



Forthcoming Grand Chamber judgment in a case concerning the publishing by a journalist of documents covered by investigative secrecy

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Bédât v. Switzerland** (application no. 56925/08) at a public hearing on 29 March 2016 at 2 p.m. in the Human Rights Building, Strasbourg.

The case concerned the fining of a journalist for publishing documents covered by investigative secrecy in a criminal case.

Principal facts and complaints

The applicant, Arnaud Bédât, is a Swiss national who was born in 1965 and lives in Porrentruy (Switzerland).

On 15 October 2003 Mr Bédât, a professional journalist, published an article entitled “Tragedy on the Lausanne Bridge” concerning live criminal proceedings against M.B., a motorist who had rammed his car into a group of pedestrians on 8 July 2003, killing three of them and injuring eight, before throwing himself off the Lausanne Bridge. The article described the events and then presented a summary of the questions put by the police officers and the investigating judge and M.B.’s replies. It mentioned that M.B. had been charged with premeditated murder and, in the alternative, with murder, grievous bodily harm, endangering life and serious traffic offences, and that he had shown no remorse. The article was accompanied by several photographs of letters which M.B. had sent to the investigating judge and a summary entitled “He lost his marbles”.

M.B. did not lodge any complaint against Mr Bédât, but criminal proceedings were brought against him on the initiative of the public prosecutor for having published secret documents.

On 23 June 2004 the Lausanne investigating judge sentenced Mr Bédât to one month’s imprisonment, suspended for one year. Mr Bédât applied to have the decision set aside, and the Lausanne Police Court, by a judgment of 22 September 2005, replaced the prison sentence with a fine of 4,000 Swiss francs (approximately 2,667 euros).

Mr Bédât appealed on points of law, which appeal was dismissed in January 2006. On 29 April 2008 his public-law appeal and his appeal on grounds of nullity to the Federal Court were dismissed.

Relying on Article 10 (freedom of expression), Mr Bédât complained that his criminal conviction had violated his right to freedom of expression.

Procedure

The application was lodged with the European Court of Human Rights on 7 November 2008.

On 1 July 2014 a Chamber of the Second Section delivered a [judgment](#) and concluded, by four votes to three, that there had been a violation of Article 10. On 29 September 2014 the Government requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Chamber), and on 17 November 2014 the panel of the Grand Chamber accepted that request. A [hearing](#) was held on 13 May 2015.

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Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

Denis Lambert (tel: + 33 3 90 21 41 09)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Nina Salomon (tel: + 33 3 90 21 49 79)

Inci Ertekin (tel: + 33 3 90 21 55 30)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.