Beat: Local

FRANCE - EMERGENCY POWERS, HOUSE ARRESTS, RAIDS... DENOUNCED BY HRW

STATE OF EMERGENCY ON NOVEMBER 14

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USPA NEWS - On February 3, 2016 was given a statement by HUMAN RIGHTS WATCH regarding FRANCE and Abuses commited under the State of Emergency. Also, was asked by HRW the halt of Warrantless Search and House Arrest. Follows the part concerning the HOUSE ARRESTS and RAIDS...

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(...)

HOUSE ARRESTS

'The effects of the house arrests are catastrophic,' Xavier Nogueras, a lawyer representing several Muslims under house arrest, told Human Rights Watch. "People are losing their livelihoods, their reputations, everything.'

'Kamel,' who is of North African origin, and who like most others is not identified by his real name for his protection, told Human Rights Watch that police placed him under house arrest in a Paris suburb on November 26, 2015. He said the order accused him of 'being heavily involved in a radical Islamist movement' and of facilitating the travel of recruits for violent jihad by terrorist groups. He is confined to his town, forbidden to leave home between 8 p.m. and 6 a.m., and must report to the police three times a day.

'If I´m a recruiter, how come I´m not in prison ?' rather than under house arrest, he said. 'I think it´s my beard. When politicians target radical Islamism, it´s the beard. Even a policeman said to me, "˜Beards are badly perceived.´ The real aim of the mass raids and house arrests, he said, 'is to reassure people.'

'I can´t work,' he said. 'I need to go to the police station three times a day [“¦], I´m patted down in front of everyone like a criminal [“¦] I don´t go to the mosque, I don´t want them to accuse me of something else.'

He said he had not filed a complaint about the house arrest because he had no faith in the French justice system: 'I didn´t before, and I trust it even less now.'

'Ayub,' a Muslim who has been in France as a refugee for 10 years and lives with his wife and four children, said police raided his home on November 20, 2015, and placed him under house arrest on grounds of being a 'radical' and collecting money to fund jihad in Syria, which he categorically denies.

Ayub has a prosthetic leg and said that going to his local police station three times a day requires more physical exertion than his normal routine and results in serious physical pain. The order also forbids him from leaving the small town near Orleans where he lives and from leaving his home between 8 p.m. and 6 a.m.

'The police station is seven kilometers from my home,' he said. 'The bus stop is 300 meters from my home, and every time [I walk there] it hurts. I can´t walk for more than 100 or 200 meters.'

Ayub takes extra medication to relieve the pain, causing abdominal bleeding for which he was admitted to the hospital. He also said that the walking had created chafing, also resulting in pain and discomfort. 'I´m tired morally and physically and depressed because of this house arrest.'

Halim A., a 25-year-old French citizen who runs a motorcycle repair service, was placed under house arrest in a Paris suburb on November 15, 2015. The order accused him of membership in an unnamed 'radical Islamist movement.' It also said he had taken photos with his cell phone on May 13 outside the home of an editor of Charlie Hebdo, the satirical magazine whose Paris offices gunmen had attacked in January 2015.

The order also said he was implicated in a ring that trafficked stolen vehicles organized by the same unnamed radical Islamist movement.

The authorities ordered Halim to report four times a day to the local police precinct, later reducing the reporting to three times daily. They required him to stay inside his home from 8:30 p.m. to 7:30 a.m. and barred him from leaving his hometown, Vitry-sur-Seine. Those restrictions made it impossible for him to go to his office in Paris or to make daily visits to clients, he said.

On January 23, 2016, an administrative judge suspended Halim´s house arrest, ruling that Halim did not take photos with his phone in May 2015 but rather had called his mother, who lived nearby. The judge said Halim´s connection with a stolen vehicle trafficking ring was that he was a witness in a vehicle trafficking case. The judge ordered the government to pay Halim €1,500 compensation.

By then, however, Halim said, he had lost most of his business. His once vibrant social life had ended. 'My credibility, I lost it. My lifestyle, I lost it,' he said. 'Since that day I have only God, my family and my lawyer.'

On the morning of November 24, 2015, as two helicopters hovered overhead, some 40 vehicles filled with police raided d´Artigat, a hamlet of eight homes in the rural Arriège district in the Midi-Pyrénées region. The police cordoned off the hamlet, searched homes, and placed eight residents under house arrest, including Olivier Corel, a Syrian-born French national known as the 'Emir Blanc' ('White Emir'), whom the French authorities suspected of terrorism-related activities.

Corel was charged with possession of an unlawful firearm and given a suspended sentence.

One of the residents placed under house arrest, 'Fatima,' told Human Rights Watch that she and her husband were targeted simply because they were Corel´s neighbors. The house arrest order accused the couple of being part of a local Islamist extremist cell.

'They said we were loyal to our neighbor Oliver Corel, but we haven´t even exchanged a hello with him in the last 12 years,' Fatima said. 'We were in shock. We felt that there was no longer any rule of law or any limits.'

The authorities required Fatima and her husband to check in three times a day at the local police station, eight kilometers away. Over two months, the couple drove about 3,000 kilometers round trip for check-ins, Fatima said. 'It was humiliating to come and go from our little village,' she said. 'People were talking about us behind our backs.'

The prefect rejected their petition to change their check-in hours so they could bring their two children, ages 12 and 14, to their sports activities. The check-ins also prevented Fatima´s husband from organizing and refereeing sports competitions in the area, she said. 'A big part of my husband´s social life went up in smoke,' she said.

On January 25, 2016, an administrative judge suspended the couple´s house arrest. 'It appears that“¦the Ministry of the Interior impaired their freedom of movement in a grave and manifestly illegal manner,' the judge ruled. The judge added that the reasons cited in the house arrest order 'lacked any specific factual element.' This suggests that had a judicial authorization been required for the house arrest, it would not have been granted.

'I felt like I was a puppet that was being shaken to show that the government was doing something,' Fatima said.

RAIDS

'M. Alami,' a 64-year-old Frenchman of Moroccan origin with a disability, said one of six police officers broke four of his teeth when they burst into the home he shares with his wife and three of his children at 2 a.m. on November 25, 2015:

'They didn´t give us a chance to speak. They pushed me, put my hands behind my back, and put me on the floor, face down. One of them put his knee on my back. I felt like I was being broken in half. I said, 'You´re hurting me!' He pulled me by the hair and pushed my head down to the floor, breaking four of my teeth. They searched the apartment until 5:45 a.m., then they asked my wife and me for our

identity documents. Their chief said, “¯We´ve made a mistake.´ [“¡] They didn´t apologize.'

Alami said that the warrant was for his daughter, who lives elsewhere with her husband and whose home was raided at the same time. He said the police officers only gave him a copy of the search order when he insisted. He said his front door is still broken. He said the policemen told him: 'It´s the state of emergency. We have the right to break things. We can do whatever we want.'

Alami said that his neighbors have been hostile to him since the raid, and his children are still fearful. 'The neighbors don´t say hello anymore ““ like we´re total criminals,' he said. 'Now my 15-year-old son and 12-year-old daughter can only sleep if their mother is with them, with the light on.'

'Elodie S.,' a mother of 1-year-old twins, said she had been home alone with her daughters on the night of December 3, 2015, when about 10 police officers broke into her apartment :

'They knocked, I asked them to wait for two seconds, but they broke open the door. They were wearing balaclavas, wearing bulletproof jackets. They put me down on the floor, my hands behind my back. My daughters were screaming [“¡] They brought in a dog, turned everything upside down [“¡] they told us they didn´t find anything.'

She said the police had been looking for her husband, a convert to Islam. 'Police officers who were outside saw my husband and escorted him [to the apartment],' she said. 'All the neighbors were there. We´re bringing a claim for damages. The front door is still broken. And we want a recognition that it was a mistake, and to make sure it won´t have repercussions in the future.'

Around 8:30 p.m. on November 21, 2015, about 40 police in riot gear burst into the Pepper Grill, a halal restaurant with two prayer rooms in Saint-Ouen l´Aumone, about 30 kilometers north of Paris. Police shouted, 'Hands on the table!' and ordered everyone to freeze, then bashed open restaurant doors, even though the owner offered them keys, said Jordan, a restaurant manager who witnessed the raid. He declined to give his last name. About 50 diners were in the restaurant.

'We were stunned,' Jordan said. 'We had no idea why the police were there.' After a half-hour search in which police found nothing, they handed over a search warrant and left with no apology or further explanation, he said. The Pepper Grill´s owner has filed a complaint about the raid, which was captured on the restaurant´s security camera.

Since the raid, Jordan said, business has surged as diners have been coming to express their outrage over the raid and show solidarity.

At 11:30 p.m. on January 7, 2016, about 40 special intervention forces and local police raided the apartment of Myriam Naar, a 25-year-old French woman of Algerian origin, in the town of Millau in the southern Languedoc region. Naar said she was in her short-sleeve housecoat with her head uncovered. 'I felt almost as if I were being seen naked as I usually wear the hijab,' she said. As Naar´s two young children looked on and screamed, the police, some masked, twice made her lie on the floor and refused her request to let her cover her hair with a headscarf, which she found humiliating, she said.

The police searched the home for weapons or other adults but left empty-handed. Nevertheless, on January 12, authorities placed Naar´s children, a 5-year-old girl and an 8-year-old boy, in foster care, saying her home was unsanitary and that she 'lived like she was camping.' Naar, who was separated from her husband, said the apartment was almost empty because she was in the process of moving to Morocco. She said she suspected the authorities took away her children to prevent the move.

On January 26, the authorities transferred the children to a second foster home for six months, a move that required the children to change schools. Naar, who unsuccessfully appealed the placement of her children in foster care, said she is allowed to see the children only on weekends and described them as 'completely traumatized,' with symptoms that included vomiting :

'I had never before experienced racism, but now I no longer feel safe from the state. Everyone is creating amalgams [conflating Muslims and armed extremists], even our own government. That´s the most dangerous thing, and that´s what the [armed] extremists want, to divide in order to better conquer. What hurts is that the entire state is doing this, not just regular people.'

In a pre-dawn raid on November 19, 2015, in Nice, police wounded a sleeping 6-year-old girl when they fired shots to burst open an apartment door, sending wood fragments flying through the room that struck the little girl´s neck and ear. The police found nothing in the apartment, which turned out to be the wrong address.

'All of a sudden we were awakened by the sound of pounding, pounding, pounding, then shots as well,' said 'Omar,' the father of five children, including the little girl. Before the police entered and forced him to the ground, he ran into his children´s bedroom and saw blood on his daughter´s neck.

'It felt like a knife in the heart,' he said. 'I thought she was dead.' A bedpost between his daughter´s head and the door protected her from direct impact, he said.

The girl´s wounds were superficial, but she remains traumatized, her father said: 'My daughter still has bruises. She has panic attacks at night, many nightmares. We put her to bed in one spot, and then we find her in another.'

'It was a very hard blow to our family,' he said of the erroneous raid. Six of the seven family members who were in the apartment during the search are receiving psychological counseling, and a doctor placed Omar on medical leave for anxiety and insomnia, he said.

The local authorities apologized for the erroneous raid and paid to replace the door. While Omar said he understood that they were just trying to do their job, 'they should be more careful.'

On November 16, 2015, police carried out an overnight raid in Aubervilliers, a town in the northern Seine-Saint-Denis suburb of Paris, searching homes and a mosque that also serves as the office of the Association of Muslims of Aubervilliers (AMA). The prefect´s search order, leaked to the media, described the AMA as a place where 'radical Islamists' converged and used the premises of the association for their 'conspiratorial activities,' and that 'there are serious reasons to believe that there are, in the mosque and the home of its president, people, weapons or objects linked to terrorist activities.'

The home of the AMA president, Chiheb Harar, was also raided. He said :

'They broke the door of my house. I came downstairs and found myself facing the police and gendarmes, there were about 60 of them [including outside the house]. I was put face down on the floor, handcuffed in my back with a policeman on my back, one on my shoulder. My wife shouted, “˜There´s nothing here,´ but an officer told her, “˜Shut up.´ They searched the house and found nothing related to terrorism.

Harar said that around midnight the police took him in a convoy to the mosque. Though he had the keys and offered to open the mosque for them, the officers broke down the doors. He later learned that two AMA members, one of whom is the Aubervilliers deputy mayor, had also offered to open the mosque for the police.

The police broke through ceilings and bookcases, causing considerable damage, but did not find anything, according to Harar. Nevertheless, around 3 a.m., they took Harar into custody in Paris because they had found five or six boxes of new clothes and shoes in his home with no receipts and accused him of concealing stolen goods. Harar told the police that the goods belonged to his brother.

The police released Harar at 6 p.m. after his brother confirmed the goods were his, not Harar´s.

Harar said the mosque and AMA deplored the November 13 attacks as well as all terrorist acts. He said he later read media reports that the suspected ringleader of the November attacks, a Belgian national named Abdelhamid Abaaoud, had been hiding under a highway overpass in Aubervilliers before moving to an apartment in nearby St. Denis, where he was killed in a police raid on November 19.

Harar said he then understood that police may have had good cause to search Aubervilliers ““ but still did not understand why police searched his house, detained him overnight, and broke the doors of the mosque when he had offered to open it, and caused extensive damage inside :

We feel persecuted. Now when acts of terrorism are committed in the name of Islam, we [French Muslims] feel obliged to justify ourselves. It´s collective punishment. At first, when we were young, we considered ourselves to be French. Then with discrimination in employment, in housing and in other aspects of life, with people sending you this image that you´re either a French person of immigrant descent or “˜by origin,´ we end up feeling like second-class citizens.

Referring to the proposed law to strip citizenship from dual nationals, Harar said he feared it would be used predominantly against Muslims and send French Muslims´ feelings of marginalization 'up a notch.' The message the bill sends, he said, is that, 'There are two categories of French people: those who can lose their citizenship and those who cannot.'

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