

Press release issued by the Registrar

**CHAMBER JUDGMENT  
BARRACO v. FRANCE**

The European Court of Human Rights has today notified in writing its Chamber judgment<sup>1</sup> in the case of *Barraco v. France* (application no. 31684/05). (The judgment is available only in French.)

The Court held unanimously that there had been **no violation of Article 11** (freedom of assembly and association) of the European Convention on Human Rights in connection with the applicant's conviction for obstructing the public highway.

**1. Principal facts**

The applicant, Alain Barraco, is a French national who was born in 1957 and lives in Montchal (France).

Mr Barraco, a lorry driver, was one of seventeen motorists who participated on 25 November 2002 in a traffic-slowng operation organised as part of a national day of protest by a joint trade-union committee representing hauliers.

Starting at 6 a.m. they drove at about 10 k.p.h. along the A46 motorway, forming a rolling barricade across several lanes to slow down the traffic behind. Later that morning the police arrested Mr Barraco and two other drivers for completely obstructing the public highway by stopping their cars.

In November 2003 the Lyons Court of first instance held that the defendants bore no criminal responsibility, finding that the traffic had not been blocked but impeded in a manner that remained acceptable and did not call into question the principle of free movement on the public highway.

In May 2004 the Lyons Court of Appeal set aside that judgment, finding that the drivers had committed the offence of obstructing traffic on the public highway by deliberately placing their cars across the motorway for that purpose. It decided that the offence in question could not be justified by the right to strike or to demonstrate. The Court of Appeal sentenced each

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<sup>1</sup> 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.

of the accused to a suspended term of three months' imprisonment together with a fine of 1,500 euros.

In a judgment of 8 March 2005 the Court of Cassation dismissed an appeal on points of law lodged by the applicant and one of his co-accused.

## **2. Procedure and composition of the Court**

The application was lodged with the European Court of Human Rights on 30 August 2005.

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

Peer **Lorenzen** (Denmark), *President*,  
Rait **Maruste** (Estonia),  
Jean-Paul **Costa** (France),  
Karel **Jungwiert** (the Czech Republic),  
Renate **Jaeger** (Germany),  
Isabelle **Berro-Lefèvre** (Monaco),  
Mirjana **Lazarova Trajkovska** (the Former Yugoslav Republic of Macedonia), *judges*,

and also Claudia **Westerdiek**, *Section Registrar*.

## **3. Summary of the judgment<sup>2</sup>**

### **Complaints**

Relying in particular on Article 11 (freedom of assembly and association), Mr Barraco complained that his conviction for obstructing the public highway in the context of a demonstration was incompatible with his freedom of assembly and association.

### **Decision of the Court**

#### Article 11

The Court observed that the public authorities' interference with Mr Barraco's right to freedom of peaceful assembly, which included freedom to demonstrate, pursued the legitimate aims of preventing disorder and protecting the rights and freedoms of others.

The Court acknowledged that any demonstration in a public place could cause some disruption and considered that a certain tolerance was required of the authorities in such circumstances. It moreover reiterated the finding that a person could not be penalised for taking part in a demonstration that had not been prohibited so long as that person had not committed any reprehensible act.

The Court noted that, even though there had been no formal declaration of the demonstration beforehand, the authorities had been aware of it and had not stopped it going ahead; they had also had the opportunity to take measures for the protection of safety and public order.

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<sup>2</sup> This summary by the Registry does not bind the Court.

Nevertheless, the Court observed that the complete blockage of motorway traffic, several times, had gone beyond the disruption inherent in any demonstration and that the three demonstrators had been arrested only after a number of warnings about stopping vehicles on the motorway. The Court considered that Mr Barraco had thus been able, for several hours, to exercise his right to freedom of peaceful assembly and that the authorities had displayed the requisite tolerance.

The Court accordingly held that there had been no violation of Article 11; Mr Barraco's conviction and sentence had not been disproportionate considering the balance to be struck between the prevention of disorder and the demonstrators' interest in choosing that form of action.

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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.*