[IS] Injunction prohibiting the media from reporting on the financial dealings of the former Prime Minister of Iceland

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The Reykjavik District Court on 2 February 2018 delivered a judgment in the case of Glitnir Holdco v. Reykjavik Media and Stundin (case nr. E-3434/2017) concerning an injunction issued by the Reykjavik District Commissioner in October 2017. The injunction prohibited media outlets from reporting on the financial dealings of the clients of an Icelandic bank, Glitnir Holdco, including Bjarni Benediktsson, former Prime Minister and current Financial Minister of Iceland.

The editor of Stundin magazine was informed of the injunction when their offices received a visit from representatives of the District Commissioner and Glitnir Holdco. The representatives demanded that all previous reporting on the Prime Minister's time as an MP posted on Stundin's website should be deleted. Furthermore, they demanded that all documentation that contributed to this reporting be handed over, and that Stundin cease all reporting on the subject, referring to concerns regarding the confidentiality of financial information.

The Reykjavik District Court rejected the injunction on the basis that the reporting did not interfere with the right to privacy owing to the fact that the information concerned a Prime Minister who had through his duties subjected himself to a certain level of public scrutiny. Furthermore, the nature of the information contained in the reporting was deemed to be of particular relevance to the public debate in a democratic society.

The Court relied on Article 10 of the European Convention of Human Rights (ECHR) and referred to the relevant jurisprudence of the European Court of Human Rights (ECtHR) when determining whether the restriction on freedom of expression was necessary in a democratic society. The fact that the injunction was requested twelve days before parliamentary elections was also considered to be of relevance by the Court. In this regard, the Court affirmed that the right to free and democratic elections is closely related to the right to freedom of expression, and both form the foundations of a democratic society. However, since the judgment of Reykjavík District Court was appealed against by Glitnir Holdco, the injunction on Stundin and Reykjavík Media will remain in effect for another year until it has been considered by the appeals court.

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It is worth mentioning that the journalists of Reykjavík Media, in cooperation with SVT and RÚV, were also behind the famous television 2016 exposé of the Panama Papers investigation that was aired on RÚV and led to the resignation of the then-Prime Minister Sigmundur Davíð Gunnlaugsson.

The injunction case has drawn sharp criticism from the Journalists' Union of Iceland, among others. The OSCE Representative on Freedom of the Media, Harlem Désir, expressed his concerns and stressed that prior restraints on publication, such as injunctions, need to be used with caution and applied in very limited circumstances. The Media Commission of Iceland has also expressed its concerns to the parliament about how injunctions towards media are decided in Iceland, and its possible chilling effects on freedom of expression.

Héraðsdóms Reykjavíkur 2. febrúar 2018 í máli nr. E-3434/2017 (District Court of Reykjavik, Judgment in the case of Glitnir Holdco v Reykjavik Media and Stundin (case nr. E-3434/2017), 2 February 2018 https://www.heradsdomstolar.is/heradsdomstolar/reykjavik/domar/domur/?id=ff9fea90-4ecc-446a-8a93-48c6205c5ed6

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District Court of Reykjavik, Judgment in the case of Glitnir Holdco v Reykjavik Media and Stundin (case nr. E-3434/2017), 2 February 2018

OSCE Representative on Freedom of the Media, OSCE media freedom representative concerned about ban on reporting about Icelandic bank, 18 October 2017

https://www.osce.org/fom/350501

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