[NL] Dutch Musician Ordered to Remove Music Video from YouTube Containing Threats to Politician

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Emilie Kannekens
Institute for Information Law (IViR), University of Amsterdam

On 7 November 2014, the District Court of The Hague declared Dutch musician Honzy guilty of making death threats to politician Geert Wilders through a music video. The court sentenced the musician to a suspended prison sentence and, inter alia, ordered the musician to remove the video from his YouTube account.

The video was first published on the musician's YouTube account in March 2014. In the video, an actor wearing a blonde wig is dragged out of his office by two men wearing balaclavas. The men in balaclavas cover the actor's head with a bag, put him on his knees and press a gun against his head. The parties both agreed that the actor represented an imitation of Geert Wilders. In the final seconds of the video, the screen turns black and the sound of a gunshot is heard. In the lyrics of the song, the musician warns Wilders about the consequences of his political speeches about Muslims and Islam.

The musician's attorney pleaded for acquittal on the grounds of freedom of expression and in view of the fact that the music video was, given the foolish imitation of Wilders, clearly a parody. The court ruled that there was no doubt that the combination of the video and the rap song constituted a threat towards Wilders and that Wilders had reasonable grounds to fear for his life.

Furthermore, the court declared that the video made no contribution to the public debate. On the contrary, the video was created to keep Wilders from expressing his opinion and contributing to the public debate. As a result, the musician violated one of the ground rules of a democratic society; the right of freedom of expression. The court continued by stating that the lyrics made clear that the musician was aware of Wilders' need for security, following other threats that have been made against him in the past. By making the death threats, the musician violated Wilders' right to respect for private life.

The court granted the special conditions sought by the public prosecutor with regard to the order against the musician to remove the video from his YouTube account and to keep the video removed. If the musician continues with making the video available to the public, he will continue being guilty of threatening Wilders and can be prosecuted again. Furthermore, the defendant was sentenced to a suspended prison sentence and community work.

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Rechtbank Den Haag, 7 November 2014, ECLI:NL:RBDHA:2014:13583

http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2014:13583

District Court of The Hague, 7 November 2014, ECLI:NL:RBDHA:2014:13583

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