



Press release

Antoine Deltour's Support Committee

***LuxLeaks* trial before the Court of Cassation**

Épinal, November 21st, 2017

The *LuxLeaks* trial before the Luxembourg Court of Cassation will be held on Thursday November 23rd. A few days after the *Paradise Papers* have shown –once again– the key role played by whistleblowers in protecting public interest against tax evasion; a few days after the European Commission public consultation have confirmed a unanimous support to whistleblowers' protection; and a few days after the adoption by the European Parliament of a resolution proposing major steps towards this protection; this further appeal in the *LuxLeaks* case can reinforce this powerful momentum.

On March 15th, the Luxembourg Court of Appeal ruled to reduce Antoine Deltour's suspended sentence from 12 to 6 months. The Court acquitted the whistleblower of breaching professional confidentiality, acknowledging that he did the right thing in providing hundreds of tax agreements to a journalist. But the Court convicted him for having copied the documents in the first place.

In order to maintain a sentence “at all costs”, the Court of Appeal thus devised an additional criterion to the whistleblowing qualification, despite the precise definition provided by the case-law of the European Court of Human Rights. Accordingly, in Luxembourg, in order to qualify as a whistleblower, the intention to blow the whistle would need to be immediate, which is strikingly inconsistent with the path followed by many of the most iconic whistleblowers.

Moreover, the Court of Appeal denied Deltour's disinterestedness from the beginning of his action, despite material evidence showing that he was in favor of a public debate on tax rulings well before the facts he was indicted for took place. **The Court of Appeal thus established the implausible theory of a sudden reversal of Antoine Deltour's motivations: he would be a potential whistleblower beforehand, a recognized whistleblower afterwards, but a mere self-interested thief on the day he copied the documents that gave rise to the *LuxLeaks*.**

Whatever is decided by the Court of Cassation, this will only be a step: if the judgment of the Court of Appeal is overturned, a new appeal trial will take place in Luxembourg; if the judgment is confirmed, the case will be submitted to the European Court of Human Rights.

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