[FR] Court suspends classification licence banning the showing of ‘Salafistes’ to under-18s

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On 27 January - the day on which the film ‘Salafistes’ was released in cinemas - Minister for Culture Fleur Pellerin, adopting the Film Classification Board’s opinion, banned the showing of the documentary film to anyone less than 18 years of age. The film provides a sounding board for a number of theoreticians of Islamic terrorism, and shows the everyday application of sharia law in Mauritania, Mali and Iraq. It also includes video footage of propaganda by the jihadist group Islamic State (IS) and by al-Qaeda, as well as amateur footage filmed during the attacks of 11 September 2001 and the attack against the magazine ‘Charlie Hebdo’. Considered by some to be a “dangerous platform offered to extremists” and by others a “vital, enlightening document”, and released just months after the attacks in Paris, the film has caused widespread controversy.

The production company applied to the administrative courts, under the urgent claims/matters procedure, to obtain suspension of performance of the classification licence, to which a warning was attached. It felt the condition of urgency required by Article L. 521-1 of the Code of Administrative Justice was met, since it had only been possible to release the film in four cinemas rather than the anticipated twenty-five. Its broadcasting on public-service television channels, either in full or as extracts, had been rendered impossible, and the financial survival of the company that had made the film was at risk. On the merits of the case, the company contested the legality of the Minister’s decision, holding that the ban on showing the film to anyone under the age of 18 constituted a disproportionate infringement of freedom of expression and the public’s right to be informed. The company claimed that the decision was based on an error of appreciation, since the film could not be regarded as glorifying violence but rather contributing to the duty to provide information.

Recalling the terms of Articles R. 211-10 to R. 212-13 of the Cinema and Animated Image Code, the judge stated that the Court had to decide whether the scenes at issue bore the characteristics of scenes of extreme violence as defined in the fourth and fifth paragraphs of Article L. 211-12 prohibiting the showing of such scenes to minors. Were the judge to find the scenes to contain such content, it would then be for the Court to assess how the scenes had been filmed and how they fitted into the work in question, in order to determine which of the two restrictions was appropriate. In the case at issue, the judge noted that the film, according to the very terms of the warning it carried, contained “utterances and

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images of extreme violence and intolerance likely to be disturbing for audiences". The Court nevertheless found that, by their impact and by the way in which they were included in the documentary, the scenes at issue actually contributed to denouncing the actions being committed. Similarly, the utterances and the scenes as a whole were deemed to have been "put into perspective". The judge sitting in urgent matters found, consequently, that the film, which also included scenes of resistance and dissidence, enabled its audience to think about the impact of the documentary and to achieve the necessary distance from the images and utterances presented, owing to its overall concept and even because of the violence of certain images. Under these conditions, it did not appear to be necessary to regard them as constituting "scenes of extreme violence" within the meaning of the aforementioned provisions such that showing it to anyone under 18 should be banned. The disputed classification licence was therefore suspended, pending the court proceedings on the merits of the case for its cancellation.

Tribunal administratif de Paris (ord. réf.), 18 février 2016 - Société Margo Cinéma

http://paris.tribunal-administratif.fr/content/download/55578/492963/version/1/file/1601822.pdf

Administrative Court of Paris (under the urgent procedure), 18 February 2016 - the company Margo Cinéma

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