[FR] The Court of Cassation Aligns Itself with the European Court of Human Rights

IRIS 2001-2:1/31

Amélie Blocman
Légipresse

The Court of Cassation has just taken note of the decision of the European Court of Human Rights against France 3 last October (see IRIS 2000-9: 3), when the European Court found that the provision contained in Article 2 of the Act of 1931 banning the publication of specific information concerning a court case before the judgment of the court was delivered was contrary to Article 10 of the Convention. The Court of Cassation for its part had always rejected claims based on such incompatibility. Thus on 14 June last year, the criminal chamber of the Court qualified the ban imposed by the Act of 1931 as "necessary", within the meaning of the Convention, for "the protection of the rights of others, including the presumption of innocence, and the guarantee of the authority and impartiality of the judicial authorities". In the case brought before it on 16 January, the judges in the initial proceedings had sanctioned the appellant journalists for reporting on a complaint brought against a former Minister; the journalists based their defence in court on violation of Article 10 of the Convention. The criminal chamber of the Court of Cassation was therefore obliged to align itself with the European Court of Human Rights. Contrary to its decision of 14 June last year, it found that "the general and absolute ban required by Article 2 of the Act of 2 July 1931 constituted a restriction on the freedom of expression which was not necessary for the protection of the legitimate interests listed in Article 10(2) of the Convention". As the disputed provision was incompatible with these provisions of the Convention, the Court found that it could not be advanced as the foundation for an adverse judgment in a criminal case.

Cour de cassation (chambre criminelle), 16 janvier 2001 - Gouyou-Beauchamps et autres

Court of Cassation (criminal chamber), 16 January 2001 - Gouyou-Beauchamps et al.

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026