



## Conviction of Marcel Campion for defamatory remarks against Dominique Strauss-Kahn was not disproportionate

In its decision in the case of [Campion v. France](#) (application no. 35255/17) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned comments made by Marcel Campion to the weekly magazine *VSD* on account of which he was found guilty of defaming Dominique Strauss-Kahn.

Like the domestic courts, the Court was of the view that Mr Campion had not provided a sufficient factual basis in order to assert publicly that Mr Strauss-Kahn had committed acts capable of constituting bribery or trading in influence. The Court found that Mr Campion's conviction for instigating public defamation and the monetary penalty imposed on him had not been disproportionate in relation to the aim pursued, namely the protection of the reputation of others.

### Principal facts

The applicant, Marcel Adrien Campion, is a French national, a fairground attraction owner by profession, who was born in 1940 and lives in Ormesson-sur-Marne.

In the 1990s Mr Campion met Mr Strauss-Kahn (known as "DSK"), who was then Mayor of Sarcelles, MP for Val d'Oise, and Chairman of the National Assembly's Finance Committee, to discuss the take-over of an amusement park in the Val d'Oise area.

Some time later, following a high-profile court case in 2011 concerning Mr Strauss-Kahn in New York, Mr Campion was interviewed by a journalist from the magazine *VSD*. The headline of the interview was "DSK and money. All is revealed. DSK wanted me to give him 5 million francs" and the sub-heading "Marcel Campion had asked the politician for help in taking over an amusement park: but it didn't work out ...".

On 9 February 2012 Mr Strauss-Kahn filed a criminal complaint for defamation, seeking to join the proceedings as a civil party, against the director of the magazine, the journalist and Mr Campion.

In a judgment of 21 March 2014 the court declared the three of them guilty of defamation, the first as the perpetrator and the others as accomplices. They were each fined 2,000 euros, the sentence being suspended for Mr Campion, and ordered to pay damages. The court found that Mr Campion was unable to provide any evidence to support the comments he had made public. No direct or indirect witness had been able to confirm comments attributed to Mr Strauss-Kahn. As regards the journalist, the court found that she had endorsed the defamatory allegations made by Mr Campion, in breach of her duty to carry out a serious investigation into them.

The Court of Appeal upheld the judgment, indicating that the defamatory nature of the comments had not been disputed by the applicant, who had not offered any evidence of his allegations. It added that the witnesses who had testified had merely confirmed comments made by Mr Campion, without authenticating them. The Court of Cassation found that the comments had no factual basis.

### Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 13 May 2017.

Relying on Article 10 (freedom of expression), the applicant complained of a disproportionate interference with his right to freedom of expression and in particular that the national courts had refused to admit his defence of good faith.

The decision was given by a Committee of three judges, composed as follows:

Mārtiņš Mits (Latvia), *President*,  
André Potocki (France),  
Lətif Hüseynov (Azerbaijan),

and also Milan Blaško, *Deputy Registrar*.

## Decision of the Court

### Article 10

The Court found that the offending comments had consisted of an accusation that Mr Strauss-Kahn had demanded a considerable sum of money in return for his help with the take-over of an amusement park. It took the view that this was a factual allegation that had to be shown to be true. The Court reiterated that the more serious the allegation, the stronger the factual basis had to be.

The Court observed, like the domestic courts, that in giving details of the bribery and attributing it to a named individual Mr Campion should have expected to be asked to produce material confirming his allegations. The domestic courts, while taking account of the fact that the applicant was not a media professional, found that he had failed to produce any material capable of substantiating his defamatory remarks.

The Court found that, in requiring the applicant to provide material confirming his allegations – which were particularly serious – the French courts had not overstepped their margin of appreciation.

Lastly, the Court did not consider the penalties to have been excessive or to have had a chilling effect. The applicant had been given a suspended sentence consisting of a 2,000 euro (EUR) fine and had been ordered to pay EUR 1,500 in damages, jointly with the publication director and the journalist.

The interference with Mr Campion's right to freedom of expression had therefore been necessary in a democratic society in order to protect the reputation of others. The application was thus inadmissible as manifestly ill-founded.

*The decision is available only in French.*

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