

Mandates of the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders

Ref.: AL GRC 1/2025
(Please use this reference in your reply)

20 February 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the independence of judges and lawyers and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 53/12 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **suspension of the license to practice law, for three months, of Ms. Electra-Leda Koutra by the Athens Bar Association after the decision of the Supreme Administrative Court of 4 November 2024**. She has been accused of breaching the Greek Lawyer's Code of Conduct due to a series of disciplinary offences. The information suggests that the suspension could be connected to or in retribution for her work and engagement in human rights.

Ms. Electra-Leda Koutra is a lawyer registered with the Athens Bar Association, with a focus on international human rights law. She has represented thousands of victims alleging human rights violations before the European Court of Human Rights and other supranational bodies such as the UN Human Rights Committee. She is also a spokesperson for, and has collaborated with, many non-governmental organizations such as Pleiades-Hellenic Action for Human Rights, Lawyers without Borders and Network for the Support of Human Rights Defenders. She has allegedly been subject to harassment and intimidation on a few occasions in the past, reportedly in connection to her human rights work as a lawyer defending LGBTI people as well as migrants and refugees.

According to the information received:

Context

On 4 November 2024, the Supreme Court President and the Prosecutor of the Supreme Court issued a joint announcement to judicial and prosecutorial officials regarding the application of the established case law of the European Court of Human Rights (ECtHR) on individual complaints by detainees regarding their detention conditions in Greece. It stated that, in view of the fact that at the beginning of the year 2025, 1,287 individual appeals of detainees in Greek Penitentiaries or Greek Police Detention Centres were to be heard before the ECtHR, with the risk that Greece would be ordered to pay large amounts of damages, competent Public Prosecutors were authorised to bring to immediate trial the individual appeals of prisoners, and competent Courts were requested to immediately hear these appeals and to issue final decisions before the end of December 2024. The information suggests that the announcement also provided guidance for the Courts to award financial compensation if the applicant's space in the detention cell was not at least three-square meters.

On that same date, Ms. Koutra was convicted by the President of the Supreme Administrative Court for a disciplinary sanction that she had appealed in December 2023. The case had been ongoing since 2017 based on an alleged breach of contract that allegedly occurred in 2015. The conviction entailed a 3-month suspension.

Ms. Koutra represents more than half of the prisoners with ECtHR applications pending judgment. The information suggests that the 2015 disciplinary action was brought in order to interfere with her work as a lawyer in ECtHR cases.

Ms. Koutra informed the ECtHR about the disciplinary punishment through a letter because she had, and still has, deadlines for ongoing proceedings that were to expire within the period that her license to practice law was suspended.

The information further suggests that, even before November 2024, Mr. Koutra's work as a lawyer defending migrants and asylum-seekers in ECtHR cases against Greece had raised her profile and opened the door to reprisals from authorities.

Disciplinary case brought against Ms. Koutra

In 2012, Ms. Koutra agreed to represent a client before the ECtHR. According to the private contract signed between Ms. Koutra and the client, since the client could not provide payment at the moment of the contract, Ms. Koutra would have been entitled to 6.000 EUR plus tax and expenses, in case of successful outcome before ECtHR. The agreement stated that, in case of victory of the client, the amount of the award would be paid in the bank account of Ms. Koutra. The litigation contract between Ms. Koutra and the client was submitted to the tax office, the Athens Bar Association and the ECtHR.

On 16 July 2015, the ECtHR issued a judgement finding that the client's right under article 3 of the European Convention on Human Rights (ECHR) had been violated. The compensation was awarded to the client for moral damages in the amount of 6.500 EUR plus taxes.

In spring 2017, the award was paid into Ms. Koutra's account. Ms. Koutra offered to lower her compensation to 4.000 EUR since the remuneration owed to her would otherwise have covered the entirety of the award to her client. On 2 August 2017, after a period of harassment and intimidation against Ms. Koutra, the client lodged a report with the Athens Bar Association asking the Bar to inquire into possible embezzlement by the lawyer, stating that Ms. Koutra had offered him only 2.800 EUR which was only part of the award determined by the Court.

On 19 March 2019, Ms. Koutra contacted the President of the Bar Association in writing inquiring about the disciplinary proceedings initiated against her by the client. She did not receive any answer. On 22 July 2019, Ms. Koutra contacted the Secretary of the Disciplinary Council asking if there was any development in the disciplinary case pending against her. She was informed that

no progress was reported.

The information suggests however, that despite these replies, on 18 July 2019 the President of the Athens Bar Association filed a disciplinary complaint against Ms. Koutra.

Almost four years later, on 9 March 2023, Ms. Koutra was served with a subpoena to appear before the Second Section of the First Instance Disciplinary Council of the Athens Appeals Court Periphery, which sits in the seat of the Athens Bar Association. The hearing was ex officio postponed to 23 March 2023.

On 23 March 2023, Ms. Koutra submitted during the hearing, both verbally and in writing:

1. A request for adjournment.
2. A request for recusal of a member of the board on the basis that.
3. A request to declare the indictment invalid due to vagueness because the act attributed to the lawyer was not defined and the presumption of innocence was violated. The request also objected to the process and progress of the disciplinary proceedings.
4. A request for written notification and definition of the accusation, including the reasons and the nature of the offence.

The information suggests that during the hearing all requests were denied. Ms. Koutra was harassed verbally and was not allowed to develop her defence. Instead, she was instructed to submit a memorandum to the Court within one working day.

On 27 March 2023, four days after the hearing, Ms. Koutra reported to the President of the Athens Bar Association and the President of the Disciplinary Council that she had been harassed and verbally abused during the hearing before the Section of the First Instance Disciplinary Council of the Athens Appeals Court Periphery.

On 26 April 2023, Ms. Koutra and her former trainee were contacted multiple times by phone and received two emails within 24 hours from the Athens Bar Association, underlining that they had been unsuccessfully trying to locate Ms. Koutra. The emails were inviting Ms. Koutra to provide a document, that is issued by public authority, before 28 March 2023. The information suggests that this would not have been possible to comply with, since the issuance of the certificate requested could take up to 15 days.

On 15 June 2023, the decision of the Section of the First Instance Disciplinary Council of the Athens Appeals Court Periphery was issued. The Court convicted Ms. Koutra for a series of infractions of the Code of Lawyers. Ms. Koutra was sanctioned because she was repeatedly requested to submit evidence but failed

to prove the fees related to the 2012 case she defended and won before the ECtHR in 2015. No further specifications were provided on how these violations of the Code were committed.

On 14 November 2023, the decision was served to Ms. Koutra.

A month later, on 14 December 2023, she appealed, seeking the annulment of the decision before the Supreme Administrative Court.

In her appeal application, Ms. Koutra emphasized that she was penalized for her legal work litigating cases before the ECtHR concerning violations of article 3 of the ECHR, guaranteeing freedom from torture and inhuman or degrading treatment, which in the upcoming months would have resulted in multiple convictions against Greece for such violations.

In August 2024, Ms. Koutra complained to the Supreme Administrative Court's secretariat about the delay in deciding her appeal since as long as the decision remained unresolved, Ms. Koutra could not take on new work or renew her lawyer ID.

On 4 November 2024, the President of the Supreme Administrative Court signed the decision convicting Ms. Koutra on disciplinary offences of the Code of Lawyers. Ms. Koutra was disciplined through the suspension of her license to practice law for three months.

Under the relevant Greek regulations, if a lawyer has been disciplinarily convicted to 3 months or more of suspension of license, and another conviction follows within 3 years, that lawyer can be permanently disbarred.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our serious concern about the alleged suspension of Ms. Koutra's law license for three months. In connection with the statement of the President of the Supreme Court and the development of the ECtHR regarding the violation of article 3 ECHR, we are concerned that the suspension of the license of Ms. Koutra may be connected to or in retribution for her work and engagement in human rights, more specifically because of her handling of a large number of human rights cases and the consequence these cases could have on Greece. We are concerned that this suspension may serve as a precursor to the threat of disbarment and acts of intimidation against Ms. Koutra. If confirmed, these facts would be in breach of the guarantees to which lawyers are entitled in order to perform their professional functions without any threat, intimidation, harassment or interference, and without suffering, or being threatened with, prosecution or any administrative or disciplinary sanctions for actions undertaken in accordance with professional duties and ethical standards.

We are deeply concerned about the protracted duration of the disciplinary proceedings against Ms. Koutra, as it has significantly impacted on her ability to carry out her professional duties. In this regard, more than 7 years have passed between the time that Ms. Koutra's client lodged a report to the Athens Bar Association in 2015 and the decision of the First Instance Disciplinary Council of the Athens Appeals Court Periphery and of the Supreme Administrative Court in 2023, which she appealed.

Additionally, we are concerned about information that reports a hostile attitude in the court room, which could amount to violation of the guarantee of a fair hearing. The facts here suggest that she was deprived of the rights recognized by principle 27 of the Basic Principles on the Role of Lawyers, which include the right for lawyers to have a fair, expeditious hearing before an impartial disciplinary committee.

Finally, we express concerns about the potential chilling effect that the disciplinary proceeding against Ms. Koutra could have on other lawyers involved in litigating human rights cases in Greece. It could constitute serious interference with the free exercise of the legal profession, especially when it is carried out in the area of human rights.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the facts that led to the suspension of the licence to practice law of Ms. Electra-Leda Koutra.
3. Please elaborate on the substance of the disciplinary proceedings brought against Ms. Koutra, and explain, whether, and to what extent, did the proceeding comply with the provisions of the UN Basic Principles on the Role of Lawyers.
4. Please indicate what measures have been taken by Your Excellency's Government to ensure that lawyers, especially those who work on human rights issues, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the norms contained in the International Covenant on Civil and Political Rights (ICCPR), acceded by Greece on 5 May 1997. We recall article 14 of the ICCPR, which sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14(2) provides the right of accused persons to be presumed innocent until proved guilty according to law. In addition, the Human Rights Committee affirmed in its general comment No. 32 that 'an important aspect of the fairness of a hearing is its expeditiousness. [...] delays in civil proceedings [...] cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision. ([CCPR/C/GC/32](#), para. 27)

Furthermore, the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana (Cuba) from 27 August to 7 September 1990.

Principle 16 of the Basic Principles on the Role of Lawyers requires governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference, and to prevent that lawyers are threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, the Basic Principles also contain a number of provisions concerning disciplinary proceedings against lawyers. Principle 27 states that charges or complaints made against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures, and lawyers shall have the right to a fair hearing, including the right to be assisted by a lawyer of their choice. Disciplinary proceedings against lawyers shall be brought before an impartial disciplinary committee established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to an independent judicial review (principle 28). Additionally, disciplinary proceedings shall be determined in accordance with the code of professional conduct and other recognized standards and ethics of the legal profession and in the light of these principles (principle 29).

In relation to the allegations indicating that the individual mentioned above is being targeted because of his activities defending human rights, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and

implement all human rights and fundamental freedoms.

We like to draw particular attention to the following provisions of the Declaration:

- Article 9 paragraph (3) point c), which provides for the right to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms;
- article 11, which provides for the right of everyone, individually and in association with other, to the lawful exercise of their occupation or profession;
- and, article 12 paragraphs (2) and (3), which provide that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration

In a report on bar associations, the former Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, raised concerns that in many countries, lawyers are exposed to the threat of disbarment or other forms of intimidation and harassment. Such threats aim at preventing the discharge of their professional duties or constitute an act of reprisal for activities carried out in the legitimate exercise of their responsibilities. (A/73/365; see also A/71/348).

Finally, principle 10 of the International Principles on Conduct for the Legal Profession adopted on 28 May by the International Bar Association, affirms that Lawyers are entitled to a reasonable fee for their work, and shall not charge an unreasonable fee. The explanatory notes on the principle highlight that the basis for the claim of a lawyer to fees for services performed may be contractual or statutory. The lawyer shall make a clear and transparent arrangement on fees with the client jointly with the giving and taking of instructions. On whatever basis a fee arrangement is made, it shall be reasonable.