European Court of Human Rights: Case of Dammann v. Switzerland

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In a judgment of 25 April 2006, the Court unanimously held that the Swiss authorities violated Article 10 of the Convention by convicting a journalist, Viktor Dammann, for inciting an administrative assistant of the public prosecutor's office to disclose confidential data. The assistant had forwarded data relating to criminal records of suspects in a spectacular robbery. By punishing the journalist in this case, a step had been taken prior to publication and such a sentence would be likely to deter journalists from contributing to public discussion of issues affecting the life of the community. It was thus likely to hamper the press in its role as provider of information and public watchdog. Furthermore, no damage had been done to the rights of the persons concerned, as the journalist had himself decided not to publish the data in question. In these circumstances, the Court considered that Dammann's conviction had not been reasonably proportionate to the pursuit of the legitimate aim in question, having regard to the interest of a democratic society in ensuring and maintaining the freedom of the press.

Arrêt de la Cour européenne des Droits de l'Homme (Quatrième section), affaire Dammann c. Suisse, Requête n°77551/01

Judgment by the European Court of Human Rights (Fourth Section), case of Dammann v. Switzerland, Application no. 77551/01

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