

European Court of Human Rights: Bluf! v. the Netherlands

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On 9 February 1995, the European Court of Human Rights ruled that the seizure by the Dutch authorities of the circulation of an issue of a left-wing weekly, containing a report of the Dutch internal security service, constituted a violation of Article 10 of the ECHR. In the Spring of 1987 the weekly, called Bluf!, got access to a quarterly report of the Dutch internal security service, which Bluf! decided to publish as a supplement to the issue of 29 April 1987. However, the Amsterdam Regional Court (Rechtbank) ordered the seizure of the circulation of the issue concerned before it was sent out to subscribers. Because the police had failed to take away the offset plates from the printing press, the staff of Bluf! managed to reprint the issue. The reprinted issues were sold on the streets of Amsterdam the next day, which was the Queen's birthday, a national holiday. The authorities decided not to put a stop to this circulation so as to avoid any public disorder. The request for the return of the confiscated copies was dismissed; the Dutch Supreme Court (Hoge Raad) held that the seizure of printed matter to be distributed was, in this case, justified under the Dutch Criminal Code. The European Court of Human Rights noted that the seizure amounted to an interference in Bluf!'s freedom to impart information and ideas. The Court ruled that, although the interference was "prescribed by law" and pursued a legitimate aim (the protection of national security), the seizure and withdrawal was not "necessary in a democratic society" and therefore constituted a violation of Article 10 ECHR. The Court based this ruling on its doubt whether the information in the report was sufficiently sensitive to justify preventing its distribution, and furthermore on the fact that, since the issue was reprinted and distributed, the information in question was made accessible to a large number of people; as a result, protecting the information as a State secret was no longer justified and the withdrawal of the issue no longer necessary to achieve the legitimate aim pursued.

European Court of Human Rights, Case of Vereniging Weekblad Bluf! v. the Netherlands, 9 February 1995, Series A vol. 306-A.

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