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ABUSES AND IMPUNITY CONTINUE TO WORSEN ALONG THE FRENCH-BRITISH BORDER DESPITE MOUNTING EVIDENCE

Over six months since publishing *Targeting Solidarity: Criminalization and harassment of people defending refugee and migrants rights in northern France*,¹ and calling on the French, British and EU authorities to urgently address abuses faced by both people on the move and human rights defenders on the French-British border, Amnesty International remains deeply concerned about a situation that continues to be dire, unsustainable and inhuman. Ongoing police abuse and excessive use of force as well as an escalation in the routine forcible evictions of people on the move, without credible solutions to the hundreds of people who are stuck along the border, remain of grave concern.

In its report published in June 2019, Amnesty International detailed how human rights defenders who support migrants and refugees on the French-British border are facing harassment and intimidation, smearing attacks, fines, arrests, threats of arrests and prosecution, and in some cases assault at the hands of police, as they deliver humanitarian aid, monitor abuses and speak up against them. For example, in July 2018 human rights defender Tom Ciotkowski² was violently pushed to the ground and then falsely accused and tried for assault and contempt, risking up to 5 years in prison and a large fine. He was eventually acquitted³ in June 2019, and he is now pursuing a complaint against the police officers who provided false statements for the prosecution.

CONTINUING PRECARIOUS SITUATION FOR PEOPLE ON THE MOVE

The attacks against human rights defenders are linked to the situation faced by people on the move in the local area. As of the end of November 2019, roughly 500-600 people in Grande-Synthe, near Dunkirk, and a similar number in Calais, including adults, teenagers, and families with young children,⁴ continue to sleep in flimsy tents and live in informal camps, facing freezing temperatures and insufficient access to water and sanitation.

Since the demolition of the “Jungle”, a large informal camp in Calais three years ago, the authorities have pursued a policy of preventing “attachment points”, that is regularly removing encampments to avoid them from becoming semi-permanent, in an effort to deter people on the move from coming and staying in the area. As well as routinely removing informal camps and tents, this policy is implemented also by failing to provide adequate emergency shelter in situ, or essential services near encampments. The removal of encampments is executed by Prefecture officials, cleaning operatives (who take away any unattended or unfolded tents and belongings) and large numbers of police officers (usually *gendarmes* or officers of the *Compagnie Républicaine de Sécurité* – CRS). These police officers are usually transferred from elsewhere in France, they work in stints of up to one month, and are trained to deal with riots and crowd control, rather than with people in need of protection, often leading to abuses against migrants, refugees and human rights

¹ Amnesty International, *Targeting solidarity: criminalization and harassment of people defending refugee and migrant rights in northern France*, 5 June 2019, (Index: EUR 21/0356/2019), www.amnesty.org/en/documents/eur21/0356/2019/en/

² Amnesty International, *France: Trumped up charges against human rights defender must be dropped* (News, 15 May 2019), www.amnesty.org/en/latest/news/2019/05/france-trumped-up-charges-against-human-rights-defender-must-be-dropped/

³ Amnesty International UK, *France: Acquittal of British man who documented police abusing refugees welcomed*, (News, 20 June 2019), www.amnesty.org.uk/press-releases/france-acquittal-british-man-who-documented-police-abusing-refugees-welcomed

⁴ According to information collected in November 2019 by local organizations who distribute food and observe the human rights situation locally, the distribution of people on the move in Calais and Grande-Synthe varies. In Calais, most of the 500 people on the move are single men and a few dozen are unaccompanied minors. The majority hail from Afghanistan, Iran Sudan, Eritrea. In Grande-Synthe, the majority are also single men (300 to 400 people), plus about 100 people who are there with their families, and around 100 unaccompanied minors. They are mostly Kurds from Iran and Iraq, and a smaller group of Pakistani people.

defenders. Border police is often present during the operations to check the papers of migrants and often conduct arrests. In most cases, those arrested are usually released days later, sometimes without papers documenting the arrest and often with an “order to leave the French territory” (“obligation de quitter le territoire français”) but not repatriated or taken to the border.

Over the past year, the pace of such eviction operations has intensified. For example, according to the Human Rights Observers Project (HRO), a civil society group which documents abuses and evictions in the area, **the number of forcible evictions has doubled** in Calais - rising from 452 for the whole of 2018, to 805 in the first 10 months of 2019. This means that migrants and refugees living in a tent in Calais can expect to be “visited” and removed by police every 48 hours on average. In Grande-Synthe the evictions have also escalated over the past year, with 32 incidents recorded by the HRO between May and December 2018, and 154 between January and October 2019.⁵

Evictions have little effect on the number of people sleeping in tents. Usually, migrants and refugees who manage to salvage their tents, sleeping bags and meagre belongings, return as soon as the authorities leave. In addition, the lack of shelter and services, do not put people off staying in the area, because they are desperate to cross over to the UK. As a result, these constant evictions instead appear to be a tactic to harass and apply constant pressure on people on the move, without providing a credible, humane alternative for a relatively small number of people. One of the results has been the increase, over the course of 2019, in the number of people attempting to cross the channel on unsafe vessels such as overcrowded dinghies, or preventable deaths, such as that of God’s Will, a young Nigerian man who died from carbon monoxide poisoning in November 2019, while trying to warm up in his tent.⁶

During the evictions, which are often justified on the basis that these individuals are occupying private land illegally, the CRS and/or *gendarmes* prevent volunteers from getting near the site and observe the situation or support migrants. During such operations and also at other times, numerous migrants and refugees have recounted to local organizations, volunteers, as well as Amnesty International researchers, of having been abused with insults, beatings, or teargas spray by police, as documented in our report and in reports by numerous other organizations.

In response to a letter from Amnesty, the Justice Ministry acknowledged in May 2019 that victims rarely dare to come forward, and then only when accompanied by civil society groups. On the other hand, the Interior Ministry wrote to Amnesty International in July 2019 largely dismissing the concerns raised by the organization, claiming that the services and the reception system provided by the State are adequate and that the number of complaints filed is very small.

ONGOING HARASSMENT OF HUMAN RIGHTS DEFENDERS

In this context, Amnesty International continues to receive reports of harassment, intimidation, abusive ID checks and fines, and assault against human rights defenders supporting the plight of people on the move in Calais and Grande-Synthe. The following are recent examples of harassment and obstacles faced by individual human rights defenders and organizations providing aid to people on the move, documented by the organization:

1. In October 2019, E.B.⁷ a 20-year-old British volunteer with the Human Rights Observer project, was assaulted by police. E.B. told Amnesty International how, on arrival in Grande-Synthe with two colleagues she was ID checked by CRS agents, who took her passport. The CRS officers also checked the inside of their car, without providing any legal document to justify the search. One of her colleagues started filming the incident with his phone but an officer grabbed the phone, deleted the videos and photos taken, while another one held him back. E.B. then also started filming and was grabbed from the back and dragged away from the group. The officer then released and pushed her and started shaking a teargas canister. By then she had stopped filming and raised her hands. A second police officer then approached her, grabbed by the neck, and searched her pockets. She was asked for her passport again, which was still with other CRS officers who had taken it earlier for checking, and was told “This is France, and in France you respect the police, this is not the UK!”. She and the others were then let go and her passport was returned. A week later she went to the local police station to report the assault. She was

⁵ Information collected by the Human Rights Observer project in November 2019. See also The Human rights observers project, *Forced evictions in Calais and Grande-Synthe, 1 August 2018-1 June 2019*, <https://helprefugees.org/wp-content/uploads/2019/06/Forced-Evictions-in-Calais-and-Grande-Synthe-ENG-1.pdf>

⁶ The Guardian, *Outrage in Calais over death of Nigerian man in tent*, 3 November 2019, <https://www.theguardian.com/world/2019/nov/03/outrage-in-calais-over-death-of-nigerian-man-in-tent>

⁷ Interviewed by Amnesty International in December 2019

told by the officers at the reception desk who took the initial information (such as the car plate number of the CRS van and police ID number of one of the officers who assaulted her) that the superiors were refusing to take the statement and tried to dissuade her from filing the complaint. According to E.B. she insisted close to an hour before they finally accepted to take the complaint. One month later, in November 2019, E.B. received a letter from the Prosecutor's office saying that the events and the information submitted in her complaint did not constitute a crime. She is currently considering whether to challenge this decision and has filed a complaint with the Ombudsperson office (Défenseur des Droits) and the police oversight body (IGPN - Inspection générale de la Police nationale).

2. Khauleel Lee-Joseph,⁸ another young British volunteer who provides humanitarian aid to people on the move, has been repeatedly stopped and harassed by police in Calais over the past year, including during his spare time. He told Amnesty International he was ID checked and stopped by the police at least 20 times in seven months. As a person of colour, he believes that the harassment is racially motivated. In May 2019, according to Khauleel, he and another volunteer in a car were stopped by police and the driver was asked to step out and show her documents. Khauleel was also asked to step out, but he refused saying "I'm a passenger not the driver". When the police insisted he should get out and started hitting his window with batons and handling teargas canisters, Khauleel took out his camera to film. This is when two police officers got on the van to restrain him and take his camera away. They used physical force, such as putting an arm across the back of his neck to hold him down and putting a knee on his back, and by twisting his thumb hard, and squeezing hard behind his ears with their thumbs to hurt him and force him to hand over the camera. Khauleel managed to get the camera's memory card out and hide it, before the police finally took the camera from him. Realizing that the memory card was missing, the police started to search him and the van. They lowered his trousers down to his knees and touched him, looking for the card, including on his genitals. After checking his passport and more questioning, the police eventually let Khauleel and his colleague go. A week later, Khauleel filed a complaint with the police providing a copy of the recording he took that night. While giving his statement he was repeatedly challenged by the officer taking it and was also asked whether there were other copies of the recording. The complaint was then passed to the police oversight body (IGPN) for investigation. The IGPN first contacted Khauleel for information in November 2019, and the investigation has yet to be finalized.
3. Over the past year, members of Human Rights Observers project (HRO) told Amnesty International that they have been regularly taking pictures and posting information and pictures on Twitter⁹ about what they record as incidents of abuse by police during evictions, such as destruction of tents, food and belongings. In response, and emboldened by the conviction for defamation of Loan Torondel, a young French aid worker who was prosecuted for an ironic tweet he posted in January 2018, officials with the Prefecture of the Pas-de-Calais region have been sending several letters to the HRO warning them that information they publish from their Twitter account may be slanderous because it does not "reflect reality" and asking them to delete the tweets. In August 2019, the HRO team wrote a letter to the Prefect about another incident in which a CRS officer was urinating in public during an eviction. When the officer was confronted by an HRO volunteer about his behaviour, the officer responded "you can keep on watching, if the uniform excites you", amongst other inappropriate remarks. The Prefect responded that the incident was investigated by the regional CRS director. He concluded that no misconduct happened on that occasion and that the information the HRO provided was untrue.
4. In October 2019, the Mayor of Calais issued a new municipal order prohibiting food distribution in certain parts of the city centre until after the Christmas festivities, citing public order and health concerns. The municipality had issued similar orders in March 2017, which were subsequently challenged by local organizations and annulled by an administrative tribunal and in appeal by a higher court. As a result of this new order, several volunteers distributing food in the area have been served with summonses and fines. They feel that this is once again

⁸ Interviewed by Amnesty International in December 2019

⁹ See for example: <https://twitter.com/HumanRightsObs/status/1151160896061919234> and <https://twitter.com/HumanRightsObs/status/1187101869593772033?s=20>

hindering their necessary work, which focuses on covering the gaps of the state service provision for migrants and refugees in need.

ABUSES AGAINST PEOPLE ON THE MOVE AND HUMAN RIGHTS DEFENDERS MUST END

In *Targeting Solidarity: Criminalization and harassment of people defending refugee and migrants rights in northern France* Amnesty International recognized that the humanitarian situation along the French-British border is the product of unfair migration and asylum policies, and called on the French, British and European Union authorities to agree on a reform, particularly of the Dublin regulation.¹⁰

Until such reforms take place, the French authorities must ensure their reception and asylum system is fit for purpose and adopt an approach that addresses adequately the avoidable suffering of the people who are stuck along the French-British border, and ensures their rights are protected irrespective of their status. They must send a clear signal that abuses by security forces will not be tolerated, by investigating and prosecuting all reports of police misconduct.

At the same time, it is crucial that the French authorities recognize the legitimacy of human rights defenders supporting people on the move and protect them from attacks. They should condemn any attempts to delegitimize their work, and, and thoroughly and impartially investigate any attacks they report.

In June 2019, Amnesty International called specifically on the French authorities to initiate a proactive, independent and thorough investigation into alleged widespread abuse by police on people on the move and human rights defenders alike, and to initiate adequate disciplinary and/or criminal proceedings against those responsible.

So far this has not happened, and it has become apparent that a lack of oversight and impunity is giving carte blanche and emboldening police officers at the border while the French authorities continue to turn a blind eye to the situation.

Amnesty International therefore repeats the **urgent call**,¹¹ made on 4 December along with other civil society organizations,¹² to the members of the French Parliament to create a commission of inquiry to look into the human rights situation at the borders in France and to propose measures to respect the rights of migrants, refugees and human rights defenders across the country.

¹⁰ The Dublin Regulation – which was adopted to help identify the EU country responsible for examining an asylum application – determines that the country in which the asylum-seeker first entered the EU is responsible for examining their asylum claim – this has created an overburdening of countries at the external borders, such as Italy and Greece; an unfair distribution of responsibility amongst EU countries; and “irregular” movements of refugees and migrants across the EU.

¹¹ Amnesty International France, *On se mobilise aux frontières pour les exilés!*, 3 December 2019, www.amnesty.fr/refugies-et-migrants/actualites/on-se-mobilise-aux-frontieres-pour-les-exiles-

¹² Other organizations participating in the call include ADRA France antenne de Dunkerque, AMIS, ASR adhérents, Auberge des Migrants, Bethlehem, Cabane Juridique, Cercle de Silence Hazebrouck, La Cimade, Collectif Cambresis pour l’Aide aux Migrants, ECNOU, Emmaüs Dunkerque, Flandre Terre Solidaire, Fraternité Migrants Bassin Minier 62, Help Refugees, Ligue des droits de l’Homme – Dunkerque, Médecins du Monde, Médecins sans frontières, Refugee Women’s Centre, Refugee Youth Service, Salam Nord /Pas-de-Calais, SAVE, Secours Catholique, Solidarity Border, Terre d’Errance Steenvoorde, Terre d’Errance Norrent-Fontes, Utopia56 Calais – along with many other organizations working in other parts of France who are supporting migrants and refugees.