

[FR] Histoire Channel Authorised to Broadcast the Papon Court Case

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*Amélie Blocman
Légipresse*

Court cases concerning crimes against humanity are of historic interest, within the meaning of Article 1 of the Act of 11 July 1985 in favour of the constitution of audiovisual court archives (currently Article 2221 of the Heritage Code) and as such may be broadcast by audiovisual means. Under Article 8(2) of the same text, broadcasting a court case of this kind is possible if it is authorised by the Presiding Judge of the Regional Court on condition that a final judgment has been delivered and the case has been closed. Thus in 2002 and 2003 the Histoire theme channel had been refused authorisation to broadcast programmes on the case involving Maurice Papon before the Cour d'assises of the Gironde département in 1998, as at the time his conviction could not be considered final until there was no further possibility of reconsideration.

On 11 June 2004 the Court of Cassation rejected the appeal lodged by the party concerned, thereby rendering his sentence to ten years imprisonment final, and Histoire renewed its application to the Presiding Judge of the Regional Court of Paris. In an order in an urgent matter delivered on 18 October, noting that "it ceased to be necessary to maintain the presumption of innocence in respect of a person who had been found guilty definitively", the Court found that the principle of allowing the broadcasting requested was established. Maurice Papon nevertheless contested the fairness of the channel's continuity editing, condensing the 475 hours of recorded proceedings into forty broadcasts each lasting two hours. The Presiding Judge noted that the editorial committee, comprising well-known historians and jurists, had carried out its work conscientiously, adding that "Mr Papon [was] not legally entitled to any right of supervision of the editorial direction adopted in the series of broadcasts proposed by the channel". It also took note that Histoire had undertaken to re-establish the balance between the respective points of view by allowing each party to express itself during a studio broadcast which would follow immediately after the broadcasting of the final images of the court proceedings.

TGI Paris (ordonnance de référé), 18 octobre 2004, SA Histoire c/ Maurice Papon et autres

Regional Court of Paris (order in an urgent matter), 18 October 2004, Histoire S.A. v Maurice Papon et al

