



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

Communicated on 26 May 2016

FOURTH SECTION

Application no. 11257/16
MAGYAR JETI ZRT
against Hungary
lodged on 23 February 2016

STATEMENT OF FACTS

The applicant, Magyar Jeti Zrt, is a company registered under Hungarian law, with its seat in Budapest. It is represented before the Court by Ms Y. Jansen, a lawyer practising in London.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant is the operator of the Hungarian news portal *444.hu* which is used by approximately 250,000 users per day. The applicant often utilises hyperlinks embedded in the published contents, which lead readers to relating materials published elsewhere.

On 5 September 2013 a group of football supporters travelling to Romania stopped at an elementary school in Konyár, Hungary. The pupils of the school were predominantly of Roma origin. After getting off the bus, the football supporters made racist remarks, waved flags; and one of them allegedly urinated on the school building. Some minutes later the football supporters got back on the bus and left the village.

Mr J.Gy., the head of the local Roma minority self-government, accompanied by a parent and one of the children attending the school, gave an interview to a Roma minority media outlet on the same day. During the interview, he referred to persons related to *Jobbik*, a right-wing political party in Hungary, which had been previously criticised for its anti-Roma and anti-Semitic stance. The video was uploaded to Youtube.com the same day.

On 6 September 2013 the applicant published an article on the incident on the *444.hu* website that referred to reports concerning the events in Konyár and included an embedded text hyperlink leading to the video

available on Youtube.com. The text of the article itself did not mention the term *Jobbik*.

On 13 September 2013 *Jobbik* initiated legal proceedings against several respondents, including the applicant, the head of the local Roma minority self-government making the allegedly defamatory comment, the Roma minority media outlet recording the video uploaded on Youtube and the operators of other Hungarian news portals, alleging that its right to reputation had been violated by the Youtube video.

On 30 March 2014 the Debrecen High Court established the responsibility of six out of the eight respondents, including the applicant, in respect of the defamatory comments made in the video. Regarding the applicant, the court found that in making available the Youtube video by providing a hyperlink leading to it, it had disseminated the defamatory statements.

On appeal, on 25 September 2014 the Debrecen Court of Appeal upheld the judgment. It stated that the applicant was objectively liable for the content of the Youtube video and it was irrelevant whether it had acted in good faith or not.

The applicant lodged a petition for review with the *Kúria*. It argued that, in its interpretation of the relevant law, by only providing a hyperlink to it in an article it had not disseminated the content of the video.

On 10 June 2015 the *Kúria* upheld the previous judgments. It stressed that the applicant, by publishing a hyperlink leading to the Youtube video and transferring information through the Internet, spread the statement of Mr J.Gy. and had assumed objective liability for any defamatory content in it.

COMPLAINT

The applicant complains under Article 10 of the Convention that, by finding that embedding in an article a hyperlink that leads to a defamatory content is equivalent to disseminating this content, the domestic courts unduly restricted its freedom of expression and the freedom of press.

QUESTION TO THE PARTIES

Has there been a violation of the applicant's right to freedom of expression, in particular its right to impart information and ideas, contrary to Article 10 of the Convention? What was the implication of the domestic courts' applying the principle of objective liability in respect of the hyperlink published on the applicant's website which led to defamatory contents?