

EUROPEAN COURT OF HUMAN RIGHTS

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Press release issued by the Registrar

HEARING IN THE CASE OF BERGENS TIDENDE AND OTHERS v. NORWAY

Tuesday, 9 November, at 2.30 p.m.

The applicants

The case concerns an application (no. 26132/95) brought by *Bergens Tidende*, a Norwegian newspaper, and two Norwegian nationals, Einar Eriksen, the newspaper's former editor-in-chief, and Berit Kvalheim, a journalist employed by the paper, who were born respectively in 1933 and 1945 and both live in Bergen.

Summary of the facts

A plastic surgeon, R., brought defamation proceedings against the applicants on account of a series of articles recounting complaints of dissatisfied patients. Bergen City Court found for the plaintiff, but its judgment was overturned by Gulating High Court. In a judgment of 23 March 1994, the Supreme Court found that the impugned articles constituted accusations of substandard plastic surgery which had not been proven. It ordered the applicants to pay R. amounts totalling NOK 4,709,861 (approximately 4 million French francs) in respect of damages and costs.

Complaint

The applicants complain that their right to freedom of expression guaranteed under Article 10 of the European Convention on Human Rights has been violated.

Procedure

The application was lodged with the European Commission of Human Rights on 13 September 1994.

Following the entry into force of Protocol No. 11 to the Convention on 1 November 1998, the case was transferred to the Court under the provisions of Article 5 § 2 of the Protocol. It was declared admissible on 29 June 1999.

Composition of the Court

The case will be heard by a Chamber composed as follows:

Nicolas **Bratza** (British), *President*,
Jean-Paul **Costa** (French),
Françoise **Tulkens** (Belgian),
Willi **Fuhrmann** (Austrian),
Karel **Jungwiert** (Czech),
Kristaq **Traja** (Albanian), *Judges*,
Stein **Evju** (Norwegian), *ad hoc Judge*,
Loukis **Loucaides** (Cypriot),
Pranas **Kūris** (Lithuanian),
Mindia **Ugrekhelidze** (Georgian), *Substitute Judges*,

and also Sally **Dollé**, *Section Registrar*.

Representatives of the parties

Government: Frode **Elgesem**, *Agent*, Knut **Kallerud** and Morten **Goller**, *Advisers*;

Applicants: Anders Chr. Stray **Ryssdal** and Pål W. **Lorentzen**, *Counsel*.

Einar **Eriksen** and Berit **Kvalheim** will also attend the hearing, as will Einar **Haalien**, the serving Editor-in-Chief of *Bergens Tidende*.

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

Registry of the European Court of Human Rights

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The European Court of Human Rights was set up in Strasbourg in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. On 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Commission and Court.