Beat: Local

FRANCE - ABUSES UNDER THE STATE OF EMERGENCY

HALT WARRANTLESS SEARCH AND HOUSE ARREST

PARIS, 22.02.2016, 11:07 Time

USPA NEWS - On February 3, 2016, was given a statement by HUMAN RIGHTS WATCH regarding Abuses commited in FRANCE under the State of Emergency and asking to halt Warrantless Search and House Arrest.

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France has carried out abusive and discriminatory raids and house arrests against Muslims under its sweeping new state of emergency law. The measures have created economic hardship, stigmatized those targeted, and have traumatized children.

In January 2016, Human Rights Watch interviewed 18 people who said they had been subjected to abusive searches or placed under house arrest, as well as human rights activists and lawyers working in affected areas. Those targeted said the police burst into homes, restaurants, or mosques; broke people´s belongings; terrified children; and placed restrictions on people´s movements so severe that they lost income or suffered physically.

'France has a responsibility to ensure public safety and try to prevent further attacks, but the police have used their new emergency powers in abusive, discriminatory, and unjustified ways,' said Izza Leghtas, Western Europe researcher at Human Rights Watch. 'This abuse has traumatized families and tarnished reputations, leaving targets feeling like second-class citizens.'

In one house raid, police broke four of a disabled man´s teeth before they realized he wasn´t the person they were looking for. In another case, a single mother´s children were transferred to foster care following a raid. Many of those interviewed said they were now scared of the police and have been shunned by their neighbors.

French Interior Minister Bernard Cazeneuve has said that the emergency powers, which allow police to search homes and place people under house arrest without prior judicial approval, 'do not signify abandonment of the rule of law.' On November 25, 2015, he issued a directive to local authorities warning against any abuses.

Today, Amnesty International also published research on abuses under the state of emergency in France.

French law enforcement officials have conducted more than 3,200 raids and placed between 350 and 400 people under house arrest, following unprecedented attacks in Paris and the Paris suburb of St. Denis on November 13, which killed 130 people and injured hundreds. However, the counterterrorism unit of the Paris prosecutor´s office has opened only five terrorism-related investigations.

The government has said it will ask parliament to renew the state of emergency for another three months. But it has not provided compelling evidence that would justify the need to continue these sweeping measures.

Absent such evidence, parliament should not renew the state of emergency, Human Rights Watch said.

Measures such as raids and searches should always require judicial authorization, which for urgent cases could take place under an accelerated procedure.

The government also should ensure that people have prompt access to remedies for any damage caused by police action during any renewed state of emergency, and should carry out meaningful outreach about these remedies to targeted communities.

The government is also pushing a bill that would embed provisions for declaring a state of emergency in the constitution. This includes a problematic proposal to enable the government to strip French-born dual nationals of their French citizenship if they are convicted of terrorism-related offenses.

Stripping French-born citizens of their citizenship could force people into exile from the only country they have ever known. Given the much higher rates of dual nationality among French citizens of migrant background, the measure raises concern that some native-born French citizens are being treated as second-class citizens. Former Minister of Justice Christiane Taubira resigned over the proposal. Parliament is expected to start debating the bill on February 5, 2016.

Jacques Toubon, the French human rights ombudsperson (défenseur des droits), has received about 40 complaints about the emergency measures that relate to abuses, including unjustified searches, insufficient evidence, and raids on the wrong addresses. In an interview with Human Rights Watch, he said that while the measures allowed under the state of emergency are not laid out in a way that targets a particular group, 'in reality these measures are aimed at a specific movement and at very observant Muslims. That can give rise to a feeling of injustice and of defiance towards public authorities.'

The Collective Against Islamophobia in France (CCIF), an organization that assisted Human Rights Watch in contacting people targeted by the measures, said they had documented 180 cases of abusive house arrests and raids.

The vast majority of those placed under house arrest or whose homes were searched are Muslims and persons of North African descent. All the measures that Human Rights Watch documented targeted Muslims, Muslim establishments, or halal restaurants.

Many people said they felt they had been targeted because of their religion. The CCIF echoed this sentiment. Nils MuiÅ¾nieks, Council of Europe commissioner for human rights, also raised concerns about possible ethnic profiling in an interview on January 12.

Practices that discriminate against Muslims are counterproductive as well as reprehensible and unlawful, alienating French Muslims and undermining cooperation between Muslim communities and law enforcement efforts that could assist in identifying local terrorism threats based on radical Islam, Human Rights Watch said.

On January 19, five United Nations special rapporteurs, including those on freedom of opinion and expression, and on the protection and promotion of human rights while countering terrorism, called on the government not to extend the state of emergency beyond February 26. They said: 'While exceptional measures may be required under exceptional circumstances, this does not relieve the authorities from demonstrating that these are applied solely for the purposes for which they were prescribed, and are directly related to the specific objective that inspired them.'

Under article 15 of the European Convention on Human Rights (ECHR) and article 4 of the International Covenant on Civil and Political Rights (ICCPR), the government can impose restrictions on certain rights, including freedom of movement, expression, and association, during states of emergency, but only 'to the extent strictly required by the exigencies of the situation.'

The government must also ensure that any measure taken under the law is strictly proportionate to the aim pursued and that these powers are not applied in a discriminatory manner and do not stigmatize people of a particular ethnicity, religion, or social group.

The United Nations General Assembly has repeatedly warned that security measures that violate human rights and rule of law are drivers of terrorism.

'In a context of growing Islamophobia, the French government should urgently reach out to Muslims and give them assurances that they are not under suspicion because of their religion or ethnicity,“ Leghtas said. “Freedom, equality, and fraternity have been badly damaged in the weeks since the November attacks. France should live by those words and restore their meaning.'

EMERGENCY POWERS

President François Hollande declared a state of emergency on November 14, activating an emergency law created in 1955 during France´s war in Algeria. On November 20, 2015, parliament extended the state of emergency for three months, until February 26, 2016, and expanded the powers under the 1955 law.

The current law grants vast powers to the interior minister and local government officials to search homes and premises and restrict people´s movements without a judicial warrant.

It authorizes the prefect “” the government representative “” of each French department to order warrantless searches at any time in any place “when there are serious reasons to believe that the place is frequented by a person whose behavior constitutes a threat to public order and security,“ and to access and copy digital data saved on electronic devices on the premises.

In an expansion of the 1955 law, the state of emergency empowers the interior minister to place under house arrest anyone “against whom there are serious reasons to believe his or her behavior constitutes a threat to public order and security.“

The authorities may confine people to their home for up to 12 hours a day, limit their movement outside their home, and require them to check in at a police station up to three times a day “” down from four times in the immediate aftermath of the attacks.

An official at the Ministry of the Interior informed Human Rights Watch that as of February 2, 2016, the government had ordered 3,289 searches and between 350 and 400 house arrests. As of February 2, 303 house arrest orders were still in effect. As a result of the 3,289 searches, only five investigations into terrorism-related offenses were being conducted by the Paris prosecutor´s office.

'The government has lost the trust of the Muslim community and it is doing nothing to repair the damage,' CCIF spokesman Yasser Louati told Human Rights Watch.

TO BE CONTINUED PART II.... with HOUSE ARRESTS and RAIDS

Source : Human Rights Watch - Statement on February 3, 2016

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http://www.portfolio.uspa24.com/

Article online:
https://www.uspa24.com/bericht-7202/france-abuses-under-the-state-of-emergency.html

Editorial office and responsibility:
V.i.S.d.P. & Sect. 6 MDStV (German Interstate Media Services Agreement): Ruby BIRD (Journalist/photographer/Director)

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Editorial program service of General News Agency:
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Official Federal Reg. No. 7442619