



Conviction of Mr Meslot, MP, for contempt of court was not excessive

In its decision in the case of **Meslot v. France** (application no. 50538/12) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the applicant's conviction for contempt of court on the grounds of comments which he had made about a judge at a meeting during an election campaign.

Having regard to the nature of the comments made, the Court considered that the applicant's conviction for contempt of court and the penalty imposed on him had not been disproportionate to the legitimate aims pursued. Interference with the right to freedom of expression was necessary in a democratic society in order to protect other people's reputations and to guarantee the authority and impartiality of the judiciary.

At a political meeting during the general election campaign the applicant, an MP, had made aggressive comments about the judge who had charged him with electoral fraud some months previously.

The Court observed that the comments made by the applicant had been intended to harm the judge personally and had not been objectively necessary in terms of public information. It held that the imposition of a fine on the applicant had not been excessive, particularly as it had not affected his political career.

Principal facts

The applicant, Damien Meslot, is a French national who was born in 1964 and lives in Belfort. Mr Meslot was a Member of Parliament for the Territoire de Belfort *département* until 2017.

In June 2007, at a public meeting held during an election campaign, Mr Meslot stated, among other things, that he had no respect either for the prosecutor L. or for Judge D., "who have turned into political commissars, exceeded their remit and brought the judiciary into disrepute. They prefer to wage war on right-wing MPs rather than tackling thugs. Well, I will get those people transferred, drive them out of the Territoire de Belfort, because they cannot be trusted. Did you hear the latest? Two armed robbers were arrested ... and you know the first thing Judge D. did? ... He released the two robbers ... We've had enough of ... leftie judges who go against the will of the people and obstruct the work of the police". This statement was transmitted by the radio station Radio France Bleu Belfort and reproduced in part by the daily newspaper *Le Pays*.

Mr Meslot was convicted of contempt of court and ordered to pay a fine of 700 euros (EUR), a sum of EUR 1 to the civil party in damages, and EUR 3,588 in respect of irrecoverable costs.

The Dijon Court of Appeal upheld the guilty verdict but increased the fine to EUR 1,000 and the total amount in respect of irrecoverable costs to EUR 5,023.20. The Court of Cassation dismissed Mr Meslot's appeal on points of law.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 25 July 2012.

The applicant submitted that his conviction was contrary to Article 10 (freedom of expression) of the Convention.

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

Angelika Nußberger (Germany), *President*,
Erik Møse (Norway),
André Potocki (France),
Yonko Grozev (Bulgaria),
Síofra O’Leary (Ireland),
Gabriele Kucsko-Stadlmayer (Austria),
Lətif Hüseynov (Azerbaijan), *Judges*,

and also Milan Blaško, *Deputy Section Registrar*.

Decision of the Court

Article 10

The Court considered that Mr Meslot’s criminal conviction for contempt of court amounted to an interference, which was “prescribed by law”, with the exercise of his right to freedom of expression. The conviction had pursued the legitimate aim of “the protection of the reputation or rights of others”, in this case those of Judge D. It had also been intended to guarantee “the authority and impartiality of the judiciary” of which that judge was a member.

The Court first of all reiterated that Article 10 § 2 left little room for restrictions on freedom of expression in the sphere of political discourse. Secondly, it noted that the person at whom the impugned comments had been directed was a judge. It reiterated that the limits of acceptable criticism were wider in respect of judges in the exercise of their official duties than for an ordinary individual, except where the attacks in question were extremely damaging and ill-founded.

The Court noted that the Court of Appeal had ruled out the possibility that the statements had merely amounted to an opinion on the operation of the local judicial system. The Court of Appeal had noted that the judge had been named and targeted in his official functions, and that the comments had consisted of personal attacks and had “cast doubt on the independence of the judiciary”. The Court saw no reason to question the decision of the Court of Appeal, as upheld by the Court of Cassation. It observes that the comments made had had more to do with a personal attack on Judge D. than with any kind of reasoned criticism. Thus, despite the political context, where invective often became rather personal, the Court considered that the debate had been objectively unnecessary for the purposes of informing the public, who might have concluded that statements made by an MP were credible and reliable.

Furthermore, the Court noted that the statements had lacked an adequate factual basis. On the one hand, the factual information – the release of two armed robbers – had been erroneous, since Judge D. had not taken the decision in question. On the other hand, the other comments, which fell more into the category of value judgments than that of factual statements, had been based solely on the applicant’s indictment by Judge D. and on his animosity against that judge. The fact is that Mr Meslot at no stage attempted to substantiate the behaviour attributed to the judge or to provide his audience with evidence demonstrating that the judge had taken decisions incompatible with his professional ethical obligations.

The Court consequently considered that the domestic courts had been justified in concluding that the comments made by Mr Meslot had amounted to a gratuitous personal attack and could be deemed deceitful. The impugned statements had also infringed the independence and the authority of the judiciary, since the applicant had undermined public trust in the integrity of the courts.

The Court's extremely strict scrutiny of political discourse did not lead it to see Mr Meslot's comments as the expression of the degree of exaggeration or provocation which was permissible in the framework of freedom of political expression.

The Court therefore did not consider the 1,000 euros (EUR) fine excessive or liable to produce a chilling effect on the exercise of freedom of expression. Moreover, it observed that that penalty had not affected Mr Meslot's political career, since he had been re-elected as an MP in 2007 and 2012.

Rejecting the application as manifestly ill-founded, the Court declared it inadmissible.

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.