

Emergency state and banned demonstrations

The prohibition of demonstrations

The law on the emergency state does not specifically mention demonstrations. The government considers that the power to forbid public gatherings also gives prefects the right to ban demonstrations in public. The Préfecture de Police de Paris has issued three prefectural decrees prohibiting all demonstrations in the Ile-de-France region until the 30th of November included. This prohibition could easily be extended.

If it comes to that, demonstrators may either risk facing the usual penalties for the “illegal participation in a gathering” (“participation délictueuse à un attroupement”) (cf. Flyer on COP 21 Legal information) or otherwise risk 6 months imprisonment and a 7500 fine for not abiding to the prohibitions stated in the name of the emergency state.

The préfecture de police has given the names of 58 persons to the Paris Prosecutor of the Republic who have been supposedly “identified” at a banned demonstration last Sunday. The police has already started to summon them.

Other measures under the emergency state

Restricted circulation

The police prefecture can deny access to pedestrians and vehicles (even if they are not part of a demonstration) in certain areas at certain times. They can also define “zones of protection and security” where circulation is regulated : this is already the case around Saclay until the 14th of December.

Prohibition of gatherings

Le préfet peut interdire les réunions, même dans un endroit privé, si elles sont de nature à « entretenir le désordre ». Il n’y a cependant pas d’interdiction générale de toutes les réunions en ce moment à Paris, contrairement aux manifestations. Celles-ci peuvent être interdites au cas par cas.

Administrative police house-searches and raids (perquisition administrative)

“Police house-searches” (perquisitions) at all hours, even at night, can happen in any place “when there is serious cause to believe the place is frequented by a person whose behaviour constitutes a threat on security and public order”. Under the current legal circumstances, several perquisitions have happened, including one in a squat in the south of Paris on Thursday morning.

If the cops find something illegal (weapons, drugs...), they can press legal charges. If there is an undocumented person present, the police can arrest them.

In theory, unless they discover anything illegal, the cops cannot seize any equipment during the perquisition administrative, IT equipment included. However they can make copies of digital data (in computers...).

House arrest (assignation à résidence)

Evidently, anti-COP 21 activists will be affected by house arrests. The person under house arrest must be notified. Most of the time, house arrest means the person cannot leave their home at certain hours and has to check in at the police station up to three times a day. They may also be prohibited from contacting certain persons and be forced to hand over their passport and/or ID to the police. Non-compliance to these restrictions can be punished by one year in prison and a fine of 15000 euros (as always, these are the maximum sentences). It is possible to appeal against placements under house arrest.

The dissolution of associations or groupings

It can be applied to associations or groupings of people who “participate in the commission of acts which gravely disrupt public order or whose activities facilitate or encourage any such commission”. “Participating” in the reformation of a group or maintaining a group which has been dissolved is punishable by three years in prison and a fine of 75 000 euros. “Organizing” a reformation is punishable by a sentence of seven years in prison and a fine of 100 000 euros.

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