

Portugal, Social media and the Rui Pinto case, 2020

Member State

 Portugal

Topic

Accountability, the use of social media

Deciding Court Original Language

Not applicable.

Deciding Court English translation

Not applicable.

Registration N

Not applicable.

Date Decision

2020

ECLI (if available)

Not applicable.

National Follow Up Of (when relevant)

Not applicable.

EU legal sources and CJEU jurisprudence

Not applicable.

ECtHR Jurisprudence

Not applicable.

Subject Matter

The use of social media

Legal issue(s)

The legal issue here is whether a judge, who has been assigned a case, can continue in that case after discovering that he has several publications on social networks that can compromise his impartiality, as they are indirectly linked to a defendant.

Request for expedited/PPU procedures

Not applicable.

Interim Relief

Not applicable.

National Law Sources

Article 202 of the Portuguese Constitution.

Facts of the case

Rui Pinto is a Portuguese hacker known worldwide, since he exposed certain cases of corruption ranging from football to politics. In football, the main target football club is Benfica.

Rui Pinto is in Portugal and awaits trial. In April 2020 it was reported that the judge who would be responsible for judging Rui Pinto has several publications on Facebook that gives an account of his affectionate relationship with Benfica.

In addition, it should be added that this judge, according to Rui Pinto's defense lawyers, took a public position of condemnation on the case, supporting publications on social media that call Rui Pinto a «pirate».

Reasoning (role of the Charter or other EU, ECHR related legal basis)

In this sequence, Rui Pinto's defense lawyers asked the court to remove the judge from the case. After this request, the judge in question also asked to be removed, which was accepted.

Relation of the case to the EU Charter

Not applicable.

Relation between the EU Charter and ECHR

Not applicable.

Use of Judicial Interaction technique(s)

Not applicable.

Horizontal Judicial Interaction patterns (Internal – with other national courts, and external – with foreign courts)

Not applicable.

Vertical Judicial Interaction patterns (Internal – with other superior national courts, and external – with European supranational courts)

Not applicable.

Strategic use of judicial interaction technique (purpose aimed by the national court)

Not applicable.

Impact on Legislation / Policy

Not applicable.

Notes on the national implementation of the preliminary ruling by the referring court

Not applicable.

Impact on national case law from the same Member State or other Member States

Not applicable.

Connected national caselaw / templates

As this was a situation where a judge made a comment sustained in his freedom of expression, see the main template regarding freedom of expression of judges, where it can be found the general panorama regarding this topic in Portugal.

(Link to) full text

Not available.
