[CH] Somebody Is Described and Personally Named Aktenzeichen XY in the Television Programme

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Ad van Loon
European Audiovisual Observatory

In media which receive regular public exposure, prejudice to character can only be banned (as a precautionary measure) if it is likely to bring about serious detriment, if no obvious justification exists for it and if the ban does not seem over-exagerated. In the present case, a violation of personal freedom during the explanation of a post office hold-up on an electronic publicly available medium is seen to be jusitified.

The basic principle of "innocent until proved guilty" should be taken into consideration when relating on-going criminal proceedings in the electronic and printed media. Any identifiable representation of a person is considered inadmissable if the legimate need for information can still be met using a report containing neither names nor pictures. Also, the idea of "innocent until proved guilty" means that restraint should be shown when describing on-going court cases. In the current case, the main aim of making the facts public could only be achieved if the appellant was named and shown. However, at no time during the the programme was it either openly stated or inferred that the appellant had carried out the hold-up on the post office. The viewers were only informed that valuables from the hold-up had been found at his home.

Entscheidung des Bundesgerichtshofs, I. öffentlich-rechtliche Abteilung, 31. Januar 1995, A. g. Bezirksanwaltschaft Zürich und die Staatsanwaltschaft des Kantons Zürich.

Ruling by the Federal Court, 1st public legislation department, 31 January 1995, A against the District Lawyers Association of Zurich and the 13 Lawyers' Association of the Canton of Zurich.

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