[DE] Federal Supreme Court Upholds NDR Screenplay Scandal Rulings

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In a decision of 3 September 2013 (case no. 5 StR 187/13), the 5th Criminal Division of the Bundesgerichtshof (Federal Supreme Court - BGH) rejected the appeals lodged by the defendant against rulings in the so-called “NDR screenplay scandal” as unfounded.

The ruling of the Landgericht Hamburg (Hamburg District Court) of 8 October 2012 is therefore legally valid. In the proceedings before the Landgericht Hamburg, which attracted huge public interest, the former chief editor of Norddeutscher Rundfunk (North German Broadcasting Corporation - NDR) had received a suspended sentence of one year and ten months for taking a bribe (Art. 332 of the Strafgesetzbuch (Criminal Code - StGB)), fraud (Art. 263 StGB) and embezzlement (Art. 266 StGB). Her husband, a screenwriter, who was found guilty of abetment, and a film producer, found guilty of offering a bribe (Art. 334 StGB), were both fined.

As chief editor, the defendant had used, in NDR productions, screenplays that she or her husband had written under a pseudonym. Since she was an ARD employee, she should only have received half the fee under internal NDR rules. The film producer knew about the use of the misleading pseudonyms. In order for the bribery offences to be confirmed, the chief editor had to be classified as a “public official”, which the District Court ruled was the case in accordance with a landmark decision of the BGH concerning the former sports chief of Hessischer Rundfunk (Hessian Broadcasting Corporation - hr).

Pressemitteilung des BGH zum Beschluss vom 3. September 2013 (Az. 5 StR 187/13)

http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&Datum=Aktuell&nr=65449&linked=pm

Federal Supreme Court press release concerning the decision of 3 September 2013 (case no. 5 StR 187/13)

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