

EUROPEAN COURT OF HUMAN RIGHTS

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Press release issued by the Registrar

HEARING IN THE CASE OF *BLADET TROMSØ A/S* and *STENSAAS v. NORWAY*

Wednesday, 27 January 1999 at 2.30 p.m.

The applicants

The case concerns an application (application no. 21980/93) brought by two applicants. The first applicant is a limited liability company *Bladet Tromsø A/S*, which publishes the newspaper *Bladet Tromsø* in the town Tromsø in the northern part of Norway. At the relevant time it had a circulation of about 9,000 copies. The second applicant, Mr Pål Stensaas, was its editor. He is a Norwegian national, born in 1952, and lives at Nesbrua.

Summary of the facts

In March and April 1988 Mr Lindberg served as a seal hunting inspector, appointed by the Ministry of Fisheries, on board of the vessel *M/S Harmoni*. In his report of 30 June 1988 he alleged a series of violations of the seal hunting regulations and made allegations against five named crew members. The report claimed among other things that seals had been flayed alive. The Ministry of Fisheries subsequently decided that the report should not be published, relying on a provision of the Act on Public Access to Official Documents 1970 according to which reports containing allegations of statutory offences should not be made accessible to the public.

On 15 July 1988 *Bladet Tromsø* published an article by Mr Lindberg reproducing some of the allegations made in his report, which it had received from him. *Bladet Tromsø* published part of the report on 19 July 1988 and, on 20 July, the remainder of the report.

In May 1991 the crew members of *Harmoni* brought defamation proceedings against the applicants. By judgment of 4 March 1992 the Nord-Troms District Court declared “null and void” some of the contested statements contained in the article published by *Bladet Tromsø* on 15 July 1988 and in part of the report which it had published on 20 July 1988. The District Court ordered the newspaper and the editor to pay respectively NOK 10,000 and NOK 1,000 to each of the plaintiffs. The applicants were refused leave to appeal to the Supreme Court.

Complaints

The applicants complain that the District Court's judgment of 4 March 1992 constituted an unjustified interference with their right to freedom of expression under Article 10 of the European Convention on Human Rights, which provision had therefore been violated.

Procedure

The application was lodged with the European Commission of Human Rights on 10 December 1992. Having found the application admissible, the Commission adopted a report on 9 July 1998 in which it expressed the opinion that there had been a violation of Article 10 (twenty-four votes to seven). It referred the case to the old Court on 24 September 1998. The Norwegian Government also brought the case before the Court.

Composition of the Court

Under the transitional provisions of Protocol No. 11 to the Convention, the case was transmitted to the Grand Chamber of the new European Court of Human Rights on the entry into force of the Protocol, on 1 November 1998. It will be heard by the Grand Chamber composed as follows:

Luzius **Wildhaber** (Swiss), *President*,
Elisabeth **Palm** (Swedish),
Antonio **Pastor Ridruejo** (Spanish),
Giovanni **Bonello** (Maltese),
Jerzy **Makarczyk** (Polish),
Riza **Türmen** (Turkish),
Jean-Paul **Costa** (French),
Françoise **Tulkens** (Belgian),
Viera **Strážnická** (Slovakian),
Willi **Fuhrmann** (Austrian),
Marc **Fischbach** (Luxemburger),
Volodymyr **Butkevych** (Ukrainian),
Josep **Casadevall** (Andorran),
Hanne Sophie **Greve** (Norwegian),
András **Baka** (Hungarian),
Rait **Maruste** (Estonian),
Snejana **Botoucharova** (Bulgarian), *Judges*,
Kristaq **Traja** (Albanian),
Tudor **Pantiru** (Moldovan), *Substitute Judges*,

and also Michele **de Salvia**, *Registrar*, and Maud **de Boer-Buquicchio**, *Deputy Registrar*.

Representatives of the parties

Government: Frode **Elgesem**, *Agent*, Tolle **Stabell** and Knut **Kallerud**, *Advisers*;

Applicants: Kevin **Boyle**, *Counsel* and Steingrim **Wolland**, *Adviser*.

Yngve **Nilsen**, current editor of *Bladet Tromsø* and Pål **Stensaas**, its former editor, will also attend the hearing.

The European Commission of Human Rights will be represented by Alexander **Arabadjiev** assisted by Marie-Thérèse **Schoepfer**.

After the hearing the Court will begin its deliberations, which are held in private. Judgment will be delivered at a later date.

Subject to his duty of discretion, the Registrar is responsible under the Rules of Court for replying to requests for information concerning the work of the Court, and in particular to enquiries from the press.

Registry of the European Court of Human Rights

F – 67075 Strasbourg Cedex

Contact: Roderick Liddell

Telephone: (0)3 88 41 24 92; fax: (0)3 88 41 27 91