

LUXEMBOURG CRIMINAL COURT UPHOLDS FREEDOM OF EXPRESSION OF PALESTINIAN RIGHTS DEFENDER

On 29 March 2023, a criminal court found activist for Palestinian rights Michel Legrand not guilty of trivialising the Holocaust. This decision creates a promising precedent for the freedom of speech of Palestinian rights defenders in Luxembourg, in a climate where similar bogus accusations continue to emerge.

Michel Legrand works as Treasurer of the Committee for a Just Peace in the Middle East (*Comité pour une Paix Juste au Proche-Orient* - ‘the Committee’), a non-profit organisation that pursues development projects in solidarity with the Palestinian people and that raises awareness in Luxembourg about the realities, implications and means of action in the region. It advocates for equal rights for Palestinians and Israelis through a [“just resolution of the Palestinian question”](#).

On 9 January 2023, Michel received a summons to appear before the criminal court on charges of trivialising the Holocaust, following an anonymous complaint reproaching him of sharing an [article](#) on Twitter, entitled: “100,000 books under the rubble: in Gaza, Netanyahu in the footsteps of Goebbels”. The complaint and charges did not call into question the content of the article itself, but only the act of sharing its title and link on Twitter. With the support of his lawyer Maître Albert Rodesch and the ELSC, Michel successfully defended his case in court, fending off one of many malicious attempts at suppressing his free speech and that of his colleagues.

Over the years, the Committee has been subjected to unrelenting instances of harassment and attempts to hamper and delegitimise its work. In 2017, a working group – which is now a registered non-profit – named RIAL was set up to prevent and tackle all forms of antisemitism, including “radical antizionism (which goes well beyond legitimate criticism of a government’s policies) as a contemporary form of antisemitism”. RIAL principally works to shape public opinion through, for instance, educational training in schools, and to influence public bodies. For instance, RIAL is an active [promoter](#) of the IHRA definition of antisemitism and its activities include [lobbying parliamentarians](#) (the government of Luxembourg adopted the IHRA definition in 2020 - while [excluding](#) its accompanying examples). RIAL also collects incidents of antisemitism – [on the basis of the IHRA definition](#) – through an online platform, which are forwarded to the European Union Fundamental Rights Agency (FRA).

Since its existence, RIAL has published annual reports which routinely vilify the Committee and its members as antisemitic on the basis of their criticism of the Israeli government. These reports are widely disseminated among their target audience, namely public bodies and educational institutions. RIAL thus deliberately contributes to the distortion of the definition of antisemitism by cataloguing incidents of legitimate political speech, which eventually find their way into the FRA’s own repertoire of antisemitic incidents. RIAL also encourages the use of *Bee Secure*, an electronic platform through which to file criminal complaints, and engages itself with the platform.

To date, at least seven anonymous criminal complaints have been filed on *Bee Secure* against members of the Committee, including the latest accusation against Michel. On top of this, the Committee has received several threats of physical harm on social media and through direct correspondence by the ‘*Brigade Juive*’, an extremist group which has also sent death threats to several activists in France. The group was [condemned](#)

by Amnesty International France at the time, and French media recently reported [harassment](#) of Palestinian lawyer and human rights defender Salah Hammouri.

A member of the Committee declared:

« Everyday I think twice before posting anything on Facebook or Twitter. We feel constantly surveilled. Yet, we don't want to self-censor or be intimidated by pro-Israel actors ».

Their work as an association raising awareness has also been severely impacted. Michel Legrand said that:

« Several high schools no longer wish to welcome us because their management has received warnings that we would be motivated by hatred of Israel, if not even antisemitic ».

These relentless attacks on Palestinian rights defenders and their respectable work must end. The decision handed down today gives the activists hope that the prosecutor will dismiss all the abusive complaints filed against other members of the Committee.