

Man guilty of libel over Facebook 'likes': Swiss court

May 30 2017, by Nina Larson



The court said that by hitting the "like" button on Facebook, the man had endorsed defamatory comments

In a landmark ruling, a Swiss court has fined a man for "liking" comments on Facebook accusing an animal rights activist of being a "racist" and an "anti-Semite".

In the first case of its kind in Switzerland, the Zurich district court on Monday faulted a 45-year-old man for hitting the "Like" button under

what the judge deemed defamatory comments on the social media site.

According to a court statement sent to AFP on Tuesday, the defendant had accused Erwin Kessler and the animal protection group he heads, Verein gegen Tierfabriken (Against Animal Factories), of racism and anti-Semitism in Facebook posts.

But the court also took issue with the man's decision to hit the "Like" button under several comments from third parties about Kessler that were deemed inflammatory, and commented and linked to some of them.

The comments were made in 2015 during heated discussions on a range of Facebook groups about which animal welfare groups should be permitted to take part in a large vegan street festival, Swiss daily Tages Anzeiger reported.

Kessler has sued more than a dozen people who took part in those exchanges, a lawyer for one of the defendants, Amr Abdelaziz, told AFP.

Several people have already been convicted in the case, mainly for specific comments they made, but it appears the man convicted Monday was the first to be sanctioned merely for "liking" comments made by others.

In its statement, the court said it did not matter that the comments had not originated from the defendant, whose name was not given.

Freedom of expression?

"By clicking the 'Like' button, "the defendant clearly endorsed the unseemly content and made it his own," the court statement said.

Kessler had been convicted under Switzerland's anti-racism law nearly two decades ago, receiving a brief prison sentence for comparing Jewish ritual slaughter methods with Nazi practices.

But the Zurich judge ruled Monday that the defendant had failed to prove that the comments he had "liked" on Facebook were true.

At the same time, by "liking" the [comments](#), the man had disseminated them to his list of Facebook contacts, and "thus made them accessible to a large number of people," the court statement said.

His actions should thus be considered as an "affront to (Kessler's) honour," it added.

The court slapped the man with a 4,000-Swiss-franc (\$4,100, 3,700-euro) conditional fine.

The verdict can be appealed, but Abdelaziz said he was not sure the [defendant](#) would devote the time and resources needed to do so, pointing out that a number of the other people Kessler had sued had chosen not to fight the cases in court.

Even though a verdict from a lower regional [court](#) holds less sway than Switzerland's higher national courts, the lawyer cautioned that it could "have a large impact".

The courts, he said, need to urgently clarify whether hitting a "Like" button on social media should be given the same weight as other forms of speech more commonly cited in defamation cases.

"If the courts want to prosecute people for 'Likes' on Facebook, we could easily need to triple the number of judges in this country," he said.

"This could also obviously easily become an assault on the freedom of expression," he warned.

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