

Press release

Antoine Deltour's Support Committee



Antoine Deltour appeals before the Court of Cassation

Épinal, April 5, 2017

On 5 April 2017 in Épinal, in front of the members of his support committee gathered for its general annual meeting, Antoine Deltour announced his decision to appeal before the Court of Cassation.

“The judgment of the Luxembourg Court of Appeal from March 15 provided a detailed examination of European Court of Human Rights (ECHR)’s jurisprudence. This has led to my acquittal for disclosing professional secrecy and the recognition of my whistleblower status. This is a first victory and even an unprecedented decision from a national judge in the Council of Europe countries. Paradoxically, this also led to the confirmation of my criminal conviction.

First, the legal argument used is highly questionable. Indeed, I am convicted because, allegedly, I could not demonstrate that, when I took the documents, I intended to blow the whistle. However, this is by no means a criterion of the well-established ECHR jurisprudence.

Second, I cannot accept that the Luxembourg Court of Appeal distorts the facts to challenge my whistleblower intention: it takes the form of some statements being misrepresented, some concrete evidence not being taken into account and even turning what I said during the hearings to its exact opposite! How to explain that, after 13 hearings, many factual elements are still misinterpreted?

Third, this conviction not only contradicts the ECHR jurisprudence but it also leads, paradoxically, to a reduction of whistleblowers’ protection: it requires them, when removing documents with general interest information, to necessarily have in mind a deliberate, premeditated strategy. Otherwise they would not be protected... This prevents citizens from blowing the whistle only after a reflection or even a hesitation, as in my case, concerning the means to blow the whistle.

I therefore consider that this judicial decision does not correspond to the features of a fair decision; I would not be consistent if I would not go for appeal, as permitted by the law. I consider that European law is fully on my side.

Moreover, despite the length of the procedure that is underway and the uncertainty on its outcome, a victory could reinforce the still young and fragile whistleblower status. So I decided, surrounded by many supporters and citizens, that this judicial struggle deserves to be conducted. ”

The Support Committee congratulates Antoine Deltour for the courage and consistency of his decision. On behalf of more than 500 organizations and personalities, as well as thousands of citizens who have expressed their support to Antoine, we are ready to continue the fight by his side.

Beyond his personal situation and the one of the other defendants in the LuxLeaks case, the question at stake is to clarify the legal situation of people, in Luxembourg or elsewhere, currently in possession of pieces of information of general interest due to their professional position. Some people probably hesitate to go for it, even if their conscience pushes them to do so. These people should be able to perform their citizens' duty without having to be legally worried. More than one year after the Panama Papers shock wave, it is urgent to protect not only the actual whistleblowers, but also to give a signal to those who want to contribute to public information.

On March 15, the Luxembourg Court of Appeal sentenced Antoine Deltour to a 6 month suspended jail sentence and a €1,500 € fine, despite the recognition of his whistleblower status.

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