
Rights Advocates Brace for Anti-Terrorism Bill

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France's National Assembly will vote **Tuesday** on a proposed law that would make permanent the extraordinary counterterrorism measures in place since the 2015 Paris attacks, setting off a big fight between those looking for tighter security and those worried about the erosion of civil liberties.

President Emmanuel Macron's government says the legislation will enable France to finally wrap up the almost two-year state of emergency — the **longest** in French history since the Algerian War of Independence — and help it deal with the threat of Islamist terrorism. In defense of the bill, the government **pointed** to 12 planned terrorist attacks in 2017. A state of emergency can't continue forever, the government knows, but it still needs expanded powers to face down a serious threat.

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But many legal experts and rights advocates say the new law, which would mean warrantless raids and house arrests, poses a grave threat to civil liberties. Last week, both the [United Nations](#) and [Human Rights Watch](#) condemned the “normalization” of emergency powers. The Interior Ministry’s regional delegates would become especially powerful under the new law, at the expense of regular judges. They’d have the power to limit the movement of people considered a national security threat, close places of worship, and search private property — all without convincing a judge of the merits of the case.

“Judicial authority is the guardian of individual liberties,” said defense attorney Emmanuel Daoud. The draft law “makes official a retreat of individual liberties and public liberties in our law.”

France, like plenty of other European countries, is trying to find the legal framework to deal with a spate of low-tech but high-profile terrorist attacks, such as the November 2015 Paris attacks that killed 130 people and served as the justification for triggering the state of emergency. Other incidents include a cargo truck attack in Nice; a lethal assault on the staff of the satirical French newspaper *Charlie Hebdo*; and, most recently, the stabbing deaths of two women in Marseille.

And France is also grappling to respond to the influx of fighters back from training camps and the front lines in the Syrian civil war.

That has helped muster popular support for tougher counterterrorism measures in recent years, like the waiving of judicial review for terrorism investigations enshrined in the state of emergency (and the draft law).

Under ordinary criminal law, said Serge Slama, a law professor at Grenoble Alps University, a judge would review the evidence suggesting somebody is preparing a terrorist act. But, he said, in both the state of emergency and the draft law, the “proof” comes from so-called white notes, information from French intelligence for the Interior Ministry with information on an individual and his or her possible links to terrorism.

“These aren’t precise elements or proof that someone will commit an attack. It’s just someone suspected of belonging to a network,” Slama said.

But French police have taken advantage of their new powers. In just the nine months between November 2015 and July 2016, Human Rights Watch **reported** nearly 3,600 warrantless raids and 400 people placed under house arrest, resulting in six terrorism-related criminal investigations.

Useful as it may be for security forces, Macron can’t have the state of emergency last forever. But pressed from the right to get tough on the terrorist threat, he can’t just ditch it, either. By enshrining the tough, exceptional measures in law, the new president is trying to win political support for ending the state of emergency and kudos for still being tough on terrorism.

Some legal experts see the draft law as just another “brick in the wall,” continuing a gradual hardening of the French approach to counterterrorism on display in recent years.

“It’s just another step in this entire process,” said Sharon Weill, a lecturer and researcher at Sciences Po in Paris who studies criminal justice in the context of counterterrorism. “For Macron, this is a way to stop the state of emergency to gain public opinion. From my point of view, it’s a process.”

As big a question as the impact of the proposed law on civil liberties is whether the draconian measures even work. Nearly 4,000 raids, for instance, only **resulted** in one prosecution.

“The effectiveness of this state of emergency in comparison to the judicial and legislative arsenal that already existed was not proven,” Daoud said.

And those house arrests, which require suspects to check in with police as many as four times a day, are hardly the best way to win hearts and minds, Weill said.

That makes it hard for people under house arrest to keep their jobs or fully integrate into French society. “This doesn’t resolve the problem of radicalization,” she said.

It’s better, Weill suggested, to use the full battery of legal measures already on the books and focus any additional efforts at nipping radicalization in the bud.

“We already have what we need in the criminal law system. The rest should be invested in prevention, in talking with people, understanding the roots of extremism,” she said.

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