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Media Freedom as a Fundamental Right

Domestic constitutions and courts applying international human rights conventions acknowledge the significance of the mass media for a democratic society not only by granting special privileges but also by imposing enhanced duties and responsibilities to journalists and media companies. However, the challenges of media convergence, media ownership concentration and the internet have led to legal uncertainty. Should media privileges be maintained, and, if so, how is 'the media' to be defined? To what extent does media freedom as a legal concept also encompass bloggers who have not undertaken journalistic education? And how can a legal distinction be drawn between investigative journalism on the one hand and reporting on purely private matters on the other? To answer these questions, Jan Oster combines doctrinal and conceptual comparative analysis with descriptive and normative theory, and argues in favour of a media freedom principle based on the significance of the media for public discourse.

JAN OSTER is Assistant Professor for EU Law and Institutions at Leiden University, the Netherlands. He also holds a lectureship for telecommunications law and private international media law at the Mainz Media Institute, Germany.

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vi Contents

4	The content of media freedom: media speech privileges and institutional protection of the media	69
4.1	The protection of ‘media speech’	69
4.1.1	Freedom to hold opinions	70
4.1.2	Right to impart information and ideas	71
4.1.3	Means and form of expression	76
4.1.4	The right not to publish	79
4.1.4.1	Obligation to publish a reply or an apology	79
4.1.4.2	Obligation of speech intermediaries to grant access to media infrastructure	81
4.1.5	The right to receive information and ideas	82
4.2	Media freedom beyond ‘media speech’: the institutional protection of the media	84
4.2.1	Defensive rights	85
4.2.1.1	Independence of the media	85
4.2.1.2	Protection of journalistic research and investigation	86
4.2.1.3	Protection of journalistic sources	87
4.2.1.4	Protection against interception of communication, surveillance, search and seizure and arrests	91
4.2.2	Entitlements of the media	92
4.2.3	Right of access to information?	95
4.2.4	Non-discrimination	101
5	The notion of an ‘interference’ with media freedom	102
5.1	The obligated addressee of media freedom	102
5.2	Manifestation of an interference	103
5.2.1	Interference with media freedom as a defensive right (<i>status negativus</i>)	103
5.2.2	Interference with media freedom as an entitlement (<i>status positivus</i>)	105
5.2.3	Horizontal effect of media freedom: the constitutionalisation of privacy and defamation law	105
6	Justification of an interference with media freedom	110
6.1	The requirements for a justification	112
6.1.1	Prescribed, or provided, by law (principle of legality)	112
6.1.2	The pursuit of a legitimate aim (principle of legitimacy)	115
6.1.3	The principle of proportionality	117
6.2	The determination of the width of the margin of appreciation and the scope of judicial review	118
6.3	The application of the principle of proportionality	123
6.3.1	Suitability to achieve the aim	124
6.3.2	No less intrusive means available: necessity or ‘pressing social need’	124
6.3.3	Balancing the conflicting rights and interests: ‘proportionality <i>sensu stricto</i> ’ or ‘proportionality in a narrower sense’	125
6.3.3.1	<i>Per se</i> disproportionate interferences	128
6.3.3.1.1	Prior restraints	129

Contents	vii
6.3.3.1.2 Licensing and regulation of journalists and media companies	131
6.3.3.1.3 Criminal sanctions	138
6.3.3.2 Determination of the competing principles in relative terms	139
6.3.3.2.1 The weight attached to the legitimate aim pursued	140
6.3.3.2.2 The weight attached to the exercise of media freedom: the media's contribution to public discourse	141
6.3.3.3 Reconciliation of the conflicting interests through alternative means	142
6.3.3.3.1 Alternative ways of publication	143
6.3.3.3.2 Alternative ways of interference	144
Part III: Specific limitations to media freedom	145
7 Personality rights and intellectual property as 'rights of others'	147
7.1 The taxonomy of 'personality rights'	147
7.2 Scope of the margin of appreciation	152
7.3 Principles of the balancing exercise between media freedom and personality rights	153
7.3.1 The position of the person or institution making the statement	154
7.3.2 The position of the victim of the statement and their activities	155
7.3.2.1 'Public figures'	155
7.3.2.2 Judges and the judiciary	161
7.3.2.3 Private persons	163
7.3.3 The prior conduct of the person concerned	163
7.3.3.1 Shielding private lives from public attention	163
7.3.3.2 Entering the public scene	164
7.3.4 Subject-matter, form and veracity of the publication	165
7.3.4.1 Factual statements	167
7.3.4.1.1 True statements of fact: the conflict between media freedom and the right to privacy	168
7.3.4.1.2 Knowingly false statements of fact	180
7.3.4.1.3 Statements that turn out to be untrue or cannot be proven to be true	180
7.3.4.2 Value judgments	186
7.3.4.3 No right to prior notification	188
7.3.5 Summary	189
7.4 Intellectual property and other exclusive rights	189
8 Threats to public order interests: national security, territorial integrity, public safety and prevention of disorder and crime	193
8.1 The notion of 'public order'	194
8.2 Legal framework	196
8.3 Principles	198
8.3.1 Publication of third-party statements	199
8.3.2 Alleged advocacy of illegal action by the media itself	200

viii	Contents	
	8.3.3 Disclosure of state secrets	203
	8.3.3.1 Protection of the media	203
	8.3.3.2 Protection of whistle-blowers	210
9	The protection of health and morals	212
	9.1 'Health'	212
	9.2 'Morals'	213
10	Maintaining the authority and impartiality of the judiciary	219
	10.1 The concepts of 'authority' and 'impartiality' of the judiciary	219
	10.2 In particular: restrictions on court reporting	220
11	Incitement to hatred	223
	11.1 The legal framework	224
	11.2 Rationales for suppressing 'hate speech' in the media	227
	11.3 Doctrinal approaches to hate speech by international adjudicators	230
	11.3.1 Exclusionary approach	230
	11.3.2 Justification approach	233
12	Religiously offensive publications	241
	12.1 Limitations to religiously offensive publications	242
	12.2 Margin of appreciation	244
	12.3 Balancing freedom of the media and religious interests	246
13	Restrictions on commercial publications	249
	13.1 When are publications 'commercial'?	250
	13.2 Restrictions on advertisements	252
	13.3 Restrictions of publications critical of products and competitors	255
14	Media pluralism	256
	14.1 The relationship between media freedom and media pluralism	257
	14.2 Policy areas of media pluralism	260
	14.2.1 Competition policy	260
	14.2.2 Public broadcasting and media subsidies	265
	14.2.3 Internal pluralism	266
	Conclusion: tenets of a Media Freedom Principle	268
	<i>Bibliography</i>	271
	<i>Index</i>	284

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Table of cases

Human Rights Committee

- Aduayom and others v. Togo* [1996] Communication
 nos. 422–424/1990 19, 156
- A. K. and A. R. v. Uzbekistan* [2009] Communication
 no. 1233/2003 198
- Ballantyne and others v. Canada* [1993] Communication
 nos. 359, 385/89 77, 117, 250, 254, 255
- Benhadj v. Algeria* [2007] Communication no. 1173/2003 19, 141
- Bodrožić v. Serbia and Montenegro* [2005] Communication
 no. 1180/2003 1, 32, 141, 155
- Coleman v. Australia* [2006] Communication no. 1157/2003 112, 117, 141
- Dissanayake v. Sri Lanka* [2005] Communication no. 1373/2005 139,
 219
- Faurisson v. France* [1996] Communication no. 550/93 70, 116, 231,
 236, 237
- Fernando v. Sri Lanka* [2005] Communication no. 1189/2003 139, 219
- Gauthier v. Canada* [1999] Communication no. 633/95 33, 94, 96, 97,
 134
- Gryb v. Belarus* [2011] Communication no. 1316/2004 19
- Hertzberg and others v. Finland* [1985] Communication no. 61/1979 103,
 121, 137, 214, 217, 218
- Ĵ. R. T. and W. G. Party v. Canada* [1984] Communication no. 104/1981
 232, 233, 237
- Kang v. Republic of Korea* [2003] Communication no. 878/1999 70
- Kim v. Republic of Korea* [1999] Communication no. 574/1994 77, 201,
 203
- Kivenmaa v. Finland* [1994] Communication no. 412/1990 41, 77
- Kungurov v. Uzbekistan* [2011] Communication no. 1478/2006 28
- M. A. v. Italy* [1984] Communication no. 117/1981 231
- Marques de Morais v. Angola* [2005] Communication no. 1128/2002 33,
 104, 128, 156, 181, 182

- Mavlonov et al. v. Uzbekistan* [2009] Communication no. 1334/2004 67, 83, 132, 141
Mpaka-Nsusu v. Zaire [1986] Communication no. 157/1983 70
Mukong v. Cameroon [1994] Communication no. 458/91 128, 194, 203
Njaru v. Cameroon [2007] Communication no. 1353/2005 128
Park v. Republic of Korea [1998] Communication no. 628/1995 19
Pinkney v. Canada [1981] Communication no. 27/1978 113
Primo Jose Essono Mika Miha v. Equatorial Guinea [1994] Communication no. 414/1990 70
Ross v. Canada [2000] Communication no. 736/97 116, 226, 233
Shchetko and others v. Belarus [2001] Communication no. 1009/2001 19
Shin v. Republic of Korea [2004] Communication no. 926/2000 77, 203
Toktakunov v. Kyrgyzstan [2011] Communication no. 1470/2006 1, 41, 65, 96, 154
Velichkin v. Belarus [2001] Communication no. 1022/2001 19
Zalenskaya v. Belarus [2011] Communication no. 1604/2007 77

Committee on the Elimination of Racial Discrimination

- Jewish Community of Oslo and others v. Norway* [2005] CERD/C/67/D/30/2003 225, 238
Kamal Quereshi v. Denmark [2002] CERD/C/63/D/27/2002 225

International Criminal Tribunal for the former Yugoslavia

- Prosecutor v. Brdjanin and Talic*, Case no. IT-99–36-AR73.9, Decision on interlocutory appeal of Jonathan Randal (11 December 2002) 88, 89

Special Court for Sierra Leone

- Prosecutor v. Alex Tamba Brima and others*, Decision on Prosecution appeal against decision on oral application for witness TF1–150 to testify without being compelled to answer questions on grounds of confidentiality, Case No. SCSL-2004–16-AR73 [2006] SCSL 2 65, 154

African Commission on Human and Peoples' Rights

- Amnesty International v. Zambia* [1999] App. no. 212/98 20
Amnesty International, Comité Loosli Bachelard, Lawyers' Committee for Human Rights, Association of Members of the Episcopal Conference of East Africa v. Sudan [1999] App. nos. 48/90, 50/91, 52/91 and 89/93 130
Article 19 v. Eritrea [2007] App. no. 275/03 3, 194, 203
Constitutional Rights Project, Civil Liberties Organisation and Media Rights Agenda v. Nigeria [1999] App. nos. 140/94, 141/94 and 145/95 73, 83, 84, 141, 193

xii Table of cases

- Huri-Laws v. Nigeria* [2000] App. no. 225/98 8
Interights, Institute for Human Rights and Development in Africa and Association mauritanienne des droits de l'Homme v. Mauritania [2004] App. no. 242/01 20, 110, 111
International PEN, Constitutional Rights Project, Civil Liberties Organisation and Interights (on behalf of Ken Saro-Wiwa Jnr) v. Nigeria [1995] App. nos. 137/94, 139/94, 154/96 and 161/97 73, 141
John D. Ouko v. Kenya [2000] App. no. 232/99 110, 128, 151
Kenneth Good v. Republic of Botswana [2010] App. no. 313/05 19, 110, 111, 141, 154, 156
Law Offices of Ghazi Suleiman v. Sudan [2003] App. no. 228/99 3, 7, 19, 20, 41
Malawi Africa Association, Amnesty International, Ms Sarr Diop, Union interafricaine des droits de l'Homme and RADDHO, Collectif des veuves et ayants-Droit, Association mauritanienne des droits de l'Homme v. Mauritania [2000] App. nos. 54/91, 61/91, 96/93, 98/93, 164/97, 196/97 and 210/98 110, 235
Media Rights Agenda v. Nigeria [2000] App no. 224/98 7, 84, 128, 193
Media Rights Agenda, Constitutional Rights Project, Media Rights Agenda and Constitutional Rights Project v. Nigeria [1998] App. nos. 105/93, 128/94, 130/94 and 152/96 20, 83, 84, 110, 111, 117, 129, 133, 156, 193
Scanlen & Holderness v. Zimbabwe [2009] App. no. 297/05 36, 45, 46, 73, 84, 111, 112, 117
Zimbabwe Lawyers for Human Rights & Associated Newspapers of Zimbabwe v. Republic of Zimbabwe [2009] App. no. 284/03 8, 41, 161, 162, 163
Zimbabwe Lawyers for Human Rights and Institute for Human Rights and Development in Africa (on behalf of Andrew Barclay Meldrum) v. Zimbabwe [2009] App. no. 294/04 66

African Court on Human and Peoples' Rights

- Abdoulaye Nikiema and others v. Burkina Faso (case of the late Norbert Zongo)* [2014] App. no. 013/2011 105

European Court of Human Rights

- A. v. Norway* [2009] App. no. 28070/06 148, 149, 172
Ageyevy v. Russia [2013] App. no. 7075/10 102, 163, 170, 178, 184, 222
Ahmed and others v. United Kingdom [1998] App. no. 65/1997/849/1056 115
Aksu v. Turkey [2012] App. nos. 4149/04 and 41029/04 231, 234, 235, 236, 238

- Albert-Engelmann-Gesellschaft mbH v. Austria* [2006] App. no. 46389/99
74, 248
- Alithia Publishing Company Ltd and Constantinides v. Cyprus* [2008] App.
no. 17550/03 45, 46, 148, 180, 184
- Alkaya v. Turkey* [2012] App. no. 42811/06 44, 144
- Anheuser-Busch Inc. v. Portugal* [2007] App. no. 73049/01 190
- Animal Defenders International v. United Kingdom* [2013] App. no. 48876/
08 42, 95, 116, 122, 123, 154, 262, 264, 265
- Appleby and others v. United Kingdom* [2003] App. no. 44306/98 77, 82
- Armonienė v. Lithuania* [2008] App. no. 36919/02 163, 170
- Arslan v. Turkey* [1999] App. no. 23462/94 201
- Ashby Donald and others v. France* [2013] App. no. 36769/08 190
- Association Ekin v. France* [2001] App. no. 39288/98 70, 130
- Autronic AG v. Switzerland* [1990] App. no. 12726/87 77, 84
- Axel Springer AG v. Germany (No. 1)* [2012] App. no. 39954/08 18, 31,
73, 149, 158, 176
- Axel Springer AG v. Germany (No. 2)* [2014] App. no. 48311/10 40, 72,
74, 156, 157
- Aydın Tatlav v. Turkey* [2006] App. no. 50692/99 247
- Balsytė-Lideikienė v. Lithuania* [2008] App. no. 72596/01 200, 201, 235
- Barfod v. Denmark* [1989] App. no. 11508/85 163, 221
- Barthold v. Germany* [1985] App. no. 8734/79 49, 114
- Belpietro v. Italy* [2013] App. no. 43612/10 138
- Bergens Tidende and others v. Norway* [2000] App. no. 26132/95 42, 45,
50, 66, 78, 184, 186
- Biriūk v. Lithuania* [2008] App. no. 23373/03 43, 163, 170
- Bladet Tromsø and Stensaas v. Norway* [1999] App. no. 21980/93 31, 42,
45, 50, 83, 176, 183, 184, 186
- Botta v. Italy* [1998] App. no. 153/1996/772/973 43
- Bowman v. United Kingdom* [1998] App. no. 141/1996/760/961 40
- Brasilier v. France* [2006] App. no. 71343/01 40, 138, 154
- Braun v. Poland* [2014] App. no. 30162/10 66
- Brosa v. Germany* [2014] App. no. 5709/09 40, 150, 182
- Brunet Lecomte et Lyon Mag v. France* [2010] App. no. 17265/05 42, 167, 221
- Bucur and Toma v. Romania* [2013] App. no. 40238/02 210, 211
- Burden v. United Kingdom* [2008] App. no. 13378/05 238
- Burghartz v. Switzerland* [1994] App. no. 16213/90 43
- Buscarini and others v. San Marino* [1999] App. no. 24645/94 28
- Busuioc v. Moldova* [2004] App. no. 61513/00 48, 49, 161
- Campmany y Diez de Revenga and Lopez-Galiacho Perona v. Spain* [2000]
App. no. 54224/00 178
- Cantoni v. France* [1996] App. no. 17862/91 113

xiv Table of cases

- Casado Coca v. Spain* [1994] App. no. 15450/89 252, 253
Case 'relating to certain aspects of the laws on the use of languages in education in Belgium' [1968] App. nos. 1474/62, 1677/62, 1691/62, 1769/63, 1994/63 and 2126/64 118
Castells v. Spain [1992] App. no. 11798/85 15, 141, 154, 182
Centro Europa 7 Srl and Di Stefano v. Italy [2012] App. no. 38433/09 31, 67, 85, 114, 115, 136, 137, 256, 261
Ceylan v. Turkey [1999] App. no. 23556/94 201
Chauvy and others v. France [2004] App. no. 64915/01 62, 67, 113, 122, 130, 147, 184
Chemodurov v. Russia [2007] App. no. 72683/01 154
Chorherr v. Austria [1993] App. no. 13308/87 27, 77, 195
Colaço Mestre and SIC – Sociedade Independente de Comunicação SA v. Portugal [2007] App. nos. 11182/03 and 11319/03 157
Colombani and others v. France [2002] App. no. 51279/99 156, 182, 184
Couderc et Hachette Filipacchi Associés v. France [2014] App. no. 40454/07 159, 160
Cox v. Turkey [2010] App. no. 2933/03 70
Cumpăna and Mazăre v. Romania [2004] App. no. 33348/96 40, 53, 71, 87, 88, 89, 90, 122, 138, 139
Dalban v. Romania [1999] App. no. 28114/95 40, 182
Dammann v. Switzerland [2006] App. no. 77551/01 87, 206
De Haes and Gijssels v. Belgium [1997] App. no. 19983/92 41, 50, 72, 77, 78, 157, 161, 162, 182, 187, 221
Delfi AS v. Estonia [2013] App. no. 64569/09 75, 76, 149
Demuth v. Switzerland [2002] App. no. 38743/97 136, 252, 253
Dichand and others v. Austria [2002] App. no. 29271/95 118
Dupuis and others v. France [2007] App. no. 1914/02 41
Du Roy and Malaurie v. France [2000] App. No. 34000/96 185, 221
Dyuldin and Kislov v. Russia [2007] App. no. 25968/02 183
Dyundin v. Russia [2008] App. no. 37406/03 184
Éditions Plon v. France [2004] App. no. 58148/00 40, 51, 67, 122, 143, 170, 171
Editorial Board of Pravoye Delo and Shtekel v. Ukraine [2011] App. no. 33014/05 66, 67, 184
Erikäinen and others v. Finland [2009] App. no. 3514/02 43, 166, 172, 176
Egeland and Hanseid v. Norway [2009] App. no. 34438/04 42, 122, 172, 173, 176, 219
Engel and others v. Netherlands [1976] App. nos. 5100/71, 5101/71, 5102/71, 5354/72 and 5370/72 194, 195
Eon v. France [2013] App. no. 26118/10 156

Table of cases

xv

- Erdođdu v. Turkey* [2000] App. no. 25723/94 117, 198, 201
Erdođdu and İnce v. Turkey [1999] App. nos. 25067/94 and 25068/94 201
Ergin v. Turkey (No. 6) [2006] App. no. 47533/99 201
Europapress Holding d.o.o. v. Croatia [2010] App. no. 25333/06 183
Fáber v. Hungary [2012] App. no. 40721/08 235
Faccio v. Italy [2003] App. no. 33/04 83, 84
Falakaođlu v. Turkey [2005] App. no. 77365/01 46, 235
Fatullayev v. Azerbaijan [2010] App. no. 40984/07 65, 66, 138, 139, 234
Fayed v. United Kingdom [1994] App. no. 17101/90 157
Feldek v. Slovakia [2001] App. no. 29032/95 40, 42
Féret v. Belgium [2009] App. no. 15615/07 233
Ferihumer v. Austria [2007] App. no. 30547/03 186
Filatenko v. Russia [2007] App. no. 73219/01 75, 183, 186
Filipović v. Serbia [2007] App. no. 27935/05 154
Financial Times Ltd and others v. United Kingdom [2009] App. no. 821/03
 88, 89, 90
Flinkkilä and others v. Finland [2010] App. no. 25576/04 165, 166, 174
Flux v. Moldova (No. 1) [2006] App. no. 28702/03 41, 141
Flux v. Moldova (No. 6) [2008] App. no. 22824/04 166, 182, 184, 185
Folea v. Romania [2008] App. no. 34434/02 182
Frankowicz v. Poland [2008] App. no. 53025/99 19, 104
Fressoz and Roire v. France [1999] App. no. 29183/95 42, 45, 50, 172
Fuentes Bobo v. Spain [2000] App. no. 39293/98 104, 109, 186
Garaudy v. France [2003] App. no. 65831/01 208, 231
Gawęda v. Poland [2002] App. no. 26229/95 132
Gerger v. Turkey [1999] App. no. 24919/94 201
Gillberg v. Sweden [2012] App. no. 41723/06 98
Giniewski v. France [2006] App. no. 64016/00 246, 247
Glas Nadezhda EOOD and Elenkov v. Bulgaria [2007] App. no. 14134/02
 113, 114, 136
Goodwin v. United Kingdom [1996] App. no. 17488/90 1, 88, 89, 90, 204
Groppera Radio AG and others v. Switzerland [1990] App. no. 10890/84
 136
Gsell v. Switzerland [2009] App. no. 12675/05 87
Güdenođlu and others v. Turkey [2013] App. nos. 42599/08, 30873/09,
 38775/09, 38778/09, 40899/09, 40905/09, 43404/09, 44024/09,
 44025/09, 47858/09, 53653/09, 5431/10 and 8571/10 130
Guerra and others v. Italy [1998] App. no. 116/1996/735/932 97
Guja v. Moldova [2008] App. no. 14277/04 210, 211
Gül and others v. Turkey [2010] App. no. 4870/02 202
Gündüz v. Turkey [2003] App. no. 35071/97 186, 223, 235, 239
Gutiérrez Suárez v. Spain [2010] App. no. 16023/07 40, 46, 167, 182

xvi Table of cases

- Hachette Filipacchi Associés v. France* [2007] App. no. 71111/01 159, 160, 172
- Hachette Filipacchi Associés ('Ici Paris') v. France* [2009] App. no. 12268/03 44, 140, 174, 178
- Hadjianastassiou v. Greece* [1992] App. no. 12945/87 209
- Haguenauer v. France* [2010] App. no. 34050/05 160
- Halis Doğan and others v. Turkey* [2006] App. no. 50693/99 94
- Handyside v. United Kingdom* [1976] App. no. 5493/72 18, 35, 73, 118, 121, 122, 124, 213, 214, 215
- Hashman and Harrup v. United Kingdom* [1999] App. no. 25594/94 77, 112, 113
- Heinisch v. Germany* [2011] App. no. 28274/08 109, 255
- Hertel v. Switzerland* [1998] App. no. 59/1997/843/1049 113, 154, 249, 255
- İ.A. v. Turkey* [2005] App. no. 42571/98 243, 244, 247
- Incal v. Turkey* [1998] App. no. 41/1997/825/1031 40, 77, 193
- Informationsverein Lentia and others v. Austria* [1993] App. nos. 13914/88, 15041/89, 15717/89, 15779/89 and 17207/90 136, 257, 258, 259, 260
- Jacobowski v. Germany* [1994] App. no. 15088/89 249
- Janowski v. Poland (No. 1)* [1999] App. no. 25716/94 48, 49, 160
- Jersild v. Denmark* [1994] App. no. 15890/89 31, 50, 51, 67, 74, 77, 78, 116, 137, 224, 234, 235, 236
- Jerusalem v. Austria* [2001] App. no. 26958/95 41, 72, 164, 165, 186, 187
- July and SARL Liberation v. France* [2008] App. no. 20893/03 50, 51, 74, 160, 221, 236
- Kaperzyński v. Poland* [2012] App. no. 43206/07 15, 41, 64, 80, 81, 182, 186
- Karakó v. Hungary* [2009] App. no. 39311/05 149
- Karataş v. Turkey* [1999] App. no. 23168/94 79, 201
- Karhuvaara and Italehti v. Finland* [2004] App. no. 53678/00 187
- Karman v. Russia* [2006] App. no. 29372/02 182
- Karsai v. Hungary* [2009] App. no. 5380/07 42, 164, 182
- Kasabova v. Bulgaria* [2011] App. no. 22385/03 41, 182, 184, 185
- Kayasu v. Turkey (No. 1)* [2008] App. nos. 64119/00 and 76292/01 210, 211
- Kazakov v. Russia* [2008] App. no. 1758/02 195
- Kenedi v. Hungary* [2009] App. no. 31475/05 87, 98, 113
- K.H. and others v. Slovakia* [2009] App. no. 32881/04 97
- Khodorkovskiy and Lebedev v. Russia* [2013] App. nos. 11082/06 and 13772/05 114
- Khurshid Mustafa and Tarzibachi v. Sweden* [2008] App. no. 23883/06 84, 109

- Kjeldsen, Busk Madsen and Pedersen* [1976] App. nos. 5095/71, 5920/72 and 5926/72 71
- Klass and others v. Germany* [1978] App. no. 5029/71 199
- Klein v. Slovakia* [2006] App. no. 72208/01 248
- Kobenter and Standard Verlags GmbH v. Austria* [2006] App. no. 60899/00 162, 187
- Kokkinakis v. Greece* [1993] App. no. 14307/88 243
- Krasulya v. Russia* [2007] App. no. 12365/03 154
- Krone Verlag GmbH & Co. KG v. Austria (No. 1)* [2002] App. no. 34315/96 172
- Krone Verlag GmbH & Co. KG v. Austria (No. 3)* [2003] App. no. 39069/97 254
- Krylov v. Russia* [2013] App. no. 36697/03 185
- Kubaszewski v. Poland* [2010] App. no. 571/04 154
- Kudeshkina v. Russia* [2009] App. no. 29492/05 210, 211
- Kuliś v. Poland* [2008] App. no. 15601/02 41, 166, 179
- Kurier Zeitungsverlag und Druckerei GmbH v. Austria (No. 2)* [2012] App. no. 1593/06 178
- Lavric v. Romania* [2014] App. no. 22231/05 75, 150
- Lawless v. Ireland (No. 3)* [1961] App. no. 332/57 231
- Leander v. Sweden* [1987] App. no. 9248/81 97
- Lehideux and Isorni v. France* [1998] App. no. 55/1997/839/1045 208, 231, 232, 234
- Le Pen v. France* [2010] App. no. 18788/09 235, 240
- Leroy v. France* [2009] App. no. 36109/03 42, 228, 239
- Lillo-Stenberg and Sæther v. Norway* [2014] App. no. 13258/09 174
- Lindon, Otchakovskiy-Laurens and July v. France* [2007] App. nos. 21279/02 and 36448/02 19, 41, 46, 67, 113, 138, 166, 186, 187, 188
- Lingens v. Austria* [1986] App. no. 9815/82 1, 18, 31, 35, 40, 53, 71, 72, 73, 117, 141, 156, 186
- Lombardi Vallauri v. Italy* [2009] App. no. 39128/05 154
- Lombardo and others v. Malta* [2007] App. no. 7333/06 154, 156, 186
- Manole and others v. Moldova* [2009] App. no. 13936/02 67, 85, 95, 109, 137, 256, 257, 259, 261, 265, 266
- Marckx v. Belgium* [1979] App. no. 6833/74 108
- Marchenko v. Ukraine* [2009] App. no. 4063/04 210
- Markt intern Verlag GmbH and Klaus Beermann v. Germany* [1989] App. no. 10572/83 148, 249
- Matky v. Czech Republic* [2006] App. no. 19101/03 97, 98
- Matúz v. Hungary* [2014] App. no. 73571/10 49, 103
- McGinley and Egan v. United Kingdom* [1998] App. no. 10/1997/794/995–996 97

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Frontmatter

[More information](#)

xviii Table of cases

- McGuinness v. United Kingdom* [1999] App. no. 39511/98 116
- McVicar v. United Kingdom* [2002] App. no. 46311/99 181, 183
- Melnychuk v. Ukraine* [2005] App. no. 28743/03 79, 81, 190
- Meltex Ltd and Mesrop Movsesyan v. Armenia* [2008] App. no. 32283/04 114
- M. G. v. United Kingdom* [2002] App. no. 39393/98 97
- MGN Ltd v. United Kingdom* [2011] App. no. 39401/04 44, 164, 172, 174
- Mladina d.d. Ljubljana v. Slovenia* [2014] App. no. 20981/10 50, 164
- Monnat v. Switzerland* [2006] App. no. 73604/01 42, 137, 240
- Mosley v. United Kingdom* [2011] App. no. 48009/08 44, 130, 140, 152, 153, 168, 172, 188, 189
- Mouvement raëlien suisse v. Switzerland* [2012] App. no. 16354/06 77
- Müller and others v. Switzerland* [1988] App. no. 10737/84 78, 216
- Murphy v. Ireland* [2003] App. no. 44179/98 77, 244, 245, 247, 263
- Mustafa Erdoğan and others v. Turkey* [2014] App. nos. 346/04 and 39779/04 41, 154, 155, 187, 221
- Nachova and others v. Bulgaria* [2005] App. nos. 43577/98 and 43579/98 231
- Nagla v. Latvia* [2013] App. no. 73469/10 87, 88, 91
- Neij and Sunde Kolmisoppi v. Sweden* [2013] App. no. 40397/12 190
- News Verlags GmbH & Co. KG v. Austria* [2000] App. no. 31457/96 165, 166, 176
- Niemietz v. Germany* [1992] App. no. 13710/88 91
- Nikowitz and Verlagsgruppe News GmbH v. Austria* [2007] App. no. 5266/03 157, 188
- Nikula v. Finland* [2002] App. no. 31611/96 139, 154, 160
- Nilsen and Johnsen v. Norway* [1999] App. no. 23118/93 41, 46, 164, 187
- Nordisk Film & TV A/S v. Denmark* [2005] App. no. 40485/02 87, 89
- Norwood v. United Kingdom* [2004] App. no. 23131/03 231, 232
- Novaya Gazeta and Borodyanskiy v. Russia* [2013] App. no. 14087/08 34, 112, 184
- Oberschlick v. Austria (No. 1)* [1991] App. no. 11662/85 53, 71, 141, 156
- Oberschlick v. Austria (No. 2)* [1997] App. no. 20834/92 50, 164, 187
- Observer and Guardian v. United Kingdom* [1991] App. no. 13585/88 83, 117, 122, 130, 131, 140, 171, 184, 206, 207, 219, 220
- Okçuoğlu v. Turkey* [1999] App. no. 24246/94 201
- OOO Ixpress and others v. Russia* [2013] App. nos. 33501/04, 38608/04, 35258/05 and 35618/05 118
- OOO 'Vesti' and Ukhov v. Russia* [2013] App. no. 21724/03 67, 183
- Open Door and Dublin Well Woman v. Ireland* [1992] App. nos. 14234/88 and 14235/88 216
- Orban and others v. France* [2009] App. no. 20985/05 74, 196, 240

- Österreichischer Rundfunk v. Austria* [2004] App. no. 57597/00
 (admissibility decision) 177
- Österreichischer Rundfunk v. Austria* [2006] App. no. 35841/02 86, 165,
 177
- Österreichische Vereinigung zur Erhaltung, Stärkung und Schaffung eines
 wirtschaftlich gesunden land- und forstwirtschaftlichen Grundbesitzes v.
 Austria* [2013] App. no. 39534/07 41, 99, 100
- Otto-Preminger-Institut v. Austria* [1994] App. no. 13470/87 116, 122,
 243, 244, 245
- Özgür Gündem v. Turkey* [2000] App. no. 23144/93 94, 105, 194, 197,
 200, 201
- Öztürk v. Turkey* [1999] App. no. 22479/93 67
- P4 Radio Hele Norge ASA v. Norway* [2003] App. no. 76682/01 222
- Pasko v. Russia* [2009] App. no. 69519/01 206, 211
- Pavel Ivanov v. Russia* [2004] App. no. 35222/04 232
- Peck v. United Kingdom* [2003] App. no. 44647/98 43, 173, 174
- Pedersen and Baadsgaard v. Denmark* [2004] App. no. 49017/99 45, 51,
 74, 160, 176, 180, 182, 183, 184
- Pentikäinen v. Finland* [2014] App. no. 11882/10 87
- Perinçek v. Switzerland* [2013] App. no. 27510/08 42, 228, 229, 231, 233,
 234
- Perna v. Italy* [2003] App. no. 48898/99 66, 182
- Perrin v. United Kingdom* [2005] App. no. 5446/03 64, 213
- PETA Deutschland v. Germany* [2012] App. no. 43481/09 42, 77
- Petrina v. Romania* [2008] App. no. 78060/01 147, 148, 149
- Pfeifer v. Austria* [2007] App. no. 12556/03 147, 148, 149, 182
- Pipi v. Turkey* [2009] App. no. 4020/03 47, 184
- Polanco Torres et Movilla Polanco v. Spain* [2010] App. no. 34147/06 148
- Polat v. Turkey* [1999] App. no. 23500/94 201
- Prager and Oberschlick v. Austria* [1995] App. no. 15974/90 41, 50, 161,
 162, 183
- Pretty v. United Kingdom* [2002] App. no. 2346/02 28
- Print Zeitungsverlag GmbH v. Austria* [2013] App. no. 26547/07 74, 163
- Radio France and others v. France* [2004] App. no. 53984/00 31, 42, 50,
 67, 74, 77, 78, 86, 138, 147, 148
- Radio Twist AS v. Slovakia* [2006] App. no. 62202/00 206
- Raninen v. Finland* [1997] App. no. 152/1996/771/972 43
- Ricci v. Italy* [2013] App. no. 30210/06 47, 144
- Ringier Axel Springer Slovakia, AS v. Slovakia* [2011] App. no. 41262/05
 122, 183
- Ristamäki and Korvola v. Finland* [2013] App. no. 66456/09 185
- Roche v. United Kingdom* [2005] App. no. 32555/96 97

xx Table of cases

- Roemen and Schmit v. Luxembourg* [2003] App. no. 51772/99 88, 90, 91, 92
- RTBF v. Belgium* [2011] App. no. 50084/06 130
- Rumyana Ivanova v. Bulgaria* [2008] App. no. 36207/03 53, 138, 156, 184
- Ruusunen v. Finland* [2014] App. no. 73579/10 43, 171
- Růžový panter, OS v. Czech Republic* [2012] App. no. 20240/08 166, 182, 187
- S. and Marper v. United Kingdom* [2008] App. nos. 30562/04 and 30566/04 43, 178
- Saaristo and others v. Finland* [2010] App. no. 184/06 138, 139, 157, 160, 174, 186
- Saint-Paul Luxembourg SA v. Luxembourg* [2013] App. no. 26419/10 91
- Salumäki v. Finland* [2014] App. no. 23605/09 42, 166, 167, 185
- Sanoma Uitgevers BV v. Netherlands* [2010] App. no. 38224/03 88, 89, 92, 112, 113
- Sapan v. Turkey* [2010] App. no. 44102/04 157
- Scharsach and News Verlagsgesellschaft mbH v. Austria* [2003] App. no. 39394/98 71, 182
- Schüssel v. Austria* [2002] App. no. 42409/98 43, 172
- Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland* [2012] App. no. 34124/06 50, 93, 263
- Seckerson v. United Kingdom and Times Newspapers Ltd v. United Kingdom* [2012] App. nos. 32844/10 and 33510/10 220
- Selistö v. Finland* [2004] App. no. 56767/00 42, 46, 74, 184, 186
- Şener v. Turkey* [2000] App. no. 26680/95 64, 194, 197, 198, 200, 201
- Shabanov and Tren v. Russia* [2006] App. no. 5433/02 148, 174
- Silver and others v. United Kingdom* [1983] App. nos. 5947/72, 6205/73, 7052/75, 7061/75, 7107/75, 7113/75 and 7136/75 195
- Skalka v. Poland* [2003] App. no. 43425/98 78, 161, 162
- Société de Conception de Presse et d'Édition et Ponson v. France* [2009] App. no. 26935/05 42, 78, 212
- Soltész v. Slovakia* [2013] App. no. 11867/09 150
- Sosinowska v. Poland* [2011] App. no. 10247/09 210, 211
- Soulas and others v. France* [2008] App. no. 15948/03 234, 235, 240
- Stambuk v. Germany* [2002] App. no. 37928/97 212, 253
- Standard Verlags GmbH v. Austria (No. 2)* [2009] App. no. 21277/05 166, 179
- Standard Verlags GmbH v. Austria (No. 3)* [2012] App. no. 34702/07 43, 157, 166
- Steel and Morris v. United Kingdom* [2005] App. no. 68416/01 42, 65, 72, 154, 157, 181, 255

- Steur v. Netherlands* [2003] App. no. 39657/98 104, 154, 160
Stichting Ostade Blade v. Netherlands [2014] App. no. 8406/06 89
Stoll v. Switzerland [2007] App. no. 69698/01 3, 8, 50, 204, 205, 206, 207, 208, 209
Sunday Times v. United Kingdom (No. 1) [1979] App. no. 6538/74 1, 18, 31, 35, 42, 66, 73, 83, 113, 117, 118, 122, 140, 219, 220, 221
Sunday Times v. United Kingdom (No. 2) [1991] App. no. 13166/87 130, 206, 207
Sürek v. Turkey (No. 1) [1999] App. no. 26682/95 31, 51, 74, 194, 198, 200, 201
Sürek v. Turkey (No. 2) [1999] App. no. 24122/94 41, 74, 182, 193, 201
Sürek v. Turkey (No. 3) [1999] App. no. 24735/94 193, 200, 201
Sürek v. Turkey (No. 4) [1999] App. no. 24762/94 201
Sürek and Özdemir v. Turkey [1999] App. nos. 23927/94 and 24277/94 64, 200, 201
Szima v. Hungary [2012] App. no. 29723/11 195
Tammer v. Estonia [2001] App. no. 41205/98 140, 187
Tănăsioaica v. Romania [2012] App. no. 3490/03 41, 149, 184
Társaság a Szabadságjogokért v. Hungary [2009] App. no. 37374/05 40, 65, 84, 87, 97, 98
Telegraaf Media Nederland Landelijke Media BV and others v. Netherlands [2012] App. no. 39315/06 88, 90, 113
The Holy Monasteries v. Greece [1994] App. nos. 13092/87 and 13984/88 86
Thoma v. Luxembourg [2001] App. no. 38432/97 31, 50, 51, 53, 71
Thorgeir Thorgeirson v. Iceland [1992] App. no. 13778/88 16, 36, 41, 50, 73, 140, 182
Tierbefreier eV v. Germany [2014] App. no. 45192/09 210
Tillack v. Belgium [2007] App. no. 20477/05 88, 92
Times Newspapers Ltd v. United Kingdom (Nos. 1 and 2) [2009] App. nos. 3002/03 and 23676/03 31, 66, 185, 220
Timishev v. Russia [2005] App. nos. 55762/00 and 55974/00 231
Tolstoy Miloslavsky v. United Kingdom [1993] App. no. 18139/91 27, 77, 113
Tuşalp v. Turkey [2012] App. nos. 32131/08 and 41617/08 50, 78, 166
TV Vest AS & Rogaland Pensjonistparti v. Norway [2008] App. no. 21132/05 40, 137, 257, 258, 263, 264, 265
Tyrer v. United Kingdom [1978] App. no. 5856/72 3
Unabhängige Initiative Informationsvielfalt v. Austria [2002] App. no. 28525/95 50, 164, 187
Ungváry and Irodalom Kft v. Hungary [2013] App. no. 64520/10 156, 184

xxii Table of cases

- United Christian Broadcasters Ltd v. United Kingdom* [2000] App. no. 44802/98 247
- United Communist Party of Turkey and others v. Turkey* [1998] App. no. 133/1996/752/951 28, 32, 256
- Ürper and others v. Turkey* [2009] App. nos. 14526/07, 14747/07, 15022/07, 15737/07, 36137/07, 47245/07, 50371/07, 50372/07 and 54637/07 130
- Vajnai v. Hungary* [2008] App. no. 33629/06 77, 235, 240
- Vejdeland and others v. Sweden* [2012] App. no. 1813/07 49, 51, 116, 233
- Vereniging Weekblad Bluf! v. Netherlands* [1995] App. no. 16616/90 171, 204, 206
- Vereinigung Bildender Künstler v. Austria* [2007] App. no. 68354/01 78, 79, 213, 217
- Vereinigung demokratischer Soldaten Österreichs and Gubi v. Austria* [1994] App. no. 15153/89 101, 103, 115
- Verlagsgruppe News GmbH v. Austria (No. 2)* [2006] App. no. 10520/02 157, 165, 171
- VgT Verein gegen Tierfabriken v. Switzerland (No. 1)* [2001] App. no. 24699/94 42, 85, 94, 95, 218, 249, 257, 259, 261, 263, 264
- Vides Aizsardzības Klubs v. Latvia* [2004] App. no. 57829/00 187
- Vogt v. Germany* [1995] App. no. 17851/91 195
- Von Hannover v. Germany (No. 1)* [2004] App. no. 59320/00 38, 43, 44, 108, 149, 158, 166, 172, 173, 174, 178
- Von Hannover v. Germany (No. 2)* [2012] App. nos. 40660/08 and 60641/08 31, 40, 128, 140, 158, 171, 174
- Von Hannover v. Germany (No. 3)* [2013] App. no. 8772/10 128, 158, 164, 173
- Voskuil v. Netherlands* [2007] App. no. 64752/01 88
- Weber v. Switzerland* [1990] App. no. 11034/84 171, 206, 220
- Węgrzynowski and Smolczewski v. Poland* [2013] App. no. 33846/07 184, 185
- White v. Sweden* [2006] App. no. 42435/02 40, 42, 176
- Wille v. Liechtenstein* [1999] App. no. 28396/95 102, 104, 139, 154
- Willem v. France* [2009] App. no. 10883/05 64
- Wingrove v. United Kingdom* [1996] App. no. 17419/90 73, 103, 131, 213, 244, 245, 246
- Wizerkaniuk v. Poland* [2011] App. no. 18990/05 64, 130, 131, 174, 183
- Wojtas-Kaleta v. Poland* [2009] App. no. 20436/02 42, 49, 86, 103, 104, 109
- Women on Waves and others v. Portugal* [2009] App. no. 31276/05 212, 213
- Worm v. Austria* [1997] App. no. 83/1996/702/894 185, 219, 220, 221, 222

X and Y v. Netherlands [1985] App. no. 8978/80 43
Yıldırım v. Turkey [2012] App. no. 3111/10 66, 104, 113
Youth Initiative for Human Rights v. Serbia [2013] App. no. 48135/06 98,
 99, 154
Zakharov v. Russia [2006] App. no. 14881/03 211

European Commission on Human Rights

Arrowsmith v. United Kingdom [1977] App. no. 7050/75 201
Atkinson, Crook and The Independent v. United Kingdom [1990]
 App. no. 13366/87 221
Barril v. France [1997] App. no. 32218/96 185
Başkaya and Okçuoğlu v. Turkey [1999] App. nos. 23536/94 and
 24408/94 201
B.H., M.W., H.P. and G.K. v. Austria [1989] App. no. 12774/87 232
Brind and others v. United Kingdom [1994] App. no. 18714/91 199,
 200
British Broadcasting Corporation v. United Kingdom [1996]
 App. no. 25798/94 86, 89
C. Ltd v. United Kingdom [1989] App. no. 14132/88 220
Ediciones Tiempo SA v. Spain [1989] App. no. 13010/87 80
Glimmerveen and Hagenbeek v. Netherlands [1979] App. nos. 8348/78 and
 8406/78 232
Haider v. Austria [1995] App. no. 25060/94 75, 218
Hoare v. United Kingdom [1997] App. no. 31211/96 73, 121
Huggett v. United Kingdom [1995] App. no. 24744/94 218
Kühnen v. Federal Republic of Germany [1988] App. no. 12194/86 232
Loersch and Nouvelle Association du Courrier v. Switzerland [1995]
 App. nos. 23868/94 and 23869/94 64, 83, 87, 134
Nachtmann v. Austria [1998] App. no. 36773/97 232
Noviflora Sweden AB v. Sweden [1993] App. no. 14369/88 91
Purcell and others v. Ireland [1991] App. no. 15404/89 67, 137, 199
Schimaneck v. Austria [2000] App. no. 32307/96 232
Swami Omkarananda and the Divine Light Zentrum v. Switzerland [1981]
 App. no. 8118/77 28
Tete v. France [1987] App. no. 11123/84 218
X Ltd. and Y v. United Kingdom [1982] App. no. 8710/79 244

European Court of Justice/Court of Justice of the EU

*Aragonesa de Publicidad Exterior SA v. Departamento de Sanidad y
 Seguridad Social de la Generalitat de Cataluña* [1991] ECR I-04151,
 joined Cases C-1/90 and C-179/90 120, 212

xxiv Table of cases

- Association Église de Scientologie and others v. The Prime Minister* [2000] ECR I-01335, Case C-54/99 112
- Bond van Adverteerders v. Netherlands* [1988] ECR 02085, Case 352/85 258
- Bronner v. Mediaprint Zeitungs- und Zeitschriftenverlag* [1998] ECR I-07791, Case C-7/97 262
- Coditel and others v. Ciné Vog Films and others* [1980] ECR 00881, Case C-62/79 7
- Commission v. France ('Loi Évvin')* [2004] ECR I-06613, Case C-262/02 212, 252
- Commission v. Netherlands* [1991] ECR I-04069, Case C-353/89 67, 257, 258, 259
- Deutscher Apothekerverband eV v. 0800 DocMorris NV* [2003] ECR I-14887, Case C-322/01 121, 212
- eDate Advertising and Olivier Martinez, Robert Martinez v. MGN Ltd* [2011] ECR I-10269, joined Cases C-509/10 and C-161/10 9, 125
- ERT v. DEP and others* [1991] ECR I-02925, Case C-260/89 9, 258
- R v. Secretary of State for Health, ex p British American Tobacco* [2002] ECR I-11453, Case C-491/01 117
- Familiapress v. Heinrich Bauer Verlag* [1997] ECR I-03689, Case C-368/95 19, 66, 258
- Federal Republic of Germany v. Council* [1994] ECR I-04973, Case C-280/93 120
- Germany v. Parliament and Council ('Tobacco advertising II')* [2006] ECR I-11573, Case C-380/03 212, 252
- Google Spain SL v. AEPD and others* [2014] judgment of the Court (Grand Chamber) of 13 May 2014, Case C-131/12 9, 186
- Football Association Premier League Ltd and others v. Karen Murphy and others* [2011] ECR I-09083, Joined Cases C-403/08 and C-429/08 191
- Herbert Karner Industrie-Auktionen GmbH v. Troostwijk GmbH* [2004] ECR I-03025, Case C-71/02 249, 251
- IMS Health GmbH & Co. OHG v. NDC Health GmbH & Co. KG* [2004] ECR I-05039, Case C-418/01 262
- Kabel Deutschland v. Niedersächsische Landesmedienanstalt für privaten Rundfunk* [2008] ECR I-10889, Case C-336/07 82
- Lagardère v. SPRE* [2005] ECR I-07199, Case C-192/04 61
- Lindqvist* [2003] ECR I-12971, Case C-101/01 169
- Mediakabel v. Commissariaat voor de Media* [2005] ECR I-04891, Case C-89/04 61
- Mesopotamia Broadcast A/S and Roj TV A/S v. Bundesrepublik Deutschland* [2011] ECR I-08777, Joined Cases C-244/10 and C-245/10 224

- Omega Spielhallen- und Automatenaufstellungs-GmbH v. Oberbürgermeisterin der Bundesstadt Bonn* [2004] ECR I-09609, Case C-36/02 121
- Procureur du Roi v. Debauve and others* [1980] ECR 00833, Case 52/79 7
- Promusicae v. Telefónica de España SAU* [2008] ECR I-00271, Case C275/06 190
- R v. Minister for Agriculture, Fisheries and Food and The Secretary of State for Health, ex p Fedesa* [1990] ECR I-04023, Case C-331/88 117, 120
- R v. Minister of Agriculture, Fisheries and Food, ex p National Federation of Fishermen's Organisations and others and Federation of Highlands and Islands Fishermen and others* [1995] ECR I-3115, Case C-44/94 120
- Rechnungshof v. Österreichischer Rundfunk and others* [2003] ECR I-04989, joined Cases C-465/00, C-138/01 and C-139/01 169
- RTE and ITP v. Commission*, [1995] ECR I-00743, joined cases C-241/91 P and C-242/91 P 262
- RTL v. Niedersächsische Landesmedienanstalt für privaten Rundfunk* [2003] ECR I-12489, Case C-245/01 249, 251
- SA Roquette Frères v. Council of the European Communities*, Case 138/79, [1980] ECR 03333, Case 138/79 120, 251
- SABAM v. Netlog* [2012] judgment of the Court (Third Chamber) of 16 February 2012, Case C-360/10 59, 60
- Sacchi* [1974] ECR 00409, Case C-155/73 6, 7
- Scarlet Extended v. SABAM and others* [2011] ECR I-11959, Case C-70/10 59, 60, 190
- Scarlet Extended v. SABAM and others* [2011] ECR I-11959, Case C-70/10, Opinion of AG Cruz Villalón 60
- Schmidberger v. Austria* [2003] ECR I-05659, Case C-112/00 9, 28, 212
- Shevill and others v. Presse Alliance* [1995] ECR I-415, Case C-68/93 9
- Sky Österreich v. Österreichischer Rundfunk* [2013] judgment of the Court (Grand Chamber) of 22 January 2013, Case C-283/11 20, 117, 191, 192
- Stauder v. City of Ulm* [1969] ECR 419, Case 29/69 9
- Stichting Collectieve Antennevoorziening Gouda and others v. Commissariaat voor de Media* [1991] ECR I-04007, Case C-288/89 67, 252, 257, 258, 259
- Svensson and others v. Retriever Sverige AB* [2014] judgment of the Court (Fourth Chamber) of 13 February 2014, Case C-466/12 61
- Tietosuoja- ja valtuutettu v. Satakunnan Markkinapörssi Oy and Satamedia Oy* [2008] ECR I-09831, Case C-73/07 67, 169, 170, 171, 250
- TV 10 SA v. Commissariaat voor de Media* [1994] ECR I-04795, Case C-23/93 67, 257, 258
- United Pan-Europe Communications Belgium SA and others v. Belgium and others* [2007] ECR I-11135, Case C-250/06 9, 77, 82, 258

xxvi Table of cases

UPC Telekabel Wien GmbH v. Constantin Film Verleih and others [2014] judgment of the Court (Fourth Chamber) of 27 March 2014, Case C-314/12 190

van Eick v. Commission [1968] ECR 329, Case 35/67 9

VBVB and VBBB v. Commission [1984] ECR 00019, joined Cases C-43/82 and C-63/82 67

Veronica Omroep v. Commissariaat voor de Media [1993] ECR I-00487, Case C-148/91 67, 257, 258

European Commission

Decision 94/19/EC of 21 December 1993 relating to a proceeding pursuant to Article 86 of the EC Treaty (IV/34.689 - Sea Containers v. Stena Sealink), OJ L 15/8 262

Decision 94/119/EC of 21 December 1993 concerning a refusal to grant access to the facilities of the port of Rødby (Denmark), OJ L 55/52 262

Inter-American Court of Human Rights

Advisory Opinion OC-5/85 of November 13, 1985: Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (cited as ‘Advisory Opinion OC-5/85’) 20, 32, 64, 77, 83, 133, 194, 195, 256, 257

Advisory Opinion OC-6/86 of 9 May 1986: The Word ‘Laws’ in Article 30 of the American Convention on Human Rights (cited as ‘Advisory Opinion OC-6/86’) 114

Claude Reyes and others v. Chile [2006] Case 12.108 8, 41, 95, 96, 113, 154
Fontevecchia and D’Amico v. Argentina [2011] Case 12.524 1, 32, 36, 40, 64, 108, 114, 124, 141, 156, 166, 171, 174, 179, 180, 257

González Medina and family v. Dominican Republic [2012] Case 11.324 94
Herrera-Ulloa v. Costa Rica [2004] Case 12.367 8, 19, 20, 32, 36, 65, 74, 77, 83, 112, 117, 156, 166, 182, 236

Ivcher-Bronstein v. Peru [2001] Case 11.762 8, 19, 32, 77, 83, 104, 141, 156, 256

Kimel v. Argentina [2008] Case 12.450 8, 45, 72, 139, 183, 186, 187

López-Álvarez v. Honduras [2006] Case 12.387 77

Olmedo Bustos and others v. Chile (‘The Last Temptation of Christ’) [2001] Case 11.803 3, 8, 19, 77, 83

Palamara-Iribarne v. Chile [2005] Case 11.571 40, 85, 94, 129, 210

Perozo and others v. Venezuela [2009] Case 12.442 6

Ricardo Canese v. Paraguay [2004] Case 12.032 3, 8, 20, 40, 42, 77, 83, 112, 117, 139, 156

Ríos and others v. Venezuela [2009] Case 12.441 45, 104, 105

Urrutia v. Guatemala [2003] Case 11.043 79
Usón Ramírez v. Venezuela [2009] Case 12.554 46, 112, 113, 114, 186
Uzcátegui and others v. Venezuela [2012] Case 12.661 104, 128
Vélez Restrepo v. Colombia [2012] Case 12.658 1, 20, 25, 64, 67, 77, 83,
 104, 128

Inter-American Commission of Human Rights

Carlos Ranferi Gómez López v. Guatemala [1996] Case 11.303 105, 128
Dudley Stokes v. Jamaica [2008] Case 12.468 40, 181
Eduardo Kimel v. Argentina [2007] Case 12.450 19, 46, 161
Francisco Martorell v. Chile [1996] Case 11.230 20, 36, 67, 83, 105
Héctor Félix Miranda v. Mexico [1999] Case 11.739 94
Hugo Bustios Saavedra v. Peru [1997] Case 10.548 32, 105, 128
José Francisco Gallardo Rodríguez v. Mexico [1996] Case 11.430 115, 195
Juan José López v. Argentina [2011] Case 11.395 133, 134
Manoel Leal de Oliveira v. Brasil [2010] Case 12.308 94
Oscar Elías Biscet and others v. Cuba [2006] Case 12.476 3, 20, 104
Perozo and others v. Venezuela [2009] Case 12.442 20, 104, 105
Rafael Ignacio Cuesta Caputi v. Ecuador [2008] Case 12.487 94
Ricardo Jacob Israel Zipper v. Chile [2009] Case 12.470 154
Rodolfo Robles Espinoza v. Peru [1999] Case 11.317 40, 41, 115, 195, 210
Stephen Schmidt v. Costa Rica [1984] Case no 9178 8, 133
Steve Clark and others v. Grenada [1996] Case 10.325 67, 83
Tarciso Medina Charry v. Colombia [1998] Case 11.221 84
Tomás Eduardo Cirio v. Uruguay [2006] Case 11.500 40, 112, 113, 115,
 117, 195, 210
Victor Manuel Oropeza v. Mexico [1999] Case 11.740 20

Australia

Lange v. Australian Broadcasting Corporation [1997] HCA 25 15, 156
Thompson v. Australian Capital TV Ltd [1996] HCA 38 82

Canada

R v. Keegstra [1996] 3 SCR 667 231

Germany

Federal Constitutional Court (Bundesverfassungsgericht)

‘*Auschwitz denial*’ [1994] Case 1 BvR 23/94 231
 ‘*Bahai*’ [1991] Case 2 BvR 263/86 28
 ‘*Benetton F*’ [2000] Cases 1 BvR 1762/95 and 1 BvR 1787/95 251

xxviii Table of cases

- ‘*Benetton IP*’ [2003] Case 1 BvR 426/02 251
 ‘*Blinkfrier*’ [1969] Case 1 BvR 619/63 108
 ‘*Censorship*’ [1972] Case 1 BvL 13/67 129
 ‘*Cicero*’ [2007] Cases 1 BvR 538/06 and 1 BvR 2045/06 92
 ‘*CSU = NPD of Europe*’ [1982] Case 1 BvR 1376/79 230
 ‘*Der Spiegel*’ [1966] Case 1 BvR 586/62, 610/63 and 512/64 62
 ‘*Distinction assembly – crowd*’ [2010] Case 1 BvR 1402/06 28
 ‘*Fuckparade*’ and ‘*Love Parade*’ [2001] Cases 1 BvQ 28/01 and 1 BvQ 30/01 28
 ‘*Görgülü*’ [2004] Case 2 BvR 1481/04 4
 ‘*Lebach*’ [1973] Case 1 BvR 536/72 176
 ‘*Leaflet*’ [1976] Case 1 BvR 460/72 27
 ‘*Lüth*’ [1958] Case 1 BvR 400/51 106
 ‘*Newspaper mail service*’ [1989] Case 1 BvR 727/84 101
 ‘*NSU trial*’ [2013] Case 1 BvR 990/13 94, 101
 ‘*Parabolic antenna I*’ [1994] Case 1 BvR 1687/92 84, 109
 ‘*Parabolic antenna II*’ [2013] Case 1 BvR 1314/11 84, 109
 ‘*Presumption of innocence*’ [1987] Case 2 BvR 589/79 4
 ‘*Professional ban I*’ [1959] Case 1 BvL 118/53 139
 ‘*Professional ban II*’ [1969] Case 1 BvR 438/65 139
 ‘*Short extract reporting*’ [1998] Case 1 BvF 1/91 192
 ‘*Springer/Wallraff*’ [1984] Case 1 BvR 272/81 87

Federal Court of Justice (Bundesgerichtshof)

- ‘*Google*’ [2013] Case VI ZR 269/12 9

Hong Kong

- Oriental Press Group Ltd and others v. Fevaworks Solutions Ltd and others* [2013] HKCFA 47 82

Ireland

- Cornec v. Morrice and others* [2012] IEHC 376 62

United Kingdom

- Attorney General v. Guardian Newspapers (No. 2)* [1990] 1 AC 109 169
Attorney General v. Observer Ltd [1990] 1 AC 109 171
Berezovski v. Forbes Inc (No. 2) [2001] EWCA Civ 1251 149
British Steel Corporation v. Granada Television Ltd [1981] 1 All ER 417 88
Bromage v. Prosser [1825] 4 B & C 247 59
Bunt v. Tilley [2006] EWHC 407 (QB) 58
Campbell v. MGN [2004] UKHL 22 107

- Chalmers v. Payne* [1835] 2 CM & R156 167
Charleston v. News Group Newspapers Ltd [1995] UKHL 6 167
Chubb v. Flammagan [1834] 6 Car & P 431 59
Coco v. A. N. Clark Ltd. [1968] FSR 415 Ch D 169
Douglas v. Hello! [2001] QB 967, CA 1003 149
Emmens v. Pottle [1885] 16 QBD 354 59
Francome v. Mirror Group Newspapers Ltd [1984] 1 WLR 892 38
Flood v. Times Newspapers Ltd [2012] UKSC 11 37, 58
G and G v. Wikimedia Foundation Inc. [2009] EWHC 3148 (QB) 175
Jameel v. Wall Street Journal Europe Sprl [2006] UKHL 44 16, 107
John Terry (previously referred to as "LNS") v. Persons Unknown [2010] EWHC 119 (QB) 148
Kaschke v. Gray [2010] EWHC 690 (QB) 58
Kiotechnologie BV and others v. Unicor GmbH Plastmaschinen and others [1995] FSR 765 (CA) 169
Lion Laboratories Ltd v. Evans [1984] 1 WLR 526 38
London Artists v. Littler [1969] 2 QB 375 37
Metall und Rohstoff AG v. Donaldson Lufkin & Jenrette Inc. [1990] 1 QB 391 169
Ntuli v. Donald [2010] EWCA Civ 1276 175
Reynolds v. Times Newspapers Ltd [2001] 2 AC 127 16, 37, 38, 58, 107
OBG Ltd. and others v. Allan and others [2007] UKHL 21 107
Prince Albert v. Strange [1848] 1 Mac. & G. 25 169
R v. Secretary of State for the Home Department, ex p Simms [2000] 2 AC 115 17
R v. Shayler [2002] UKHL 11 53
Scott v. Scott [1913] AC 417 175
Sinclair Collis Ltd v. Secretary of State for Health [2011] EWCA Civ 437 120, 121
Tamiz v. Google [2012] EWHC 449 (QB) 58
Vizetelly v. Mudie's Select Library, Ltd [1900] 2 QB 170 59

United States

- Abrams v. United States*, 250 US 616 (1919) 17, 21, 22, 126
Associated Press v. United States, 326 US 1 (1945) 25, 262
Bantam Books, Inc. v. Sullivan, 372 US 58 (1963) 129
Bartnicki v. Vopper, aka Williams, and others, 532 US 514 (2001) 37, 87
Beckley Newspapers v. Hanks Corp., 389 US 81 (1967) 46
Bendix Autolite Corp. v. Midwesco Enterprises, Inc., 486 US 888 (1988) 126
Bethel School Dist. No. 403 v. Fraser, 478 US 675 (1986) 30
Brandenburg v. Ohio, 395 US 444 (1969) 107, 202, 227, 228, 233

xxx Table of cases

- Branzburg v. Hayes*, 408 US 665 (1972) 25, 26, 27
Briscoe v. Reader's Digest Association, 93 Cal.Rptr. 866 (1971) 176
CBS, Inc. v. FCC, 453 US 367 (1981) 262
Central Hudson Gas & Elec. v. Public Serv. Comm'n, 447 US 557 (1980) 252
Chaplinsky v. New Hampshire, 315 US 568 (1942) 4, 127, 228
Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 US 520 (1993) 28
Citizens United v. FEC, 130 SCt 876 (2010) 25
Cohen v. California, 403 US 15 (1971) 36, 50, 73
Connick v. Myers, 461 US 138 (1983) 37
Cornelius v. NAACP Legal Defense & Educ. Fund, 473 US 788 (1985) 30
Curtis Publishing Co. v. Butts, 388 US 130 (1967) 25
Dennis v. United States, 341 US 494 (1951) 31
Dun & Bradstreet, Inc. v. Greenmoss Builders, 472 US 749 (1985) 37
Estes v. Texas, 381 US 532 (1965) 25
FCC v. Pacifica Foundation, 438 US 726 (1978) 138
Gertz v. Robert Welch Inc., 418 US 323 (1974) 17, 37, 72
Giboney v. Empire Storage & Ice Co., 336 US 490 (1949) 228
Hustler Magazine v. Falwell, 485 US 46 (1988) 30, 37, 38, 217, 248
Karantalis v. Department of Justice, No. 10-10229, 11 March 2011, Court of Appeals in Atlanta (11th Cir.) 172
Katz v. United States, 389 US 347 (1967) 173
Lorain Journal Co. v. United States, 342 US 143 (1951) 262
Martin Marietta Corp v. Evening Star Newspaper Co, 417 F Supp 947, 956 (DDC 1976) 157
MCI Communications Corp. v. AT&T, 708 F2d 1081 (7th Cir. 1982) 262
Miami Herald v. Tornillo, 418 US 241 (1974) 80
Miller v. California, 413 US 15 (1973) 127
Mills v. Alabama, 384 US 214 (1966) 25
National Archives & Records Administration v. Favish, 124 SCt 1570 (2004) 172
Near v. Minnesota, 283 US 697 (1931) 129
New York v. Ferber, 458 US 747 (1982) 127, 218
New York Times Co. v. Gonzales, 382 F. Supp. 2d 457 (SDNY 2005) 25
New York Times Co. v. Sullivan, 376 US 254 (1964) 38, 46, 107, 165, 180, 181, 230
New York Times Co. v. United States, 403 US 713 (1971) 62, 87, 129, 204
O'Grady v. Superior Court, 44 Cal Rptr 3d 72 (Cal Ct App 2006) 25, 66
Otter Tail Power Co. v. United States, 410 US 366 (1973) 262
Pell v. Procunier, 417 US 817 (1974) 25, 93
Red Lion Broadcasting v. FCC, 395 US 367 (1969) 80, 138