



Freedom of opinion and expression in international human rights law: between absolutism and restriction.

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Abstract

This article aims to contribute to the debate sparked by CNDH in Morocco on freedom of expression in the digital space. Freedom of expression and opinion are rights protected and guaranteed by the international human rights law. However, while the right to freedom of opinion is absolute, the right to freedom of expression is relative. This is because expressing an opinion to the public holds the person accountable to the adverse consequences it may engender. Thus, the right to expression is sometimes restricted to respect others' freedom or to protect public interests. This raises a debate on the legality and legitimacy of the restrictions imposed to the right to expression.

Keywords— Freedom of opinion, freedom of expression, ICCPR, human rights, international law.

I. INTRODUCTION

“If I don’t even own my tongue, how can I claim that I have anything else?” The author of this saying expresses the centrality of expressing opinion in human life. The human being, the rational animal, the pronouncement that distinguishes it, in its simple form and in its complex forms, from the rest of the creatures and makes it dear and unique in its kingdom.¹ As a human reality, words always have weight, depth and extension; and may sometimes have an impact in the present or the future. A word can influence, change and push



others to move in the direction of change or counter that direction by word or deed. This is almost always the case, especially in societies that change at a slow pace and are afraid of change, subject to control and restriction. It is evident that the word, whatever medium one uses to appear into existence: abstract speech, writing, audio or visual means, old and new, are not censored as long as an esoteric idea has not been expressed in some form, explicit or implicit expression.² Salomon Ibn Gabirol said: “as long as a word remains unspoken, you are its master; once you utter it, you are its slave,” while William Penn said that “silence is wisdom where speaking is folly,” perhaps urging the rational speaker to hold their tongue in order not to be at the mercy of their word.

They fall into something that is forbidden and in order to prevent the hasty pronouncement of truth or falsehood in a position that may have dire consequences for them or for others.

At the international human rights law level, freedom of expression is an absolute right to which no restriction can be imposed.³ Additionally, the right to express opinion is among the basic rights that the states parties to the International

Covenant on Political and Civil Rights must recognize and guarantee in their laws and guarantee the effective enjoyment of it for the people under their jurisdiction. However, this right (contrary to freedom of opinion) is not absolute and may be attached to some restrictions within the limits specified in the Covenant.

II. *FREEDOM OF OPINION AS AN ABSOLUTE RIGHT*

Article 19 of the International Covenant on Civil and Political Rights stipulates in its first paragraph that “everyone has the right to hold opinions without interference.” This paragraph has been commented by the United Nations Commission on Human Rights in its General Observation No. 10 related to Chapter 19 of the Covenant issued in 1983 stating that “the Covenant does not allow any exception or restriction of this right.” The committee also issued an important opinion in a famous case in which a citizen of the Republic of Korea complained about the treatment he was subjected to during his detention by the authorities of his country. He was blamed for being of a communist political inclination which automatically made him a North Korean agent. Accordingly, he



was subjected to a special prison system to force him to reject his communist orientation and adopt an opposing ideology, which is known as the ideological conversion system. In particular, rewards were paid to the prisoner in the form of distinguished and gentle treatment for the rest of the prisoners, including the possibility of his early release, in exchange for his retreat from the ideas he espouses.

To back its opinion, the committee relied on Article 18/1 related to freedom of belief, on Article 19/1 related to freedom of opinion, and Article 26 related to the ban on discrimination; as there had been discrimination in treatment between the prisoner who complained and the other prisoners.^{4 5} This reminds us of the general principle that criminal law does not punish abstract intentions that have not crystallized in the form of prohibited acts.

This case also raises, in our view, the critical task of distinguishing between the stage in which the opinion is limited to its owner and is not expressed at all (which is almost a hypothetical situation only), and the stage in which the conviction of a certain opinion is expressed clearly and unquestionably. However, this is not

always correct since someone's convictions will manifest in one way or another in his behavior in his daily life.

Despite the difficulty of distinguishing between the stage of one's personal conviction and the stage of its expression to others, imposing one's convictions on others without expressing them has been achieved in several historical periods. These periods were marked by the use of violence by oppressive and intolerant regimes when it comes to dealing with the adherents of forbidden ideas or beliefs. Many individuals and groups have survived during certain historical periods by voicing convictions counter to their own in hopes of a better time that may or may not come during their lifetime.

Another important note relates to the close link between Article 18/1 and Article 19/1 that touch upon freedom of religious belief and freedom to hold an opinion, respectively. This prompted the Human Rights Committee, rightfully so, to validate its opinion on the case by referring to both articles. However, it is worthy to note that Article 18/1 regulates a special field due to the critical nature that characterizes the right to embrace or not convert to a certain religion or any other



belief.⁶ In other words, it protects the freedom of a person's perception and stance on religion, whereas Article 19/1 protects freedom of opinion in a more general and broad way.

In our view, opinions may take multiple forms, including religious belief. Still, it is more accurate to rely on Article 18/1 when it comes to freedom of religious beliefs since it deals with that specific right. It is relevant to state that freedom of opinion may be protected and guaranteed through other rights. Perhaps the most important one is the right to the enjoyment of human rights on an equal footing, and the prohibition of discrimination in this exhibition on the basis of religious belief or on the basis of any opinion of any professed nature (Article 26 of the International Covenant on Political and Civil Rights, and Article 2/1 transcript from the same charter).

In any case, when an opinion is expressed, it becomes the property of the public and it can be received by anyone. It can thus influence the lives of others and their legal status, either positively or negatively. This holds the person accountable for any adverse consequences their opinion may have. The right to express an opinion, in

contrast to the right to hold it, is not an absolute right. Due to the fact that the interests existing in society are often contradictory, this becomes an obvious issue in our complex modern societies. Exceptions must remain justified and legitimate rather than become a means to undermine the principle.

III. *FREEDOM OF EXPRESSION, THE PRINCIPLE*

The principle on which Article 19 of the 'International Covenant on Civil and Political Rights' is established is the right to freedom of expression for everyone. It was previously stipulated in the 'Universal Declaration of Human Rights' which states that "Everyone has the right to freedom of opinion and expression." This right includes the freedom to hold opinions without any interference: obtaining, receiving, and broadcasting news and ideas in any medium without being bound by geographical borders (Article 19 of the Universal Declaration of Human Rights). Perhaps the recognition of this right is one of the most prominent characteristics of democratic systems. We find, for example, that the United Kingdom, which is considered one of the oldest democracies in the world, has the uniqueness of holding



the expression of opinions on a high standing and has made it a folk right to be practiced in the public space, such as the famous Hyde Park.⁷

It is known that this right has an individual dimension, which is the individual's right to express their opinion, and a collective dimension, which is the people's right to receive the opinion expressed.⁸ The Moroccan constitution stipulates in Article 25 that "freedom of thought, opinion, and expression is guaranteed in all its forms." Also, "the freedom to create, publish and display in the fields of literature, art, and scientific and technical research is guaranteed." Moreover, Article 27 of the Constitution guarantees citizens the right to obtain information in possession of the public administration, the elected institutions, and the bodies entrusted with the tasks of the public service". This requirement is in accordance with the modern approach to human rights, which requires the administration to work in transparency in order to facilitate constructive democratic dialogue.⁹ The right to freedom of expression is regulated by law and, in particular, the press code. There is currently a bill that regulates the right to information.¹⁰

The International Covenant has ensured that the freedom of expression of opinion is fortified by expanding its circle to include the right to freedom of "seeking, receiving, and transmitting various forms of information and ideas, and transferring them to others without regard to borders, whether in written or printed form, or in an artistic form, or any other medium of its choice." It should be noted that the expressions used in paragraph 2 of Article 19 listed here verbatim were formulated in a broad and general manner rendering it able to provide ample room for the expression of opinion by protecting the processes that enable it to be crystallized and accessed. Those processes consist of the ability to search for and receive opinion before it is actually broadcasted and published.

In addition to the stipulation that the intended opinion relates to various types of information and ideas, there is no initial restriction of those ideas except for what is stated in the following Article 20. This article requires that the law includes propaganda for war and advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence. There is no



restriction on how opinions and ideas are transmitted, as they may be oral, written, scientific, artistic, or other, so that the door is kept open to encompass all means that currently exist or may be available in the future.

There is no doubt that the consecration of the principle of the right to freedom of opinion in this way clearly demonstrates its centrality and importance in the eyes of the authors of the International Covenant. What is more, it is one of the rights that enables the protection of other human rights. How can we envision, for example, an effective exercise of the right to assemble or demonstrate peacefully without the right to express opinion? This hypothesis is also applicable to other rights, whether they are political and civil, or economic, social, and cultural. For example, it was said in this exhibition about the press (which is an institution that has no value without freedom of expression) that it is the fourth authority in the political systems of states. Yet, this proclamation does not prevent the state from organizing the field of print press and broadcast news (radio and television) in a way that consecrates the freedom of expression of opinion and only mentions

restrictions that are consistent with the requirements of international human rights law. In fact, this framing is considered one of the state's duties within the framework of its commitment to respect civil and political human rights and to ensure the effective enjoyment of them (Article 2/2 of the International Covenant on Civil and Political Rights).¹¹ However, an important part of this framing can and should stem from laws regulating the field of journalism (e.g., ethical codes for the profession of journalists). Moreover, international human rights law, which recognized the right to freedom of expression, enshrined with it the idea of “responsibility and duties” associated with it (Paragraph 3 of Article 19 of the International Covenant on Political and Civil Rights).

IV. RELATIVITY OF THE RIGHT TO EXPRESSION

The right to express an opinion oscillates between permissibility and restriction and between freedom and accountability for its use. However, the limits of permissibility and restriction vary from place to place and from time to time according to the topics dealt with. They are almost innumerable. More specifically, it is a



mirror of the speaker and the watchdog's conditions. In other words, the bold, reserved, or reckless behavior of the sender of the speech and the open or constricted behavior of the recipient. This may result in communication and tolerance or violence and repression. Perhaps the most dangerous topics that cause the debate to reach doors that seem blocked in certain circumstances are those related to identity, in particular, the qualitative identity and the intellectual and spiritual identity. Be that as it may, the pull between negative and positive and between the two extremes is not limited to the right of expression. Rather, it is a characteristic of most human rights because these rights, as standards, are never exempt from relativism and ambiguity at times, in addition to the fact that they develop with the development of societies that are affected by the jurisprudence of their surroundings. For example, the conflict that arises when it comes to work is between the right to a clean environment and the right to work. Perhaps the most important task undertaken by human rights charters is to try to find peaceful and civilized paths to alleviate the conflicts that arise due to these contradictions.

Based on these grounds, we stand at the limitations that are imposed on the person who enjoys freedom of expression's special duties and responsibilities. Article 19 of the International Covenant on Political and Civil Rights stipulates that "[freedom of expression] may be subjected to certain restrictions, but provided that it is defined by the text of the law and is necessary: (a) to respect the rights or reputation of others, (b) to protect national security, public order, or public health or public morals."

A. RESTRICTIONS REGARDING THE RIGHT TO FREEDOM OF EXPRESSION MUST BE LEGITIMATE

Restrictions must be legitimate, i.e., prescribed under current and non-retroactive law. It is not sufficient, for example, for a high-ranking official or a person with influence to believe that there is an established restriction on freedom of expression in a particular area in order for the condition of legitimacy to be fulfilled. This condition eliminates the possibility of abuse by the administration or other public or private bodies. It is related to the rest of the following conditions and must be understood and applied in their light and in



perfect harmony with them. It is not sufficient for a certain restriction to be defined by the law to be considered necessarily in line with the orientation that preserves human rights because the law itself may be unfair and consecrate an arbitrary or repressive approach.^{12 13} In a useful analysis in the case of *Albert Wuman Mukung v. Cameroon*, the United Nations Commission on Human Rights stated that “non-conformity with the law” should be interpreted in a broad manner that includes multiple elements, including inappropriateness, injustice, unpredictability, and availability or lack of procedures to protect legitimate rights.¹⁴

B. RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION MUST BE NECESSARY TO ACHIEVE THE GOALS SET OUT IN ARTICLE 19

The necessity condition is one of the common denominators to justify exceptions to human rights that have a relative nature. It is the necessity that is valued here to the extent decreed for it under Article 19 of the International Covenant and its interpretations approved by the Human Rights Committee. Since the necessity of restriction must aim at predetermined goals in the aforementioned

text, part of it relates to the rights of private individuals and most of them relate to the public interest.

C. RESPECTING THE RIGHTS OF OTHERS AND NOT HARMING THEIR REPUTATION

Therefore, when expressing an opinion, the rights of others must be respected, and their reputation must not be damaged. Because human freedom, as it is known, diminishes when it collides with the legitimate freedoms of other people. Perhaps the most prominent form of such transgression is interference in a person’s private life. This intervention narrows its scope of permission or widens it according to the situation of the people whose lives are being interfered with (for example, by publishing their photos and news related to them without their prior consent). There is an example of this in the case that Caroline of Monaco filed to the European Court of Human Rights complaining about celebrity photo snipers (paparazzi) who had been tracking her down and posting pictures of her and her kids without reasonable justification. The court ruled that Princess Caroline, although she belongs to a royal family, does not hold any public office, so she is a private person and not a public person, so the press must respect her



private life.¹⁵ As for information related to public persons, the margin of freedom of expression regarding them remains broader due to the vital role of the press in broadcasting the media in a democratic society and the citizens' right to receive it.¹⁶ ¹⁷ Of course, the information published may reach the point of defamation, which is the propagation of something incorrect about a person in a way that damages their reputation. It is an act usually criminalized by national legislation. However, the limits of its criminalization and punishment should only be used to preserve the reputation of persons without the unnecessary limitation of freedom of expression, which is a matter that sometimes arises in practice. In the same direction, it is necessary not to exaggerate the tightening of the screws on the press when criticizing the people who occupy government positions for fear of insulting the right of the press to inform the public and to play its primary role in contributing to a constructive democratic dialogue. In this regard, the European Court of Human Rights rejected the exaggerated interference of the press in a misstep in which an Australian court condemned a journalist who criticized the Australian

Prime Minister, describing him as an opportunist and stating that he used his power to prevent an investigation into a gathering that incites Nazi crimes.¹⁸ And out of laudable concern in the field of freedom of press expression (in which the judgment may sometimes touch the problems raised by the opinion expressed), national legislations work to avoid including in their criminal law or the press law penalties for freedom of journalists.¹⁹ In addition to the necessity of respect for private rights, as mentioned above, it is imperative to respect rights of a more general nature that do not enter into conflict with national security, public order, public health, or public morals.

D. THE NECESSITY THAT EXPRESSING OPINION DOES NOT PREJUDICE NATIONAL SECURITY, PUBLIC ORDER, PUBLIC HEALTH OR PUBLIC MORALS

Expressing an opinion must also not conflict with national security, public order, public health, or public morals. All these expressions speak of general and broad concepts that are clouded by ambiguity and relativism that almost empty the right to express an opinion from its content. This is due to the fact that these expressions did not use the wording of



Article 19 and other articles of the Covenant when permitting the possibility of restricting the rights stipulated in those articles. That central phrase, absent here, is that the assessment of the necessity of restriction must be based on the criteria of a democratic society. Ultimately, the litigation in this case is always for the judiciary, which is relied upon to curb arbitrary censorship. That censorship, behind which there are usually tendentious goals, is often political or related to the interests of significant parties in society. The judiciary, nationally and internationally, has demonstrated in many cases that it is keen to fortify freedom of expression and not to curb it due to its centrality in people's lives.

For example, the Egyptian judiciary acquitted the artist Adel Imam of the accusation that he was pursued for, which is contempt for religions. It is known that the artist played in his cinematic works controversial roles in regard to the religious sentiments prevailing in Egypt and in other parts of the world, including the films "Hassan and Morcos" and "The Terrorist." It should be noted here that the court that acquitted the Egyptian actor stated in its public verdict that after its

thorough study of the evidentiary means that were discussed before it, it considers that the accused did not intend to contempt any religion. On the contrary, he worked to show some negative aspects of the behavior of some sects of Egyptian society.²⁰ Similarly, many cases come to mind in this context in which the owners expressed their opinion in a manner that was considered provocative by religious authorities and sometimes large factions of the community. Some of these cases have sparked heated controversy and resulted in fatwas to kill the person who expressed that opinion and resulted in violent incidents in the street. Among the most prominent of these issues is Salman Rushdie's publication of a novel under the title "The Satanic Verses", and the Ifta of Ayatollah Khomeini that had followed it, permitting the killing of its author.²¹ Among those calamities is also the publication of caricatures that undermine the respect Muslims have for the Prophet of Islam, Muhammad (Peace Be Upon Him). These are all events that must be dealt with cautiously since they can be instrumentalized to serve political agendas and interests under the pretense of protecting the religion. The principle in all



cases is to challenge the argument with another and to curb the tendentious transgression in a civilized manner; that depends first and foremost on invoking the rule of law within the framework of a democratic exercise. Noting that responding to opinions with violence outside of legitimacy would have adverse consequences like promoting the objectionable act even more. For example, it is noticed that many critics considered Salman Rushdie's novel to be of low to average artistic value, but the violent opposition provided him with free publicity that he would have never dreamed of before. Moreover, confronting the expressed opinion in a violent way, and outside the framework of the law, is liable to exacerbate the conflict instead of extinguishing it. From a legal and practical point of view, escalation would create additional dilemmas that may be more dangerous than the expected results of the expressed opinion, whether the perception of these results is accurate or exaggerated. It is clear, for example, that the incitement to kill a person because they expressed an opinion on a topic of debate on behalf of a certain class of society is much more dangerous and prone to bring about greater

disorder than the expression of an opinion even if it is disturbing in its form or content.

This can be exemplified in an important ruling of the European Court of Human Rights, in which the keenness to fortify the principle of freedom of expression and opinion is manifested, as well as the need to pay attention to the legal flexibility that enters in force and inevitably binds it. The calamity addressed by this ruling relates to a British publisher who issued in 1972 a book marketed for children. The state considered parts of it as a breach of good morals, so it withdrew it from the market through the judiciary. The court stated in its ruling that:

“The guiding function of the court requires it to pay close attention to the principles that constitute the peculiarity of a “democratic society.” And freedom of expression is one of the basic pillars of that society and one of the basic conditions for its progress and the development of any human being. Given paragraph 2 of Article 10, freedom of expression affects not only “information” or “ideas” that are welcomed or viewed as harmless or not worthy of attention, but also information



and ideas that offend, shock, or annoy the state or any sector of the audience. These are the requirements of pluralism, tolerance, and open thinking, without which a “democratic society” does not exist. This means, among other things, that any “formalities” or “conditions” or “restrictions” or “penalties” imposed in this area should be proportional to the legitimate objective intended to impose them.”²²

What is important in this ruling, in addition to its strong and clear determination of the principle of freedom of expression, is that the court held that the judicial measures taken by the United Kingdom that resulted in withdrawing the author, subject of the lawsuit, from the market in accordance with the law, were not arbitrary and were necessary and proportionate to achieving the intended goal of protecting children’s morals. In the same ruling, the court recognized that states party to the European Convention on Human Rights have a margin of discretionary power (under court oversight, of course) to determine what is appropriate or inappropriate for public morals.²³ This shows that there is a necessary balance that

must be preserved between freedom and responsibility for it.

At the international level, there is a very important ruling issued by the International Criminal Tribunal for Rwanda known as the mass media case. The importance of this ruling is evidenced by the fact that it sentenced a group of journalists for their involvement in committing the crime of incitement to genocide. The ruling discussed the extent to which the right to freedom of expression, enshrined in Article 19 of the International Covenant on Civil and Political Rights, is reconciled with incitement to genocide, as stipulated in the Convention against Torture of December 9, 1948. The court found that the statements of the defendants in the alleged racist magazine (Kangura), run by one of them, and on “Radio des Mille collines” (The Thousand Hills), and in the publications of the extremist apartheid party (the CDR), as a bullet loaded into a firearm and only waiting to be triggered. However, the judiciary does not always have the courage to express its opinion with this clarity. This result is related to all the legal foundations and realistic conditions that govern the status of the judiciary at a specific time and place and,



in particular, the extent of its independence, inviolability, competence, integrity, and courage in confronting infringement of human rights.

It is known that some sensitive issues related to freedom of opinion and the extent of its restriction or non-restriction are sometimes resolved at other levels without reaching the stage of confrontation before the judiciary. This is a desirable method in our view, as long as its purpose is to find a parallel solution that fortifies freedom of expression and does not waste it.

V. CONCLUSION

In all cases, we return to the philosophy that preserving freedom of opinion in the International Covenant on Civil and Political Rights should be based on the jurisprudence of the United Nations Human Rights Committee. That is, the restrictions that can be imposed on freedom of expression must not result in overthrowing that freedom.²⁴ It can be said here that there is a strong presumption in favor of the right of expression, which requires weighing it on an original and balanced basis. Thus, it is important to ensure that its exceptions are interpreted

narrowly in line with its centrality and importance.

This results in an important legal consequence, which is that the burden of proving that the legal limits of freedom of expression are exceeded rests on the state that also resorts to claiming this when it is sued before the mechanisms of monitoring the application of international or regional human rights treaties. In this sense, we would like for this phrase to be the best conclusion: The restrictions on the right of expression must serve it, not undermine and destroy it.

NOTES

¹ We refer here without entering the maze of a long and broad discussion of the place of the word in the cultures and beliefs of peoples. “In the beginning was the word,” the first verse of the Gospel of John 1:1. The Qur’an was first revealed with the sentence “Iqra” (read). No reading may happen without written or unwritten words.

² What is meant, of course, is censorship that comes from outside the self, not from within it. The latter is called self-censorship and is a logical consequence of the social normalization associated with the sociocultural environment. It can be said that self-censorship is unimpaired and has no harm if it remains within reasonable limits. However, if it exceeds a certain ceiling of deterrence, it becomes a pathological phenomenon or an imbalance that restricts self-development. Self-censorship may become the



highest degree of censorship in repressive societies because it indicates that the process of internalizing censorship which is accomplished by ferociously confronting those who dare to express a dissenting opinion, was successful. Despite the importance of delving into the issue of self-censorship, it is not at the heart of the issue that we would like to address. Nevertheless, we will see that it is not permissible to impose censorship on the ideas that a person espouses as long as they are not expressed explicitly (and this is the essence of Article 18 of the International Covenant on Civil and Political Rights relating to the right to freedom of belief). Likewise, criminal law, for example, as a general rule, does not concern itself with mere intentions that are not punished unless they are embodied in an external behavior that poses a danger to others.

³ The right to hold an opinion and the right to express it are essentially guaranteed by Article 19 of the International Covenant on Human Rights. Given their extreme importance, they are also stipulated in other international treaties, albeit in different formulas. In particular, we mention the Treaty on the Elimination of All Forms of Racial Discrimination, specifically Article 4 which tackles racist opinions and organizations, and the Convention on the Rights of the Child which grants children the right to express their opinion (in Articles 12 and 13). Regional treaties also guarantee the same right, the European Convention on Human Rights Article 10, the European Union Charter of Fundamental Rights Article 11, the Inter-American Treaty on Human Rights Articles 13 and 14, the African Treaty on Human and Peoples' Rights Article 9 and the Arab Charter on Human Rights Article 32.

⁴ 'Kang V. Republic of Korea Ccpr/C/78/D/878/1999', (2003).

⁵ 'General Comment No. 22: The Right to Freedom of Thought, Conscience and Religion (Art. 18) Ccpr/C/21/Rev.1/Add.4', (UN Human Rights Committee, 1993).

⁶ Ibid.

⁷ K.C. O'Rourke, *John Stuart Mill and Freedom of Expression: The Genesis of a Theory*, (Routledge, 2003).

⁸ Daniel Moeckli, Sangeeta Shah, and Sandesh Sivakumaran, eds., *International Human Rights Law*, 1st ed. (Oxford University Press, 2010).

⁹ 'Case of Claude-Reyes Et Al. V. Chile ', (Inter-American Court of Human Rights, 2006).

¹⁰ ابرادو محمد. 'تقدير المشروع المتعلق بالقانون حول الحق في الوصول على المعلومات'. *لموقع العلوم القانونية*. (2003).

¹¹ 'Application No. 34315/96', (European Court of Human Rights, 2002).

¹² Similarly, national laws may be contrary to constitutional protection requirements, whereby citizens have the right to bring cases of abuse to justice (in the legal systems that permit it).

¹³ Gerardo Ruiz Rico Ruiz, 'The Ordinary Judge as a Constitutional Judge. About the Confluence of Constitutional Justice Models and Their Projection in the Protection of Constitutional Rights', *Arribat* 1, no. 1 (2021): 15-30.

¹⁴ 'Womah Mukong V. Cameroon, Communication No. 458/1991, U.N. Doc. Ccpr/C/51/D/458/1991', (UN Human Rights Committee, 1994).

¹⁵ 'Chamber Judgment in the Case of Von Hannover V. Germany', (European Court of Human Rights, 2004).

¹⁶ "The limits of acceptable criticism are wider with regard to a politician acting in his public capacity than in relation to a private individual, as the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must display a greater degree of tolerance"

¹⁷ 'Application No. 34315/96', (European Court of Human Rights, 2002).

¹⁸ 'Case of Lingens V. Austria - Application No. 9815/82 - Judgment', (European Court of Human Rights, 1986).



¹⁹ 'Projet De Code De La Presse. La Morale, Une "Ligne Rouge" Supplémentaire ?', in *Lakome*, (2013).

²⁰ q8net, 'القضاء يبرئ عادل امام من تهمة الاساءة للاسلام', *q8net*, (2015).

²¹ Laura Martin. 'Salman Rushdie: What Happened When a Fatwa Was Declared on the Author of the Satanic Verses'. *iNews*, 27 February 2019, <https://inews.co.uk/culture/salman-rushdie-the-satanic-verses-fatwa-author-what-happened-affair-263009>

²² 'Case of Handyside V. The United Kingdom - Application No. 5493/72 - Judgment', (Strasbourg: European Court of Human Rights, 1976).

²³ Ibid.

²⁴ 'General Comment No. 10: Freedom of Expression (Art. 19)', (UN Human Rights Committee, 1983).