

HELLENIC REPUBLIC COURT OF FIRST INSTANCE OF ATHENS

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Athens, 2026.03.24 14:10:45 EET, The Secretary: ILIAS DELIGIANNIS

Decision number 2611/2026

THE SINGLE-MEMBER COURT OF FIRST INSTANCE OF ATHENS

General/special call filing number: 9910/210/2022

General/special lawsuit filing number: 70162/2181/2019

Composed of Judge Maria Efthymiou, Judge of the Court of First Instance, who was lawfully appointed, and the secretary Vasiliki Argyropoulou.

It convened publicly in its audience room on September 25, 2025, to try the case between:

THE PLAINTIFF: Antonios – Aristarchos Peristeris of Georgios, resident of Jerusalem, Israel, who filed written pleadings on time with a folder of relevant documents, through his attorney Aristides Askitis (Athens Bar Association 11294), under the authorization dated 18.11.2019, while the attorney himself did not appear at the hearing of the Court during the public formal discussion of the lawsuit.

THE DEFENDANTS: 1) Dimitrios Alikakos of Georgios, resident of [...] and 2) Orestis – Errikos Koletsos of Georgios, resident of [...], both of whom filed written pleadings on time with a folder of relevant documents. The first through his attorneys Athanasios Anagnostopoulos (Athens Bar Association 24275) and Antonios Karampatzos (Athens Bar Association 24846), under the authorization dated 05.04.2022. The second through his attorney Evangelos Goumas (Athens Bar Association 37624) under the authorization dated 30.04.2022. These attorneys did not appear at the hearing of the Court during the public formal discussion of the lawsuit.

The caller, with the Call under general and special filing number 9910/210/2022 at the secretariat of this Court, brings forward for discussion part of the claims of his lawsuit filed at the secretariat of the Multi-Member Court of First Instance of Athens from 18.07.2019 and with general and special filing number 70162/2181/2019, and requests that it be accepted, following the publication of the final decision number 2762/2021 of the Multi-Member Court of First Instance of Athens. The case was scheduled for the present hearing and was registered on the relevant docket with numbering XA1/1.

STUDIED THE CASE FILE

THOUGHT IN ACCORDANCE WITH THE LAW

Legally, with the call under general and special filing number 9910/210/2022 at the secretariat of this Court, the caller brings forward for discussion part of the claims of his lawsuit filed at the secretariat of the Multi-Member Court of First Instance of Athens from 18.07.2019. Specifically, after the initial lawsuit was discussed before the Multi-Member Court of First Instance of Athens, final decision number 2762/2021 was issued. This decision, with extensive reasoning, separated the accumulated requests, declared itself incompetent, and referred part of the claims to the Single-Member Court of First Instance of Athens to try them under the appropriate ordinary procedure, while the remaining requests were referred to be discussed under the special procedure by the

materially competent court. Specifically, the decision referred to this Court two (2) of the lawsuit's claims, namely claims 1 and 3. These concern financial compensation for moral damages suffered by the plaintiff due to the publication of the book "Redemption, About the Light" written by the first defendant and published by the publishing house owned by the second defendant, as well as financial compensation for moral damages from the illegal violation of his conversations with the first defendant, which, according to the lawsuit's claims, were published with altered content in the aforementioned book.

I. The provisions of articles 57 and 59 of the Civil Code protect the personality and by extension the value of the human being, as an individual right enshrined in article 2 par. 1 of the Constitution. The personality constitutes a nexus of goods that make up the individual's substance and are inseparably linked to them. Among these protected goods are the honor and reputation of every person. Conditions for the protection of personality, whose illegal and concurrently culpable infringement constitutes a specific form of tort... are: a) the existence of an infringement of the personality... b) the infringement must be illegal... c) culpability (fault) of the offender... and d) the occurrence of moral harm... Thus, the attribution to someone of acts that society disapproves of falls within the limits of personality infringement. Consequently, an illegal infringement of personality is also created by a criminally punishable act, such as when the individual is offended in their honor and reputation with insulting manifestations or with defamatory or slanderous claims, within the meaning of articles 361-363 of the Penal Code.

II. According to article 361 PC, insult is committed by anyone who offends the honor of another with word or deed or in any other way, while anyone who claims or spreads a fact before a third party that can damage honor or reputation commits defamation. If the fact is false and the perpetrator knew the falsehood, they commit slanderous defamation. As a civil offense, defamation is subjectively founded even on simple negligence of the perpetrator. Article 367 PC stipulates cases that lift the wrongful nature of the act, such as unfavorable judgments or manifestations made for the execution of lawful duties or for the protection of a right or from another justified interest. However, the wrongful nature is not lifted when the manifestations contain the constituent elements of the act of article 363 (slanderous defamation) or when a purpose of insult arises from the manner of manifestation. According to the most recent amendments to the PC (Law 5090/2024), the offense of simple defamation under article 362 PC was abolished. However, under the general principle of intertemporal law... obligations from any cause whose generating events occurred during the validity of a law are governed by that law, even if it was later repealed or amended.

III. With Article 94 of the General Data Protection Regulation (GDPR) 2016/679... the Directive 95/46/EC was repealed, and the GDPR became applicable on May 25, 2018. Article 5 §1 of the GDPR sets the principles governing data processing: lawfulness, fairness, transparency, purpose limitation, accuracy, and integrity and confidentiality. For personal data to be processed lawfully, the conditions of Article 5 §1 must be met cumulatively. Article 15 provides the data subject's right to access. Article 21 §6 provides the right to object to further processing. Article 82 provides the right to compensation for material or non-material damage resulting from a GDPR violation.

IV. Furthermore, the GDPR provides for the special case of processing personal data in the exercise of the right to freedom of expression and information (Article 85 GDPR). From the Constitution stems the right of the press to inform the public and the corresponding right of citizens to information. There is no in abstracto prevalence of one right over the other; an in concreto delineation must be made based on ad hoc balancing of conflicting interests and the principle of proportionality. The ECHR recognizes the role of journalists as "public watchdogs".

According to Article 28 par. 1 of Law 4624/2019, the processing of personal data during the exercise of the right to freedom of expression and information is permitted when the right to freedom of expression prevails over the data subject's right to personal data protection.

V. Finally, according to the wording of Article 370A of the Penal Code (before its amendment by Law 5002/2022), it is a crime to illegitimately record a private conversation without the other party's consent. A private conversation is one that is not conducted publicly, meaning it is not intended to be heard by an indefinite number of people, regardless of the space where it took place.

With his lawsuit, the plaintiff recounts that he is a graduate of the Philosophical and Theological School of the University of Athens and an ordained clergyman in the Orthodox Church. Since 2018, he has been serving as the Chief Secretary of the Patriarchate of Jerusalem. He claims that in April 2018, the first defendant, a journalist, contacted him projecting his identity as an Orthodox Christian, and not that of a journalist, asking for information about the Patriarchate's history and the Holy Fire. The plaintiff expressed his views on this issue, assuming the content of his communication was confidential and private. He was surprised to be informed in March 2019 that the first defendant published a book titled "REDEMPTION", containing the views he had expressed during their private communication, but distorted. The owner of the publishing house that published the book is the second defendant. The plaintiff claims he has suffered a severe infringement of his personality... and that the first defendant distorted what the plaintiff said regarding the correction of the text about the Holy Fire, falsely stating that the plaintiff assured him about a supposedly lit candle during the Holy Fire ceremony. The plaintiff alleges the defendant presented him as a person with no respect for the history and mission of the Patriarchate, acting with knowledge of the falsehood of his claims. He further alleges the defendant violated the secrecy of his communication and unlawfully processed his personal data. The plaintiff requests that the defendants be ordered jointly and severally to pay him 25,000 euros as financial compensation for moral damages from the book's publication, and that the first defendant pay him 15,000 euros for moral damages from the violation of the secrecy of their conversations.

The lawsuit is admissible and legally founded... therefore it must be further examined for its substantive merits.

From the sworn affidavits... and all the documents invoked and produced by the parties... the following facts were proven:

The plaintiff is a clergyman of the Orthodox Church... from 2000 he is Archbishop of Constantina and from 2001 he exercises the Direction of the Patriarchal Offices as Chief Secretary, while in 2018 he was appointed as General Patriarchal Commissioner. The first defendant Dimitrios Alikakos is a journalist, author, and founding member of "ELLINIKA HOAXES". The second defendant Orestis-Errikos Koletsos maintains a publishing business with the distinctive title "Ekkremes". The first defendant journalist... began a journalistic investigation around 2018 regarding religious issues, specifically seeking the truth about the lighting of the Holy Fire. He first contacted the Patriarchate by phone on 12.04.2018 and connected with the plaintiff, to whom, after declaring his capacity as a journalist, he directed the question regarding the Holy Fire's lighting methodology. The fact that the first defendant declared his journalistic identity is admitted by the plaintiff in his lawsuit. Their telephone conversations continued during April, May, and June 2018. The first defendant also sent an eponymous email to the Patriarchate on 12.04.2018. Following these communications, the officially posted text on the Patriarchate's website regarding a "miracle" was carefully corrected on 04.05.2018 and 23.06.2018. Within 2018, the first defendant visited Jerusalem three times to investigate closely. He then wrote the book "REDEMPTION - About the Holy Fire", published by the second defendant in March 2019.

The Court inspected the book and concluded that the author, following writing ethics, records his research while remaining faithful to religious ideals, carefully conveying what the interviewed persons (including the plaintiff) told him, treating them with respect.

The main issues for diagnosis are: 1) whether the testimonies were faithfully transferred or intentionally distorted; 2) whether the plaintiff knew the first defendant's journalistic identity and purpose, to determine valid consent and lack of illegitimate recording; 3) whether the plaintiff validly objected to the processing of his data later; and 4) whether there are offensive characterizations in the book disproportionate to the purpose of processing.

Firstly, regarding whether the Holy Fire lights up by Divine or human intervention, it is proven from the evidence that it happens by the latter. This fact does not diminish the religious feeling, as faith is an internal process. The fact of human intervention is testified in the sworn affidavits and inferred from the plaintiff's indirect confessions in his pleadings, as he nowhere categorically denies this fact. Archbishop Nikiforos testified that "the flame does not descend miraculously... but is lit by the Skevophylax himself (with a lighter or matches)". Archbishop Theophanes similarly testified that it is a natural light sanctified by the Patriarch's prayer. Therefore, the book's writings on the methodology of the Holy Fire rest on the true fact of human intervention.

Regarding whether the plaintiff's words were distorted: The Court extracted that a large part of the plaintiff's words in their conversations was not recorded, as the defendant respected the confidentiality requested by the plaintiff. The plaintiff's speech, as recorded in the book, appears spontaneous and sincere. The plaintiff, who bears the burden of proof, does not specify the allegedly distorted parts in comparison to what he supposedly truly recounted. The first defendant kept his promise not to publicize part of their conversations, only outlining the plaintiff's position on the investigated issue.

Regarding the plaintiff's knowledge of the first defendant's identity and purpose: It is proven beyond any doubt that all those questioned knew the first defendant's identity and the reason for his communication. The first defendant was addressing highly educated clergymen who could understand the purpose of such journalistic research. The first defendant did not deceive the plaintiff or extort answers, but accurately attributed the positions expressed to him. The plaintiff's request for confidentiality could not logically apply to the entirety of their extensive conversations with a previously unknown journalist. Valid consent is also proven by page 85 of the book, where the plaintiff tells the defendant regarding publication: "Think about it, but above all, keep in mind the protection of the Greek Orthodox Patriarchate."

Regarding the plaintiff's objection to data processing: The plaintiff sent an extrajudicial notice on 12.04.2019 objecting to the processing. The Court judges that the plaintiff's right to object was exercised disproportionately to the first defendant's right to freedom of expression, information dissemination, and historical research, given the plaintiff's prior consent.

Regarding the allegedly offensive phrases:

- "Alteration of text, and indeed religious" (page 83): The author does not attribute this to the plaintiff personally.
- "Religious charlatanism" (page 116): This is not directed at the plaintiff personally, but is a severe critique of the broader practice and a search for deeper causes.

- "They are capable of anything" (page 117): Spoken generally by a third party, not targeting anyone specifically.
- "Mechanism for producing a miracle" (page 119): Refers to the presence of two candles inside the Holy Sepulchre as a failsafe.
- "Trick" (page 121): Criticizes the practice of the Patriarch finding lit candles instead of lighting them himself.
- "Lie" and "fraud" (page 123): Used to heavily criticize the reproduction of superstitions; they do not apply to the plaintiff but refer to clergymen who maintain the false rumor.

The average reader understands these expressions as part of the author's effort to overturn a false belief, not as personal attacks on the plaintiff. They constitute value judgments incapable of proof and are fully protected by freedom of expression. The first defendant had no intention of insulting the plaintiff, as proven by a respectful letter he sent him on 07.05.2019, beginning with "My dear Elder...".

Therefore, the Court has formed a solid judicial conviction that the book's contents referring to the plaintiff cannot establish a legal basis for his claims. It was proven that: a) the plaintiff had positive knowledge of the defendant's journalistic identity and purpose; b) his words were accurately recorded without distortion; c) the defendant made legitimate use of the recorded words based on prior valid consent; d) the subsequent objection to data processing was exercised invalidly and disproportionately; e) the characterizations in the book do not personally target the plaintiff and are protected by freedom of expression. The truth regarding the Holy Fire cannot damage the plaintiff's personality or the faith he serves. Since the second defendant's liability depends on the first defendant's subjective liability (which was not proven), the lawsuit must be rejected as substantively unfounded for both.

FOR THESE REASONS

IT TRIES the case with both parties present.

IT REJECTS the lawsuit.

IT CONDEMNNS the plaintiff to pay the defendants' court costs, which it sets at the amount of two thousand four hundred euros (€2,400).

Decided, resolved, and published in Athens in an extraordinary public hearing in the audience room of this Court, without the presence of the parties and their attorneys, on February 26, 2026.

THE JUDGE

THE SECRETARY