



Grand Chamber hearing on bulk interception of communications in Sweden

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 10 July 2019 at 2.45 p.m.** in the case of **Centrum för rättvisa v. Sweden** (application no. 35252/08).

The case concerns a complaint brought by a non-profit foundation about legislation permitting the bulk interception of electronic signals in Sweden for foreign intelligence purposes.

A recording of the hearing will be available from 5.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Centrum för rättvisa, is a non-profit foundation which was set up in 2002 and represents clients in rights litigation, in particular against the State. It is based in Stockholm.

The applicant foundation believes in particular that there is a risk that its communications through mobile telephones and mobile broadband have been or will be intercepted and examined by way of signals intelligence.

Signals intelligence can be defined as intercepting, processing, analysing and reporting intelligence from electronic signals. In Sweden the collection of electronic signals is one form of foreign intelligence and is regulated by the Signals Intelligence Act. This legislation authorises the National Defence Radio Establishment (FRA), a Government agency organised under the Ministry of the Defence, to conduct the signals intelligence.

Procedure

The application was lodged with the European Court of Human Rights on 14 July 2008.

The applicant foundation alleges that Swedish legislation and practice in the field of signals intelligence has violated and continues to violate its rights under Article 8 (right to respect for private and family life, the home and the correspondence) of the European Convention on Human Rights. It has not brought any domestic proceedings, arguing under Article 13 (right to an effective remedy) of the European Convention that there is no effective remedy in Sweden for its Convention complaints.

In its Chamber [judgment](#) of 19 June 2018, the European Court of Human Rights held, unanimously, that there had been no violation of Article 8 of the Convention.

The Chamber considered that the relevant legislation amounted to a system of secret surveillance that potentially affected all users of mobile telephones and the Internet, without their being notified. Also, there was no domestic remedy providing detailed grounds in response to a complainant who suspected that his or her communications had been intercepted. On that basis, the Chamber found it justified to examine the legislation in the abstract. The applicant foundation could claim to be a victim of a violation of the Convention, although it had not brought any domestic

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.

proceedings or made a concrete allegation that its communications had actually been intercepted. The mere existence of the legislation amounted in itself to an interference with its rights under Article 8.

The Chamber went on to say that, although there were some areas for improvement, overall the Swedish system of bulk interception provided adequate and sufficient guarantees against arbitrariness and the risk of abuse.

Given those findings, the Chamber considered that there were no separate issues under Article 13 and held that there was no need to examine the foundation's complaint in that respect.

On 4 February 2019 the Grand Chamber Panel accepted the applicant's request that the case be referred to the Grand Chamber.

The following member States were granted leave to intervene in the written proceedings as third parties: Estonia, France, the Netherlands and Norway.

Composition of the Court

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

Angelika **Nußberger** (Germany), *President*,
 Robert **Spano** (Iceland),
 Vincent A. **De Gaetano** (Malta),
 Jon Fridrik **Kjølbro** (Denmark),
 Paulo **Pinto de Albuquerque** (Portugal),
 André **Potocki** (France),
 Faris **Vehabović** (Bosnia and Herzegovina)
 Iulia Antoanella **Motoc** (Romania),
 Yonko **Grozev** (Bulgaria),
 Carlo **Ranzoni** (Liechtenstein),
 Mārtiņš **Mits** (Latvia),
 Gabriele **Kucsko-Stadlmayer** (Austria),
 Marko **Bošnjak** (Slovenia),
 Tim **Eicke** (the United Kingdom),
 Darian **Pavli** (Albania),
 Erik **Wennerström** (Sweden),
 Saadet **Yüksel** (Turkey), *judges*,
 Paul **Lemmens** (Belgium),
 Ivana **Jelić** (Montenegro),
 Stéphanie **Mourou-Vikström** (Monaco), *substitute judges*,

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Elinor **Hammar skjöld**, *Agent*,
 Gunilla **Isaksson**, Jessica **Sjöstrand**, Jan **Garton**, Mikael **Andersson**, Håkan **Sellman**, Felisa **Krzyzanski**,
 Michaela **Dráb**, and Christer **Hellsten**, *Advisers*;

Applicant

Fredrik **Bergman**, Angela **Evans**, and Alexander **Ottosson**, *Counsel*,
 Emilia **Palm**, *Adviser*.

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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.