[FR] TF1 Newscaster Sued for Libel

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The presenter of TF1's 1 o'clock news has been sued for public libel by the French society for the defence of tradition, family and property (TFP). When presenting a news item on the annual report of the inter-ministerial mission for vigilance and combating sects (Miviludes), the newscaster described as fraud the commercial practices of an association acknowledged in the report as being a sect, the name of which was revealed in the report that followed. The court in Paris had no difficulty in recognising that this constituted libel, which is defined in Article 29 of the Freedom of the Press Act of 29 January 1881 as "any allegation or imputation of a fact that infringes the honour or reputation of the person or body to which the fact is imputed". The only valid defence arguments are to provide proof of the veracity of the allegations or the good faith of the person committing the libel.

As the journalist was not able to provide perfect and complete proof of the allegations, he was not able to benefit from the exception on grounds of veracity. As he had no proof that he had asked for evidence from the association in question before broadcasting the report, the journalist - who had displayed neither prudence nor moderation in his speech - was not able to benefit from the exception on grounds of good faith.

The journalist, his team and the director of the channel were therefore found guilty of being perpetrators or accomplices and ordered to pay a EUR 500 fine and EUR 1 in damages. Libel - like various categories of insult and contempt - constitutes an offence under the legislation on the press, currently the subject of plans for reform, announced by President Sarkozy, aimed at decriminalising the 1881 Act. Although the purpose of the reform is to simplify a procedure whose complexity is often damaging to the victims, some people nevertheless feel that there is a risk that the proposed new legislation will be less effective in terms of guaranteeing the rights of the defence and in terms of dissuasion. The civil procedure that would be applied to such behaviour would no longer allow journalists the possibility of claiming good faith or veracity as grounds for their defence, there would no longer be the advantage of an oral hearing, and it would merely make provision for the payment of damages according to the alleged prejudice suffered. Lastly, it would leave the victim alone in search of the identitiy of abusive Internet users.

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TGI de Paris (17e ch.), 28 novembre 2008, Min. Pub. c. Le Lay, Bosom, Pernault et a.

Regional court of Paris (17 th chamber), 28 November 2008, State Counsel v Le Lay, Bosom, Pernault et al.

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