

Reporters Without Borders

<http://www.rsf.org/france-mediapart-loses-appeal-against-03-07-2014,46583.html>

Europe/Ex-USSR - France

Censorship upheld

Mediapart loses appeal against censorship of Bettencourt affair recordings

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Website will take right to information case to European Court of Human Rights

In another blow to freedom of information in France, the country's highest appeal court, the Court of Cassation, has rejected French online investigative magazine Mediapart's appeal against a Versailles appeal court ruling of a year ago ordering it to remove from its website all of its Bettencourt affair recordings and related articles on the grounds that they violate privacy.

The Court of Cassation's decision reinforces the impression that the French judicial system is unable to assimilate European standards on the right to information. Mediapart has announced its intention to refer the case to the European Court of Human Rights.

Reporters Without Borders regrets that the French courts have forced Mediapart to use the European Court as a last resort in its efforts to obtain recognition of its right to cover a matter of public interest.

It is clear from the Court of Cassation's decision, which can be read (in French) on [the Mediapart website](#), that a balance between respect for privacy and the public's right to be informed about matters of general interest has yet again not been respected.

Using the same argument as the Versailles appeal court, the Court of Cassation ruled: "Criminal law prohibits and penalizes [deliberate violation of the right to privacy] by recording, without the person's consent, words spoken privately or confidentially, and by publishing them, such an action being a clearly unacceptable cause of distress that media freedom or its supposed contribution to a debate of general interest or the desire to substantiate a report cannot justify."

The argument is a long way from the spirit of [article 10 of the European Convention on Human Rights](#) and the judicial precedents set by the European Court of Human Rights enshrining the right to information.

In July 2013, Reporters Without Borders posted the Bettencourt recordings on WeFightCensorship.org, a website it created to combat censorship. It was the first censored French content to be posted on the site.

Alongside the recordings, Reporters Without Borders posted a summary of previous judicial decisions and an analysis of the case in the light of the judicial precedents established by the European Court of Human Rights. They can be read [here](#).

On 26 July 2013, [Reporters Without Borders and Mediapart gave culture and communication minister Aurélie Filipetti an appeal entitled "We have the right to know" that had been signed by more than 56,000 people](#).
