

FRANCE: Church of Scientology wins case in appellate court of Caen against the former head of Miviludes, Georges Fenech

By Willy Fautré

HRWF (13.02.2019) – Georges Fenech, 64, former president of the MIVILUDES (Interministerial mission for the monitoring and fight against cults) from 2008 to 2012 and three times member of the National Assembly, recently lost a case against the Church of Scientology for violating the legal principle of presumption of innocence.

On 18 December 2018, the first civil chamber of the appellate court of Caen ordered him to pay 1000 EUR to the Church of Scientology for damages. Fenech, who is a former magistrate, will also have to pay 4000 EUR for court costs. The offence was committed on 12 September 2014 during an interview on Europe 1 radio station when he declared that the Church of Scientology had been found guilty in a case of abuse of weakness by the Church and one of its members, the CEO of the thriving BTP company in the Yvelines. In summer 2014, some of BTP's employees had lodged a complaint for moral harassment and abuse of weakness, alleging that they had been forced by the CEO to follow classes on Scientology.

Several months after that radio interview, the Church of Scientology referred the case to the TGI of Caen (Court of Great Instance). On 23 January 2017, the TGI declared the request inadmissible. The Church appealed the decision and on 18 December 2018, the appellate court of Caen took a decision in favour of the Church, arguing that Fenech had presented the plaintiff as already convicted, which was not the case.

In its decision, the court stressed a number of aggravating circumstances concerning Fenech. As he had been a magistrate and the head of Miviludes, and had claimed on the radio that in the performance of his duties he had allegedly stated the negative influence of the Church of Scientology in the suicide of a young man, he posed himself as an expert. According to the court, his statements were made without any reservation or precaution and without checking the facts and its sources of information.

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