

# **State of emergency (France) : Disproportionate emergency measures leave hundreds traumatized**

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**Heavy-handed emergency measures, including late night house raids and assigned residence orders, have trampled on the rights of hundreds of men, women and children, leaving them traumatized and stigmatized, according to a new briefing released by Amnesty International today ahead of Friday's French parliamentary debate on entrenching emergency measures in the constitution**

**Upturned lives** : The disproportionate impact of France's state of emergency details how, since the state of emergency was declared shortly after the 13 November 2015 Paris attacks, more than 3,242 house searches have been conducted and more than 400 assigned residence orders imposed. Most of the 60 people Amnesty International interviewed said that harsh measures were applied with little or no explanation and sometimes excessive force. One woman said that armed police burst into her house late at night as she minded her three-year old child. Other people told Amnesty International that the stigma of being searched had caused them to lose their jobs.

"While governments can use exceptional measures in exceptional circumstances, they must do so with caution. The reality we have seen in France is that sweeping executive powers, with few checks on their use, have generated a range of human rights violations. It is difficult to see how the French authorities can possibly argue that they represent a proportionate response to the threats they face," said John Dalhuisen, Amnesty International's Director for Europe and Central Asia.

Many of those interviewed by Amnesty International, since it began documenting cases shortly after the three-month state of emergency was instigated, said that they received almost no information showing how they were implicated in any security threats. The intelligence files presented in court have contained little information to substantiate claims that individuals represent a threat to public order. Many have struggled to challenge the restrictions imposed on them as a result.

Ivan said that the 40 police officers who in November raided his Parisian suburb restaurant, as men, women and children were eating supper, were unnecessarily heavy-handed.

"They told everyone to put their hands on the table, then they searched everywhere for about 35 minutes. They forced open three doors. I told them I had the keys, I could have opened the doors for them, but they ignored me," he told Amnesty International researchers.

"What really struck me is that, on the basis of the search order, they thought they could have found some people who constituted a public threat in my restaurant. However, they did not check the ID of any of the 60 clients who were there." No further action was taken against Ivan.

Emergency measures have had a significant impact on the human rights of the people targeted.

Some have lost their jobs. Almost all were left with stress and anxiety.

Issa and his wife Samira's house was searched on 4 December on the unspecified grounds that he was a "radical Islamist". Although the police never pursued any criminal investigation against Issa and Samira, they copied all data on Issa's computer, imposed a nightly curfew on Issa, obliged him to report three times a day to a police station and not leave the town he lives in. He had to turn down a job as a delivery man as a result and has spent most of his savings on legal fees.

People told Amnesty International that house searches had caused fear, stress and other health-related issues.

"I don't sleep well anymore and if someone speaks loudly I tremble," Fahima told Amnesty International after police with firearms had burst into her house in the middle of the night as she was minding their three-year-old child.

Most of those interviewed by Amnesty International for the report said that the current emergency measures are implemented in a discriminatory manner, specifically targeting Muslims, often on the basis of their beliefs and religious practices rather than any concrete evidence of criminal behaviour.

Several mosques and prayer rooms have also been shut down by French authorities since the Paris attacks. One such mosque in Lagny-sur-Marne near Paris was shut down despite police reports indicating that "no element justifying the opening of an investigation has been found".

"If there are allegations against one or two people, why don't they target them specifically ? Why do they target a whole community ? There are about 350 Muslims in Lagny who are now left with no place to worship," the president of the mosque and three organizations dissolved by the authorities told Amnesty International.

The emergency measures in France have come at great cost to people's human rights, but yielded few tangible results, calling into question the proportionality of the measures. According to media reports, the 3,242 raids carried out in the past month have resulted in only four criminal investigations for terrorism-related offences and 21 investigations under the vague 'apologie du terrorisme' provision. A further 488 investigations resulting from these raids were for unrelated criminal offences.

"It is all too easy to make general claims about a terrorism-related threat requiring the adoption of emergency powers. However, the French government needs to demonstrate unambiguously that a state of emergency still exists and parliamentarians should scrutinise this claim carefully. Even if satisfied on this count, meaningful safeguards need to be restored to prevent the abusive, disproportionate and discriminatory use of emergency measures."

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<https://www.amnesty.nl/nieuwsportaal/pers/france-disproportionate-emergency-measures-leave-hundreds-traumatized>

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## **New law threatens to make emergency measures the new norm**

**A proposed change to France's Constitution would put many people at even greater risk of human rights violations by giving security services carte blanche to close down organizations, conduct unwarranted house raids, shut down mosques and restrict people's freedom of movement, said Amnesty International.**

The amendment, which if approved as an official government proposal by the French Council of Ministers during discussions set for tomorrow, would allow authorities to continue using state of emergency measures for a further six months after the end of a state of emergency.

Under the current state of emergency, authorities have carried out 2,700 house searches without warrant and imposed assigned residency on hundreds of people, restricting their freedom of movement, since the November 13 Paris attacks.

"Declaring a state of emergency in situations where there is a 'threat to the life of the nation' such as the Paris attacks is one thing, but entrenching emergency measures to counter more vaguely defined threats is another," said Gauri van Gulik, Amnesty International's Deputy Director for Europe and Central Asia.

"There is a very real risk that the rights of the wider population are getting ensnared in a net supposed to be designed to identify only those posing a genuine threat. Many people are being targeted solely on the basis of their religious practices or vague suspicions."

Under the current three-month state of emergency, set to end on 26 February 2016, French authorities can carry out house searches without a warrant, impose assigned residency, shut down associations, and restrict other human rights including the right of peaceful assembly.

### **A wave of house searches**

Many people have described to Amnesty International how house raids have left them traumatized. They have had no official explanation as to why the search was considered necessary or what the authorities were looking for.

"My father had heart problems, he had just been released from hospital. Police forced the entrance door, they did not ring the bell, they burst into the flat, started screaming and handcuffed both my father and my sister," Nadia, whose father is 80 and lives with his disabled daughter, told Amnesty International researchers after a raid on 21 November.

"My father felt unwell and after a few minutes fainted. They had to call an ambulance...He was so scared, he cried a lot when we visited him at the hospital the first days."

According to media reports, the 2,700 raids carried out in the past month have resulted in only two criminal investigations for terrorism-related offences ; a further 488 investigations resulting from these raids were for unrelated criminal offences. These figures raise doubts as to whether these raids are a necessary and proportionate measure to protect public safety.

### **Restricted freedom of movement**

Over the same period, 360 people have been under assigned residency – that is, they are obliged to live in a certain area and to report up to three times a day to the police in that locality. This measure severely restricts their freedom of movement and negatively impacts their private and professional

lives.

One freelance consultant in the Paris region told Amnesty International that he had been under assigned residency since 15 November, when police showed up at his house based on his supposed connection to “radical” Muslims and people who had travelled to Syria.

He said he only vaguely knew one person out of a long list of his supposed associates which was provided by the authorities. Being under assigned residency and having to report to a police station several times a day has meant that this father of three has had to cancel all of his work-related commitments. He feared the negative impact an extended state of emergency would have on his family.

“I am so afraid it will be renewed. That would mean the measures against me will last longer, that perhaps I won’t be able to work for months.”

### **Casting a discriminatory net**

There is significant risk that emergency measures, in the long term, would continue to be used against particular groups and associations, especially Muslim individuals and groups. Under the state of emergency so far, more than 20 mosques and many Muslim associations have been searched and around 10 mosques have been shut down.

“It seems to me that if you display your religion, if you are bearded or wear a religious symbol or dress or if you pray in a particular mosque you can be considered “radical” and thus targeted,” Amar, who had been subjected to a house search, told Amnesty International.

“If you try not to display your religion too much, then they think you are concealing something. We don’t know who they want us to be, how we have to behave.”

Despite advice against the proposed measures from the Council of State, France’s highest administrative court, if passed tomorrow, the new proposed Constitutional amendment would then go to Parliament for a vote in 2016.

“These emergency measures are already proving to be disproportionate. Extending them outside of a state of emergency is a dangerous step,” said Gauri van Gulik.

“Using the terrorist threat to change the constitution opens the floodgates for emergency-like measures to become the new norm.”

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