[IE] Man Jailed for Internet Libel

IRIS 2000-2:1/31

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In December 1999 a Dublin court handed down a two-and-a-half year prison sentence for criminal libel. The charges arose out of messages sent by a man to Internet bulletin boards and by e-mail, alleging that one of his former teachers was a paedophile. The allegations were investigated by the police and a file submitted to the Director of Public Prosecutions before they were found to be false. The accused man had continued to send such messages while on bail pending trial for criminal libel. He later admitted that he had published the allegations maliciously, knowing them to be false.

In Ireland, defamation or libel is part of the civil law, with monetary compensation as the principal remedy. Use of the criminal law to punish libels, as in the above case, is very rare, although there have been a few convictions of individuals, for making indecent and abusive telephone calls and such like. Originally, the criminal law was confined to situations where the libel was likely to lead to a breach of the peace. However, that is no longer a requirement. Criminal libel in modern times is only invoked when the libel is so serious that the public interest is deemed to require the institution of criminal proceedings. In the case of newspapers and broadcasts, a criminal prosecution for libel cannot be brought without leave of a High Court judge first being obtained (Defamation Act 1961). Applications for leave to bring a prosecution are themselves extremely rare - there have only been three or four in the past thirty years - and they rarely, if ever, succeed.

DPP v X, Dublin Circuit Criminal Court, December 1999.

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