



French police were often criticized for resorting to the excessive use of force. © APA/AFP

IHf FOCUS: Freedom of expression; torture, ill-treatment and misconduct by law enforcement officials; conditions in prisons and detention facilities; religious intolerance.

Conditions in France's prisons came under considerable scrutiny upon the publication of Veronique Vasseur's *Médecin-chef à la Prison de la Santé*, which detailed the dire situation at the Paris Prison de la Santé, whose prisoners include former Vichy official Maurice Papon.

Misconduct by law enforcement officials remained a serious concern, in particular the excessive use of weapons. Victims were often non-French nationals.

Freedom of religion in France remained an area of heated debate. The National Assembly adopted the About-Picard law dated 30 May 2000, but it was still pending by 25 March 2001 – after several postponements. The draft law is, in many regards, discriminatory against minority religions called “sects” and restricts their freedom. The new draft anti-sect law caused concern amongst many religious

groups and human rights organizations who fear the effects of the crackdown will extent well beyond those groups viewed as dangerous by the Government and constitute an attack on religion in general. The Minister of Justice Elisabeth Guigou asked for the draft law to be reviewed and put in conformity with international human rights standards. The Council of Europe Parliamentary Assembly has begun an investigation on the issue of religious discrimination in France under the guidance of Turkish MP, Mr. Akcali, a member of the Legal Affairs Committee of the Council of Europe.

Freedom of Expression

In October, the European Court of Human Rights ruled that there had been a violation of Article 10 of the ECHR (freedom of expression) in the case of Du Roy and Malaurie v. France. The applicants were

editor and journalist respectively of the weekly magazine *L'Evenement du Jeudi*, which published an article in 1993 entitled "Sonacotra: When the Left Puts its House in Order." The article was particularly critical of Michel Gagneux, the former head of Sonacotra (National Company for the Construction of Workers' Accommodation) and of his relations with new management of Sonacotra, since on 10 February 1993 the company had lodged a criminal complaint with a request that it be made a civil party to the proceedings against Gagneux for misappropriation of company assets. Under a 1931 law, it is an offence to publish information concerning the joinder of a civil party, and the Criminal Court in its 1993 ruling pointed out that the ban was intended to guarantee the presumption of innocence and to prevent any external influence on the course of justice. The Court concluded from the ban that it was necessary in a democratic society "for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary" within the meaning of Article 10 of the ECHR. In 1994, the Paris Court of Appeal upheld the conviction and the amount of the fine. The applicants, on appeal, maintained that the general and absolute nature of the ban on publication was disproportionate to the objective pursued.

The European Court of Human Rights held that the difference in treatment of the right to information did not appear to be founded on any objective basis and completely hindered the right of the press to inform the public on matters which, though concerning criminal proceedings with the joinder of a civil party, could nevertheless be in the public interest. The Court further held that there was a public interest as the case concerned French political figures and their allegedly fraudulent actions in running a public company for the management of residential centres for emigrants. The applicants were awarded legal costs and expenses.¹

Torture, Ill-Treatment and Misconduct by Law Enforcement Officials

Amnesty International has expressed longstanding concern about the reckless use of force and firearms by law enforcement officers in France and has noted with concern that a high proportion of victims of shootings and killings by law enforcement officers have been of non-European ethnic origin, people whose ethnic origin lied often in – *inter alia* – the Maghreb countries.

◆ On 15-16 April, Riad Hamlaoui, a 25-year-old man of Algerian descent and a resident of Lille, was shot and killed by a police officer who had been called to investigate reports of an attempted car robbery involving the victim and a friend. Amnesty International expressed concern about the way the police officer was reported to have used his service weapon, which appeared to be in contravention of international and national law. Hamlaoui was shot at close range and died instantly as a result of a bullet wound to the nape of the neck. The events were reconstructed on 28 June and it was reported that 19 seconds transpired between the police officer getting out of his vehicle and firing his weapon. An administrative inquiry was promptly opened by the General Inspectorate of the National Police and on 16 April the police office was placed under formal investigation on a charge of "voluntary homicide". However, following the reconstruction of events it was reported that the judicial authorities were considering reducing the charge either to "involuntary homicide" or "fatal shot leading to unintentional death". The officer was immediately suspended from the police force pending the outcome of the inquiries.

On 17 April, the Director General of the National Police issued a circular to the departmental heads responsible for public security in France reminding them of the existing regulations relating to the use of weapons. He insisted on the necessity for every public official to abide by the regulations with the utmost rigour as regards use

of weapons, which was strictly regulated by the rules on legitimate defence. In a public meeting on 18 April, during which the Minister of the Interior described the fatal shooting as a “disturbing” and “awful tragedy”, the Minister noted that it was the responsibility of the police hierarchy to remind each officer of “the need for proportionality in reaction”.

In June, the French press reported an announcement by the Minister that he had order the General Inspectorate of the National Police to carry out a study into the regulations of weapons issued to French police officers. An apparent aim of the study was to attempt to establish whether the type of regulation weapons used by officers facilitated incidents similar to that of Riad Hamlaoui.²

◆ In March, Cornélie Chappuis, a 34-year-old French woman of Zairean origin, lodged a complaint with the judicial authorities claiming that in January 2000 she had been physically and verbally, including racially, abused and threatened by police officers after they were called to her home in Roubaix to investigate a reported domestic dispute. She further claimed that she was arbitrarily arrested by the police officers and illegally detained overnight in Roubaix police station. Once inside the police stations, police officers allegedly handcuffed her and threw her face down on the floor. She claimed that on the way to the police station a police officer had made threatening remarks with reference to the well-known death by asphyxiation of a Nigerian in a forcible attempt at deportation to Belgium in 1998. Chappuis claimed that she was taken to a cell and subjected to cruel and degrading treatment and racial remarks and stated that she was made to strip while police officers looked on and made lewd comments. Following a request by the departmental prefect, an internal administrative inquiry was opened by the General Inspectorate of the National Police some two weeks after the alleged incidents took place.³

Conditions in Prisons and Detention Facilities

The publication in January of the diary of a prison doctor shocked the French public and prompted Parliament to vote unanimously to create a commission to investigate “in depth” the living conditions of prisoners and working conditions of prison staff. Elisabeth Guigou, the Minister of Justice, ordered another commission, headed by the President of France’s highest Court of Appeals, to report on the external control of penitentiary administration.

The book, *Médecin-chef à la Prison de la Santé*, was written by Dr. Véronique Vasseur, who worked in the Santé prison for seven years, the last six as head physician. She found the cells filthy and infested with rats and mice and the mattresses so teeming with lice and other insects that inmates collected them in jars to protest. Drug dealing was rampant, with some guards also being involved. Rape was frequent, as were self-mutilations, suicides and attempted suicides. Guards beat up prisoners, and seasoned inmates turned weaker ones into slaves, who did not dare complain for fear of reprisals. Food was often spoiled and gastroenteritis epidemics were frequent. Dr. Vasseur even identified a disease known only in wartime – bread scabies, caused by mouldy bread.

The book caused an uproar and triggered investigations by the press. Some of France’s notorious former prisoners, including former ministers and top business executives, have been interviewed and signed a petition deploring prison conditions.

Case of Papon

The continuing imprisonment of Maurice Papon, the former Vichy official convicted for complicity in crimes against humanity, raised the question of how appropriate and purposeful it is to keep persons of a very old age incarcerated.

◆ French President Chirac rejected a plea for pardon for Maurice Papon. His lawyers

had filed a request for a presidential pardon for medical reasons on 23 December 2000, two months after France's highest court, the Court of Cassation, rejected Papon's final appeal. Papon's lawyer, Jean-Marc Varaut, said his client's request was based on a medical report by Veronique Vasseur, the chief medical officer at the Sante Prison in Paris where Papon has been jailed since October. According to Varaut, Vasseur said "because of his advanced age and severe medical conditions, mainly heart problems, his life was endangered by further time in jail".

On 12 January 2001, lawyers acting for Papon lodged an application with the European Court of Human Rights on account of his continued imprisonment despite his age and health. Papon relied on Article 3 of the European Convention on Human Rights (prohibition of inhuman or degrading treatment or punishment). At the same time, Papon's lawyers sought, under Rule 41 of the Rules of Court, to have the application dealt with as a matter of urgency. On 23 January, the Court invited the French Government to submit information and comments in writing on a number of points concerning Papon's prison conditions and regime. The Court also considered an earlier application lodged by Papon in January 2000, which mainly concerned the fairness of his Assize Court trial and the forfeiture in October 1999 of his right to appeal to the Court of Cassation on points of law as a result of his refusal to surrender to custody the day before the hearing at the Court of Cassation.⁴

The French Government rejected charges laid before the European Court of Human Rights that the Nazi collaborator was suffering inhumane treatment in the Paris prison. Excerpts from a letter published by *Le Figaro* newspaper in early March showed that Papon's daily schedule consists of playing board games, watching television, napping and participating in Bible readings. The letter, written by the French Foreign Ministry, claimed that

Papon's jailing "does not constitute inhuman and degrading treatment" and that it "does not exceed the inevitable level of suffering that is inherent in detention". The debate surround Papon's release flared in January when former Socialist Justice Minister Robert Badinter, whose father was killed at Auschwitz death camp, surprised France with a plea for Papon's freedom. Convicted in 1998 of complicity in crimes against humanity for his role in the arrest and deportation of 1,560 Jews to death camps, Papon repeatedly insists that he has neither regrets nor remorse, because he does not believe he is guilty.⁵

Religious Intolerance

In June, the IHF wrote an open letter to Alain Vivien, President of the Mission Interministérielle de lutte contre les sects (MILS), in response to an accusation that the IHF was "infiltrated by trans-national sects," and in particular by the Church of Scientology (*Le Figaro*, 13 June 2000). The IHF reminded Vivien that religious freedom is among those rights set forth in the diverse documents to which France has committed itself as a member of the OSCE, the Council of Europe and the United Nations. While condemning the legislation that the MILS contributed to developing, the IHF noted that the legislation proposed by Vivien was not compatible with the notion of religious pluralism in a democratic society.⁶

Anti-Semitism and Racism

The annual National Consultative Commission on Human Rights (NCCHR) report on racism and xenophobia, released in March 2000, noted an increase in the number of attacks against Jews after a steady downward trend since 1992, although the number of anti-Semitic threats continued to decline. In 1999 there were 9 reported attacks and 52 reported threats, compared with 1 and 73 respectively in 1998. The attacks recorded in 1999 occurred throughout the country and included

three assaults, three acts of vandalism, and three attempts to set fire to synagogues.

◆ In October, the door of a synagogue was doused with gasoline and set on fire in southern France in the latest in a series of anti-Jewish attacks across the country. The flames were quickly contained and damage to the synagogue in La Seyne-sur-Mer in the Var region was minimal. The incident brought the number of anti-Semitic incidents to 22 since the start of October. The attacks were believed to have been linked to the crisis in the Middle East. French President Jacques Chirac condemned the anti-Semitic attacks, saying "these manifestations of intolerance [...] undermine in an inadmissible way the values and traditions" of France.⁷

Racism towards the Muslim/Arab community was also latent in France, and occasional attacks against their members were reported in 2000.

Sect Issue⁸

On 15 June, the Government approved a draft law entitled "Proposition de loi tendant à renforcer la prévention et la répression à l'encontre des groupements à caractère sectaire". The draft law passed the National Assembly unanimously but was still pending as of this writing.

The draft law is said to have been created in order to provide a tool to deal with criminal acts committed by members of questionable religious groups and to protect individuals from abuse by such groups.

A number of religious denominations and civil rights associations have expressed concern about the draft anti-sect law. While the State is obliged to protect its citizens against abuse by members of any groups or associations, this should not be done through the creation of discrimination, which is the case with the proposed law. Such abuses should be dealt with under the Criminal Code and other legislation and not through adopting a separate law targeted at religious minority groups. Such a law

would pave the way for potential abuse by authorities, amounting to violations of freedom of religion and association, including through the disbandment of peaceful religious minority groups.

In March, a Paris Correctional Court ordered National Assembly Deputy Jacques Guyard, the president of the 1999 Parliamentary Commission of Inquiries Against Sects and a drafter of the 1996 National Assembly report on so-called "sects," to pay approximately 90,000 francs (U.S.\$ 16,500) in damages to three groups that were named in the June 1999 parliamentary report. These three groups - the Federation of Steiner Schools, the New Brotherly Economy, and "le Mercure Federal" (an Anthroposophical medical association) - had charged Guyard with slander for labelling the groups as "sects" in a June 1999 television interview when the inquiry commission was making its second report public, a report dealing with sects and their finances. Guyard was invited to appear on the current affairs programme "Le journal de 13 heures" on France 2. In the program, he described Anthroposophy, *inter alia*, as an organization that misappropriated money, exercised total control over its adherents and even pointed to its "worrying medical aspect."

The court found that Guyard had made accusations against these groups when existing evidence did not warrant a serious inquiry into their activities. The court also criticized the fact that the leaders of the Anthroposophical Movement were not given a forum by the commission to defend themselves. According to the court, none of the documents produced as evidence related to accusations of mental manipulation, financial pressures, misappropriation of funds and dangerous medical practices were of "convincing value." Guyard appealed the decision.

Jehovah's Witnesses

France's highest administrative court, the Council of State, ruled in June that Je-

hovah's Witnesses qualify as a religion under French law. The case involved exempting Jehovah's Witnesses from property taxes levied against their houses of worship.⁹

In France, recognition of a religion is given through tax exemptions rather than through a registration process. The Council of State ruled that the two local associations of Jehovah's Witnesses of the cities of Riom and Clamecy are religious in nature according to the criteria established under French law for religious organizations, which is more restrictive than the legislation for other non-profit organizations. In these cases, the Council of State determined that the activities of the associations of Jehovah's Witnesses are solely religious and that they do not breach public policy or public order.

Other Minorities

◆ A French judge closed the case against 21 members of "The Family", a controversial religious group formerly known as the Children of God. Judge Philippe Assonion declared that there was no evidence to

bring the twenty-one to trial on charges of inciting children to sexual immorality. Charges were brought against the 21 nationals of France, England, Belgium, Denmark, Holland, Spain, Canada and the USA following armed police raids in June 1993 on the group's communities in southern France. Authorities took 80 children into custody for up to two months before returning them to their parents. Twenty-one adult members were arrested and released within 48 hours, and over the coming months all juridical control was lifted. After five years of investigation, the Prosecutor concluded that there was "no proof, photos or medical evidence" to substantiate the charges, and recommended the case be closed without being brought to trial. Judge Assonion of the Tribunal de Grande Instance of Aix-En-Provence accepted this recommendation, closing the proceedings in January 1999. This decision was upheld on 24 February with the judge rejecting an appeal by UNADFI (Association for the Defence of the Family and the Individual) and a private individual unconnected with "The Family".¹⁰

Endnotes

- ¹ European Court of Human Rights, Judgment in the Case of Du Roy and Malaurie v. France, 3 October 2000
- ² Amnesty International, "France: The Fatal Shooting of Riad Hamlaoui by a Lille Police Officer", AI Index: EUR 21/04/00, July 2000.
- ³ Amnesty International, "France: The Alleged Ill-Treatment of Cornélie Chappuis by Roubaix Police Officers," AI Index: EUR/21/02/00, May 2000.
- ⁴ Press Release, European Court of Human Rights, 23 January 2001. www.echr.coe.int
- ⁵ CNN: Government Says Papon Treated Well, 7 March 2001, www.cnn.com
- ⁶ IHF, "Open Letter to Alain Vivien about Religious Freedom in France," 25 June 2000, at www.ihf-hr.org/appeals/000615.htm
- ⁷ Human Rights Without Frontiers, "Arson at Synagogue in France", 16 October 2000.
- ⁸ This section was compiled on the basis of press releases and statements made by Human Rights Without Frontiers, www.hrwf.net/English/france2000.html
- ⁹ Human Rights Without Frontiers, "Highest Administrative Court Rules that Jehovah's Witnesses are a Religion", 23 June, 2000.
- ¹⁰ Human Rights Without Frontiers, "French Judge Upholds Acquittal of 21 Religious Group Members", 24 February 2000.