

*I decided to write about a case that was part of my Civil Law course earlier this year. I find the case interesting and quite breakthrough regarding Czech defamation law, even though I am not experienced enough to assess the importance of a particular case in our legal environment yet.*

### **Rejžek vs. Vondráčková – a case brief**

The main facts of the case are as follows: an article about Czech pop singers was published in a magazine, which included some inconsiderate remarks from Mr. Rejžek regarding the Czech singer Helena Vondráčková. Among other things, Rejžek stated that she *had got involved with the past regime and had managed not to fall out of touch with the mafia who got her through to radios, television and on records*. Vondráčková felt offended by the accusations of cooperation with the communist regime and filed civil lawsuit in defamation, seeking an apology from Rejžek, despite also being interviewed about the whole affair and thus publishing her disagreement with Rejžek's allegations in the press.

The City Court in Prague dismissed the lawsuit, noting that even though Rejžek's criticism of Vondráčková was unreasonable, she could defend herself in the press. By denying Rejžek's accusations when interviewed by media, a public dialogue had been started between her and Rejžek, which, the judge ruled, could not be prohibited by the court.

The High Court in Prague overruled the lower court's decision and ordered Rejžek to publish an apology to Vondráčková. The court also explained that Rejžek was not right in saying (in his statements to the court) that Vondráčková, as a popular singer, must tolerate more unflattering comments than other people who are not famous – according to the court, unless Rejžek could prove his allegations were true, he had no right to say what he said.

The Supreme Court turned down Rejžek's appeal and held that as a matter of principle, all untrue facts or allegations of a person intervene with a person's right to a good reputation.

Finally, The Constitutional Court revoked the rulings of both the Supreme and High court and it held that what Rejžek stated about Vondráčková was not a statement of fact, but rather an expression of his personal opinion.

Thus, the civil courts' rulings were all unconstitutional, inhibiting Rejžek's right of free speech by demanding from him to prove his allegations, which simply was not possible by the nature of the statement. The Constitutional Court reasoned that a free and diverse debate was desirable in the society and also that public figures, such as politicians but also celebrities, must accept greater public criticism than regular members of the public.