



Council of Europe Platform for the Protection of Journalism and Safety of Journalists

State reply from Switzerland

Police Search Home and Newsroom of Journalist Lukas Hässig in Banking Secrecy Case

On 4 July 2025 the Swiss government was notified through their Permanent Representation in Strasbourg of an alert concerning Switzerland that was published on the Council of Europe Platform for the Protection of Journalism and Safety of Journalists. The alert concerns a Swiss journalist who was subjected to police searches at his newsroom and private residence in Zürich in June 2025, whereby objects and documents were seized. The operation was carried out on the order of the Zürich Public Prosecutor's Office as part of a criminal investigation into an alleged violation of Article 47 of the Swiss Banking Act (BankA).

The Swiss government – in line with its commitment to the rule of law and the principle of separation of powers – cannot intervene, make statements or take any measures regarding legal proceedings. However, it is aware of the case and can provide the following information: In its ruling of 2 July 2025, the Zurich Coercive Measures Court rejected the Public Prosecutor's request to unseal the objects and documents seized from the journalist. Contrary to a previous judgement of the Zurich High Court concerning the suspension of the proceeding, the judge ruled that there was no sufficient suspicion of a breach of Article 47 BankA (banking secrecy). Furthermore, the Zurich Coercive Measures Court weighed up the interests of criminal prosecution against journalistic duties and concluded that – even if there had been reasonable suspicion – the weighing of interests would clearly favour the protection of sources and media freedom. The Zurich Public Prosecutor's Office accepted this verdict, which is now final. The main proceeding against the journalist about the alleged violation of Article 47 BankA is still pending.

In response to the general criticism expressed in the alert regarding Article 47 BankA, the following can be said: Switzerland is deeply committed to the protection of all fundamental rights and recognizes the importance of media freedom for democracy and the rule of law. For this reason, media freedom is constitutionally protected by Article 17 of the Swiss Federal Constitution. Given this constitutionally protected right, a balancing of interests is required in the application of legislation. The Swiss Federal Court routinely considers the requirement for a balance of interests in cases concerning breaches of secrecy requirements. As the Judgement of the Zurich Coercive Measures Court shows, media freedom can be accorded higher importance also in the context of Article 47 BankA.

The current version of Article 47 BankA is the result of a decision by the Swiss Parliament in 2015. During the debate the importance of privacy protection for bank customer data was recognised and certain Members of Parliament argued that it was not the role of media professionals or other parties to publish confidential bank customer data in the media. Article 47 BankA thus makes the direct disclosure or publication of bank customer secrets – especially the sale of such information – a criminal offence. However, only those publications that enable the identification of a customer can be punished under Article 47 BankA and justifications (lawful acts) remain reserved. Media professionals are always entitled to invoke justifications (lawful acts) under the general rules of criminal law, if their publications are required or permitted by law or serve an interest of higher value (Article 14 and Article 17 Swiss Criminal Code). Should such a justification be recognised by the court, the act of disclosure will be considered lawful and is not punishable. In a recent judgement, the Swiss Federal Court expressly recognised the exercise of media freedom as an act which may be required or permitted by law and thus be considered lawful.

To date, there have been no cases where journalistic publications in Switzerland have led to a final conviction under Art. 47 BankA.

Switzerland continues to fully support the Platform and is grateful for its important work. The Swiss government is at the disposal of the Platform for any further questions on this matter.