

Press release issued by the Registrar

CHAMBER JUDGMENTS

The European Court of Human Rights has today notified in writing 11 chamber judgments concerning: **Austria, Cyprus, France, Italy, Slovakia** and the **United Kingdom**.

Andreas Wabl v. Austria, M.C. and Others v. United Kingdom and *Dulaurans v. France* are final judgments.

Section 3

1) *Andreas Wabl v. Austria* (Application number 24773/94) *No violation Art.10*

Andreas Wabl, an Austrian national, complained that an injunction issued against him breached his right to freedom of expression, as guaranteed under Article 10 of the European Convention on Human Rights.

On 10 June 1988 Mr Wabl, a Member of Parliament in the Austrian Green party, scratched a police officer in the course of a protest campaign against the stationing of interceptor fighter planes near Graz Airport. On 14 August 1988 an article in Austria's most popular national daily newspaper *Kronen-Zeitung* quoted the police officer calling for Mr Wabl to have an AIDS test. On 17 August, the newspaper published a correction. The same day Mr Wabl, speaking at a press conference, accused the newspaper of "Nazi journalism", a statement which was quoted in the Austrian media. *Kronen-Zeitung* brought injunction proceedings against the applicant, which led, on 14 December 1993, to the Supreme Court serving an injunction on him to prevent him repeating the impugned statement. The Supreme Court found that the reproach "Nazi journalism" came close to a charge of criminal behaviour under the National Socialism Prohibition Act, which was a serious and unjustified attack on the newspaper's reputation.

Following private prosecution proceedings instituted by Mr Wabl, *Kronen-Zeitung* was convicted of defamation and ordered to pay him compensation.

By six votes to one, the European Court of Human Rights held that there had been no violation of Article 10, finding that the Austrian Supreme Court had duly balanced the interests involved, particularly in view of the stigma attached to an association with National Socialist ideas and the remedies open to Mr Wabl to clear his name. The judgment exists only in English.

Section 2

2) *J.K v. Slovakia*¹ (No. 29021/95) *Friendly settlement*

J.K., a Slovak national, complained about an alleged interference in his right to run a business and the absence of a judicial review of administrative decisions which involved him being fined under the Minor Offences Act. He invoked Article 6 (right to a fair trial) of the

Convention. The case has been struck out following a friendly settlement in which the applicant is to be paid 5,000 Slovak korunas for any damage and costs. (Judgment in English.)

Section 3

- 3) ***M.C. and Others v. United Kingdom*** ***Struck out***
(Nos. 25283/94, 25690/94, 26701/95, 27771/95, 28457/95)

Five British applicants who did not pay a local tax (poll tax) at a time when they were either on a low income or dependant on State benefits complained about the lack of legal aid available in the proceedings against them, which led to their imprisonment. They invoked Article 6. Three of the applicants also invoked Article 5 (right to liberty and security). The cases have been struck out as the correspondence with the applicants since March 1999 indicated that they did not intend to pursue their applications. (Judgment in English.)

- 4) ***Asan Rushiti v. Austria***¹ (No. 28389/95) ***Violations of Art.6 §§ 1&2***

Asan Rushiti, a national of the former Yugoslav Republic of Macedonia, claimed compensation after being detained on remand on charges of attempted murder, concerning which he was later acquitted. His claim was dismissed by the Graz Court of Appeal, on the ground that suspicions against him remained. The European Court of Human Rights held unanimously that there had been a violation of Article 6 § 1, in that there had been no public hearing concerning the claim and the judgments in the proceedings were not pronounced publicly. The Court also held unanimously that there had been a breach of Mr Rushiti's right to be presumed innocent as guaranteed by Article 6 § 2. The Court awarded Mr Rushiti 61,318 Austria schillings and 80 groschen for costs and expenses. (Judgment in English.)

- 5) ***Dulaurans v. France*** (No. 34553/97) ***Violation Art. 6 § 1***

Michelle Dulaurans, a French national, complained that she did not have a fair hearing concerning her civil proceedings, as the Court of Cassation made its decision based on facts which were clearly incorrect. The European Court of Human Rights held unanimously that there had been a violation of Article 6 § 1 and awarded the applicant 100,000 French francs for pecuniary and non-pecuniary damage and 50,000 FRF for costs and expenses. (Judgment in French.)

- 6) ***Castell v. France***¹ (No. 38783/97) ***Violation Art. 6 § 1***

René and Lucienne Castell, both French nationals, complained about the length of their civil proceedings, which lasted more than 15 years and one month. The Court held unanimously that there had been a violation of Article 6 § 1 and awarded each applicant 30,000 FRF for non-pecuniary damage and 20,000 for costs and expenses. (Judgment in French.)

- 7) ***Papadopoulos v. Cyprus***¹ (No. 39972/98) ***Violation Art. 6 § 1***

Christos Papadopoulos, a Cypriot national, complained about the length of his civil proceedings, which have lasted more than five years and four months. The Court held unanimously that there had been a violation of Article 6 § 1 and awarded him 2,500 Cypriot pounds for non-pecuniary damage and 2,630 CYP for costs and expenses. (Judgment in English.)

8) *Gergouil v. France*¹ (No. 40111/98)***No violation Art. 6 § 1***

Christian Gergouil, a French national, complained about the length of his civil proceedings. The Court held, by five votes to two, that there had been no violation of Article 6 § 1 as the proceedings, which lasted more than four years and two months, had not been excessive. (Judgment in French.)

9) *Guichon v. France*¹ (No. 40491/98)***No violation Art. 6 § 1***

Philippe Guichon, a French national, complained about the length of his civil proceedings. The Court held by four votes to three that there had been no violation of Article 6 § 1 as the length of the proceedings, which lasted more than five years and three months, had been reasonable overall. (Judgment in French.)

10) *Fragola v. Italy*¹ (No. 40939/98)***Friendly settlement***

Umberto Fragola, an Italian national, complained under Article 6 § 1 about the excessive length of his civil proceedings, which lasted 12 years. The case has been struck out following a friendly settlement in which the applicant is to be paid 37,000,000 Italian lire for any non-pecuniary damage and 2,000,000 for costs and expenses. (Judgment in French.)

11) *Boudier v. France*¹ (No. 41857/98)***Violation Art. 6 § 1***

René Boudier, a French national, complained about the excessive length of his criminal proceedings (with a civil party claim), which lasted more than 12 years and seven months. The Court held unanimously that there had been a violation of Article 6 § 1 and awarded the applicant 30,000 FRF for non-pecuniary damage and 10,000 for costs and expenses. (Judgment in French.)

The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in 1959 in Strasbourg 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.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its Protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.