EUROPEAN COURT OF HUMAN RIGHTS

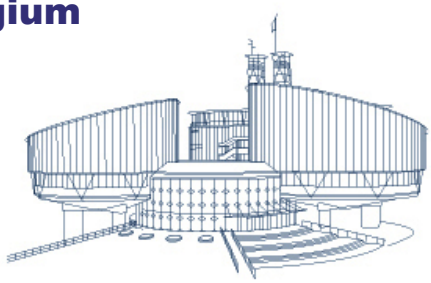
PRESS RELEASE

NO VIOLATION OF FREEDOM OF EXPRESSION OF JOURNALIST AND MEDIA COMPANY CONVICTED FOR LISTENING IN ON "DUTROUX" MEDIATION MEETING AND PUBLISHING CONFIDENTIAL DISCUSSIONS "

de Halleux and SA Sud Presse v. Belgium

ECHR 296 (2026) 24.11.2026

Press release issued by the Registrar of the Court



The case of de Halleux and SA Sud Presse v. Belgium **(application no. 48589/21)** originated in the high-profile "Dutroux" case involving serious crimes against children. It concerned the criminal conviction of a journalist for listening in, using her telephone, on discussions in a mediation meeting in connection with that case. It also concerned the journalist's conviction, together with the SA Sud Presse company, for publishing an article relating to the content of the confidential discussions held at that meeting.

In today's **Chamber** judgment[1] the European Court of Human Rights held, unanimously, that there had been **no violation of Article 10 (freedom of expression)** of the European Convention on Human Rights.

The Court noted that Ms de Halleux had been prosecuted for deliberately continuing, for 53 minutes, to listen in on the discussions taking place in the mediation meeting, while being perfectly aware of their private and confidential nature. It further noted that the article in question had been more sensationalist than informative in intent. In the Court's view, the content of the publication in question had concerned private and highly personal statements made in the mediation process and had not contributed to a debate of general interest. The information disclosed, which had been legally protected by confidentiality, had undeniably concerned aspects of the private lives of the participants in the mediation procedure which they had legitimately wished to keep secret. Consequently, the interference complained of had been based on relevant and sufficient grounds and had been proportionate to the legitimate aims pursued.

PRINCIPAL FACTS
AND COMPLAINTS

The application was lodged by a journalist, Françoise de Halleux, and a Belgian press company, SA Sud Presse (now SA Groupe Sudmedia), which has its registered office in Namur (Belgium).

On 16 November 2012 a mediation meeting took place in the presence of, among others , J.D.L. (the father of one of the victims in the "Dutroux" case), M.M. (who had been convicted in that case), their representatives and two mediators.

The mediation meeting followed the publication, in *Paris Match* magazine, of an open letter addressed by J.D.L. to M.M. upon her release on licence, asking her to "finally tell the truth".

During the mediation meeting, one of the mediators allegedly dropped his mobile phone, unintentionally triggering a call to Ms de Halleux's professional landline. She was thus able to overhear the discussions and take notes for 53 minutes.

The following day, Ms de Halleux published a front-page article in the newspapers distributed by SA Sud Press, with the headline "Words, Silences, Tears. [J.D.L.] and [M.M.] Spoke: Something Happened". The article gave an account of the mediation meeting and described, in particular, the participants' attitudes and emotions, providing direct quotes of words allegedly exchanged during the meeting.

Following a complaint by J.D.L. and M.M., criminal proceedings were brought against the applicants. At the close of those proceedings, the Liège Court of Appeal noted, in particular, that the mediation procedure had been confidential and found that its content had not been apt to contribute to a debate of general interest. It sentenced Ms de Halleux and SA Sud Presse to pay fines of 3,000 euros (EUR) and EUR 21,000 respectively. The applicants appealed to the Court of Cassation but their appeal was dismissed.

Before the European Court, the applicants alleged that their criminal conviction amounted to a violation of their right to freedom of expression guaranteed by Article 10 of the Convention.

OUTCOME
REASONING OF THE COURT

The Court found that the applicants' criminal conviction amounted to "interference by public authority" with their right to freedom of expression. It was provided for in Article 314 *bis* of the Criminal Code, the accessibility and clarity of which were not in issue. As in force at the relevant time, that provision had covered, in particular, the fact of intentionally gaining knowledge of private communications and the disclosure of unlawfully obtained information. Furthermore, the interference had pursued the legitimate aim of protecting the rights of others (in the present case, the private lives of the participants in the mediation procedure) and of preventing "the disclosure of information received in confidence", since confidentiality was inherent in the mediation process, the proper conduct of which was premised on it.

Reiterating that the rights guaranteed by Articles 8 and 10 of the Convention deserved equal respect, the Court sought to ascertain whether the domestic courts' weighing-up of the applicants' right to freedom of expression and the mediation participants' right to respect for their private life had been carried out in compliance with the criteria established by its case-law.

It noted, firstly, that the mediation participants could reasonably have expected that their discussions and their private life would be protected, and that Ms de Halleux had been "perfectly aware" of the private and confidential nature of the discussions overheard unbeknownst to M.M. and J.D.L.

It further noted that the article in question had been more sensationalist than informative in intent. It had reported highly personal and confidential information exchanged in the context of the

mediation procedure, emphasising the emotions experienced by M.M. and J.D.L., and had done so essentially with a view to arousing public curiosity.

The Court certainly agreed that informing the public that a mediation meeting had taken place between a person convicted in the "Dutroux affair" – which had triggered an outpouring of emotion across the country and had been widely covered in the media – and one of the civil parties in that case could be considered a matter of public interest.

However, in the Court's view, the situation was different when it came to the content of the publication involving the private and intimate statements exchanged in the context of mediation. The information disclosed, which had been legally protected by confidentiality, had undeniably concerned aspects of M.M.'s and J.D.L.'s private lives which they had legitimately wished to keep secret. Moreover, they had immediately lodged a complaint following the article's publication, while also referring the matter to the Council for Journalistic Ethics.

Lastly, as to the penalty imposed, the Court noted that the fines imposed on the applicants had been significant. It was sensitive to their potential chilling effect on the exercise of freedom of expression. However, it observed that the Liège Court of Appeal had given detailed reasons for the fines imposed and had considered them to be justified by the nature and seriousness of the acts in question, which, by failing to comply with the law, had shown disregard for "an extremely painful aspect of the lives of M.M. and J.D.L." which the latter had legitimately wished to keep secret.

The Court observed that Ms de Halleux had been fined the minimum amount provided for by the legislature for the two offences with which she was charged. As to the fine imposed on the applicant company, its amount had been determined having regard, among others, to the "profit-making aim" pursued and to the company's status as employer. Moreover, it lay on the lower end of the scale of applicable penalties for the offence committed.

Consequently, and having regard also to the Belgian State's room for manoeuvre ("margin of appreciation") in assessing the competing rights and interests at stake in the present case, the Court considered that the interference complained of had been based on relevant and sufficient grounds and could be regarded as proportionate to the legitimate aims pursued. **There had accordingly been no violation of Article 10 of the Convention.**

PROCEDURE
AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 24 September 2021.

Judgment was given by a Chamber of seven judges, composed as follows:

Diana **Kovatcheva** (Bulgaria), *President*,
Frédéric **Krenc** (Belgium),
Lətif **Hüseynov** (Azerbaijan),
Darian **Pavli** (Albania),
Stéphane **Pisani** (Luxembourg),
Mateja **Đurović** (Serbia),
Canòlic **Mingorance Cairat** (Andorra),

and also Milan **Blaško**, *Section Registrar.*

The judgment is available only in French.

The Court's judgments finding a violation are binding on the State concerned. The Committee of Ministers of the Council of Europe, the executive body of the Council of Europe, supported by the Department for the Execution of Judgments of the European Court of Human Rights, is responsible for supervising their implementation.

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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.

[1] Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.
Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.