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Charges against French satirical magazine Charlie Hebdo must be dismissed

ARTICLE 19 is deeply concerned by the charges for “public insults against a group of people because they belong to a religion” (“*injure stigmatisant un groupe de personnes à raison de sa religion*”) brought against the French satirical weekly Charlie Hebdo for republishing the cartoons depicting the prophet Muhammad that caused fury across the Muslim world last year.

While ARTICLE 19 recognises that a cartoon depicting the prophet Muhammad with a bomb on his turban is offensive to many Muslims this should not be used as an argument for restricting freedom of expression.

“The right to freedom of opinion and expression is a fundamental right that safeguards the exercise of all other rights and is a critical underpinning of democracy. As international human rights courts have stressed, it is applicable not only to “information” or “ideas” that are favourably received but also to those that offend, shock or disturb.” says Dr. Agnes Callamard, Executive Director of ARTICLE 19.

“While religious believers have a right to practice their faith without interference, they cannot expect to be free from criticism, including in the form of sometimes harsh satire or cartoons. We therefore call for all charges to be dismissed.”

ARTICLE 19 is also deeply concerned that if found guilty, the editors of Charlie Hebdo could face 6 months imprisonment and a fine of 22,500 euros. As a matter of principle, ARTICLE 19 does not believe that defamation or ‘injury to honour’ should be a criminal offence and we call on the French government to completely ‘decriminalise’ defamation. However, we recognise that this may not be immediately feasible. In the short term, we therefore recommend that imprisonment is removed as a sanction and that fines are lowered.

The mere possibility, under Article 33 of the Freedom of the Press Law of 1881, of imprisonment casts a long shadow and constitutes a major threat to freedom of expression. In practice, French jurisprudence has already moved away from imprisoning people for defamation and there is no excuse why France should not follow the example of other countries and remove imprisonment as a sanction for defamation or ‘injury to honour’. The current maximum fine of 22500 euros is also disproportionate and has a serious chilling effect on free speech, particularly bearing in mind the huge costs already incurred by media institutions in defending themselves against legal charges.

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ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.