



## Judgments and decisions of 22 February 2018

The European Court of Human Rights has today notified in writing 15 judgments<sup>1</sup> and 18 decisions<sup>2</sup>: two Chamber judgments are summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Libert v. France* (application no. 588/13);

a separate press release has also been issued for one decision, in the case of *Shtolts and Others v. Russia* (nos. 77056/14, 17236/15, and 14023/16);

12 Committee judgments, concerning issues which have already been submitted to the Court, and the 17 other decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments in French below are indicated with an asterisk (\*).*

### Alpha Doryforiki Tileorasi Anonymi Etairia v. Greece (application no. 72562/10)

The applicant company, Alpha Doryforiki Tileorasi Anonymi Etairia, is a limited liability company based in Greece. It is the owner of the Greek television channel ALPHA.

The case concerned the company's complaint about being fined for showing three secretly filmed video-recordings of a politician on television.

The videos were first shown on a programme called *Jungle* in January 2002 and then again three days later on another programme. They concerned a politician, A.C., who was on a parliamentary committee on electronic gambling. The first video showed him entering a gambling arcade and playing on two machines. The other videos showed him being confronted with the first film.

The National Radio and Television Council in May 2002 found that the use of the cameras had not been in accordance with the law and fined the company 100,000 euros for each of the programmes. It also ordered it to show the content of its decision on the main news programme for three days. The applicant company's lawyers argued during the Council's hearing on the case that the use of the cameras had been justified given A.C.'s position. They also said that filming in that way had been an exception which had been made necessary by the fact that no one would have believed the journalists' allegations if the images had not been broadcast. The Supreme Administrative Court upheld the penalty on the company in April 2010.

Relying on Article 10 (freedom of expression) and Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights, the company complained about the penalties imposed on it and the length of the proceedings.

**Violation of Article 10** – in respect of the first video

**No violation of Article 10** – in respect of the second and third videos

**Violation of Article 6 § 1** (length of proceedings)

<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution)

<sup>2</sup> Inadmissibility and strike-out decisions are final.

**Just satisfaction:** 33,000 euros (EUR) for pecuniary damage and EUR 7,000 for non-pecuniary damage

### Drassich v. Italy (n° 2) (no. 65173/09)\*

The applicant, Mauro Drassich, is an Italian national who was born in 1958 and lives in Paularo. A bankruptcy judge by profession, he considered that the domestic courts had failed to comply with the judgment delivered by the Court on 11 December 2007 finding a violation of Article 6 § 3 (a) and (b) (right to be informed promptly of any accusations/right to have adequate time and facilities for the preparation of defence), read in conjunction with Article 6 § 1 (right to a fair trial).

The case concerned the reclassification by the Court of Cassation of the acts which Mr Drassich was alleged to have committed in the context of examining an objection that the corruption charge against him was time-barred. The Court of Cassation justified the dismissal of that claim on the basis of the new classification of the offence ("corruption in the context of judicial decisions"). The Court had found an infringement of his right to be informed in detail of the nature and cause of the accusation against him and of his right to have adequate time and facilities to prepare his defence.

Relying on Article 6 §§ 1 and 3 of the European Convention, the applicant alleged that the domestic courts had failed to observe the indications set out in the [Drassich v. Italy](#) judgment (no. 25575/04) and that they had once again violated that article of the Convention. He also complained that he had not been allowed to appear in person before the Court of Cassation.

### No violation of Article 6 §§ 1 and 3

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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.