[DE] Journalists' Right to Silence Extended

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The right of journalists to refuse to give evidence has been extended by an amendment to the code of criminal procedure. The Bundesrat (Upper House) has followed the Bundestag (Lower House) in accepting a compromise proposed by the mediation committee of the two houses of parliament.

Under the amendment, journalists' own research will be subject to the law on the right to silence and will therefore be exempt from confiscation. Under previous legislation, this only applied to material received by journalists from third parties.

Initially, exceptions to this new law would only have been granted in cases where the evidence concerned would help to solve a crime punishable by at least a one-year prison sentence. However, the mediation committee agreed that more exceptions should be allowed. Therefore, the law on the right to silence will not apply in cases involving breaches of the peace, threats to the rule of law, treason, crimes that put external security at risk, offences against sexual self-determination and money laundering.

The new Act also extends journalists' right to silence to include the production and distribution of non-periodic publications (books, film reports, etc).

Beschlussempfehlung des Vermittlungsausschusses zu dem ... Gesetz zur Änderung der Strafprozessordnung - Drucksachen 14/5166, 14/6576, 14/7015 unter:

http://dip.bundestag.de/btd/14/077/1407776.pdf

Recommendation of the mediation committee concerning the ... Act amending the code of criminal procedure - documents 14/5166, 14/6576, 14/7015

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