

Switzerland

General Situation

The overall situation of media in Switzerland is good. Switzerland is an established democracy and media generally operate freely.

However, the Office of the OSCE Representative on Freedom of the Media intervened on some occasions in the past (reporting period 01/2005 to 12/2007).

Interventions

- In **18 January 2006** RFOM intervened with the Defence Minister and the Justice Minister after the Swiss Federal and Military Attorneys started probing into the case of SonntagsBlick.

The weekly had published classified details of the interception of a fax by Swiss military intelligence. The intercepted fax message from the Egyptian Foreign Ministry to its Embassy in London was sent via satellite link on 15 November 2005. It was a summary of world press reports on the issue of alleged clandestine CIA prisons in Europe.

RFOM asked the Swiss Government to do everything in its power to limit action against the media in this case. RFOM also called for amendments to the punitive provisions on breach of confidentiality so that they do not hold media accountable for keeping official secrets. In order to bring Swiss legislation in line with the internationally recognized principle of the overriding public interest, the public's right to know should be included in the Swiss Civil and Military Penal Codes, which hitherto lack any such feature.

On **17 April 2007**, three journalists of the weekly Sonntagsblick were acquitted by a military tribunal of having inflicted damage to the defence capabilities of the Swiss Army. RFOM welcomed this specific verdict. However, RFOM recalls that in a letter to the Swiss Ministers of Justice and Defence of January that year, he invited the Swiss government to modernize the civil and military penal code by introducing the public interest as a factor for judges to consider when deciding on the publication of classified information. A respective parliamentary motion is pending.

- In a letter dated **16 March 2007**, RFOM informed the Swiss authorities, that the first instance verdict of 9 March 2007 against the Turkish politician, Dogu Perincek, for denying that the killings of Armenians in 1915 amounted to genocide was inconsistent with the relevant jurisprudence of the European Court of Human Rights. The ECHR holds that only denials of genocide recognized by an international court since 1945 or by other relevant international legal instruments may be exempt from protection under

free speech. Other historical events must remain open for debate by the public and the scientific community alike. As an appeal to the ECHR was announced, RFOM continues monitoring this case.

On 4 July 2007, RFOM sent a letter to the Head of the Swiss Delegation to the OSCE about an appeal court conviction of a Turkish politician for refusing to call the killings of Armenians in the Ottoman Empire in 1915 a genocide. RFOM reminded the Swiss Government that, according to the case-law of the European Court of Human Rights, only denial or belittling of genocides recognized by international courts or by relevant international legal instruments should be exempt from legal protection as free speech. Other historic events should be open to debate.