

France

General Situation

The overall situation of media in France is good. France is an established democracy and media generally operate freely.

However, the Office of the OSCE Representative on Freedom of the Media intervened on some occasions in the past (reporting period 01/2005 to 12/2007).

Interventions

- In France in **January 2005**, an examining magistrate led police to search the weekly *Le Point* premises in Paris. At the same time a similar raid was being carried out at the offices of the sports daily *l'Equipe*. Police carried out the raids as part of an investigation into an alleged "violation of the confidentiality of an investigation" concerning a doping scandal involving a cycling team, Cofidis.
- In **October 2006** in a letter to the President of the French Senate, Christian Poncelet, RFOM asked the Senators to reconsider the amendment to the "*Loi ... tendant à réprimer la contestation de l'existence du génocide arménien*", approved by the French National Assembly. The amendment would make 'denial of the genocide' a criminal offence. RFOM pointed out that such a legal provision would run contrary to the internationally accepted principle that history should be dealt with by historians and not by legislators. I am glad that the French Government has voiced its dissent with the decision of the National Assembly. RFOM called upon French legislators to withdraw this provision, as it criminalizes the expression of opinion.
- RFOM welcomed the decision of a Paris court's decision on **14 November 2006** to drop charges against journalist Claude Ardid and lawyer Albert Lévy for "violating the confidentiality of a judicial investigation" into alleged corruption in school meal contracts in Toulon in 1998.

In a previous report to the Permanent Council, RFOM referred to his letter to the President of the French Senate, in which he asked the Senators to reject the amendment to the "*Loi ... tendant à réprimer la contestation de l'existence du génocide arménien*" ("Law tending to curb the denial of the existence of the Armenian genocide") earlier approved by the French National Assembly.

In his reply dated 23 November 2006, President Christian Poncelet informed RFOM that no motion for debating the draft bill by the Senate, as Second Chamber, has been introduced.

RFOM welcomed the decision by a Paris court 22 March 2007 to acquit the editor-in-chief of the satirical magazine *Charlie-Hebdo*, but recommended that Article 33 of the Press Law of 1881, foreseeing prison sentences for press offences, should be

modified. Islamic institutions had filed charges against the paper for reprinting some of the so-called "Mohammed cartoons", originally published by Jyllands-Posten in Denmark. The court held that reprinting these cartoons did not constitute an "insult of people based on their religion".

- In a letter of **12 June 2007** to the Minister of Justice, RFOM recalled the commitment of her predecessor to include the protection of journalists' confidential sources in the Press Law of 1881, which was also a promise made by Mr. Sarkozy during the recent presidential campaign.

Recent cases of investigations into L'Equipe in May 2006, Midi Libre in November 2006 and the attempt to search the Canard Enchaîné offices in May 2007 all aimed at disclosing journalists' sources and accentuate the need to guarantee the confidentiality of media sources in France.

- In **December 2007**, RFOM wrote to the French authorities about the fate of a French journalist who has been charged during the night of December 6 to 7 in Paris on charges of publishing confidential information related to the September 11, 2001, terrorist attacks on the United States.

Guillaume Dasquié, an investigative reporter and editor of the political news website Geopolitique.com, risks a sentence of five years in prison if he is tried and convicted on the charges of « *s'assurer la possession d'un renseignement qui présente le caractère d'un secret de la défense nationale et le porter à la connaissance du public* » (articles 413-9 and 413-11 of the French Penal code).

Dasquié is charged with publishing, in the April 17, 2007, issue of Le Monde, parts of classified documents of the French intelligence service DGSE related to terrorism, and particularly to the September 11 attacks.

Prior to being charged, counter-espionage police raided a Mr. Dasquié's home at dawn, searched it for five hours and then took him into custody.

This case, together with the previous attempts to force journalists in France to reveal their confidential sources, further highlights the need to introduce provisions for the protection of journalists' sources, as promised by Mr Sarkozy on 12 April 2007. In a letter to Reporters Sans Frontières, Mr Sarkozy, who was then running as a candidate in the presidential election, promised to include the protection of sources in the Press Law of 1881, and extend this protection to the residence of journalists. A similar promise was made by then Justice Minister Pascal Clément on 20 June 2006.

Investigative journalism is vital for modern democracies. The European Court of Human Rights has confirmed in its case law that journalists must be in a position where they can keep their sources secret, safeguarded by law or legal practice.