

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: EUR 21/009/2006 (Public)

News Service No: 270

18 October 2006

## France: Amnesty International urges France to protect freedom of expression

Amnesty International is deeply concerned by the fact that on 12 October 2006 the French National Assembly adopted a bill which would make it a crime to contest that the massacres of Armenians in the Ottoman Empire in 1915 constituted a genocide. The organization considers that this bill poses a serious threat to the right to freedom of expression. Should the bill be enacted into law, those who contravene it would face up to five years' imprisonment and a 45,000-euro (\$56,400) fine. Amnesty International urges the French Senate and President to reject the bill when it comes before them.

The right to freedom of expression is enshrined in Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to both of which France is a party. The French government is therefore obligated to ensure that freedom of expression is upheld and observed for all those under its jurisdiction.

International human rights law treaties contain provisions permitting states parties to restrict freedom of expression in certain circumstances, as provided in Article 10(2) of the ECHR and Article 19(3) of the ICCPR. However, these treaties make clear that any restriction on the exercise of the right to freedom of expression must be prescribed by law and be necessary in a "democratic society" for one of the grounds expressly identified by human rights law which include those necessary, *inter alia*, "for respect of the rights or reputations of others" and "for the protection of national security or of public order".

Amnesty International does not consider that this bill can be interpreted as falling under the restrictions permitted in these human rights treaties. Amnesty International is concerned that the vague wording of the proposed bill may be interpreted as prohibiting peaceful debate as to whether the massacres of 1915 would have constituted genocide under the 1948 Convention for the Prevention and Punishment of the Crime of Genocide had it been in force at the time. This bill, if it were to be enacted into law, might lead to people being imprisoned solely for exercising their right to freedom of opinion and expression, thereby becoming prisoners of conscience.

Furthermore, Amnesty International does not consider that the bill can be justified under Article 20 of the ICCPR which states that advocacy of national, racial or religious hatred should be prohibited by law. In this respect it differs from the existing Holocaust denial law in France (Loi no 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xenophobe) which relates to challenging the occurrence of crimes against humanity as defined by the statute of the International Military Tribunals at Nuremberg, that is to say, denying that mass killings were ever committed by Nazi forces. In contrast, the proposed law has the effect of criminalising those who question whether the Armenian massacres

constituted a genocide -- a matter of legal opinion -- rather than whether or not the killings occurred -- a matter of fact.