



Grand Chamber hearing concerning a judgment against the weekly magazine *Paris Match*

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 15 April 2015 at 9.15 a.m.** in the case of **Couderc and Hachette Filipacchi Associés v. France** (application no. 40454/07)

The case deals with the judgment against the weekly magazine *Paris-Match* for publishing information on the private life of Prince Albert of Monaco.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicants are Anne-Marie Couderc, a French national born in 1950 and the publication director of the weekly magazine *Paris-Match*, and the company Hachette Filipacchi Associés, which publishes the magazine.

On 3 May 2005 the English newspaper the *Daily Mail* published claims by Ms C. that Albert Grimaldi, the reigning Prince of Monaco, was the father of her son. The newspaper reproduced the main points of an article due to be published in *Paris-Match*. Prince Albert of Monaco, having learnt that an article was about to appear in *Paris-Match*, served notice on the applicants to refrain from publishing the article. The magazine went ahead and published the article on 5 May, together with photographs showing the Prince with the child, which had appeared the previous day in the German weekly magazine *Bunte*.

On 19 May 2005 Prince Albert of Monaco brought proceedings against the applicants in the Nanterre *tribunal de grande instance* on the basis of Article 8 (right to respect for private and family life) of the Convention and Articles 9 and 1382 of the Civil Code.

On 29 June 2005 the Nanterre court awarded Prince Albert 50,000 euros (EUR) in damages and ordered details of the judgment to be printed in a full-page feature on the front cover of *Paris-Match*, under the title "Court order made against *Paris-Match* at the request of Prince Albert II of Monaco" (« Condamnation judiciaire de *Paris-Match* à la demande du prince Albert II de Monaco »). The Nanterre court ruled that the judgment was to be immediately enforceable. It considered that the whole article and the accompanying pictures came within the most intimate sphere of the Prince's emotional and family life and were not apt to be the subject of any debate of general interest.

The applicants appealed and obtained a suspension of the judgment's immediate enforceability.

On 6 July 2005 the Prince issued a statement in which he publicly acknowledged that the child was his. The Court of Appeal gave judgment on 24 November 2005, finding that the article in *Paris-Match* had caused irreversible damage to the Prince, as the fact that he was the child's father, which had remained secret until publication of the article, had suddenly become public knowledge, against his

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

wishes. The Court of Appeal upheld the award of EUR 50,000 for damages and altered the conditions of the order for publication, ruling that the statement should appear without a title, occupying only one third of the front cover.

Alleging a violation of Article 10 (freedom of expression) of the European Convention on Human Rights, the applicants lodged an appeal on points of law, which was dismissed.

In Germany, the urgent application lodged by Prince Albert of Monaco against the magazine *Bunte* was dismissed in a judgment that was subsequently upheld by the Court of Appeal. The German courts gave precedence to the public's right to be informed over the Prince's interest in protection of his private life. They considered that the question of a possible male heir was of decisive importance in a hereditary monarchy and that it was for the child's mother and not for the Prince, who had not acknowledged paternity, to decide whether the disclosure of the child's existence fell within the protected private sphere.

Relying on Article 10 of the Convention, the applicants allege that the judgments against them amount to unjustified interference with the exercise of their right to freedom of information.

Procedure

The application was lodged with the European Court of Human Rights on 24 August 2007.

In its Chamber [judgment](#) of 12 June 2014, the European Court of Human Rights held, by four votes to three, that there had been a violation of Article 10 of the Convention. The Court found that the judgments against the applicants had made no distinction between information which formed part of a debate of general interest and that which merely reported details of the private life of the Prince of Monaco. Nor did the case simply concern a dispute between the press and a public figure; the interests of Ms C. and the child in asserting his existence and having his identity recognised had also been at stake. In the Court's view, there was no reasonable relationship of proportionality between the restrictions imposed on the right to freedom of expression of the applicants and the protection of the reputation and rights of others.

On 11 September 2014 the Government requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 13 October 2014 the panel of the Grand Chamber [accepted](#) that request.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,
Josep Casadevall (Andorra),
Işıl Karakaş (Turkey),
Elisabeth Steiner (Austria),
Päivi Hirvelä (Finland),
Mirjana Lazarova Trajkovska ("the former Yugoslav Republic of Macedonia"),
Ledi Bianku (Albania)
Julia Laffranque (Estonia),
Paulo Pinto de Albuquerque (Portugal),
Erik Møse (Norway),
Helen Keller (Switzerland),
André Potocki (France),
Johannes Silvis (the Netherlands),
Valeriu Griţco (the Republic of Moldova),
Robert Spano (Iceland),

Iulia Antoanella **Motoc** (Romania),
Branko **Lubarda** (Serbia), *judges*,
Aleš **Pejchal** (the Czech Republic),
Kristina **Pardalos** (San Marino),
Khanlar **Hajiyev** (Azerbaijan),
Egidijus **Kūris** (Lithuania), *substitute judges*,

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Géraud **de Bergues**, *Co-Agent*,
Elodie **Jung**, Patricia **Rouault-Chalier**, Cynthia **Fabre** and Tania **Jewcsuk**, *Advisers*;

Applicants

Marie-Christine **de Percin**, *Counsel*.
Garance **Dupuis** and Sophie **Lançon**, *Directors of Legal Affairs Lagardère Active – Hachette Filipacchi*

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.