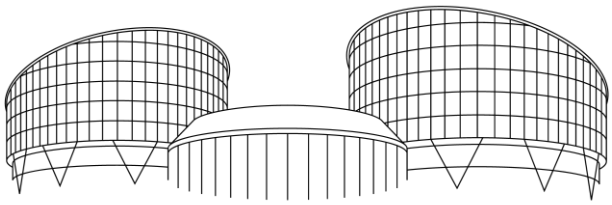

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF KONSTAS v. GREECE

(Application no. 53466/07)

JUDGMENT
(Extracts)

STRASBOURG

24 May 2011

FINAL

28/11/2011

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

In the case of Konstas v. Greece,

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

Nina Vajić, *President*,
Peer Lorenzen,
Khanlar Hajiyev,
George Nicolaou,
Mirjana Lazarova Trajkovska,
Julia Laffranque, *judges*,
Spyridon Flogaitis, *ad hoc judge*,
and Søren Nielsen, *Registrar*,

Having deliberated in private on 3 May 2011,

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

PROCEDURE

1. The case originated in an application (no. 53466/07) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Greek national, Mr Dimitrios Konstas ("the applicant") on 25 November 2007.

2. The applicant was represented by Mr Y. Ktistakis, a lawyer practising in Athens. The Greek Government ("the Government") were represented by their Agent, Mr M. Apessos, Senior Adviser, State Legal Council, Mrs O. Patsopoulou, Adviser, State Legal Council, and Mrs S. Trekli, Legal Assistant, State Legal Council.

3. The applicant alleged, in particular, that there had been a violation of his rights under Articles 6 § 2 and 13 of the Convention.

4. On 14 May 2009 the President of the First Section decided to give notice of the application to the Government. Under the provisions of Article 29 § 1 of the Convention, it was also decided that the Chamber would rule on the admissibility and merits of the application at the same time.

5. Mr Christos Rozakis, the judge elected in respect of Greece, was unable to sit in the case. The Government accordingly appointed Mr Spyridon Flogaitis to sit as an *ad hoc* judge.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

6. The applicant was born in 1946 and lives in Athens.

7. From 1985 he was a professor of international relations at the Panteion University in Athens. From 1990 to 1995 he was President of the University. At the time of the 1996 general elections the applicant was appointed Press Minister *ad interim*. From 1997 to 1999 he was Minister Plenipotentiary to the Council of Europe.

8. In September 1998 an administrative investigation into the pre-1997 financial management of the Panteion University was ordered by the university authorities. The resulting report was submitted to the public prosecutor at the Athens Court of Appeal, who brought criminal proceedings against fifty-four members of the University's teaching staff who had been President or Vice-President in the period 1992 to 1998, including Mr Konstas. The applicant was charged with being an accomplice to forgery, defrauding the State of more than fifty million drachmas (approximately 146,000 euros (EUR)), misrepresentation and misappropriation of public funds. By decision of the public prosecutor at the Athens Court of Appeal, he and eighteen other accused were immediately committed to stand trial (summons no. 2284/2005). The case attracted considerable media attention.

9. On 7 September 2005 the Indictment Division of the Athens Court of Appeal endorsed the public prosecutor's decision and decided to drop the criminal charges against some of the accused. As to the applicant, it considered that he had "played a major role in the commission of the offences" (decision no. 1969/2005).

...

12. On 6 June 2007 the Athens Assize Court sentenced the applicant and nine others to 14 years' imprisonment for misappropriation of public funds, fraud against the State and misrepresentation (judgment no. 2444/2007). Mr Konstas immediately appealed and the Athens Assize Court ordered a stay of execution of his sentence pending the judgment on appeal.

...

14. On 11 June 2007, during a plenary debate in the Greek Parliament, the Deputy Minister of Finance referred to the proceedings in question, stating that certain opposition MPs had been heard by the Athens Assize Court as witnesses for the defence. In particular, he said:

> "Who are these incorruptible people? The denigrators, the renowned MPs of the Socialist Party (PASOK) and former PASOK Ministers who rushed to the defence of the Panteion bunch of crooks? Were they or were they not your personal and political friends? Didn't you appoint them acting Ministers for the Press, Ministers Plenipotentiary to the Council of Europe, when the Panteion scandals were coming to light? They were your friends, dear colleagues, and you hastened to defend them before the Parliament. You even steal from each other. According to the newspaper '*To Vima*', your friends even stole money from Mr Simitis [a former Prime Minister]!"

15. On 2 July 2007, during a plenary debate in Parliament, the Prime Minister referred to the case saying that it was "an unprecedented scandal of

deliberate and planned embezzlement of eight million euros for the benefit of those involved, to the detriment of Panteion University".

16. On 12 February 2008, addressing the opposition in Parliament, the Minister of Justice said:

> "Remember the Panteion scandal. The Greek courts boldly and resolutely convicted all those you were protecting all this time."

17. According to the case file, the case is still pending before the Athens Court of Appeal. Judgment no. 2444/2007 of the Athens Assize Court was finalised on 4 November 2009. ...

II. RELEVANT DOMESTIC LAW

18. The relevant Articles of the Civil Code read as follows:

Article 57

> "Any person whose personal rights are unlawfully infringed shall be entitled to bring proceedings to enforce cessation of the infringement and restraint of any future infringement. Where the personal rights infringed are those of a deceased person, the right to bring proceedings shall be vested in his spouse, descendants, ascendants, brothers, sisters and testamentary beneficiaries.
>
> In addition, claims for damages in accordance with the provisions relating to unlawful acts shall not be excluded."

Article 59

> "In the cases provided for in the two preceding Articles, the court may, in the judgment it gives on the application of the person whose right has been infringed, and regard being had to the nature of the infringement, also order the infringer to make reparation for the plaintiff's non-pecuniary damage. Such reparation shall consist in the payment of a sum of money, publication of the court's decision and any other measure appropriate in the circumstances of the case."

19. Sections 104 and 105 of the Introductory Law to the Civil Code read as follows:

Section 104

> "The State shall be liable, in accordance with the provisions of the Civil Code concerning legal persons, for acts or omissions of its organs regarding private-law relations or State assets."

Section 105

> "The State shall be under a duty to make good any damage caused by the unlawful acts or omissions of its organs in the exercise of public authority, except where the unlawful act or omission is in breach of an existing provision but is intended to serve the public interest. The person responsible shall be jointly and severally liable, without prejudice to the special provisions on ministerial responsibility."

20. The above section establishes the concept of a special prejudicial act in public law, creating State liability in tort. This liability results from unlawful acts or omissions. The acts concerned may be not only legal acts but also physical acts by the administrative authorities, including acts which are not in principle enforceable through the courts (Kyriakopoulos, Interpretation of the Civil Code, section 105 of the Introductory Law to the Civil Code, no. 23; Filios, Contract Law, Special Part, volume 6, Tort, 1977, para. 48 B 112; E. Spiliotopoulos, Administrative Law, 3rd edition, para. 217; Court of Cassation judgment no. 535/1971, *Nomiko Vima*, 19th year, p. 1414; Court of Cassation judgment no. 492/1967, *Nomiko Vima*, 16th year, p. 75). The admissibility of an action for damages is subject to one condition, namely, the unlawfulness of the act or omission.

THE LAW

I. ALLEGED VIOLATIONS OF ARTICLE 6 OF THE CONVENTION

...

22. In addition, the applicant alleged that the principle of the presumption of innocence had been infringed by decision no. 1969/2005 of the Indictment Division of the Athens Court of Appeal. He further complained that comments made by the Prime Minister, the Deputy Minister of Finance and the Minister of Justice about his case, while it was still pending on appeal, had also infringed that principle. He relied on Article 6 § 2 of the Convention. The relevant parts of Article 6 of the Convention read as follows:

> "...
>
> 2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
>
> ..."

...

B. The complaint under Article 6 § 2 of the Convention

1. The parties' submissions

(a) The Government

24. The Government first submitted that the applicant had not exhausted the domestic remedies. They argued that he could have sought damages under Articles 57 and 59 of the Civil Code taken together with Section 105

of the Introductory Law to the Code. Referring to the case-law of the domestic courts, the Government argued that it was accepted in Greek law that everyone had the right to be presumed innocent. Consequently, any breach of that principle could entitle the injured party to compensation. On that basis, the Government submitted that the applicant should have brought a claim for damages before the domestic courts before lodging an application with the Court.

25. On the merits, the Government submitted that the offending remarks had been part of a political debate in Parliament on a subject of keen public interest. The Government noted that the remarks had been made following the applicant's conviction at first instance. They argued that this was particularly important in the circumstances because the criminal court had convicted the applicant in proceedings that had offered all the guarantees of a fair trial as safeguarded by Article 6 § 1 of the Convention. They affirmed that the prime Minister had made a general reference to the case, without mentioning any details making it possible to identify the applicant. In the Government's submission it was unreasonable to suggest that the reference to the outcome of the criminal proceedings, made in the context of a political debate, might undermine the principle of the presumption of innocence. As to the Deputy Minister of Finance, the Government submitted that the offending remarks had been uttered in the course of a heated political debate, that the applicant's name had not been mentioned and that, in essence, the Deputy Minister had simply referred to the verdict in the criminal proceedings. Lastly, the Government emphasised the time that had elapsed between the remarks concerned and the examination of the case on appeal. The case was still pending before the Court of Appeal, and it followed, in the Government's submission, that the court could not possibly have been influenced by the remarks so long after they had been made.

(b) The applicant

26. The applicant submitted, first of all, that the domestic remedy the Government referred to was not effective. In particular, he argued that almost all the judicial decisions it had produced only concerned the civil liability of journalists for defamation. He pointed out that none of the decisions submitted to the Court acknowledged the liability of a member of the Government for infringement of the presumption of innocence. One of the judgments adduced even concerned a case where the exemption of members of the Government from personal civil liability had been found by the domestic courts to be constitutional, which confirmed his allegations. Lastly, he argued that there was no available remedy by which he could have asked the criminal court concerned to acknowledge that there had been a breach of the presumption of innocence in his case.

27. As regards the merits, the applicant affirmed that the Prime Minister, the Deputy Minister of Finance and the Minister of Justice had made

allegations that might influence the re-examination of his case by the Court of Appeal. He added that the intention of the above-mentioned people to undermine his right to be presumed innocent was obvious because the offending remarks had been made days after the Athens Assize Court pronounced its verdict. At the time, however, judgment no. 2444/2007 of the Athens Assize Court had not yet been finalised, so the members of the Government had not been in possession of all the facts, as established by that court, which had served as a basis for his conviction. In the applicant's submission the fact that judgment no. 2444/2007 had not yet been finalised at the time had also deprived him of the possibility of answering their allegations having reference to the content of the court's judgment. Generally speaking, the applicant submitted that in view of the high-level posts occupied by the Government members concerned, they should have shown more restraint in their attitude towards criminal proceedings that were still pending.

2. The Court's assessment

(a) Admissibility

28. The Court notes that the Government raised a preliminary objection of failure to exhaust the domestic remedies, as the applicant had not brought proceedings before the domestic courts seeking compensation for the damage to his reputation. The Court reiterates that the rule concerning the exhaustion of domestic remedies set forth in Article 35 § 1 is based on the assumption, reflected in Article 13 (with which it has a close affinity), that there is an effective domestic remedy available, in practice and in law, in respect of the alleged violation (see *Kudła v. Poland* [GC], no. 30210/96, § 152, ECHR 2000-XI, and *Hassan and Chaoush v. Bulgaria* [GC], no. 30985/96, §§ 96-98, ECHR 2000-XI). The Court reiterates that the rule of exhaustion of domestic remedies requires applicants – using the legal remedies available in domestic law in so far as they are effective and adequate – to afford the Contracting States the possibility of putting right the violations alleged against them before bringing the matter before the Court (see, among other authorities, *Fressoz and Roire v. France* [GC], no. 29183/95, § 37, ECHR 1999-I). The only remedies which Article 35 § 1 of the Convention requires to be exhausted are those that relate to the breaches alleged and at the same time are available and sufficient. The existence of such remedies must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness; it falls to the respondent State to establish that these various conditions are satisfied (see, among other authorities, *Dalia v. France*, 19 February 1998, § 38, *Reports of Judgments and Decisions* 1998-I).

29. In the present case the Court observes that the remedy the Government referred to is based on Article 57 of the Civil Code, which provides for the possibility of claiming compensation for defamation. The

Court reiterates that the principle of the presumption of innocence is above all a procedural safeguard, and one of the elements of a fair criminal trial required by Article 6 de the Convention (see, in this regard, *Arrigo and Vella v. Malta* (dec.), no. 6569/04, 10 May 2005, and, more generally, *Allenet de Ribemont v. France*, 10 February 1995, § 35, Series A no. 308). As it has already stated, this principle is a specific application of the general principle stated in paragraph 1 of that Article (see *Deweer v. Belgium*, 27 February 1980, § 56, Series A no. 35). The Court notes that in the present case the Government did not refer to any remedy that would have enabled the applicant to invite the criminal court concerned to find a violation of the presumption innocence from the procedural standpoint. That being so, the claim for damages based on Article 57 of the Civil Code to which the Government referred could only be related to the alleged violation and sufficient in part; it could not fully remedy the alleged infringement of the presumption of innocence. The Court accordingly dismisses the Government's preliminary objection.

30. The Court further notes that in the first part of his complaint under Article 6 § 2 of the Convention the applicant complained that the principle of the presumption of innocence was undermined by decision no. 1969/2005 of the Indictment Division of the Athens Court of Appeal. The Court observes, however, that that decision was given on 7 September 2005, more than six months before 25 November 2007, the date on which the present application was lodged.

It follows that this part of the complaint under Article 6 § 2 of the Convention is out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

31. Lastly, as regards the second part of the applicant's complaint under Article 6 § 2 of the Convention, concerning the remarks made by the Prime Minister, the Minister of Justice and the Deputy Minister of Finance, the Court notes that it is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and that it is not inadmissible on any other grounds. It must therefore be declared admissible.

b) Merits

i. General principles

32. The Court reiterates that while the presumption of innocence enshrined in paragraph 2 of Article 6 is one of the elements of the fair criminal trial that is required by Article 6 § 1, it is not limited to a procedural safeguard in criminal matters: its scope is broader and requires that no representative of the State should say that a person is guilty of an offence before his guilt has been established by a court (see *Allenet de Ribemont*, cited above, §§ 35-36). The Court also points out that the presumption of innocence may be infringed not only by a judge or court but also by other public authorities (see *Daktaras v. Lithuania*, no. 42095/98,

§§ 41-42, ECHR 2000-X). This is because the presumption of innocence, as a procedural right, serves mainly to guarantee the rights of the defence and at the same time helps to preserve the honour and dignity of the accused.

33. In this regard, the Court stresses the importance of the wording used by representatives of the State in remarks made before a person has been tried and found guilty of an offence. It considers that what counts when it comes to the application of the above-mentioned provision of the Convention is the real meaning of the remarks made, not their literal form (*Lavents v. Latvia*, no. 58442/00, § 126, 28 November 2002). However, whether or not a public official's remarks breach the principle of the presumption of innocence must be examined in the context of the particular circumstances in which the offending remarks were made (see, among other authorities, *Adolf v. Austria*, 26 March 1982, §§ 36-41, Series A no. 49).

ii. Application of the above principles to the present case

(α) The fact that the remarks were made after the applicant had been convicted at first instance

34. The Court notes first of all that the offending remarks were made after the applicant had been convicted at first instance and while his appeal was still pending. The question thus arises whether the principle of the presumption of innocence could have been prejudiced at that stage of the proceedings. The Court considers that Article 6 § 2 of the Convention by no means prevented the competent authorities from referring to the applicant's existing conviction when the matter of his guilt had not been finally determined. Clearly, the applicant's conviction at first instance is the objective element at the centre of the appeal proceedings. Furthermore, regard being had to Article 10 of the Convention, Article 6 § 2 can neither prevent the authorities from informing the public about the criminal conviction concerned, nor prevent discussion of the subject by the media or the general public or, as in the present case, in the course of a parliamentary debate (see, *mutatis mutandis*, *Allenet de Ribemont*, cited above, § 38, and *Papon v. France (no. 2)* (dec.), no. 54210/00, ECHR 2001-XII). Nonetheless, such reference should be made with all the discretion and restraint which respect for the presumption of innocence demands (see *Peša v. Croatia*, no. 40523/08, § 139, 8 April 2010).

35. In addition, the Court reiterates that it has already found that in the preliminary stages of a criminal case statements made by the public authorities should not encourage the public to believe the accused guilty, or prejudge the assessment of the facts by the competent judicial authority (see *Allenet de Ribemont*, cited above, § 41). Furthermore, in other cases where the domestic courts had not determined the question of guilt by a final judgment, the European Commission on Human Rights has explained that it is the essence of the principle of presumption of innocence that it can only be invalidated by a final conviction in accordance with the law (see *Englert*

v. Germany, no. 10282/83, Commission's report of 9 October 1985, Decisions and Reports (DR) 31, p. 11, § 49, and *Nölkenbockhoff v. Germany*, no. 10300/83, Commission's report of 9 October 1985, DR 31, p. 12, § 45).

36. The Court also reiterates that the Convention must be interpreted in such a way as to guarantee rights which are practical and effective as opposed to theoretical and illusory (see, for example, *Artico v. Italy*, 13 May 1980, § 33, Series A no., and *Capeau v. Belgium*, no. 42914/98, § 21, ECHR 2005-I). Accordingly, and in the light of the foregoing, it considers that the presumption of innocence cannot cease to apply in appeal proceedings simply because the accused was convicted at first instance. To conclude otherwise would contradict the role of appeal proceedings, where the appellate court is required to re-examine the earlier decision submitted to it as to the facts and the law. It would mean that the presumption of innocence would not be applicable in proceedings brought in order to obtain a review of the case and have the earlier conviction set aside.

37. The Court must nevertheless examine whether the remarks referring to the applicant's conviction were made in such circumstances and expressed in such a manner that they might be considered capable of affecting the judgment of the court before which the case was pending. In other words, the Court will seek to establish whether the remarks concerned gave the impression that the authorities who made them had prejudged the re-examination of the case by the competent court.

(β) Respect for the principle of the presumption of innocence

38. In the instant case the Court notes that the remarks in question were made by the Prime Minister and two of his ministers – that is to say, by three of the highest representatives of the State. The Court considers that these high-ranking officials were duty-bound to respect the principle of the presumption of innocence (see *Y.B. and Others v. Turkey*, nos. 48173/99 and 48319/99, § 43, 28 October 2004). What is more, the remarks were made when the proceedings were still pending on appeal. In addition, the Athens Assize Court had ordered the suspension of the prison sentence imposed on the applicant until the court of appeal gave judgment (see *Nölkenbockhoff*, cited above, § 46). This means that although the applicant was convicted at first instance, the principle of the presumption of innocence still applied in his case.

- Whether the applicant was identifiable as the subject of the remarks in question

39. As regards the remarks made by the Deputy Minister of Finance, the Court observes that his intention, in the context of a parliamentary debate, was to criticise the Socialist Party for remaining in touch with the people implicated in the Panteion case. The Court notes in particular that the

Deputy Minister of Finance commented "Didn't you appoint them acting Ministers for the Press, Ministers Plenipotentiary to the Council of Europe, when the Panteion scandals were coming to light?". It considers that these details made it very easy to identify the applicant as, according to the materials in the case file, none of the other individuals convicted by judgment no. 2444/2007 fitted that description (see *Y.B. and Others*, cited above, § 48, and *Pandy v. Belgium*, no. 13583/02, § 45, 21 September 2006). In other words, even though he was not actually named, the comments made by the Deputy Minister of Finance were clearly aimed at the applicant.

40. As to the comments made by the Prime Minister on 2 July 2007 and the Minister of Justice on 12 February 2008, the Court notes that they did not refer directly to the applicant. The Prime Minister called the case an unprecedented scandal of embezzlement of money for personal gain. Speaking before Parliament, the Minister of Justice referred to the "Panteion scandal", proclaiming that the Greek courts had "boldly and resolutely" convicted all those the opposition had always protected. While those comments did not mention the applicant by name, they nevertheless referred explicitly to the criminal case in question and the people involved in it. The Court further notes that judgment no. 2444/2007 of the Athens Assize Court had convicted the applicant and eight others – that is to say, a well-defined group of people – at first instance. It also attaches particular importance to the fact that decision no. 1969/2005 of the Indictment Division of the Athens Court of Appeal stated that the applicant had "played a major role in the commission of the offences". What is more, the case was given wide media coverage in Greece and at various times the applicant had occupied the posts of President of Panteion University, acting Minister for the Press and Minister Plenipotentiary to the Council of Europe. These factors suffice for the Court to conclude that because of the applicant's involvement in the case in question, his status and the posts he had occupied in the past, the remarks of the Prime Minister and the Minister of Justice related to the applicant to a degree that was sufficient to render him identifiable.

- The content of the remarks concerned

41. Regarding the Prime Minister, the Court observes that his comments related to the case in question without making any direct reference to the criminal proceedings pending before the Court of Appeal. He could have avoided using the words "unprecedented scandal", it is true, as they might have been interpreted as giving his comments, and his attitude to the case, a negative connotation. However, all in all the Court finds that the Prime Minister's remarks should be regarded as a general reference to the subject matter of the case rather than as an attempt to prejudge the Court of Appeal's verdict.

The Court accordingly finds that there has been no violation of Article 6 § 2 of the Convention in respect of the Prime Minister's statements.

42. As regards the remarks made by the Deputy Minister of Finance, the Court notes that, among other things, he used the term "crooks" and said "you even steal from each other". In so doing, he did not restrict himself to merely referring to the applicant's conviction by the Assize Court's judgment no. 2444/2007, which would have been keeping with the principle of the presumption of innocence. It should be noted in this regard that as that judgment had not yet been finalised, the Deputy Minister of Finance had made these statements without knowing the exact facts on which the Assize Court had based its verdict. In the Court's opinion, such blunt, imprudent language was likely to influence public opinion as regards the applicant's guilt. In particular, the word "crook" illustrated his – very negative – personal opinion of the applicant following the Assize Court's judgment. In addition, the comment "you even steal from each other", another implicit but clear reference to the applicant, had all the appearance of a new assessment of the facts the Court of Appeal would be examining in order to deliver the final decision in the matter. In short, the wording used by the Deputy Minister of Finance appears to have reflected his own view of the case, prejudging the future judgment of the Court of Appeal.

43. As to the wording used by the Minister of Justice, the Court observes first of all that he did not speak as bluntly as the Deputy Minister of Finance in referring to the conviction of the people involved in the case. Accordingly, his comments could not be construed as his own, negatively biased appraisal of the applicant's case. The Minister of Justice did, however, declare that the Greek courts had "boldly and resolutely" convicted those involved in the case. That statement was likely to give the impression that the Minister of Justice was satisfied with the verdict reached in judgment no. 2444/2007 and wanted the Court of Appeal to uphold that judgment. The Court draws attention in particular to the specific political post this government minister occupied at the time. As Minister of Justice he embodied, *par excellence*, the political authority responsible for the organisation and the proper functioning of the courts. He should therefore have been particularly careful not to say anything that might give the impression that he wished to influence the outcome of proceedings pending before the Court of Appeal. In the light of the foregoing, the Court finds that the words used by the Minister of Justice appeared to prejudge the decision of the Court of Appeal.

44. The Court takes note of the Government's argument concerning the time that elapsed between the making of the offending comments and the examination of the case on appeal. According to the Government, the appeal proceedings were still pending, so the comments made could not possibly influence the Court of Appeal after such a long time. The Court considers that the compatibility of statements with the principle of the presumption of innocence is determined with regard to the time when the statements were

made; the time that passes before the competent court examines the merits of the case is therefore not a crucial factor in the assessment of the complaint under Article 6 § 2 of the Convention. In any event, to accept the Government's argument would be drawing an unreasonable conclusion for the purposes of the Convention, namely that the longer the criminal proceedings, the more any disregard for the presumption of innocence at an earlier stage of the same proceedings could be minimised.

45. In conclusion, the Court finds that the remarks made by the Deputy Minister of Finance on 11 June 2007 and the Minister of Justice on 12 February 2008 went far beyond a mere reference to the applicant's conviction by judgment no. 2444/2007. The Court pays particular attention to the fact that the remarks were made by high-ranking politicians and even, in the case of the Minister of Justice, by a person of authority whose position required him to show particular restraint when commenting on judicial decisions. The above considerations are sufficient for the Court to be able to conclude that there has been a violation of Article 6 § 2 of the Convention in respect of the proceedings pending before the Athens Court of Appeal, on account of the statements made by the Deputy Minister of Finance and the Minister of Justice.

...

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint under Article 6 § 2, concerning the statements made by members of the Government, and the complaint under Article 13 of the Convention, concerning the statements made by the Deputy Minister of Finance and the Minister of Justice, admissible ... ;

2. *Holds* that there has been no violation of Article 6 § 2 of the Convention in respect of the Prime Minister's statements;

3. *Holds* that there has been a violation of Article 6 § 2 of the Convention in respect of the statements made by the Deputy Minister of Finance and the Minister of Justice;

...

Done in French, and notified in writing on 24 May 2011, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen	Nina Vajić
Registrar	President