

60 FIDH member organizations call on François Hollande to be exemplary in the fight against terrorism

Thursday 25 February 2016

Mr President,

Over 60 FIDH member organisations, including of course the French League of Human Rights, are particularly concerned about the situation of civil liberties and individual freedoms in France. All of our members were horrified by the terrorist attacks committed in 2015 in Paris and Saint Denis. Such acts of terrorism are being committed throughout the world and it is the responsibility of States to respond in such way as to protect the security and freedoms of all. FIDH and its member organisations, based on what will soon be a century of experience, assert that this battle must be waged while respecting human rights. Otherwise, it will become an attack on the very principles of democracy; thereby helping the criminals reach their goals. Not to mention that by not respecting fundamental freedoms, we are fuelling stigmatisation and discrimination, and possibly endangering the very cohesion of a country.

Our organisations, but also the governments of the entire world and international bodies are carefully watching the reaction of the French authorities. Any measure that impinges on the rights of individual and civil liberties would be a renunciation of France's international commitments and unworthy of the country where the Human Rights Declaration was drafted. The most authoritarian of regimes will not fail to cite such measures to legitimize their repressive policies vis-à-vis political opponents, journalists or NGOs such as ours, conducted on the deceptive pretext of countering terrorism.

That is why our organisations are particularly worried about the extension of the state of emergency, and even more so about its announced renewal effective 26 February. While many safeguards make it possible to examine the conditions of its implementation, several sources of information and testimonies maintain that there have been recourse to excessive force and errors during over 3000 searches conducted without the authorisation of a judge. Moreover, nearly 400 house arrests have been decided upon by prefects on the basis of simple unsigned reports, some overstepping the strict framework of countering terrorism involving environmental activists, for instance. Almost all of these acts have been approved by administrative justice whose monitoring exercised after the fact has turned out to be largely insufficient, even ineffective, when it comes to searches. We point out further, that in the opinion of the very parliamentary mechanism which monitors the state of emergency, the modalities for action provided by the state of emergency are almost no longer used by the relevant services. What we deduce from this is that the remedies available under common law make it possible to deal with the current situation.

The draft reform of the Constitution on the state of emergency and the stripping of nationality, as well as the draft reform of criminal procedure which has been added to the act governing electronic surveillance and to thirty years of abundant legislation governing the fight against terrorism, are also cause for alarm given the increased risks of violations of fundamental freedoms and rights of citizens that they entail. France is one of the only countries whose Constitution includes three provisions for exceptions.

Notwithstanding the support supposedly attributed to these reforms in opinion polls, we are gravely

concerned that they could reinforce in people's minds, and especially among the most vulnerable, a feeling of arbitrary power, and that they will foster acts of stigmatisation and discrimination and cause further social division.

To say the least, it would be ironic that, in the guise of promoting national unity, the reforms undertaken would encourage the opposite, disunity, and ultimately only benefit the most extreme political forces in French society. Yet, that is our most profound concern regarding these reforms given the painful situations we have been monitoring in a number of countries since 11 September 2001.

What is more, our organisations are calling for the non-renewal of the state of emergency, withdrawal of the constitutional reforms proposed, and a specific framework through strict respect for human rights of any reform undertaken and of any of France's foreign policy relating to countering terrorism.

We also call upon the French authorities to resume a dialogue with all of civil society and to be guided by its expertise.

Finally, we recommend that you officially invite to France for the purpose of an investigation, the main bodies of the Council of Europe and the relevant United Nations bodies to assess the proposed or current measures and the practices underway in keeping with France's obligations under relevant international conventions. Among them, it seems to us that a top priority should be inviting the High Commissioner for Human Rights of the Council of Europe and the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism.

France claims to act within the framework of UN and European systems for the protection of human rights; systems that it otherwise supports and that it has committed to respecting and promoting. Such an invitation would seem to us consistent, necessary, and timely with this commitment.

As far as we are concerned, we will soon be organising a fact-finding mission, hoping for active cooperation from the French authorities.

We remain at your disposal for any further information and thank you in advance for your attention to this important issue.

Respectfully yours,

Signatories :

In Africa

Ligue ivoirienne des droits de l'Homme (LIDHO) - Côte d'Ivoire
Organisation nationale des droits de l'Homme (ONDH) - Senegal
Mouvement ivoirien des droits humains (MIDH) - Côte d'Ivoire
Rencontre africaine pour la défense des droits de l'Homme (RADDHO) - Senegal
NSANZURWIMO - Rwanda
Maison des droits de l'Homme du Cameroun (MDHC) - Cameroon
DITSHWANELO - Botswana
ZimRights - Zimbabwe
Groupe LOTUS - DRC
Kenya Human Rights Commission - Kenya
Ligue tchadienne des droits de l'Homme - Chad
Association tchadienne pour la promotion et la défense des droits de l'Homme (ATPDH) - Chad
Ligue djiboutienne des droits de l'Homme - Djibouti

In the Americas

Réseau national de défense des droits humains (RNDDH) - Haïti
Ligue des droits et libertés du Québec - Canada
Liga argentina por los derechos humanos (LADH) - Argentina

CCR - USA
CNDH - Dominical Republic
Limedddh - Mexico
Centro de Capacitación Social de Panamá - Panama
Comisión de Derechos Humanos de El Salvador (CDHES) - El Salvador
CELS - Argentina
Coordinadora Nacional de Derechos Humanos (CNDDHH) - Peru
APRODEH - Peru
Comité de acción jurídica (CAJ) - Argentina

In Asia

Mouvement Lao pour les droits de l'Homme (MLDH) - Laos
Comité Viet Nam Pour la défense des droits de l'Homme - Vietnam
International Campaign for Tibet - Tibet
Human Rights Commission of Pakistan - Pakistan
Commonwealth Human Rights Initiative - India
Odhikar - Bangladesh
ALTSEAN - Burma
ADHOC - Cambodia
Armanshahr/OPEN ASIA - Afghanistan
Philippine Alliance of Human Rights Advocates - The Philippines
League for the Defence of Human Rights in Iran (LDDHI)

In Europe

Ligue des droits de l'Homme - France
Ligue des droits de l'Homme - Belgium
Malta Association of Human Rights - Malta
Hellenic League for Human Rights - Greece
LIDU- Lega Italiana dei Diritti dell'Uomo - Italy
Ihmisoikeusliitto - Finnish League for Human Rights - Finland
Latvian Human Rights Committee - Latvia
Human Rights Association (IHD) - Turkey
Committee on the Administration of Justice (CAJ) - UK
League for Human Rights Netherlands - Netherlands
Liga für Menschenrechte - Germany
Association Européenne pour la Défense des droits de l'Homme (AEDH)
Unione forense per la tutela dei diritti umani - Italy

In Eastern Europe and Central Asia

Kazakhstan International Bureau for Human Rights and Rule of Law - Kazakhstan
Human Rights Movement "Bir Duino-Kyrgyzstan" - Kyrgyzstan
Human Rights Center (HRIDC) - Georgia
Civil Society Institute - Armenia
Promo-LEX Association - Moldova
Anti-Discrimination Centre "Memorial" - Russia
Bureau for Human Rights and Rule of Law - Tajikistan
Human Rights Organisation "Citizen's Watch" - Russia
Public foundation "Legal clinic "Adilet" - Kyrgyzstan
International human rights organisation "Fiery hearts club" - Uzbekistan
Human Rights Centre "Viasna" - Belarus

In the Middle-East and North Africa

Ligue tunisienne des droits de l'Homme (LTDH) - Tunisia
Association tunisienne des femmes démocrates (ATFD) - Tunisia
DOUSTOURNA - Tunisia

Forum tunisien pour les droits économiques et sociaux (FTDES) - Tunisia

Cairo Institute for Human Rights Studies (CIHRS) - Egypt

Association marocaine des droits humains (AMDH) - Morocco

Organisation marocaine des droits humains (OMDH) - Morocco

Sisters Arab Forum for Human Rights (SAF) - Yemen

Palestinian Center for Human Rights - Palestine

Al Haq - Palestine

Al Mezan - Palestine

Bahrain Center for Human Rights - Bahrain
