

Ban on gatherings in Paris

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Paris Police chief Pierre Mutz imposed a 22-hour ban on “all gatherings liable to cause or maintain disorder on the highway or in public places.” The ban was in place in the capital from 10 a.m. Saturday to 8 a.m. Sunday, despite the fact that rioting in and around the city has considerably subsided.

Ostensibly, this arbitrary infringement of democratic rights—on the long weekend starting with a national holiday celebrating the anniversary of the First World War armistice—was intended to prevent the spread of rioting from the suburban working class estates that ring Paris to the centre of the city. Three thousand police were mobilised to make the ban effective. The youth riots have continued and developed in cities all over France since October 27, when two youth died escaping police arrest in the Paris suburb of Clichy-sous-Bois.

Mutz told the press November 11: “This order, confirmed by the minister of the interior, is designed to provide a strong and dissuasive legal framework for the police and gendarmes who have been given instructions of great firmness. Now we must be capable of saying ‘that’s enough’ to those who want to cause riots in Paris.”

The pretext for Mutz’s action, on the orders of the minister of the interior, Nicolas Sarkozy, is flimsy in the extreme. His communiqué said the measures were being taken “in conformity with article 8 of the April 3, 1955 law on the state of emergency ... in order to prevent disturbances of public order.” Police sources assert that “messages being sent for several days over the Internet and by text messages have been calling for gatherings in Paris on November 12 and for ‘violent actions’ according to the words of their authors.”

A police source told the press: “Many youth have been making appointments for a fight in Paris, in the Halles, on the Champs-Élysées, at the Arc de Triomphe, Bastille Square, République Square.” The

Renseignements généraux, political police, reported that “the most messages monitored were targeting the Champs-Élysées and Bastille Square for Saturday afternoon, one of them evokes ‘the greatest riot ever seen.’”

There is, of course, every chance that such messages may be the work of provocateurs. Indeed, Molotov cocktails were reportedly thrown at a mosque in Carpentras, an area of far-right activism.

The daily *Libération*’s editorial of November 12 asks about the Paris ban: “Was it simply the application of the precautionary principle or a futile and malicious dramatisation?” In any event, “the greatest riot” did not take place.

The Paris *préfecture*, law enforcement office, explained that the ban was intended to have “a dissuasive effect ... to strengthen sanctions if people were to come to Paris.” Penalties for violating the order are “from a week to two months’ imprisonment and/or a 3,750 euro fine ... This is not to prevent honest citizens from walking about in Paris. It’s not gatherings as such that are envisaged.”

Libération comments: “Besides, the ‘gathering of [civil rights organisations] Act Up, Droits Devant, and MRAP, on Saturday 12 November at 5.30 p.m. in Saint-Michel Square, ‘against colonial methods and laws of exception’ is still authorised. On the other hand, the ‘likely lads’ in baseball caps won’t be allowed to get in with the risk of the police enforcing discrimination based on skin colour (*délit de faciès*).”

A sit-in on the Champs de Mars, near the Eiffel Tower, called by community association leaders from the Paris suburbs, organised in the collective *Banlieues Respects*—Suburbs Respects—was also allowed to go ahead November 12. A spokesman, Zouair Ech-Chetouani, said: “We want the youth to stop the violence and go and get their names on the electoral lists.” A leaflet handed out by organisers appealed “to

the president of the Republic and to the government to pay real and sincere attention to the youth in the working class neighbourhoods.” The demonstration, which attracted only 300 people, was recognised by the organisers to have been a flop.

Le Figaro pointed November 12 to the arbitrary and excessive powers that the 1955 law confers on Sarkozy and his police chiefs: “The ban activated this Saturday by the Paris police *préfet* is a special measure which may be taken in the absence of the application of the 1955 law, but, in that case, must be ‘solidly justified.’ In 2004, the presence of many foreign heads of state in Paris, in attendance at the 60th anniversary celebrations in commemoration of the Normandy landings, had also led to a similar order in several places in the capital. This time, the entire area of the capital is concerned. The fines are greater because of the imposition of the state of emergency.”

The only possible conclusion is that far more is on the agenda than the containment of putative youth riots, for which existing policing powers are entirely adequate. The social discontent engendered by the continuing assault on workers’ rights and living standards is now finding its expression in many forms, in rioting, strikes and at the polls.

Civil rights campaigners have expressed grave disquiet in regard to the police measures. Public law professor Ferdinand Mélin-Soucramanien pointed out that the notion of “a gathering liable to cause or maintain disorder” is in fact “so vague” as to give total powers. The order “at the very least violates the right of assembly and the right to demonstrate. It is no surprise, because the 1955 decree is precisely intended to suspend all fundamental rights. Disproportionate means are being utilised to re-establish order in the Republic.”

Michel Tubiana, the former chairman of the League of Human Rights, warned against “the risks of excesses. The Paris police chief is giving the law-enforcement agencies the right to ban what they want, how they want.... There is a danger that police officers will be more likely to perceive in a group of three or four youth who are just a bit dark-complexioned a gathering liable to disturb the peace than with a gathering of white people. This order authorises absolutely arbitrary actions.”

Already Sarkozy has been obliged to suspend eight policemen filmed beating a handcuffed man in their

custody. One officer is in jail under provisional detention and four are under judicial supervision.

The powers given under the 1955 law to the area police chiefs and representatives of central government, the *préfets*, as well as local town halls, are formidable. The cabinet can declare a state of emergency in all or part of the country. Regional officials can impose a curfew. The police can carry out raids on suspected stockpiles of weapons. The minister of the interior can issue house arrest warrants for those deemed dangerous to public safety. Public meeting places can be closed down—cafés, clubs, halls and religious buildings. House searches can be carried out by day or by night. The authorities can control media, film and theatre performances.

Curfews are in force under the 1955 law in five areas of France, where children under the age of 16 are forbidden to be out after 10 p.m. unless accompanied by an adult. Some local mayors have taken their own initiatives, under normal legislation, in imposing curfews in their jurisdictions.

The government is discussing an extension—beyond November 20—the 12-day decree allowed by the 1955 law. This would require the approval of the National Assembly.

The number of vehicles torched on the 16th night (November 11-12) of the urban violence in France was up from the previous night: 502 as opposed to 463. Of the 502, 86 were in Paris and 406 were in the rest of France. Paris had accounted for 111 cars on the 15th night.

Michel Gaudin, director general of the national police, said, “The situation in Ile de France (the Paris region) has virtually gone back to normal.” He reported that 206 arrests had been made throughout the country during the night, which brought the total since October 27 to 2,440. By Saturday, 457 minors had been brought before children’s magistrates and 101 are under a committal order. Five hundred and fifty-eight people have been given custodial sentences and are in jail.



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