum on that account (see *Atiman v. Turkey*, no. 62279/09, § 44, 23 September 2014).

FOR THESE REASONS, THE COURT

1. *Declares*, by a majority, the complaint concerning Article 6 § 1 of the Convention admissible;

2. *Holds*, by six votes to one, that there has been a violation of Article 6 § 1 of the Convention.

Done in English, and notified in writing on 14 October 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the separate opinion of Judge Roosma is annexed to this judgment.

DISSENTING OPINION OF JUDGE ROOSMA

1. To my regret, I was unable to join the majority in respect either of the admissibility or of the merits of the case.

A. Scope of the case and admissibility

2. My disagreement starts with the very scope of the case the Court was called on to examine. In the recent case of *Grosam v. the Czech Republic* ([GC], no. 19750/13, 1 June 2023) the Grand Chamber of the Court had an opportunity to clarify what constituted a complaint or “claim” under the Convention. With reference to *Radomilja and Others v. Croatia* ([GC], nos. 37685/10 and 22768/12, 20 March 2018), it reiterated as follows (see *Grosam*, cited above, § 88):

“[A complaint] comprises two elements, namely factual allegations (that is, to the effect that the applicant is the ‘victim’ of an act or omission) and the legal arguments underpinning them (that is, that the said act or omission entailed a ‘violation by [a] Contracting Party of the rights set forth in the Convention or the Protocols thereto’ – see *Radomilja and Others*, cited above, § 110). These two elements are intertwined because the facts complained of ought to be seen in the light of the legal arguments adduced and vice versa ...”

The Grand Chamber further specified that it was not sufficient that a violation of the Convention was “evident” from the facts of the case or the applicant’s submissions. Rather, it held, the applicant had to complain that a certain act or omission entailed a violation of the rights set forth in the Convention or the Protocols thereto, in a manner which should not leave the Court to second-guess whether a certain complaint was raised or not (see *Grosam*, cited above, § 90). The Court has no power to substitute itself for the applicant and formulate new complaints simply on the basis of the arguments and facts advanced (*ibid.*, § 91).

3. In the present case, the applicant, a prosecutor, was the subject of domestic disciplinary proceedings initiated by V.T., the President of the Court of Cassation (“the CC”). On 4 April 2016, in her written defence submitted to the President of the CC, the applicant requested the latter’s recusal for the reasons set out in paragraphs 9-11 of the judgment. On 12 April 2016 V.T. referred the case to a Vice-President of the CC for the conclusion of the preliminary disciplinary investigation, stating, in the referral document, that the recusal request was unfounded and constituted an abuse of process (see paragraphs 12-13 of the judgment). On 18 April 2016 V.T. issued a press release, in her capacity as President of the CC, regarding the disciplinary proceedings against the applicant. In that press release she addressed the competence of the President of the CC to exercise disciplinary proceedings in general. Then, regarding specifically the disciplinary proceedings in respect of the applicant, she asserted that the applicant’s

recusal request against her was unfounded and constituted an abuse of process (see paragraph 32 of the judgment). After the conclusion of the preliminary disciplinary investigation by the Vice-President of the CC, on 24 June 2016 V.T. brought a disciplinary action against the applicant and referred her to a seven-member disciplinary council of the CC.

4. While the proceedings were pending before that disciplinary council, the applicant, on 20 July 2016, lodged an application with the Court. She alleged that her recusal request of 4 April 2016 against V.T. had been decided by V.T. herself and that her right to a hearing by an impartial tribunal under Article 6 § 1 of the Convention had thus been violated.

5. It was only after this complaint had been made to the Court that the disciplinary proceedings were concluded and the seven- and subsequently nine-member disciplinary councils delivered their decisions of 10 October 2016 and 16 March 2017, respectively.

6. In my view, both a literal and a chronological analysis of the applicant's factual allegations and legal arguments to the Court leave no doubt that she was complaining before the Court about V.T.'s referral document of 12 April 2016, in which the latter had, according to the applicant, dismissed the recusal request. The subsequent proceedings before the seven- and nine-member disciplinary councils took place after the application had been lodged with the Court; the applicant made no submissions or further complaints to the Court in the six months following the end of the proceedings before the disciplinary councils.

7. On the above basis, the scope of the case before the Court was limited to the question whether the alleged dismissal by V.T. of the recusal request against her violated the applicant's right to be heard by an impartial tribunal.

8. There is no reason to call into question the assessment by the President of the CC, the seven-member disciplinary council and the nine-member disciplinary council to the effect, first, that the applicant's recusal request was inadmissible because it had not been lodged with the Prosecutor of the CC as required by law, and, what is more, that the President of the CC had not in fact dismissed the recusal request (see paragraphs 18, 23 and 27-28 of the judgment).

9. In my opinion, the case ends there. The applicant's complaint before the Court was based on a misconceived interpretation, according to which the President of the CC, in her referral document transferring the preliminary investigation to the Vice-President of the CC, had dismissed the recusal request against her. Since the factual allegation underlying the applicant's complaint to the Court was disproved in the subsequent domestic proceedings – and that finding was neither arbitrary nor manifestly unreasonable –, it can only be concluded that the alleged violation did not take place and the applicant's complaint before the Court is manifestly ill-founded.

10. The above conclusion means that the Court had no need – and indeed could not – proceed to the subsequent examination of the independence and impartiality of the proceedings before the disciplinary councils. As explained above, the applicant did not complain about those proceedings, and she could not have done so because they took place after she had made her complaints to the Court. Those subsequent proceedings are clearly out of the scope of the case as submitted to the Court by the applicant. However, since the majority considered it possible and necessary to proceed to this further examination, I feel obliged to also express my respectful dissent on the merits.

B. Merits

11. The majority based their finding of a violation on a number of elements, none of which, in my view, justifies the conclusion reached. I will address each of them in turn. However, before doing so, I wish to highlight an area of agreement with the majority: I fully share the opinion that a party to proceedings, such as a prosecutor, cannot be bound by the same obligations of independence and impartiality that Article 6 imposes on a “tribunal” (see paragraph 81 of the judgment; see also, in addition to *Thierry v. France* (dec.), no. 37058/19, § 30, 31 January 2023, referred to in the judgment, *Clements v. Greece* (dec.), no. 76629/14, § 37, 19 April 2016). In the present case V.T., the President of the CC, acted within her powers to bring disciplinary charges against the applicant and could therefore be seen as an opposing party of the applicant in the disciplinary proceedings, rather than a “tribunal”.

12. According to the majority, the central issue in the present case was the impact of V.T.’s overall conduct on the objective impartiality of the proceedings before the disciplinary councils of the CC (see paragraph 79 of the judgment). In addition, the majority also attributed importance to the broader context of the case, which did not appear to be under the control of V.T.

13. The majority started their analysis with the official press release issued by V.T. on 18 April 2016. They were concerned by the fact that such press release had been issued, having regard to the provisions of domestic law to the effect that disciplinary investigations were secret (see paragraphs 75 and 76 of the judgment). In this connection, I note in passing that the press release in question was published several days after 12 April 2016 when, according to the applicant, V.T. had decided on her recusal request herself. That question aside, D.P., the deputy Minister of Justice, had on 29 March 2016 given a speech in Parliament, noting that the applicant had made allegations that he had tried to influence her handling of cases and that disciplinary proceedings were pending against her (see paragraph 34 of the judgment). Furthermore, V.T., in her press release, explained that she was issuing the publication because some persons had tried to misinform the

public by undermining public confidence in her and in the institution of the President of the CC because they were upset by the fact that she was “fighting big, interconnected interests” (see paragraph 32 of the judgment). It is clear from the above that the fact of the pending disciplinary investigation in respect of the applicant was publicly known when the press release was issued.

14. In addition, the majority referred to the explanatory report on the legislative amendment vesting the President of the CC with disciplinary power, according to which “the president ... had the general supervision and control of all judges” (see paragraph 77 of the judgment). Furthermore, the President of the CC was also the president of the Supreme Judicial Council, a body that decides on promotions, assignments, transfers and secondments of judges and prosecutors. The President of the CC is selected by a decision of the Council of Ministers from among serving judges of the CC, and is eligible for the office of interim prime minister in the context of a caretaker government. As concerns V.T. in particular, she was well known to the public, notably on account of her previous function as interim prime minister. The majority concluded that on account of her position, V.T. should have been particularly cautious not to create an impression that she wished to influence the outcome of the proceedings (see paragraphs 77 and 78 of the judgment).

15. The majority’s line of reasoning is not convincing. It is not uncommon for presidents of superior courts to have certain administrative and disciplinary functions. The statement in an explanatory memorandum that the President of the CC had the general supervision and control of all judges seems nothing more than a declaration; were it otherwise, there might indeed be a structural problem of independence for all Greek judges. Without further substantiation and real-life examples this statement loses much of its terrifying nature. It is difficult to assess the role of the Supreme Judicial Council in the careers of judges – and the role of the President of the CC in the practical work of that Council – but it seems fair to assume that it has greater influence on the careers of judges in lower courts, whereas promotions, assignments, transfers and secondments of CC judges do not occupy such a prominent place as to put members of disciplinary councils, in deciding specific disciplinary cases, under the pressure of the President of the CC, either in practice or in appearance. As to V.T.’s past role as interim prime minister, this caretaking function was foreseen by the Constitution and V.T. performed it for less than one month – and not of her own volition. Finally, the suggestion that V.T. should have avoided giving the impression that she wished to influence the outcome of the disciplinary proceedings is at the very least debatable. Being an official vested with the function of bringing disciplinary charges, she obviously had a professional interest – like any party to the proceedings – in the outcome. Similarly, it seems misplaced to reproach a prosecutor for such an interest in a criminal case.

16. As noted above, the majority admitted that parties to proceedings – such as prosecutors – could not be bound by the same obligations of independence and impartiality as “tribunals”; however, that approach had to be nuanced in the event disciplinary proceedings were brought against a member of the judiciary. In that connection, the majority referred to the judgment of the Court of Justice of the European Union (CJEU) of 30 April 2025 in *Inspektorat kam Visshia sadeben savet* (C-313/23, C-316/23, C-332/23, EU:C:2025:303), according to which a disciplinary regime in respect of judges had to provide necessary guarantees in order to prevent any risk of it being used as a system of political control of the content of judicial decisions. The prospect of opening a disciplinary investigation against members of the judiciary was liable to exert pressure on them; for that reason, the disciplinary authorities, including those who proposed the initiation of disciplinary proceedings, had to act objectively and impartially (see paragraph 82 of the judgment). I would add that according to the CJEU judgment, a body competent to conduct investigations and bring disciplinary proceedings should be free from any *external* influence (see *Inspektorat*, cited above, paragraph 87). More importantly, it is worth noting that the case of *Inspektorat* was factually and legally very different from the present one. Specifically, in that case the term of office of the Parliament-appointed Inspector General and inspectors of the Inspectorate at the Supreme Judicial Council had expired and they had remained in office without any express legal basis in domestic law; moreover, it was not excluded that such situation could persist indefinitely. In addition, a case decided by this Court, *Pajak and Others v. Poland* (nos. 25226/18 and 3 others, 24 October 2023), referred to by the majority in this context, concerned external – executive – interference with the termination of judges’ terms of office. To be clear, I do not underestimate, as a matter of principle, the importance of both external and internal judicial independence. However, I consider it highly problematic to apply a line of argument developed in different and very particular circumstances to the present case, which concerns the rather normal functioning of a prosecutor’s disciplinary responsibility mechanism.

17. The majority also made reference to several further elements, such as V.T.’s relationships with the deputy Minister of Justice and Cypriot officials as well as the fact that the disciplinary powers of the President of the CC, introduced by a legislative change in 2015, had been removed by a subsequent change in 2021 (see paragraphs 68, 84 and 86 of the judgment). However, while the exact nature of the relations in question were not elaborated on, it was not argued that they were anything other than formal or, even less, that V.T. had been in any kind of position of subordination or dependence. The fact that the disciplinary powers of the President of the CC were established shortly before and removed several years after the facts that gave rise to the present case may be of general historical interest, but has no bearing on the present case.

18. Lastly, the majority seemed to place emphasis on the fact that the nine-member disciplinary council of the CC had failed to address the impact of the official press release V.T. had issued in her capacity as President of the CC on the fairness of the impugned proceedings (see paragraph 84 of the judgment). Indeed, while the nine-member disciplinary council addressed the question whether the recusal request against V.T. was well founded – and gave a reasoned decision that it was not (see paragraph 29 of the judgment) –, it did not examine whether the seven-member disciplinary council or itself could have been influenced by the press release. The usefulness of such self-reflection aside, I am not convinced that the lack thereof was an omission of such gravity as to render the disciplinary proceedings in respect of the applicant unfair for the purposes of Article 6 § 1 of the Convention, even if combined with the remaining elements summed up in paragraph 86 of the judgment, which, as I have tried to explain above, are mostly irrelevant.

C. Conclusion

19. To conclude, I am of the view that the majority defined the main issue of the case as something that had never been complained of by the applicant and that went far beyond the scope of the case. As to the merits, the conduct of disciplinary proceedings against a prosecutor, brought by an independent judge – the President of the CC – and decided at two levels of jurisdiction by disciplinary councils consisting of members of the CC in accordance with the applicable rules, was assimilated by the majority to cases where disciplinary proceedings had been used as means of external (political) interference or at least where there had been a real risk thereof. For the reasons set out above, I was unable to subscribe to their approach.