In a judgment of 19 April 2001, the Court also held that there had been a violation of Article 10 of the European Convention on Human Rights, this time in the case of Marônek v. Slovakia. In 1992, the daily newspaper Smena published an article on the problems experienced by Vladimir Marônek with the allocation of a flat that was the property of a State-owned company. The article stated that the flat allocated to Marônek had been unlawfully occupied by A., a public prosecutor. It also criticised the fact that Marônek had no possibility of using the flat. A few weeks later, the newspaper published an open letter written by Marônek, criticising the fact that the flat which was at his disposal was occupied by A., emphasising again that A. was a public prosecutor and adding: "[S]hould our newly-born democracy have such representatives of law, it will not outlive its childhood and we can bury it right away". Marônek and the newspaper were sued and convicted of defamation. Marônek alleged before the European Court that his right to freedom of expression had been violated.

The European Court noted that the purpose of Marônek’s open letter was not only to resolve his individual problem, but also to urge others with a similar problem to take action. According to the Court, he expressed the view, apparently in good faith, that the resolution of the issue was important for strengthening the rule of law in a newly-born democracy. The open letter also raised issues of public interest, capable of affecting housing policy at a period when State-owned apartments were about to be denationalised. Taken as a whole, the statements of Marônek did not appear to be excessive and most of the events on which he had relied had earlier been made public in the Smena article. Furthermore, and most importantly, the European Court reached the conclusion that the domestic courts lacked sufficient reasons to justify the relatively high amount of compensation awarded to the claimants. According to the Court, there was no reasonable relationship of proportionality between the measures applied and the legitimate aim pursued (the protection of the rights and reputation of others). Accordingly, the Court held unanimously that there had been a violation of Article 10.

Dirk Voorhoof

Media Law Section of the Communication Sciences Department, Ghent University, Belgium

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