

**16**  
Dec 2019

▲ Lvl. 1

Resolved


**Netherlands**

n° 134/2019

Alert created on: 28 Oct 2019

## TV Reporter Robert Bas Jailed for Refusing to Disclose Source at Murder Trial

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Detention and imprisonment of journalists

**PARTNER: EFJ/IFJ, EBU**

On 24 October 2019, NOS TV reporter Robert Bas was jailed until 28 October at least for refusing to answer questions as a witness in a criminal trial before a court in Rotterdam. Robert Bas told the court that, based on his right as a journalist to protect his sources, he would not give comprehensive answers to questions about the murder of mental health institution director Rob Zweekhorst in Berkel en Rodenrijs in 2014, after which the court ordered his coercive detention in order to force him to do so. Early this year, Bas had several telephone conversations with a source regarding the case, which had been recorded by justice ministry officials, and some of them had been added to the prosecution files. Neither Bas, nor his source are suspects in the case. NOS editor-in-chief Marcel Gelauff said that he is "appalled" by the decision to add the recorded conversations to the criminal file. The lawyer representing NOS and Bas insisted that journalists have a right to non-disclosure, and this applies both to the identity of the source as well as all information the source gave the journalist. The Dutch Journalists' Association (NVJ) called on Dutch authorities to immediately release Robert Bas. On 25 October 2019, NOS reported that Bas had been released from detention.

### RESOLVED

**16 Dec 2019:** On 16 December 2019, given the judgment of the Council Chamber on 25 October 2019, the partner organisations to the Platform declared this case to be "resolved", concluding it was no longer an active threat to media freedom.

### UPDATES

**18 Nov 2019:** On 25 October 2019, the Council Chamber at the Rotterdam District Court held that the investigation judge's order to detain Robert Bas was unlawful, and released the journalist. The Public Prosecutor's Office concurred that, as the identity of his source

was already known, Bas did not have the right to the protection of sources in this case, but extreme restraint should be exercised when hearing a journalist as a witness.

- ➔ **Statement by the Dutch Journalists' Association (NVJ) (in Dutch): "Blij met vrijlating Robert Bas; gijzeling was absurd en onbegrijpelijk"**

## ADDITIONAL INFORMATION

- ➔ **Dutch Journalists' Association NVJ statement: "Uitglijder van de rechter-commissaris moet zo snel mogelijk worden hersteld"**
- ➔ **DutchNews.nl news report: "TV reporter jailed for refusing to answer questions about source at murder trial"**
- ➔ **NOS news report: "Rechtbank Rotterdam gijzelt NOS-journalist wegens bronbescherming"**

## STATE REPLIES



**18 Nov 2019** | Reply from the Dutch authorities (Ministry of Justice and Security)

- ➔ **Letter from the Ministry of Justice and Security to the Council of Europe**
- ➔ **Letter to the President of the House of Representatives from the Minister of Justice and Security on the request by the Permanent Parliamentary Committee on Justice and Security concerning the committal of a journalist by an examining magistrate (in Dutch)**
- ➔ **Letter to the President of the House of Representatives from the Minister of Justice and Security on the request by the Permanent Parliamentary Committee on Justice and Security concerning the committal of a journalist by an examining magistrate (non-official translation)**

## FOLLOW-UPS

**OSCE** **25 Oct 2019** | OSCE Representative for media freedom calls for release of Dutch journalist Robert Bas; urges authorities to respect confidentiality of journalists' sources.

- ➔ **Statement by Harlem Désir**

