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Meeting: 1569th meeting (September 2026) (DH)

Item reference: Action Plan (15/07/2026)

Communication from Greece concerning the case of Tsatani v. Greece (Application No. 42514/16)

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Réunion : 1569^e réunion (septembre 2026) (DH)

Référence du point : Plan d'action (15/07/2026)

Communication de la Grèce concernant l'affaire Tsatani c. Grèce (Requête n° 42514/16) **[anglais
uniquement]**

DGI

15 JUIL. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Action Plan

Tsatani v. Greece

application no 42514/2016, judgment 15/10/2025, final on 14/1/2026

I. Case Description

1. This case concerns the violation of the right to a fair trial of the applicant, a prosecutor at the material time, in the context of disciplinary proceedings against her in 2016-2017, leading to a sanction, brought by the then Court of Cassation (CC) President, after the latter conducted the preliminary disciplinary investigation and examined the applicant's recusal request against her (violations of Article 6).
2. The Court found lack of objective impartiality of the competent disciplinary council, which failed 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 (§ 84).
3. While emphasizing the singular context of the case, the Court noted that said CC President, being well known as a former interim prime minister and also being the highest authority within the civil and criminal courts 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 (§ 86).

II. Status of Execution

A) Individual measures:

Payment of just satisfaction

4. The Court noted that the applicant had not submitted any claim with respect to just satisfaction or costs and expenses. Accordingly, the Court considered that there is no call to award her any sum on that account.

Other measures

5. The Government Agent has requested the competent judicial authorities whether the impugned proceedings could be reopened according to law and whether the applicant has submitted a relevant request. The Government undertakes to update the Committee on any developments regarding the above issue.

6. It is noted that following the issuance of the relevant decision of the Court, the applicant filed an action under 105, 106 Introductory Law of the Civil Code (ΕισNAK) before the Administrative Court of First Instance of Athens against the Greek Government (reference number ΑΓ1699/23-3-2026) claiming the sum of 1.012.691,12 EUR as compensation for the moral and material damage suffered by the above acts/omissions of the Greek Government. The hearing of said action has been scheduled for 15 October 2026.

B) General measures:

Publication and dissemination

7. The European Court's judgment was translated into Greek and published on the official web site of the Legal Council of the State (www.nsk.gov.gr). Furthermore, the said judgment accompanied by a detailed letter of the Government Agent which highlighted the shortcomings identified, was sent to the President and the Prosecutor of the Court of Cassation. The Prosecutor of the Court of Cassation further disseminated the judgment (and the letter accompanied) to all the Prosecutors of the Criminal Courts of the country, of both First and Second Instance.

Other measures -isolated character and legislative amendment

8. It is recalled that, while finding that the applicant's right to a fair trial had been violated, the Court highlighted the singular context of the case, underlining the particularities of the impugned proceedings: the said President of the CC had also previously served as interim prime minister and was vested with the relevant disciplinary authority, exceptionally, 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". Moreover, the tribunal which heard the disciplinary case 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 (§ 86).

9. However, apart from the above Court's findings, which indicate the isolated character of the case, it is stressed that the impugned Article 99 of Law no. 1756/1988 was further amended by Article 23 of Law no. 4786/2021 (in force as of 23 March 2021), with the effect of removing the President of the CC from the list of persons vested with the authority to initiate disciplinary proceedings. 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 (§ 38).

10. The Government considers that the above-mentioned wide dissemination, coupled with the legislative amendment already introduced, guarantees effective implementation of the judgment and no additional general measures are necessary to prevent similar violations.

11. In view of the above-mentioned the Greek Government considers that no further general measures are necessary.