[DE] Federal Supreme Court Rules on Official Status of Public Broadcaster Editors

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On 27 November 2009, the *Bundesgerichtshof* (Federal Supreme Court - BGH) upheld a decision of the *Landgericht Frankfurt am Main* (Frankfurt am Main District Court - LG) of 2 October 2008 (case no. 2 StR 104/09), imposing a prison sentence against a former television presenter and editor of Hessischer Rundfunk (HR) for corruption and embezzlement.

According to the BGH's ruling, editors working for the public broadcasting companies affiliated to the ARD, ZDF and Deutschlandradio qualify as office-holders within the meaning of criminal law and can therefore be punished for accepting bribes.

In the grounds for its decision, the court explained that providing the public with information from all sectors of society was one of the most important tasks of public service broadcasters. Public broadcasters could only fulfil their remit if they were careful to protect their economic independence. This was why all viewers had to pay licence fees. The fact that the convicted party was deemed to be an office-holder meant that a much heavier sentence should apply.

In the court's opinion, between 2001 and 2004, the convicted party, as HR's chief sports editor, had siphoned off more than EUR 500,000 from his employer for personal gain via a front company. According to the court, he had cost the broadcaster at least EUR 285,000.

Urteil des BGH vom 27. November 2009 (Az. 2 StR 104/09)

http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=pm&Datum=2009&nr=50445&linked=urt&Blank=1&file=dokument.pdf

BGH ruling of 27 November 2009 (case no. 2 StR 104/09)

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