

Press release issued by the Registrar

**CHAMBER JUDGMENT IN THE CASE OF
VIDES AIZSARDZĪBAS KLUBS v. LATVIA**

The European Court of Human Rights has today notified in writing a judgment¹ in the case of *Vides Aizsardzības Klubs v. Latvia* (application no. 57829/00). The Court held unanimously that there had been a **violation of Article 10** (freedom of expression) of the European Convention on Human Rights.

Under Article 41 (just satisfaction) of the Convention, the Court awarded the applicant 3,000 euros (EUR) for non-pecuniary damage and EUR 1,000 for costs and expenses.

(The judgment is available only in French.)

1. Principal facts

The applicant, Vides Aizsardzības Klubs (*The Environmental Protection Club – known as the “VAK”*), is a non-governmental organisation based in Riga.

In November 1997 the applicant organisation adopted a resolution expressing its concerns about the conservation of coastal dunes (*kāpu josla*) on a stretch of coast in the Gulf of Riga. The resolution contained allegations that the Mayor of Mērsrags, I.B., had “signed illegal documents, decisions and certificates” and had wilfully omitted to comply with the instructions of the relevant authorities to halt illegal building works. In December 1997 the resolution was published in the regional newspaper *Talsu Vēstis* (“Talsi News”).

I.B. sued the applicant organisation in the Court of First Instance for the district of Talsi, which found in favour of I.B. in a judgment of 23 August 1999. The court found that the applicant organisation had not proved the truth of its statements and ordered it to publish an official apology and pay damages to the mayor for publishing defamatory allegations. That judgment was upheld on appeal by the Regional Court of Kurzeme. The Senate of the Supreme Court dismissed an appeal by the applicant organisation on 9 February 2000.

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.

2. Procedure and composition of the Court

The application was lodged on 15 May 2000 and declared partly admissible on 13 February 2003.

Judgment was given by a Chamber of 7 judges, composed as follows:

Christos **Rozakis** (Greek), *President*,
Giovanni **Bonello** (Maltese),
Françoise **Tulkens** (Belgian),
Egil **Levits** (Latvian),
Snejana **Botoucharova** (Bulgarian),
Anatoli **Kovler** (Russian),
Vladimiro **Zagrebelky** (Italian), *judges*,

and also Soren **Neilsen**, *Section Registrar*.

3. Summary of the judgment¹

Complaint

The applicant organisation complained that the order against it had infringed its right to freedom of expression, and in particular its right to impart information, as guaranteed by Article 10 of the Convention.

Decision of the Court

The order against the applicant organisation amounted to interference with the exercise of its right to freedom of expression. That interference was prescribed by law and pursued a legitimate aim, which was the protection of the reputation and rights of others.

The Court noted that the main aim of the resolution had been to draw the public authorities' attention to a sensitive issue of public interest, namely malfunctions in an important sector managed by the local authorities. As a non-governmental organisation specialised in the relevant area, the applicant organisation had thus exercised its role of "watchdog" under the Environmental Protection Act. That kind of participation by an association was essential in a democratic society. Consequently, in order to perform its task effectively an association had to be able to impart facts of interest to the public, give them its assessment and thus contribute to the transparency of public authorities' activities.

The order had been made against the applicant organisation for alleging that I.B. had signed the documents in question and had failed to comply with the instructions of the Regional Department for the Environment to halt the building works in the coastal area. Given that that was a factual allegation against a specific person, the applicant organisation had to expect that it would be required to establish the truth of its allegations, which it did. The Court did not see what additional proof the organisation could have supplied.

¹ This summary by the Registry does not bind the Court.

It could be seen from the Regional Court's judgment and the Government's observations that the resolution had been held to be defamatory because it attacked I.B. in person, whereas decisions of the municipal council were taken collectively. In view of a Latvian mayor's powers regarding the adoption of decisions and given the limits on permissible criticism of a public figure, the Court considered that criticism of the mayor for the policy of an entire local authority could not be regarded as an abuse of the freedom of expression.

The order had also been made against the applicant organisation for describing I.B.'s conduct as "illegal". In the Court's view, the applicant organisation had expressed a personal legal opinion amounting to a value judgment. It could not therefore be required to prove the accuracy of that assessment. In that connection the Court held that, in a democratic society, the public authorities were, as a rule, exposed to permanent scrutiny by citizens and, subject to acting in good faith, everyone had to be able to draw the public's attention to situations that they considered unlawful.

Consequently, despite the discretion afforded to the national authorities, the Court held that there had not been a reasonable relationship of proportionality between the restrictions imposed on the applicant organisation's freedom of expression and the legitimate aim pursued.

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 Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. Since 1 November 1998 it has sat as a full-time Court composed of an equal number of judges to that of the States party to the Convention. The Court examines the admissibility and merits of applications submitted to it. It sits in Chambers of 7 judges or, in exceptional cases, as a Grand Chamber of 17 judges. The Committee of Ministers of the Council of Europe supervises the execution of the Court's judgments.