



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF AMAGHLOBELI AND OTHERS v. GEORGIA

(Application no. 41192/11)

JUDGMENT

Art 10 • Freedom of expression • Imposition of administrative fine on journalists for engaging in news-gathering activities in restricted customs control zone of a border checkpoint • Activities of public-interest value • Doubts as to the journalists having acted in good faith, in accordance with the concept of responsible journalism • Applicants able to make full use of recorded interviews taken at the restricted zone and publish their article • Fine not excessive • Fair balance struck by domestic courts with due regard to criteria developed in Court's case-law

STRASBOURG

20 May 2021

FINAL

20/08/2021

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Amaghlobeli and Others v. Georgia,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Síofra O’Leary, *President*,
Stéphanie Mourou-Vikström,
Lətif Hüseynov,
Jovan Ilievski,
Lado Chanturia,
Ivana Jelić,
Mattias Guyomar, *judges*,

and Victor Soloveytschik, *Section Registrar*,

Having regard to:

the application (no. 41192/11) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by two Georgian nationals, Ms Mzia Amaghlobeli (“the first applicant”) and Ms Eter Turadze (“the second applicant”), who were born in 1975 and 1972 respectively, and a legal entity established under Georgian law, the Batumelebi publishing house (“the third applicant”), on 29 June 2011;

the decision to give notice of the application to the Georgian Government (“the Government”);

the observations submitted by the respondent Government and the observations in reply submitted by the applicants;

the comments submitted by the Media Legal Defence Initiative, who was granted leave to intervene by the President of the Section;

Having deliberated in private on 6 April 2021,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present case relates to the scope of journalistic freedom to engage in news-gathering activities in the customs control zone of a border checkpoint. The applicants complain that the imposition of a fine for engaging in those activities in such a restricted State-controlled zone constituted an interference with their rights under Article 10 of the Convention.

THE FACTS

2. The applicants were initially represented by Ms T. Abazadze and then by Ms N. Jomarjidge, lawyers practising in Tbilisi.

3. The Government were represented by their Agent, Mr B. Dzamashvili, of the Ministry of Justice.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

5. The first and second applicants are journalists who at the material time worked as, respectively, the managing director of the third applicant and the editor-in-chief of a weekly newspaper published by the latter.

6. In 2009 the third applicant's office in Batumi started receiving reports from local people of arbitrary customs clearance practices being conducted by Georgian border police officers at the checkpoint in Sarpi, on the State border between Turkey and Georgia ("the Sarpi checkpoint"). The first and second applicants decided to respond to the calls by conducting a journalistic investigation.

7. On 15 August 2009 the first and second applicants crossed the State border in the direction of Turkey and headed back. After passing passport control, they, without anything to declare, entered the restricted customs control zone of the Sarpi checkpoint, where newly arrived passengers were filling in customs declarations and duties were being levied on imported goods. The restricted zone was enclosed by a fence which had multiple warning signs on it saying "customs control zone".

8. The second applicant started interviewing people who were in the process of declaring imported goods to customs officers, while the first applicant took photographs of the scene. They had already recorded interviews with all the travellers present when a customs officer warned them that they were hindering the smooth running of the customs operation and that since they did not have anything to declare, they had to vacate the restricted customs control zone. The applicants refused, referring to the freedom to exercise their profession as journalists as they saw fit. They refused to leave the restricted zone even after the chief customs officer repeatedly told them to vacate the premises. As a result, the two applicants were fined 1,000 Georgian laris (GEL – approximately 320 Euros (EUR)) each for disobeying the customs officers' lawful orders, an administrative offence under Article 245 § 1 of the Customs Code of Georgia ("the Customs Code"). They were then escorted out of the restricted zone. Neither their recording equipment nor recorded interviews were confiscated.

9. In the week following the incident of 15 August 2009 at the Sarpi checkpoint, the Batumelebi newspaper featured a comprehensive article about the customs procedures presenting all the findings of the first and second applicants' journalistic investigation, including the interviews recorded in the customs control zone on the above date.

10. On 3 November 2009 the first and second applicants, acting in their individual capacity, filed a court action requesting annulment of the administrative sanction imposed on them on 15 August 2009. They claimed that it had had no legal basis, that their conduct in the customs control zone of the Sarpi checkpoint had been in no way disruptive, and that they had merely been exercising their profession as journalists. They further argued

that their journalistic freedom had been undermined as a result of being sanctioned for interviewing people in the customs control zone. The interviews had, according to them, been a necessary step in the process of preparing their journalistic investigation (see paragraph 6 above).

11. By a judgment of 4 February 2010, the Tbilisi City Court dismissed the first and second applicants' action as ill-founded. After hearing the parties' submissions and examining witness statements and other evidence available in the case file, the court found that their conduct on 15 August 2009 in the customs control zone of the Sarpi checkpoint had disrupted the customs procedures. More specifically, it was established that the questions put by the second applicant to the people declaring imported goods had prompted the importers to start arguing with the customs officers over the accuracy of the amounts of customs duties being levied. It had been because of that disturbance that the customs officers had ordered the two applicants to vacate the restricted zone. The City Court emphasised that the order had been lawful since the applicants had entered the zone without prior authorisation, in flagrant breach of Article 20 § 4 of the Customs Code and Articles 2 and 3 of Order no. 1766 of the Minister of Finance of 20 December 2006. Since the applicants had not obeyed the repeated orders of the customs officers, the imposition of the fine had been both lawful, that is to say based on Article 245 § 1 of the same Code, and proportionate.

12. As regards the first and second applicants' reference to their journalistic freedom, the City Court reiterated that they had been fined not for exercising their profession as journalists, but for breaches of the relevant customs rules, namely unauthorised entry into the customs control zone and failure to comply with the customs officers' lawful orders. The court stated that journalists could not be immune from the rules that applied to the general public. If the applicants had wished, in their capacity as journalists, to monitor the unfolding of the customs procedures in the restricted zone of the Sarpi checkpoint, all they had had to do was obtain prior authorisation to access the premises, and act appropriately once inside, without stirring up trouble. It had also been open to the applicants to gather the desired information about the customs procedures by alternative and less intrusive means, for instance by interviewing people already at the exit of the checkpoint after they had declared the imported goods and paid the relevant duties.

13. On 6 March 2010 the first and second applicants filed an appeal against the judgment of 4 February 2010. They contested the lower court's establishment of the facts, claiming that they had not caused any real disturbance in the customs control zone of the Sarpi checkpoint and that all they had been doing had been interviewing and taking pictures of the importers of goods and the customs officers. The two applicants also called into question the interpretation of the relevant provisions of the Customs Code by the lower court, arguing that the provisions were not sufficiently

foreseeable as regards their effects. Lastly, they reiterated their complaint about the fine representing a disproportionate interference with journalistic freedom.

14. By a decision of 22 June 2010, the Tbilisi Court of Appeal, after re-examining the case on both issues of fact and law, fully upheld the lower court's judgment of 4 February 2010. The appellate court clarified that since the first and second applicants had entered the Sarpi checkpoint from the Turkish side as ordinary passengers, they had been obliged to abide by the customs rules applicable to all. In other words, they had had no right to enter the restricted customs control zone without anything to declare and without permission from the customs office. After being given lawful orders to vacate the unlawfully accessed premises, the first and second applicants had had to obey them. Being journalists did not absolve them from the obligation to respect the law. The appellate court emphasised that the relevant provisions of the Customs Code, supplemented by Articles 2 and 3 of Order no. 1766, were sufficiently clear and precise in their wording, and that the two applicants could thus easily have foreseen the consequences of their wrongful conduct, especially in view of the fact that they had been duly warned by the customs officers before being fined. The appellate court further reiterated that it had been open to the two applicants to conduct the interviews with the newly arrived passengers not inside the customs control zone but already at the exit of the checkpoint. Alternatively, if they had wished to record the customs clearance procedures, they should have sought authorisation from the customs office, in accordance with Article 20 § 4 of the Customs Code.

15. On 29 December 2010 an appeal on points of law lodged by the first and second applicants calling into question the foreseeability of the legal provisions that had served as the basis for the sanction was rejected by the Supreme Court of Georgia as inadmissible, which brought the proceedings to an end.

RELEVANT LEGAL FRAMEWORK

16. Article 20 § 4 of the Customs Code of Georgia, as in force at the material time, provided as follows:

“4. ... The circulation of goods, transport vehicles and people in the customs control zone shall only be allowed with official authorisation and under the supervision of the customs office. ...”

17. Article 245 § 1 of the same Code read as follows:

“1. Resisting a customs officer, failure to comply with the officer's lawful order or request shall be sanctioned by a fine of GEL 1,000.”

18. According to Articles 2 and 3 of Order no. 1766 of the Minister of Finance of 20 December 2006, which was in force at the material time,

areas, buildings and means of transportation (including aircrafts, ships and railway units) that contain declarable goods obtained the status of restricted customs control zone by default.

THE LAW

ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

19. All three applicants complained that the imposition of a fine for engaging in news-gathering activities had constituted a breach of Article 10 of the Convention, which reads as follows:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

A. Admissibility

20. The Government argued that the application was inadmissible for non-exhaustion of domestic remedies, since the three applicants had never attempted to sue the customs authority under the general rules of tort law contained in the Civil Code. They also briefly stated, without providing any additional arguments, that the application should be dismissed for lack of any significant disadvantage under Article 35 § 3 (b) of the Convention in view of the applicants’ above-mentioned failure to sue the customs office. Lastly, the Government submitted that the third applicant had not exhausted domestic remedies as it had never been a party to the proceedings at domestic level.

21. The applicants disagreed.

22. In so far as the third applicant is concerned, the Court observes that this legal entity was not a party to the domestic proceedings, unlike the first two applicants. It can be inferred from the parties’ submissions that this applicant did intend to complain to the Court on behalf of its employees, the first and second applicants. However, a legal entity is not allowed to claim, under Article 34 of the Convention, to be a victim of acts or omissions which have affected the rights and freedoms of associated individuals who are themselves adult persons with full legal capacity to act and can thus

lodge complaints with the Court in their own name (compare *Identoba and Others v. Georgia*, no. 73235/12, § 45, 12 May 2015, with further references). It follows that the third applicant cannot validly claim, on the facts of the present case, to be either a direct or indirect victim, within the meaning of Article 34 of the Convention, of an alleged breach of the first and second applicants' rights under Article 10. This part of the application is thus incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

23. As regards the Government's argument that it was open to the first and second applicant's company to sue the customs authority under the general rules of tort law, the Court reiterates that where there is a choice of remedies, the exhaustion requirement must be applied to reflect the practical realities of the applicant's position, so as to ensure the effective protection of the rights and freedoms guaranteed by the Convention. An applicant who has used a remedy which is apparently effective and sufficient cannot be required also to have tried others that were also available but probably no more likely to be successful (see, amongst many authorities, *Adamski v. Poland* (dec.), no. 6973/04, 27 January 2009). Given that the first and second applicants' choice to seek annulment of their fine, the administrative sanction that lay at the core of their complaints under Article 10, was a relevant and appropriate course of action, they cannot be reproached for not having had recourse to the other remedy referred to by the Government (compare *Lawyer Partners a.s. v. Slovakia*, nos. 54252/07 and 14 others, § 45, ECHR 2009), and the Government's objection in this regard should therefore be rejected.

24. As to the Government's objection under Article 35 § 3 (b) of the Convention, the Court observes that it is unsubstantiated. Thus, besides a mere reference to the amount of fines against the applicants, the Government have not explained why they consider that the applicants have suffered no significant disadvantage (compare, for instance, *Berladir and Others v. Russia*, no. 34202/06, § 34, 10 July 2012; and *Giuran v. Romania*, no. 24360/04, §§ 21-23, ECHR 2011 (extracts)). Furthermore, no submissions have been made on two "safeguard clauses" contained in the relevant provision. Noting the nature of the issues raised in the present case, which also arguably concerns an important matter of principle, as well as the scope of the limitations, the Court does not find it appropriate to dismiss the present application with reference to Article 35 § 3 (b) of the Convention.

25. The Court notes that the first and second applicants' complaints under Article 10 are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. This part of the application must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

26. The first and second applicants stated that the interference with their journalistic freedom could not be said to have been “prescribed by law” as the wording of the relevant domestic provisions – namely Articles 20 § 4 and 245 § 1 of the Customs Code – did not meet the “foreseeability” requirement. In particular, the two legal provisions did not allow, with a sufficient level of precision, for a conclusion that their entry and stay in the customs control zone of the border checkpoint had been unlawful. They also argued that there had been no discernible legitimate aim for the interference with their news-gathering activities.

27. The two applicants also submitted that their actions had never caused any disturbance in the zone, that they had been unobtrusively interviewing the passengers, and that the customs officers had therefore had no valid reason to sanction them. Also, the only way of obtaining reliable information about the customs clearance practices had been to observe the process in the customs zone in person. The applicants asserted that they had not been obliged by law to obtain prior authorisation to engage in journalistic activities – recording and interviewing people – in the State-controlled zone. As regards the fine imposed on them, the applicants stated that the amount had been high enough to have a “chilling effect” on investigative journalism.

(b) The Government

28. The Government firstly submitted that there had been no interference given that the applicants had been able to interview the people of their choice in the customs control zone of the Sarpi checkpoint and publish a comprehensive newspaper article based on those interviews. Furthermore, they had been fined not for their journalistic activities, but for their failure to comply with the customs officers' lawful orders. Even assuming that there had been such an interference, the Government submitted that it had been prescribed by law and proportionate to the legitimate aims pursued – prevention of disorder and protection of the rights of others present in the customs control zone. As regards the lawfulness aspect, they referred to Articles 20 § 4 and 245 § 1 of the Customs Code and Articles 2 and 3 of Order no. 1766 (see paragraphs 16-18 above), stating that first and second applicants' conduct in the clearly identifiable restricted customs zone had been in breach of customs legislation, warranting an administrative sanction.

29. The Government further submitted that the domestic courts had given well-reasoned decisions. Being journalists could not give the

applicants immunity from the law and it had been open to the first and second applicant to conduct the relevant news-gathering activities in a less intrusive manner, by either interviewing the people at the exit of the customs control zone or, if the applicants had wished to observe the customs clearance procedures, by requesting prior authorisation from the customs office to enter the otherwise restricted State-controlled zone.

2. *The third party's submissions*

30. The Media Legal Defence Initiative submitted that border areas could be a valuable source of newsworthy stories that could inform the public and contribute to debates of general interest. It listed examples of journalists travelling to such areas to report on stories involving corruption (The Cable, *Undercover Investigation: Nigeria's "Customs of corruption, bribery and forgery"*, 31 December 2015), trafficking (San Antonio Express-News, *Border journalists in Reynosa, Mexico, navigate dangers to report on continued gun-battles in the streets*, 15 May 2017), military conflicts (BBC, *Kashmir conflict: Tension on the India-Pakistan border*, 1 October 2016) and immigration (Borderzine, *Experienced border journalists share tips for tough immigration stories*, 4 October 2013). The third party then continued by submitting extensive legal arguments as to why news-gathering by journalists ought to be treated as an activity meriting a high level of protection under Article 10 of the Convention. Those arguments were mostly based on an overview of the Court's case-law relating to freedom of expression, but also by reference to international legal materials on the matter.

3. *The Court's assessment*

(a) **Whether there was an interference**

31. The Court considers that, even if the administrative sanction was not necessarily aimed at the applicants as journalists, it still interfered with their right to freedom of expression because they were held responsible for acts that formed part of an investigation for an article to be published (compare *Pentikäinen v. Finland* [GC], no. 11882/10, § 83, ECHR 2015; *Salihu and Others v. Sweden* (dec.), no. 33628/15, § 49, 10 May 2016; and *Erdtmann v. Germany* (dec.), no. 56328/10, § 16, 5 January 2016).

(b) **Whether the interference was prescribed by law and pursued a legitimate aim**

32. The Court reiterates its settled case-law, according to which the expression "prescribed by law" not only requires that the impugned measure should have some basis in domestic law, but also refers to the quality of the law in question, which should be accessible to the person concerned and foreseeable as to its effects. However, it is primarily for the national

authorities, notably the courts, to interpret and apply domestic law (see *Pentikäinen*, cited above, §§ 84 and 85).

33. In the present case, the applicants' argument that the domestic provisions were not foreseeable as to their effects was duly examined by the domestic courts, which all ruled that Articles 20 § 4 and 245 § 1 of the Customs Code and Articles 2 and 3 of Order no. 1766 clearly proscribed the type of acts in question (see paragraphs 11 and 14 above). That being so, the applicants' argument contesting the interpretation of the relevant domestic provisions and their application to the circumstances of the case is beyond the Court's competence, given that the domestic decisions do not contain any arbitrary reasoning (compare, for instance, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, § 147, 27 June 2017; *Pentikäinen*, cited above, 85; and *Haldimann and Others v. Switzerland*, no. 21830/09, §§ 37-39, ECHR 2015). The Court thus concludes that the impugned interference was "prescribed by law" within the meaning of the second paragraph of Article 10 of the Convention.

34. Furthermore, the Court accepts that the interference complained of pursued the legitimate aim of preventing disorder in the State-controlled customs zone.

(c) Whether the interference was necessary in a democratic society

35. The Court considers that in order to answer this question, it needs to assess the circumstances of the case against the following two considerations inherent in its case-law under Article 10 of the Convention: the value of the news-gathering activities and the concept of "responsible" journalism.

(i) Relevant general principles

36. The Court reiterates that the gathering of information is an essential preparatory step in journalism and a protected part of press freedom. A restriction on a journalist's research and investigative activities always calls for the closest scrutiny by the Court on account of the great danger inherent in attempts to restrict preparatory journalistic steps (see *Dammann v. Switzerland*, no. 77551/01, § 52, 25 April 2006). Indeed, obstacles created in order to hinder access to information which is of public interest may discourage those working in the media or related fields from pursuing such matters. As a result, they may no longer be able to play their vital role as "public watchdogs," and their ability to provide accurate and reliable information may be adversely affected (see *Shapovalov v. Ukraine*, no. 45835/05, § 68, 31 July 2012).

37. The concept of responsible journalism, as a professional activity which enjoys the protection of Article 10 of the Convention, is not confined to the contents of information which is collected and/or disseminated by

journalistic means. This concept also encompasses, amongst other things, the lawfulness of the conduct of a journalist, including his or her public interaction with the authorities when exercising journalistic functions. The fact that a journalist has breached the law in that connection is a most relevant, albeit not decisive, consideration when determining whether he or she has acted responsibly. The Court reiterates in this connection that paragraph 2 of Article 10 does not guarantee wholly unrestricted freedom of expression, even with respect to media coverage of matters of serious public concern. In particular, and notwithstanding the vital role played by the media in a democratic society, journalists cannot, in principle, be released from their duty to obey the ordinary criminal law on the basis that, as journalists, Article 10 affords them a cast-iron defence. In other words, a journalist cannot claim exclusive immunity from criminal liability for the sole reason that, unlike other individuals exercising the right to freedom of expression, the offence in question was committed during the performance of his or her journalistic functions (see *Pentikäinen*, cited above, §§ 90 and 91, with further references therein).

(ii) *Application of these principles to the circumstances of the case*

38. The Court observes, at the outset, that the domestic courts themselves conducted a fully-fledged balancing exercise in relation to the applicants' right to freedom of expression, duly acknowledging their status as journalists and giving solid reasons for their decisions (see paragraphs 11-12 and 14 above, and contrast *Szurovecz v. Hungary*, no. 15428/16, §§ 63, 67, 69-70 and 75, 8 October 2019). The adequacy of the domestic judicial review significantly increases the respondent State's margin of appreciation in this case, as the Court would require strong reasons to substitute its own view for that of the domestic courts (compare, amongst many others, *Palomo Sánchez and Others v. Spain* [GC], nos. 28955/06 and 3 others, § 57, ECHR 2011; *Rungainis v. Latvia*, no. 40597/08, § 66, 14 June 2018; and *MGN Limited v. the United Kingdom*, no. 39401/04, §§ 150 and 155, 18 January 2011). As regards the existence of such "strong reasons", the Court, to start with, has little doubt that the news-gathering activities conducted by the first and second applicant at the Sarpi checkpoint were capable of meaningfully contributing to public debate on a matter of public interest (compare *Haldimann and Others*, cited above, §§ 56-58), namely the allegedly arbitrary customs clearance practices. However, it is less persuaded, on the facts of the case, that the applicants used their best endeavours to interact with the relevant public authority in good faith and in a responsible manner (*ibid.*, § 61).

39. More specifically, if the applicants wished to hear about the practical experience of travellers and merchants who had recently had dealings with the local customs office, then, as indicated by the domestic courts, instead of trespassing onto the restricted State-controlled zone, they could have

waited for and interviewed the passengers at the exit of the zone. Furthermore, the applicants did not suggest and prove in the proceedings before the domestic courts that had authorisation to access the State-controlled zone been requested, it would have been refused. Alternatively, if they deemed it important to witness incognito, without soliciting prior authorisation, the customs clearance procedures, they still remained under a legal obligation to vacate the restricted zone as soon as they received lawful orders to do so from the officers in charge of the zone. It is also important in this connection that at no point in the domestic proceedings did the applicants show that only first-hand and direct knowledge of the customs procedures, based on their personal experience and presence in the restricted zone, could have the value and reliability to the extent necessary for their journalistic activities (contrast *Selmani and Others v. the former Yugoslav Republic of Macedonia*, no. 67259/14, § 84, 9 February 2017; and *Szurovecz*, cited above, §§ 71-74). Assuming that the first and second applicants had no other option but to make, in their capacity as journalists, a choice between the general duty to abide by ordinary administrative law, from which they were obviously not absolved, and their professional duties, and that they made this choice to the detriment of the duties of a law-abiding citizen, then the very least that was expected of them, under the concept of “responsible journalism”, was to be aware of and accept the legal consequences of the unlawful conduct, including the risk of being subject to legal sanctions (compare *Pentikäinen*, cited above, § 110). The Court reiterates that journalists cannot, in principle, be released from their duty to obey the ordinary law solely on the basis that Article 10 affords them protection (see the general principles cited *in fine* of paragraph 37 above, and also *Stoll v. Switzerland* [GC], no. 69698/01, § 102, ECHR 2007-V).

40. Two other important factors tip the balance in favour of finding that the interference with the first and second applicants’ rights under Article 10 of the Convention was “necessary in a democratic society”. Firstly, it is significant that the domestic authorities did not object to the applicants making full use of the interviews recorded during their time in the customs control zone, which allowed them to publish the article on their journalistic investigation (see paragraphs 9 and 28 above, and compare *Zarubin and Others v. Lithuania* (dec.), no. 69111/17, § 57, 26 November 2019, and *Mikkelsen and Christensen v. Denmark* (dec.), no. 22918/08, 24 May 2011). Secondly, as regards the nature and severity of the sanction imposed on the applicants, the Court observes that the amount of their administrative fine cannot be considered excessive (see *Mikkelsen and Christensen*, the decision cited above, and *Brambilla and Others v. Italy*, no. 22567/09, §§ 63-67, 23 June 2016).

41. In the light of the foregoing considerations, the Court concludes that the domestic courts examined the question at issue with care and in line with the Court’s case-law, and that the reasons given to justify their

decisions were adequate. The Court does not therefore see any strong reason to substitute its own assessment for that of the domestic courts (see *Mouvement raëlien suisse v. Switzerland* [GC], no. 16354/06, § 76, ECHR 2012 (extracts); and *Palomo Sanchez*, cited above, § 74). There has thus been no violation of Article 10 of the Convention in the present case.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaints introduced by the first and second applicants admissible and the remainder of the application inadmissible;
2. *Holds* that there has been no violation of Article 10 of the Convention.

Done in English, and notified in writing on 20 May 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik
Registrar

Síofra O’Leary
President