



For immediate release – 03 March 2011

PRESS RELEASE

**France: Criminal Defamation Threatens Academic Freedom**

**Paris 03.03.11:** In anticipation of a judgement by a French court in a criminal defamation trial concerning the publication of an academic book review, **ARTICLE 19** urges the French Government to issue a moratorium on the initiation of criminal defamation cases and adopt legislation to repeal all criminal defamation provisions as soon as possible. The upcoming trial of two law professors puts into sharp relief the challenges posed by France’s criminal defamation law to academic freedom and freedom of expression more broadly.

*“President Sarkozy announced the decriminalisation of defamation at the Court of Cassation in January 2009. We are now in 2011, and criminal defamation cases are still taking place,”* said Agnes Callamard, ARTICLE 19 Executive Director.

In the next few days, the *Tribunal de Grand Instance de Paris* is due to deliver its verdict in the criminal libel trials of two law professors, Professor Thomas Weigend of the University of Cologne and Professor Joseph Weiler of New York University who is the editor-in-chief of the *European Journal of International Law*.

In March 2007, Professor Weigend reviewed a book by Karin Calvo-Goller, “The Trial Proceedings of the International Criminal Court”, for the website *Global Law Books* which is associated with the *European Journal of International Law*.

Dr. Calvo-Goller, an academic at the Academic Center of Law and Business in Israel, requested Professor Weiler to remove the review on the grounds that it “may cause harm to [her] professional reputation and academic promotion.”

When Professor Weiler refused to do so, and instead offered Dr. Calvo-Goller a chance to respond to the review, Dr. Calvo-Goller instigated a criminal defamation case in France against both Professors Weigend and Weiler. She did so even though there was no obvious connection with France: although a French citizen, Dr Calvo-Goller lives in Israel, the review was published on a website based in New York and the review was written in English by a German professor.

*“The review itself, while not positive towards the book, was clearly not libellous. This prosecution is an abuse of process that should have never taken place. Criminal prosecution for a negative book review in a jurisdiction that none of the parties lives in is unacceptable under human rights law,”* continues Callamard.

As Professor Weiler so well reflected: “the very fact of being subject to a criminal process by French public authorities and having to undergo a criminal trial ... coupled with the heavy financial burden of defending a case – expenses which are in large part not recoverable even if acquitted – constitutes a serious chilling effect on editorial discretion, freedom of speech and the very important academic institution of book reviewing” (European Journal of International Law Vol 20 No 4 (2010) p974).

ARTICLE 19 urges the Tribunal de Grand Instance de Paris to find the defendants not guilty of criminal defamation, and to re-affirm the importance of academic freedom and freedom of expression.

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**NOTES TO EDITORS:**

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- For the Editorial in European Journal of International Law Vol 20 No 4 (2010) pp 967-976 see [LINK]
- For Global Law Books site <http://www.globallawbooks.org/home.asp>
- 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.