

Press release issued by the Registrar

**CHAMBER JUDGMENT
WILLEM v. FRANCE**

The European Court of Human Rights has today notified in writing its Chamber judgment¹ in the case of *Willem v. France* (application no. 10883/05) concerning the conviction of the mayor of Seclin for calling for a boycott of Israeli products.

The Court held by 6 votes to 1 that there had been **no violation of Article 10 (freedom of expression)** of the European Convention on Human Rights. ([The judgment is available only in French.](#))

1. Principal facts

The applicant, Jean-Claude Fernand Willem, is a French national who was born in 1934 and lives in Seclin (France), a municipality of which he was mayor (for the Communist party) at the relevant time. On 3 October 2002, during a session of the town council and in the presence of journalists, Mr Willem announced that he intended to call on his services to boycott Israeli products in the municipality. He stated that he had taken that decision to protest against the anti-Palestinian policies of the Israeli Government. Representatives of the Jewish community in the *département* of Nord filed a complaint with the public prosecutor, who decided to prosecute the applicant for provoking discrimination on national, racial and religious grounds, under Articles 23 and 24 of the Press Act of 29 July 1881. Mr Willem was acquitted by the Lille Criminal Court but sentenced on appeal on 11 September 2003, and fined 1,000 euros (EUR). He lodged a cassation appeal but was unsuccessful.

2. Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 17 March 2005.

Judgment was given by a Chamber of seven judges, composed as follows:

¹ Under Article 43 of the Convention, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Peer **Lorenzen** (Denmark), *President*,
Jean-Paul **Costa** (France),
Karel **Jungwiert** (the Czech Republic),
Renate **Jaeger** (Germany),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Mirjana **Lazarova Trajkovska** (“the former Yugoslav Republic of Macedonia”), *judges*,
and also Claudia **Westerdiek**, *Section Registrar*.

3. Summary of the judgment²

Mr Willem took the view that his call to boycott Israeli products was part of a political debate concerning the Israeli-Palestinian conflict and was without doubt a matter in the general interest. He complained that his conviction had thus constituted a violation of his right to freedom of expression within the meaning of Article 10 of the Convention.

The Court observed that the interference with the applicant’s freedom of expression had been provided for by law, being based on Articles 23 and 24 of the Press Act 1881, and that it pursued a legitimate aim, namely to protect the rights of Israeli producers. The Court reiterated that for interference with freedom of expression, especially that of an elected representative, to comply with the Convention, it had to be “necessary in a democratic society”. Like the French courts, the Court took the view that Mr Willem had not been convicted for his political opinions but for inciting the commission of a discriminatory, and therefore punishable, act. The Court further noted that, under French law, the applicant was not entitled to take the place of the governmental authorities by declaring an embargo on products from a foreign country, and moreover that the penalty imposed on him had been relatively moderate. The Court therefore found that the impugned interference had been proportionate to the legitimate aim pursued and that there had been no violation of Article 10.

Judge Jungwiert expressed a dissenting opinion, which is annexed to the judgment.

The Court’s judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

² This summary by the Registry does not bind the Court.