

URGENT ACTION

HARASSMENT OF JOURNALISTS CONTINUES

Seven investigative journalists have been summoned since February for questioning by the Intelligence Services after the Paris Prosecutor's office opened a preliminary investigation against them for revealing a national defence secret. In April, the online media portal *Disclose* published the 'Yemen papers' regarding the sale of French weapons to Saudi Arabia and the United Arab Emirates and their use against civilians in the context of the Yemen civil war. The authorities have pressured the journalists to reveal their sources, however their actions are protected by the right to freedom of expression and the preliminary investigation against the journalists must stop.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Rémy Heitz, Procureur de la République de Paris
Tribunal de Paris
4ème division – Section C1 Terrorisme et atteinte à la sûreté de l'Etat
Parvis du Tribunal de Paris
75859 Paris Cedex 17, France
Email: sec.c1.tqi-paris@justice.fr

Dear Prosecutor,

*I am writing to you to express my serious concern about the preliminary investigation that your office is currently undertaking against numerous journalists in relation to the publication in April of the 'Yemen papers' inquiry regarding the sale of French weapons to Saudi Arabia and the United Arab Emirates and the use of these weapons against civilians in the Yemen civil war. I am aware that since February, at least seven journalists were summoned for questioning by the Intelligence Services in relation to the information related to sales of French arms: **Geoffrey Livolsi**, **Mathias Destal**, (working for the online media *Disclose*), **Benoît Collombat** (working for *Radio France*) and at least 4 other journalists. I am aware that the authorities summoned the journalists as 'suspects' and have concentrated their questions on identifying the sources of the journalists.*

The right to freedom of expression protects the right to seek, impart and receive information and ideas of all kinds, including information about serious human rights violations. Journalists play a crucial role in informing society and must be able to operate without being threatened and harassed for their work. I am concerned that this investigation is being used as a means to harass journalists and force them to reveal their sources. Information about human rights violations is in the public interest and journalists should not be prosecuted for communicating such information.

I am urging you to immediately close the investigation against the journalists and respect their right to freedom of expression and ensure they are able to continue their work without fear of reprisals.

Yours sincerely,

ADDITIONAL INFORMATION

On 15 April, the investigative media Disclose published “the Yemen papers”, a series of classified documents regarding the sale of French weapons to Saudi Arabia and the United Arab Emirates and their use in possible war crimes and other human rights violations against civilians in the Yemen civil war. The inquiry is available at: <https://made-in-france.disclose.ngo/en>. Since February, at least seven journalists have been summoned for questioning by the Intelligence Services (Direction générale de la sécurité intérieure, DGSI) after the Paris Prosecutor’s office opened a preliminary investigation against them for revealing a national defence secret. According to information available to Amnesty, some of the journalists were summoned in their capacity of ‘suspects’ in the proceedings, while at least one was summoned as ‘testimony’. According to further information available to Amnesty and widely reported in the media, the questions of the authorities concentrated on identifying the sources that enabled and allowed the journalists to access the documentation available in the ‘Yemen papers’.

Governments should never bring criminal proceedings or otherwise penalize individuals who, while under an obligation of confidentiality or secrecy, reveal information about human rights abuses for conscientious reasons and in a responsible manner. Moreover, other people, including journalists, who communicate information about human rights violations should never be subjected to such measures. The same applies as a general rule to revealing or communicating information about other matters of public interest. The right to freedom of expression includes the journalistic privilege not to disclose sources of information. The right to freedom of expression can be restricted, among other aims, to protect national security or public order provided that the restrictions are necessary and proportionate to the aim they seek to achieve. The United Nations Human Rights Committee, on its General Comment 34, said that “States parties should recognize and respect that element of the right of freedom of expression that embraces the limited journalistic privilege not to disclose information sources” (para. 45). In view of the human rights violations exposed by the French journalists, the preliminary investigation against them constitutes a disproportionate restriction of the right to freedom of expression and should be immediately stopped.

On 28 May, Jean-Yves Le Drian, the Minister for Europe and Foreign Affairs, stated on Radio France Inter: “All those who possess classified documents without authorization are subject to criminal prosecution [...]. This is how the state must function, if there are no longer classified documents to protect national security then we are veering towards a very dangerous situation”. When the journalist of Radio France Inter asked him whether the prosecution would target the journalists, their sources or both, the Minister clarified that: “All those who possess classified documents and who make them public are subject to the law and the law says that these cannot be made public”.

Under the 1881 French Law on the freedom of the press, journalist information sources are protected unless in instances where an overarching public interest justifies measures aimed to disclose sources and provided that those measures are necessary and proportionate (article 2). In this case, the interest of the French state to conceal crucial information about the potential contribution of the French government to violating international humanitarian law in Yemen does not constitute an “overarching public interest”. On the contrary, providing information to the general public about the serious risk of use of French weapons to target civilians in Yemen is in the public interest as it constitutes a violation of international humanitarian law. The published documents contradict the authorities’ narrative that French weapons are not directly used in the conflict and are only used for defensive purpose and point to the failure of the French government to comply with their obligations under the Arms Trade Treaty. France ratified the Arms Trade Treaty, which entered into force on 24 December 2014. Article 6 of the Treaty establishes that states should not authorize the sale of arms if they know that they could be used to perpetrate genocide, crimes against humanity, serious violations of the 1949 Geneva Conventions, attacks targeting civilians or other war crimes. Under French Criminal Law, individuals who reveal classified information regarding national defence can face up to 7 years’ imprisonment and a fine of 100,000 euros (articles 413-10 and 413-11 of the Criminal Code).

PREFERRED LANGUAGE TO ADDRESS TARGET: French and English.
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 July 2019
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: **Geoffrey Livolsi** (he/him), **Mathias Destal** (he/him), **Benoît Collombat** (he/him) and **four other journalists**.

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/EUR21/0384/2019/en/>

ADDITIONAL TARGETS

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR Jean-Pierre JOUYET, Embassy of France, 58 Knightsbridge SW1X 7JT, 020 7073 1000, Fax 020-7073 1004, www.ambafrance-uk.org, Salutation: Your Excellency **Please check with your section before sending appeals after the above date**