



## “Offensive banner” case: dissolution of football supporters’ club justified

In its decision in the case of [Association Nouvelle Des Boulogne Boys v. France](#) (application no. 6468/09) the European Court of Human Rights has by a majority declared the application inadmissible. The decision is final.

The case concerned the dissolution by Prime Ministerial decree of a Paris Saint Germain football team supporters’ club after they unfurled an offensive banner in the stands during a match at the Stade de France stadium on 29 March 2008.

### Principal facts

The applicant, *Association Nouvelle Des Boulogne Boys*, was registered as an association under French law on 1 December 1993 in Paris.

With about six hundred members, its stated purpose was “to peacefully support the Paris Saint Germain (PSG) football team by cheering them on from the stands at grounds where the team plays its matches”. It chartered coaches to take its members to the matches and helped with awareness-raising and the organisation of security at football grounds.

Between 2006 and 2008 there were several violent clashes between members of the association and the police or rival teams’ supporters. On 29 March 2008, at the French League Cup final between Lens, a team from North-West France, and PSG at the Stade de France stadium in Saint-Denis, which was broadcast live on television, members of the applicant association unfurled a banner labelling their northern rivals “unemployed inbred paedophiles”.

On 4 April 2008 the Interior Minister referred the matter to the head of the National Advisory Committee for the Prevention of Violence in Sport (“the Committee”), with a view to having the applicant association disbanded. On 9 April the president of the association was informed of the complaints against it and invited to submit observations by 15 April, which he did, succinctly, on 14 April.

On 16 April 2008 the Committee issued an opinion in favour of disbanding the association. Its dissolution was ordered by Prime Ministerial decree on 17 April 2008. The decree referred to repeated acts of violence or incitement to hatred or discrimination at sporting events between 2006 and 2008, for example after a match between PSG and Tel-Aviv, when a PSG supporter was killed by a police officer who came under attack as 150 Paris supporters ran riot against the Israeli team’s supporters. Another incident it referred to was at an away match in Marseilles on 17 February 2008, when a coach driver lodged a complaint against a person or persons unknown for non-public racist abuse and threats of violence; thirty-odd supporters from the Boulogne Boys club had also alighted from their coach at a motorway toll barrier and damaged cars carrying supporters of the local team. The Prime Minister considered that these offences, committed by a group of people, amounted to repeated acts of vandalism, violence against people or incitement to hatred or discrimination, and that the applicant association should be dissolved.

The applicant association appealed, complaining that it had not had the time or the wherewithal to prepare its defence before the Committee, as its president had only had six days to submit his observations. It also complained about the authorities' failure to pass on a report by the intelligence services that had served as a basis for the Prime Minister's decision. Lastly, it complained of a violation of its freedom of association.

In a judgment of 25 July 2008 the *Conseil d'Etat* rejected the association's appeal. It noted that the association had been able to submit written observations and its representatives had been heard by the Committee. As to the intelligence service report, the *Conseil d'Etat* pointed out that no legislative or regulatory provision or general legal principle required the prior communication to the association of all the evidence available to the authorities. Lastly, concerning freedom of association, the administrative court held that the author of the decree in question had not based himself on materially inaccurate facts, had correctly applied the Sporting Code and had not interfered disproportionately with the applicant's freedom of association in view of the general interest concerns behind the measure.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 22 January 2009.

Relying on Article 6 §§ 1 and 3 (right to a fair hearing) of the European Convention on Human Rights, the applicant association complained that it had not had the time or the wherewithal to prepare its defence before the Committee, in particular because it had only had six days to submit its observations and it had not been given access to the intelligence service report on which the Prime Minister had based his decision. It also alleged that insufficient reasoning had been given for the dissolution, and complained, under Article 11, of interference with its freedom of association.

The decision was given by a Chamber of seven, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,  
Elisabet **Fura** (Sweden),  
Jean-Paul **Costa** (France),  
Mark **Villiger** (Liechtenstein),  
Isabelle **Berro-Lefèvre** (Monaco),  
Ann **Power** (Ireland),  
Ganna **Yudkivska** (Ukraine), *Judges*,

and also Stephen **Phillips**, *Deputy Section Registrar*.

## Decision of the Court

### Article 6

#### *Preparation of defence and communication of documents*

The criminal aspect of Article 6 was not applicable in this case because the proceedings did not concern a "criminal charge". As to the civil aspect, the Court noted that the proceedings did not concern a "dispute" ("*contestation*") within the meaning of Article 6 as the Committee's role had been confined to taking the observations of the association concerned and advising the Prime Minister. This part of the application was therefore rejected as being incompatible with the provisions of the Convention.

### *Reasons given for the dissolution*

The decree ordering the dissolution of the applicant association had given rise to a "dispute" ("*contestation*") within the meaning of Article 6.

The Court noted that the decree was not lacking in reasoning as it mentioned several violent events, at or connected with sporting events, in which members of the applicant association had been involved.

Moreover, in its judgment of 25 July 2008 the *Conseil d'Etat* had examined the reasons given by the Prime Minister for ordering the association's dissolution and found that they were based on facts which were not "materially inaccurate". The Court reiterated that the domestic authorities were in principle better placed than the international court to assess the evidence submitted to them, and in the present case to determine whether all the requisite criteria for disbanding the applicant association had been present.

This complaint was accordingly rejected as being manifestly ill-founded.

### Article 11

The dissolution measure constituted an interference with the applicant's right to freedom of association which was prescribed by the Sporting Code and which pursued the legitimate aim of preventing disorder or crime.

The offences of which the applicant association was accused were particularly serious and prejudicial to public order. At several football matches members of the association had been involved in clashes with the police, and after the match between PSG and the team from Tel-Aviv on 23 November 2006, 150 PSG supporters had engaged in violent clashes with supporters of the Israeli team, during which one PSG supporter had been killed. Lastly, the Court could not ignore the fact that the wording on the banner unfurled at the Stade de France stadium on 29 March 2008 had been particularly insulting towards a certain section of the population. The dissolution measure had thus been proportionate to the aim pursued.

This complaint was accordingly rejected as being manifestly ill-founded.

*The decision is available only in French.*

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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.