



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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SECOND SECTION

Application no. 1743/26
Aðalsteinn KJARTANSSON
against Iceland
lodged on 9 January 2026
communicated on 17 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged failure of the domestic courts to protect the applicant's reputation in defamation proceedings involving a blogger who had accused him of participation in serious criminal conduct connected with his work as an investigative journalist.

In May 2021, together with another media outlet, the applicant published reporting, in the matter of “fisheries files”, that was based on communications originating from the mobile telephone of P.S., an employee of a fishing company. The police opened an investigation into whether data had been unlawfully copied from that telephone. From February 2022 the applicant held the status of a suspect in that investigation which appears to have concerned offences relating to a breach of privacy and also offences against the person. The investigation was eventually discontinued in September 2024 without any charge being brought.

While the investigation was ongoing, between April 2022 and April 2023, P.V., who maintained a blog hosted on the website of a media outlet, published numerous posts asserting that the applicant and other journalists had taken part in administering a stupefying substance to P.S. (referred to in the domestic proceedings as *byrlun*) and in stealing his telephone in order to obtain material for their reporting. After the applicant had unsuccessfully requested their retraction, he brought proceedings seeking to have a number of the statements declared null and void and to obtain compensation.

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QUESTIONS

On 12 April 2024 the Reykjavík District Court declared several of the statements null and void, ordered their removal and awarded the applicant compensation, holding that the statements were factual assertions of serious criminal conduct for which no basis had been shown. On 26 June 2025 the Court of Appeal reversed that judgment and acquitted P.V. It found that, although the statements were mostly factual allegations that were “direct and harsh” (*beinskeytt og óvægin*), regard had to be had to the applicant’s status as a suspect under police investigation, to the blogger’s participation in a public debate on a matter of public interest, and to the applicant’s position as a journalist and public figure who could be expected to tolerate sharp and severe criticism following his own writings. It concluded that the blogger could have been acting in good faith as to the sufficiency of the basis for the statements and that they fell within his freedom of expression. On 17 September 2025 the Supreme Court refused the applicant leave to appeal.

The applicant complains under Article 8 of the Convention that the domestic courts failed to protect his reputation against unfounded accusations of serious crime.

QUESTIONS TO THE PARTIES

Did the respondent State comply with its positive obligation under Article 8 of the Convention to secure respect for the applicant's private life and reputation? In particular, did the domestic courts strike a fair balance between the applicant's right to respect for his private life under Article 8 and the blogger's right to freedom of expression under Article 10 of the Convention, in accordance with the criteria established in the Court's case-law (see *Axel Springer AG v. Germany* [GC], no. 39954/08, §§ 89-95, 7 February 2012)?

In addressing that question, the parties are invited to comment on the following points:

(a) Were the domestic courts, in striking that balance, required to have regard to the applicant's position as a journalist and to the potential effect of the impugned accusations on his exercise of the freedom to impart information and to carry out investigative journalism? Was the balancing exercise, in so far as it weighed the applicant's reputation against the blogger's freedom of expression, sufficient in that respect?

(b) Were the impugned phrases statements of fact or value judgments, and was the domestic courts' classification adequately reasoned (see *Egill Einarsson v. Iceland*, no. 24703/15, §§ 48 and 50, 7 November 2017)? Did the statements alleging the applicant's participation in the administering of a stupefying substance to P.S. and the theft of his telephone have a sufficient factual basis, and could the applicant's status as a suspect in the police investigation constitute such a basis for those accusations (compare *Egill Einarsson*., cited above, § 52)? The parties are invited to submit documents establishing the scope of the investigation against the applicant as a suspect.

(c) Did the domestic courts adequately examine whether the blogger, as a person engaging in public debate who was not a professional journalist, acted in good faith and on an accurate factual basis in making the impugned accusations, and were the standards thereby applied to him in conformity with the principles embodied in Articles 8 and 10 of the Convention (see *Steel and Morris v. the United Kingdom*, no. 68416/01, § 90, ECHR 2005-II, and *Braun v. Poland*, no. 30162/10, §§ 40 and 50, 4 November 2014)?