[FR] Television report infringed presumption of innocence of the subject of the report

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The Tribunal de Grande Instance (regional court - TGI) of Paris has delivered a judgment recalling the vigilance necessary on the part of production companies and television channels in order to respect the presumption of the innocence of people presented in reports. A public-sector television channel had broadcast a report entitled Rwanda: des prêtres accusés (Rwanda - priests under accusation) on the massacre which took place in Rwanda in 1994, claiming that a number of priests had taken part in the “genocide”, and that some of them, found guilty by courts in Rwanda, had been “exfiltrated by the Roman Catholic Church” and had found refuge in France. It was indicated that “Father W. M., found against in absentia (…) by the courts in Rwanda in 2006 (…) is living in France”, with images of the person concerned celebrating mass in a church in France. Claiming an infringement of the presumption of innocence in the first twenty minutes of the hour-long film, the priest instigated court proceedings against the television channel and the production companies concerned.

The court recalled that in accordance with Article 9-1 of the Civil Code, a person who is “the object of an enquiry or a legal investigation” should not be presented publicly as being guilty of the acts that were being investigated. It further stated that the presumption of innocence will be deemed to have been infringed if two conditions are met: if the existence of the enquiry or investigation was not indicated in the disputed words or text, unless it was a generally well-known fact, and if the disputed words contained definitive conclusions manifesting a prejudice upholding the guilt of the person concerned in respect of the facts covered by the enquiry or investigation.

In this respect, it was firstly noted that the applicant party was under investigation for the facts referred to, and that as a result, the first condition required by Article 9-1 of the Civil Code was met. The Court found that the report showed biased against the applicant, taking for granted his guilt without demonstrating sufficient precaution. At the start of the film a number of images were shown of the archives of the police headquarters in Kigali and the boxes “containing proof against the torturers of 800,000 victims”, and more particularly the box devoted to the applicant party, who was portrayed as being one of these torturers. The court went on to observe that the report indicated on a number of occasions that the Rwandan courts had already found against the applicant party

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in 2006, but failed to indicate, on a number of occasions, that the judgment had been pronounced in absentia. Also, it was not stated at any point that the court judgment was delivered by military courts, whose summary justice has been denounced by a reputed international organisation for the defence of human rights.

The court concluded that despite some precautions regarding style added by the compilers of the report, such as the indication that the applicant party had always denied his involvement in the murders carried out, and the qualifier “presumed” used at the beginning of the report, it transpired that the report presented definitive conclusions manifesting a prejudice upholding the guilt of the applicant party regarding the facts for which he was under investigation. The television channel and the production companies were ordered to pay 5,000 euros in damages to the applicant party. The channel was also ordered to broadcast, at the start of the next programme during which the report was shown, a communiqué to be scrolled down the screen and read out loud at the same time. The production companies will have to indemnify the channel for the judgments delivered against it. An appeal against the decision has been lodged.

TGI de Paris (17e ch. civ.), 26 novembre 2014 - W. M. c. Sté France Télévisions et a.

Paris regional court (17th civil chamber), 26 November 2014 - W. M. v. the company France Télévisions and others

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