[FR] Territorial Jurisdiction Concerning Text Put On-line in another Country

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On 13 November 1998 the Regional Court of Paris declared itself fit to deal with proceedings concerning a text circulated from a site in another country and received and seen within the territorial limits of the responsibility of the Paris Court.

The site, called "Aaargh", included revisionist texts, presented under the name of the defendant, Robert Faurisson. The defendant submitted that the texts could not be attributed to him and that none of the offences held against him had taken place within the national territory, since "Aaargh" was located in the United States. The defence held that the mere fact of being able to connect to the Internet network did not change the rule of jurisdiction, according to which the Court in Paris would have no authority to hear the case. The Court rejected this objection. In respect of the press, according to Article 113-2 of the Criminal Code, an offence was deemed committed wherever the publication was available or the broadcast heard or seen. If the text in question, circulated from a site in another country, had been received and seen within the territorial jurisdiction of the Paris Court, then the Court had authority to deal with the proceedings. Hence the possibility of receiving and consulting in France a text put on line in another country gave the Court authority to deal with the matter.

As for the defence's claim of limitation, the Court found that the date on which the presence of the disputed text was noted should be taken as the date on which the disputed text was made available to the public. The defendant would need to have provided proof that the text had been published on the same site earlier, but he had not done so.

The Court nevertheless had to acquit the defendant because there was insufficient proof of his personal participation in committing the offence.

Jugement correctionnel Tribunal de grande instance de Paris 13 novembre 1998 (Commentaire de la décision).

Criminal judgment Regional Court of Paris - 13 November 1998 (summary).

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