

# OBSERVATIONS OF STATE VIOLENCE AT THE FRENCH-UK BORDER

## Calais and Grande-Synthe



Annual report 2020  
Human Rights Observers - HRO

*In collaboration with*



# Our partners :



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## LIST OF ABBREVIATIONS USED IN THIS REPORT:

- BAC ..... Anti-Crime Brigade (*Brigade Anti Criminalité*)
- CAES ..... Center for initial reception and assessment of situations (*Centre d'Accueil et d'Examen des Situations*)
- CAO ..... Reception and Orientation Centre (*Centre d'Accueil et d'Orientation*)
- CNCDH ..... National Consultative Commission on Human Rights (*Commission Nationale Consultative des Droits de l'Homme*)
- CRA ..... Administrative Detention Centre (*Centre de Rétenion Administrative*)
- CRS ..... Republican Security Company, also known as French riot police (*Compagnie Républicaine de Sécurité*)
- ECHR ..... European Court of Human Rights
- HRO ..... Human Rights Observers
- IGA ..... General Inspectorate of the Administration (*Inspection Générale de l'Administration*)
- IGGN ..... General Inspectorate of the National Gendarmerie (*Inspection Générale de la Gendarmerie Nationale*)
- IGPN ..... General Inspectorate of the National Police (*Inspection Générale de la Police Nationale*)
- LBD-40 ..... 40mm Defence Ball Launcher (*Lanceur de Balles de Défense de 40 mm*)
- OFII ..... French Office for Immigration and Integration (*Office Français de l'Immigration et de l'Intégration*)
- OQTF ..... Order to leave the French territory (*Ordre de Quitter le Territoire Français*)
- PAF ..... Border Police (*Police Aux Frontières*)
- RG ..... Intelligence Services (*Renseignements Généraux*)
- RIO ..... Identity and Organisation Reference Number (*Référentiel des Identités et de l'Organisation*)
- UAC ..... Unaccompanied child
- UN ..... United Nations



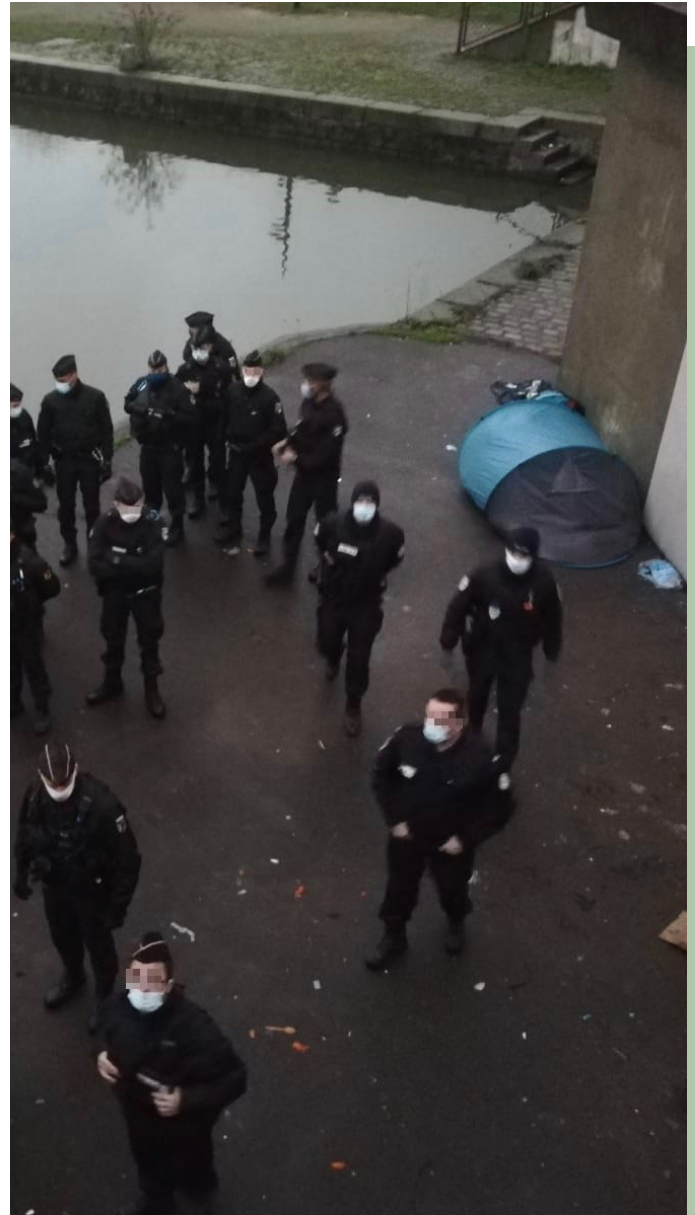
# Introduction and context

*“In the territories of Calais and the city of Grande-Synthe a fully-fledged strategy of harassment of people inhabiting informal living sites has been put in place. These territories alone represent 88% of the evictions reported in the totality of the metropolitan territory.”*<sup>1</sup>

Introducing the *Note d'analyse de l'Observatoire des expulsions de lieux de vie informels*, which covers the year 2019-2020, these phrases demonstrate the extent of the politically-motivated torment waged against those blocked at the French-UK border.<sup>2</sup>

A policy of fighting against fixation points<sup>3</sup> has been carried out for years at the French-UK border, resulting in this harassment. The French authorities physically manage the situation on a daily basis, but the financial support of the British, which is regularly renegotiated, makes it possible to talk about a common policy at this border.

The authorities themselves speak of bilateral cooperation.<sup>4</sup> In the context of Brexit, which came into effect on the 1st of January 2021, these frameworks/mechanisms for coordination between the two countries are being reinforced with an increasingly repressive logic.<sup>5</sup> A hardening in the discourse and announcements on the topic of migration, from both sides<sup>7</sup> of the channel, can be noted starting from July 2020 and the meeting between the French Minister of the Interior Gerald Darmanin and the British Home Secretary Priti Patel.



<sup>1</sup> Observatoire des expulsions des lieux de vie informels, *“Note d'analyse 2020.”* This report covers the period spanning from November 2019 to October 2020.

<sup>2</sup> The externalisation of the British border to France, via the Le Touquet agreements (February 4, 2003), prevents displaced people who wish to do so from reaching Great Britain.

<sup>3</sup> This policy is further explained in the glossary.

<sup>4</sup> Decree n° 2018-263 of April 11, 2018, declaring the treaty between the French Republic and the United Kingdom of Great Britain and Northern Ireland, relating to the strengthening of the cooperation between the two governments for the coordinated management of their common border. Signed at Sandhurst on January 18, 2018.

<sup>5</sup> See, in particular, the joint declaration by France and the United Kingdom on the next stages of their bilateral cooperation in the fight against illegal immigration, published following the agreement of the French Minister of the Interior and his British counterpart, 29.11.2020.

<sup>6</sup> Fr24news, *‘Les migrants doivent être «renvoyés en France», déclare Patel après un record de traversées de la Manche’* [The migrants must be “returned to France”, declares Patel after a record number of channel crossings], 08.08.2020.

<sup>7</sup> Press release from the French Minister of the Interior, *‘Affectation de 200 policiers et gendarmes supplémentaires dans le Calaisis depuis le mois de juillet’* [200 additional police and gendarmes assigned to the Calaisis region since July], 09.11.2020.

This violent policy is particularly centred around forced evictions<sup>8</sup> of people from their informal living sites, but also around other measures which seek to dissuade displaced people from reaching transit points along the coast. Indeed, these measures seek on the contrary to encourage them to stay as far as possible from the border. One of the key measures of discouragement of 2020 was the deforestation of informal living sites, both in Calais and Grande-Synthe. Deforestation is among the most long-standing techniques to implicate nature, as shaped by humans, in the securitisation of the border.<sup>9</sup>



Each eviction forces the inhabitants of a given living space to return once again to being on the move, in an infernal cycle of displacement. Beyond violating the right to shelter, this necessarily impacts individuals' access to most other basic rights, including water, food, health services, and so forth. During these evictions, which take different forms, either people are not presented with any alternative housing, or they are subjected to a forced sheltering operation. In any case, the access to information about the operation is never satisfactory. Despite the multiple denunciations of these violent and abusive practices, the authorities insist, loudly and clearly, on their intention to persevere with the same policy.

In Calais in 2020, as during the two previous years, the State's battle against fixation points was waged daily. Each informal settlement is evicted every forty-eight hours, including on weekends and bank holidays. Starting from July, concurrent with the appointment of Gerald Darmanin as the Minister of the Interior, large-scale evictions were conducted even as the daily evictions continued. Out of the 28 large-scale evictions carried out in 2020, 20 took place between July and December. Every attempt at an installation on a piece of land, whether it be short- or long-lived, is guaranteed to result in an eviction. A veritable manhunt is put in place by the State, illustrating the French policy of fighting against fixation points.

The public prosecutor of Boulogne-sur-Mer, Pascal Marconville, confirmed to the news outlet France 3 Hauts-de-France: *"We have carried out dismantlements for the past four years, on the basis of illegal land occupation."*<sup>10</sup> Interviewed by a journalist from France Inter in January 2021, Michel Tournaire, sub-Prefect of Calais until January 2021, corroborated the public prosecutor's statements: *"It will last for as long as is necessary... for years, if it must be years."*<sup>11</sup>

Generally, evictions of living sites at the French-UK border, and more specifically in Calais, have been carried out for much longer than Mr. Marconville affirms: since the eviction in 2002 of the State-mandated centre in Sangatte, camps have regularly been established and subsequently evicted. These evictions have continued every year since, and to this day have not ceased.

In Grande-Synthe in 2020, the threat of evictions was present on a daily basis. However, the evictions were sporadic: they did not always target the same living sites and did not take place on a particular day of the week. Thus, on any given morning, the people living in the camps didn't know if they were to be evicted. As already mentioned, the evictions are not a new phenomenon in Grande-Synthe; the first evictions took place in 2017 following the fire in La Linière camp, and after which the residents of the camp had to settle elsewhere.

<sup>8</sup> Defined in the glossary.

<sup>9</sup> For more information, see the work of the research network Border Ecologies Network.

<sup>10</sup> France 3 Hauts-de-France, *"Malgré le confinement, les démantèlements de camps de personnes migrantes se poursuivent à Calais"*, 20.03.2020.

<sup>11</sup> France inter, *"À Calais, des expulsions un matin sur deux "le temps qu'il faudra" "*, 12.01.2021.



From November 2017, testimonies given to associations regarding “sheltering operations” (*mises à l’abri*)<sup>12</sup>, reported that these operations were accompanied by destruction of shelters, threats of placement in detention centers (CRA) and threats of separation of children from their parents. Therefore, these operations are not simply “sheltering operations” but forced sheltering operations - also known as forced evictions.

In 2018 and 2019, municipal facilities to shelter people were opened<sup>13</sup>, then evicted and closed.

All of the services that had been put into place near these centres were cancelled with the evictions. Thus, at a number of instances and over long periods of time, no health services nor water points were made available for the people sleeping rough or newly arrived in the municipality of Grande-Synthe.

No eviction occurs in isolation; each eviction carried out contributes to creating a hostile environment at the border for displaced people. People targeted by the evictions constantly pay the price for this policy of rejection, invisibilisation and repression. A report, published jointly by The Institute of Race Relations, The PTT Steering Group London and the GISTI, Deadly Crossings and the Militarisation of the English Border, highlights the fact that those “*arguing that the only forms of violence targeting migrants emerge from ‘smuggling networks’ are overlooking the violence caused by people’s living conditions, the lack of suitable reception infrastructure, police harassment and ever-expanding border security devices.*” The philosopher Denetem Touam Bona denounces the impact of State policies on living conditions thus: “*By depriving [people] of accommodation or food, the State does not itself kill. It delegates the work of death to the elements of nature. It is an active but discreet form of necropolitics.*”<sup>14</sup>

As a result of the COVID-19 pandemic, displaced people are facing an additional crisis, with unsanitary living conditions placing them in an exceptionally vulnerable situation. Our observations show that the measures adopted by the French State in response to the health crisis are insufficient.

Discriminatory practices have worsened, access to information is still inadequate, sanitary facilities and water points are sorely lacking, and access to drinking water in sufficient quantities is still not guaranteed. The few sanitary facilities (such as water points) which do exist are located several hundred metres, or even kilometres, from where people live. Mass evictions of living sites persist on a daily basis. At the same time, the sheltering operations linked to COVID-19 lack both transparency and resources, and are often carried out by placing people under duress.<sup>15</sup> The mechanical nature of eviction operations is such that the State evicts people from their living spaces on a daily basis, regardless of severe weather or even a global pandemic.



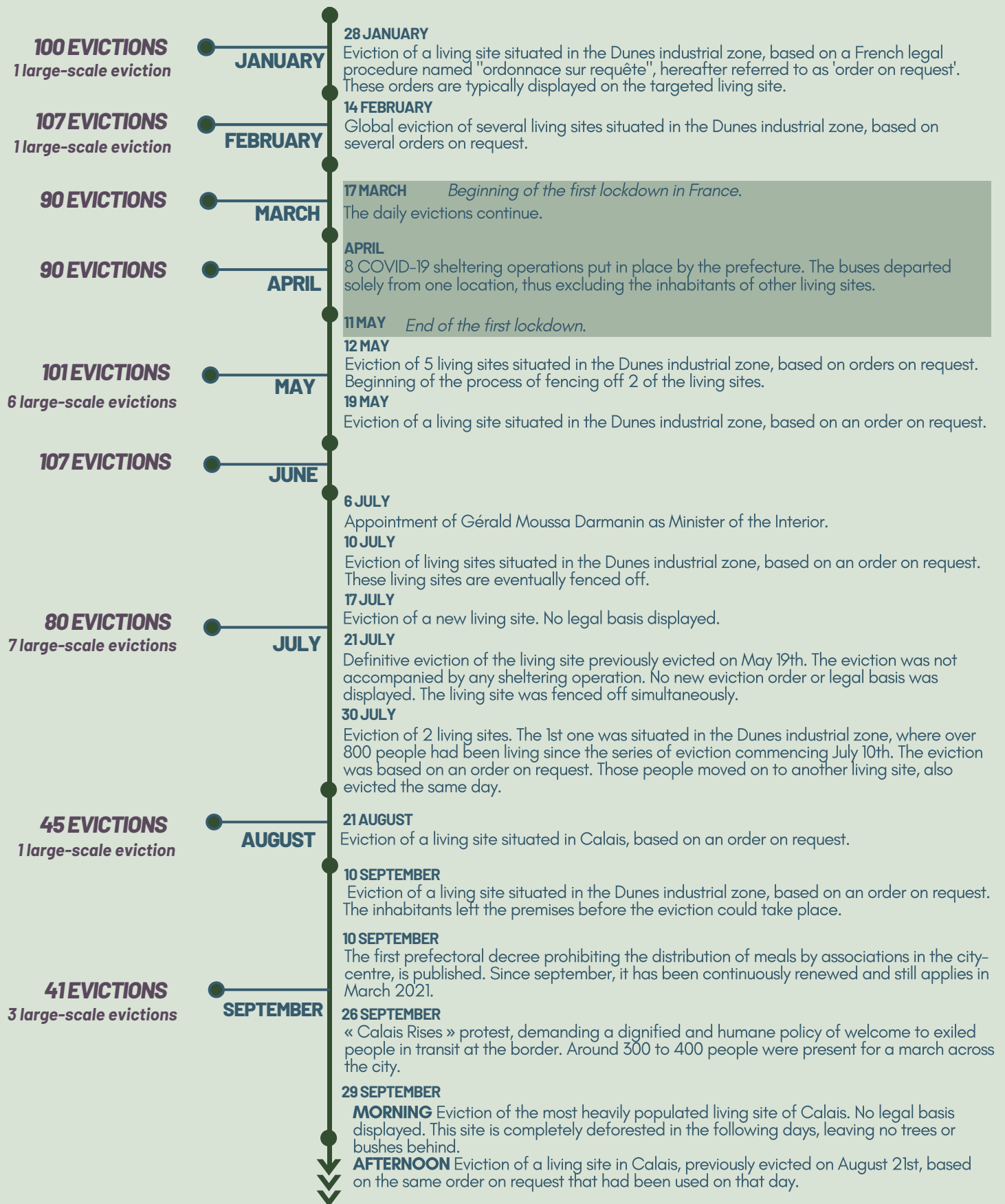
<sup>12</sup> Explained in the glossary and in the section ‘Sheltering operation’ or pushing people away from the border?’

<sup>13</sup> These ad hoc facilities were open for periods ranging from five to seven months, after which they were evicted.

<sup>14</sup> Reporterre, “À Calais, la mairie rase les bois où se cachent les migrants”, 02.12.2020.

<sup>15</sup> Joint report with Refugee Rights Europe, Human Rights Observers, l’Auberge des Migrants, Choose Love, “Facing multiple Crises”, 2020.

# TIMELINE OF EVICTIONS OF LIVING SITES IN CALAIS IN 2020





## CONTINUATION OF TIMELINE OF EVICTIONS IN CALAIS IN 2020



**2 OCTOBER**

New eviction of the living site previously evicted on the morning of September 29th. Still no legal basis displayed on the premises.

**8 OCTOBER**

Deforestation of this living site.

**9 OCTOBER**

New eviction of this same living site (previously evicted on September 29th and October 2nd). Still no legal basis displayed.

**46 EVICTIONS**  
3 large-scale evictions

**OCTOBER**

**22 OCTOBER**

Eviction of a new living site, to which a large number of the people evicted in September had moved to. Eviction based on an order on request.

**27 OCTOBER**

11 displaced persons and 8 associations took the prefecture to court in a litigation related to the eviction of the morning of September 29.

**30 OCTOBER** *Beginning of the second lockdown in France.*

**END OF OCTOBER**

Deforestation of a living site situated in Marck.

**2 NOVEMBER**

The City Hall of Calais requests the eviction of the people living around a sports hall in Calais. The administrative court grants the request of the City Hall.

**13 NOVEMBER**

Eviction of a living site in Coquelles. No legal basis displayed. 4 days of deforestation of the previously inhabited land.

**73 EVICTIONS**  
2 large-scale evictions

**NOVEMBER**

**25 NOVEMBER**

Beginning of the deforestation of other occupied land in Calais.

**27 NOVEMBER**

Eviction of the living site surrounding the sports hall (*cf. Nov. 2nd*).

**11 DECEMBER**

Eviction of 3 living sites in Calais. 2 of these had already been the subject of orders on request; no new eviction order was displayed. No legal basis displayed on the 3rd living site.

**15 DECEMBER** *End of the second lockdown.*

**16 DECEMBER**

Court hearing on the litigation regarding the legal basis of the eviction of September 29. The judicial court of Boulogne sur Mer rejects the plaintiffs' request.

**87 EVICTIONS**  
4 large-scale evictions

**DECEMBER**

**16 DECEMBER**

The City Hall of Calais requests the eviction of the people living under bridges situated in the city-centre. The administrative court of Lille grants the request - the living sites are evicted on January 19 2021.
















**30 DECEMBER**

Eviction of a living site in Coquelles. No legal basis displayed.



## Annual report of observations of evictions, Calais - 2020

Data collected during evictions of informal living sites \*

	At least 967 evictions of informal settlements		At least 25 living spaces evicted
	At least 349 arrests during evictions		At least 2816 tents and tarps seized
	Administrative documents seized at least 5 times		At least 51 mobile phones and portable batteries seized
	At least 802 sleeping bags and blankets seized		Clothes seized at least 80 times
	At least 228 bags seized		Wood seized at least 74 times
	At least 88 mattresses and 54 other items of furniture seized		At least 116 bicycles seized
	An average of 163 unaccompanied children met per month **		25 instances of violence against displaced people observed
	At least 155 attempts at intimidation against observers, including 30 fines for breaking regulations during the second lockdown		

\* This data is based on our observations, and is therefore not exhaustive.

\*\* Number of self-declared UACs living in the streets, met by the associations (those not mandated by the State). This number is an underrepresentation of the number of children living on the streets because the associations marauds do not cover daily all places where UACs live; some children do not communicate with the associations; others have direct access to shelter via the mandated association and are therefore not included in this figure. One observation remains: repeated evictions are a source of increased fragility and even disappearance of these children, both girls and boys, and therefore increase the risk of trafficking and exploitation.

## TIMELINE OF EVICTIONS OF LIVING SITES IN GRANDE-SYNTHE IN 2020




\*'La Linière' was the name of the humanitarian camp opened by the City Hall of Grande-Synthe in 2016, and shut down in 2017, after a section of it burnt down.



## Annual report of observations of evictions, Grande- Synthe - 2020

Data collected during evictions of informal living sites \*

	At least 91 evictions of informal settlements		At least 19 living spaces evicted
	At least 149 arrests during evictions		At least 2110 tents and tarps seized
	At least 357 sleeping bags and blankets seized		At least 32 bags seized
	At least 5 mobile phone seized		An average of 46 unaccompanied children met per month **
	16 instances of violence against displaced people observed		At least 36 attempts at intimidation against observers

\* This data is based on our observations, and is therefore not exhaustive.

\*\* The number of reports made to authorities is below the actual number of unaccompanied children present and in danger in Grande-Synthe. On this territory, contrary to Calais, no association that is not mandated by the State has any specific activity targeting UACs or is able to carry out this precise identification work. One observation remains: repeated evictions are a source of increased fragility and even disappearance of these children, both girls and boys, and therefore of increased risks of trafficking and exploitation (Source: Utopia 56)



Photo taken by a displaced person living in Grande-Synthe



# A brief description of HRO and our methodology

Human Rights Observers (HRO) was founded in 2017 as an inter-associative project and unofficial watchdog.<sup>16</sup> Its aim is to document, denounce and put an end to the violations of the human rights of displaced people at the French-UK border (more precisely, Calais<sup>17</sup> and Grande-Synthe)<sup>18</sup>

The project was first launched in Calais, in response to frequent instances of police and State violence committed in the camps at night and during evictions. In January 2019, the observation mission was extended to include Grande-Synthe, following testimonies from displaced people attesting to an increase and intensification of evictions in this municipality.

Our modus operandi resembles copwatching. We are present as much and as often as possible during police operations and especially during evictions of informal living sites, in order to document these practices. In addition to these observations, the people who live in the camps often report being victims of numerous instances of police violence. In these cases, we are able to provide advice and legal support, often in conjunction with The Legal Shelter. Every specific fact cited in this report is corroborated by written testimonies.

Observations of evictions are carried out by teams of two people, sometimes more. Teams are present every day in Calais, and from Monday to Friday in Grande-Synthe, to observe and document how the eviction operations are carried out. For the events that the team do not witness directly, testimonies are collected from persons directly affected, or from witnesses working for associations.

During the evictions, the teams collect data on the type of operation being carried out, instances of police violence, the size and nature of the police convoy deployed, the number of shelters and personal items seized, the presence of interpreters and bailiffs, etc.

It is necessary to mention that:

- In 2020, Human Rights Observers were present during 89% of the evictions in Calais, and 68% of the evictions in Grande-Synthe.
- One police operation can include multiple evictions. For example, three evictions are recorded if three different living sites are targeted during the operation.

<sup>16</sup> Since september 2019, HRO has been managed by l'Auberge des Migrants, and co-financed by l'Auberge and Choose Love. Observation teams are composed of members of HRO and members of other partner associations: Utopia 56, Refugee Women's Center, Project Play, Solidarity Border, Collective Aid, Salam, The Legal Shelter, Refugee InfoBus, Calais Food Collective.

<sup>17</sup> The majority of evictions in the Calais region take place in Calais, but not exclusively: some people living in the areas around Coquelles and Marck (neighbouring municipalities to Calais) are regularly evicted.

<sup>18</sup> The majority of evictions in the Grande-Synthe region happen in Grande-Synthe, but not exclusively: people living in the areas around Loon-Plage and Petite-Synthe (neighbouring municipalities to Grande-Synthe) have also been evicted.

- HRO is not able to observe everything. This is due to the nature of the terrain, attempts by law enforcement agencies to conceal the operations, and the size and location of the established security perimeter, which is sometimes placed hundreds of meters from the police operations. Furthermore, we are only present in Grande-Synthe and Calais. Therefore, we do not report on evictions that take place throughout the rest of the border region, for example, in Ouistreham or Lille, or even in Paris or other French borders. As a result, our data is not exhaustive and does not reflect the full extent of reality.

The testimonies cited in this report were collected exclusively on a voluntary basis, and with the person's explicit consent for publication.

Our team members are aware that the places in which such conversations are conducted are neither as safe nor as appropriate as we would like.

People and victims who required special care were referred to the relevant services before taking any further action.



# I. Evictions of land occupants: daily harassment at the border

## Understanding evictions of living sites in Calais and Grande-Synthe

In 2020, a grand total of **1058** evictions of living sites were carried out; **91** of which took place in Grande-Synthe and **967** in Calais. These figures reflect the State violence that these evictions constitute. Indeed, the State is systematically at the heart of eviction operations, both in the decision-making process and in the carrying out of these operations.

Starting off every eviction, be it in Grande-Synthe or in Calais, a police convoy arrives at the living site, most commonly in the morning.

This convoy is composed of both administrative authorities and different types of police. It is almost always made up of several mobile Gendarmerie or CRS<sup>19</sup>(Compagnie Républicaine de Sécurité) vans, a national police car, in which the police Commissioner is often present, several border police vans and often the technical and scientific police, whose role is to film the operation. Sometimes the Anti-Criminality Brigade<sup>20</sup> (BAC), the Intelligence Services (RG), a bailiff, OFII,<sup>21</sup> agents, and representatives of the prefecture are also present. The policy convoy is always accompanied by several interpreters from the prefecture as well as a clearance team from a private cleaning company operating on behalf of the state.

The law enforcement officers are generally heavily armed with batons, tear gas, firearms, sometimes LBD-40, and protected by bulletproof vests and shields.

In Grande-Synthe in December, the police even carried out an eviction operation with a dog.

In Calais, persons being evicted have been threatened with batons or chemical agents on several occasions.

Several times in July and September, police used chemical agents during evictions, resulting in one person being hospitalised. This year, to our knowledge, two unaccompanied children were also assaulted by law enforcement officers during an eviction from their living site.

“A week ago my friends and I were next to the playground. Around 8am the police came to our home and told us to leave and never come back. Because of this we are having trouble sleeping, we have not been able to find a safe and quiet place to sleep.”

Testimony translated from Arabic, given by a displaced person living in Calais, 11.11.2020

As soon as they arrive at the living site, the police form an arbitrarily defined human perimeter, the aim of which is to delimit a zone within which observers are not allowed to enter. The police enter the camp, wake up those who are sleeping, and force some or all of the people present to leave their living site. In Grande-Synthe and Calais we observed the police waking up the people being evicted by shouting, whistling, shaking and kicking tents, and even grabbing people by their ankles. Numerous people have reported to the association's teams that the fear of an eviction occurring while they are sleeping causes sustained loss of sleep.

<sup>19</sup> The mobile Gendarmerie and CRS are police units specialized in crowd control and riot suppression. CRS units belong to the National Police, while the Mobile Gendarmerie units are a branch of the military, yet both are under the direction of the Ministry of the Interior.

<sup>20</sup> BAC agents usually operate in plain clothes. The BAC fights against petty and medium-scale crime. Its role is to maintain order, especially on the outskirts of low-income areas.

<sup>21</sup> The French Office for Immigration and Integration is the French State's operator in charge of immigration procedures, the reception of asylum seekers, the integration of new arrivals and the voluntary return and reintegration of foreign nationals.

Evictions are already violent in their very nature. In addition, during these evictions, we have observed and documented many cases of individual violence and abuse by law enforcement officers.

“Four national police officers came to wake us up and kicked our tents, they ridiculed us and called us children”.

Testimony translated from Persian, given by a displaced person living in Grande-Synthe, 19.07.2020

We have heard the police openly mocking the people they are evicting, insulting them with racist remarks, or making profane gestures. For example, on one occasion, a CRS officer gave the middle finger to a person being evicted. Our teams have also frequently observed members of the police pushing or chasing the persons being evicted, on foot, and even once in a car.

In Calais, in July during an eviction, we were told by witnesses that CRS had driven over tents placed on the side of a road with their vans. On another occasion, a member of the police force struck a person in the leg with a baton, smashing the phone in his pocket.

In Grande-Synthe, our teams observed the police confiscating the phone of a displaced person and smashing it on the ground, as the person was trying to film the demolition of their shelter.

In addition to the many instances of abuse observed during these evictions, little to no information or explanation is provided to those being evicted, prior to and during the evictions. Very often, testimonies similar to the following are given to us:

“Four policemen came back to see us, they destroyed our tent. They were carrying a document, but we don't understand why they did that”.

Testimony given by a displaced person living in Grande-Synthe, describing an event that occurred on 16.07.2020



Or even:

“This is not right but they don't listen. They say they have this paper from the court, I don't know what it means. And they're cutting all the tents and they take us... and some police say racist things, they do bad things to us. For now they send us to a hotel, I don't like the hotel”.

Testimony given by a displaced person living in Grande-Synthe, 13.11.2020

The prefecture provides interpreters for each eviction to explain the operation and to inform the people evicted of their rights. In practice, however, communication is difficult and depends on the interpreters, who do not necessarily speak the language of the people affected. In any case, many claim to be given no information about the eviction operation and what follows.

“Every time the police come here in the morning, there is the Farsi translator with them who behaves very badly with us. Although he knows Pashto, he always speaks to us in Farsi and we don't understand what he says. He sends the minors with the police to the deportation centre by force and whatever we say to him, he translates it completely wrong. He tells them that we are not minors and that we are adults or over 18. He also took some videos of us; even though we don't want him to take videos of us, he does.”

Testimony translated from Pashto, given by an unaccompanied child living in Calais, August 2020





Once the premises have been emptied of their inhabitants, the clearance team destroys all the shelters and other belongings in the living spaces. Given the relentless pace of evictions, the camps are extremely precarious: mere tents are the most lasting form of shelter. The intensive rate of eviction operations leads to permanent material insecurity, but also to more generalized insecurity. Indeed, repeated evictions have the effect of dispersing people and their living sites. Consequently, it breaks up communities and forces people stuck at the border to fend for themselves or in small groups instead.

Since most instances of individual police violence are perpetrated against isolated individuals or groups, this obviously puts them at higher risk. It also limits their access to information and ability to share knowledge regarding the issues they face in common.

In some cases, those evicted are able to access a temporary shelter service provided by the prefectures of Nord and Pas-de-Calais departments respectively, as detailed below. Since this temporary re-sheltering is not systematic, and those very shelters are often inadequate, evictions instead primarily contribute to rendering people even more vulnerable and condemning them to remain on the move.

“The French police have an aggressive behaviour. In winter it gets cold, but they continue to harass and evict people. What we expect from the government is to stop the police so that people can have peace”

Testimony translated from Persian, given by a displaced person living in Calais, 11.11.2020

Whether these operations take place in Calais or Grande-Synthe, the established system of evictions at the border is much the same. Some elements of the eviction process vary depending on where they take place. Nonetheless, the degree of State violence -the product of a deliberate policy of harassment as a method of deterrence- does not vary.

In Calais, the authorities carry out 2 types of evictions:

- *Evictions that take place daily or every forty-eight hours, at specific living sites.*

“Every other day we have to destroy our houses because the police come and say "destroy the house"; this is the main problem for refugees”

Testimony given by a displaced person living in Calais, 01.07.2020

The variation in the number of evictions per month - presented in the timeline at the beginning of the report - does not reflect the reality of people evicted. The variation is explained by the fact that many living sites have been permanently evicted. In most cases, the people living there moved to other pre-established living sites. For example, until September, one of the living sites was inhabited by only about 40 people. From September onwards, about 1,000 people were living there.

During these evictions, people may be asked to move their tents just a few metres and are able to move them back a few minutes later, once the police have left the site. Alternatively, they may not even be

able to take their belongings with them and will have them seized by the clearance team right before their eyes. These evictions are so regular that some people who are evicted anticipate them, moving their tents before the arrival of the police convoy, to the place the police usually demand they move to.

The absurdity of the system is such that the police, in annoyance at their demands being preempted, have at several occasions in 2020 resorted to asking these people to move their tents on to the road bordering their living site, thus illustrating the gratuitous, deliberate and incessant harassment of people blocked at the border.

Equally absurd is the fact that the State distributes food and provides access to sanitary facilities at the precise same time as it evicts people who receive these services. People have to choose between accessing these services or keeping all of their belongings.

It is also not uncommon for individuals to find that their tent and other belongings have been seized after having spent one or more nights in hospital or emergency accommodation. After even the briefest absence, they are left without any shelter.

“Police don’t want to leave us in the Jungle. If they don’t let us live in the Jungle, where can we go? We are refugees. Police do not respect refugees. We are humans, not animals.”

Testimony given by a displaced person living in Calais, 11.11.2020.

- *More irregular, larger-scale evictions.*

In 2020, 28 such evictions took place in Calais, 20 of them between the months of July and December. In this case, the eviction may involve several living sites in a large geographical area. The police convoy blocks access to all the roads into the area, sometimes for six consecutive hours. People are then obliged to abandon their shelters and belongings and are forced to board buses that take them to accommodation centres. The State refers to these evictions as “sheltering operations” (*mise à l’abri*). After these evictions, or even before they are finished, the areas may be fenced off and/or deforested.

In 2020, 8 living sites were fenced off and 4 were deforested, in order to prevent a return to the same sites. These State operations are akin to a scorched earth policy.

Louis Le Franc, prefect of Pas-de-Calais since August 2020, plans to continue in this vein: “We want to avoid any new concentration and fixation point in Calais and this Virval area will be made inaccessible”<sup>22</sup>

“We are in a dangerous situation. But we are not dangerous.”

Testimony given by a displaced person living in Calais, 11.11.2020

In addition to the physical and psychological exhaustion of the people targeted, one of the aims of this harassment is to shrink living spaces. When they are not permanently closed, they are regularly destroyed, partitioned, fenced off or made difficult to access, contributing to the social and spatial exclusion of people.

In Grande-Synthe in 2020, as in previous years, the frequency of evictions fluctuated considerably, reaching up to three evictions per week. Here, one eviction affects upwards of 20 small living sites, found in the same area of woods. It is rarely possible to know exactly how many sites are actually evicted. These evictions usually last four hours, during which up to 22 vans of CRS have been present. Although evictions of living sites are less frequent than in Calais, the complete destruction of each site is almost systematic. A bailiff is almost always present. Here too, living spaces are deforested and fenced off.

This elaborate system reflects the xenophobic and repressive nature of French policy towards people in transit, who are approached daily from a purely securitised perspective. Law enforcement bodies are not used for protection purposes, but to carry out and enforce the systematic harassment conceived and orchestrated by the French authorities.

<sup>22</sup> 20 minutes, “Calais, un grand camps de migrants démantelé par la police”, 29.09.2020

# The deliberate invisibilisation of evictions

The perimeter established by the police at the beginning of the eviction is above all a deliberate obstruction to attempts at documentation and contributes to the invisibilisation of the violence perpetrated at the border against the people who are blocked in transit.

Indeed, while the majority of people present are allowed to move freely during the evictions, the observers, be they members of associations or journalists, are prevented from doing so by various strategies: police vehicles may be parked so as to block the view of observers or the perimeter may be changed arbitrarily so as to keep observers at an often absurd distance, etc.

The implementation of this "security" perimeter" was challenged by two journalists before the administrative court of Lille in December. They argued that the security perimeter erected by the police during several eviction operations in Grande-Synthe and Calais infringed on the freedom of the press, the freedom to come and go and individual freedom. On appeal against the administrative court's decision to dismiss the case, the Council of State concluded:

*"Accordingly, in light of the investigation, it does not appear that these measures [the establishment of a security perimeter and the concomitant identity checks], when assessed concretely, have so far exceeded what was necessary to ensure the security of the operations in question and have*

*seriously and manifestly infringed the exercise of the journalists' profession and, consequently, the freedom of the press"*<sup>23</sup>.

However, opinions differ on this point. Indeed, after its visit to Grande-Synthe and Calais, the National Consultative Commission on Human Rights (CNCDH) issued a report in which it stated that *"security perimeters disproportionate to the risks involved in evictions are imposed by the forces of law and order, with the effect of hindering the observation by third parties of the process of the operation"*.



Photo: Victor Leon @victorle0n

The report also stated *"Recommendation n°5: The CNCDH recommends that no external scrutiny by citizens or journalists should be impeded during the eviction of camps"*<sup>24</sup>.

<sup>23</sup> Supreme administrative court (Conseil d'État), February 3rd 2021, n° 448721.

<sup>24</sup> Opinion on the situation of displaced people in Calais and Grande-Synthe, Commission Nationale Consultative des Droits de l'Homme (CNCDH), A - 2021 - February 3rd 2021.



Police also used the state of emergency due to the COVID-19 public health crisis as a means of justification to prohibit the presence of observer teams at the time of the evictions. The sub-Prefect of Pas-de-Calais department, Michel Tournaire, stated in an email to the associations that the presence of the observer teams would not be tolerated during the lockdowns in 2020. And yet, our presence is primarily aimed at providing access to legal services and information, which the authorities cannot prevent<sup>25</sup>. Nevertheless, our teams were fined 32 times during operations throughout the two lockdowns in 2020.

Moreover, the Utopia 56 team in Grande-Synthe was arrested and placed in police custody on the 24th of April while observing an eviction for "*undermining the authority of justice by discrediting a court decision*" and "*complicity in endangering the lives of others, by having incited the displaced people to head for the motorway*", when in fact they were merely pointing out the futility of the operation being carried out.

The determination of the authorities to conceal the way in which these evictions are carried out is also reflected in acts of intimidation against those observing them: inappropriate comments, unauthorised access to association workers' mobile phones, quasi-systematic identity checks and vehicle checks, pat-downs, threats of arrest, physical violence (pushing, shoving, tripping), etc.

The police also regularly film the teams on their personal mobile phones<sup>26</sup> and their identity documents have been photographed by the intelligence services of the government (RG). These behaviours are part of the strategy, of intimidation and harassment of local supporters of people blocked at the border; a strategy which has been denounced by a multiplicity of actors for years<sup>27</sup>.

Indeed, this strategy cannot be properly reported and legally challenged, as all too often members of the police force do not wear their identification number (RIO) and refuse to disclose it to volunteers, thus preventing them from being identified.<sup>28</sup>



<sup>25</sup> This prohibition on hindering access to legal services was stipulated in a ministerial instruction sent to Prefects on the 27th of March 2020, according to which: "*the state of emergency due to the public health crisis must not have the effect of worsening the living conditions of the most vulnerable. Actions to combat precarity must be able to continue in terms of access to legal services, healthcare and basic necessities*".

<sup>26</sup> Even though the Code of Ethics of the national police and the national gendarmerie contains obligations of probity (Article R. 434-9 of the Internal Security Code) and respect for the dignity of persons (Article R. 434-14 of the Internal Security Code).

<sup>27</sup> See for example the 2018 report published by l'Auberge des Migrants, Utopia 56, Help Refugees and Refugee InfoBus, 'Calais: Le harcèlement policier des bénévoles'.

<sup>28</sup> This is despite the fact that the IGPN, IGA and IGGN made it the top priority in their 2017 report to '*remind and monitor compliance with the requirement for law enforcement officers to wear the RIO visibly*'.



## Theft and destruction

Most of the time, belongings are seized during evictions despite the presence of their owners, who are almost never given the time to take their things with them when the police arrive. In the General Inspectorate of Administration and Law Enforcement's joint report published on the 23rd of October 2017, it is stated that *"there is no provision whatsoever which would allow preventing these people from retrieving their belongings, whether they move away from the premises or are arrested"*.

Despite this, we witness daily scenes in which evictees explicitly ask the police permission to collect their belongings, and the police refuse or ignore the request. On the 13th of October, a man being evicted told the police that one of the seized tents was his and that he wanted it back, to which the police replied *"Ask an association to give you a new one"*. Even when people try to hide their belongings, all too often the authorities and clearance teams find and destroy them too.

The cleaning teams that accompany the convoy are different depending on the town.

In Grande-Synthe, the Ramery company is tasked with destroying the shelters and disposing of the rest of the items present. The shelters consist of everything ranging from tents and tarpaulins to blankets. The tents are cut up with knives or tools such as hand saws, then dumped in a skip and brought to the waste disposal centre. On several occasions, employees of the Ramery company slashed or destroyed tents while the inhabitants were still inside. Indeed, on the 4th of December, the cleaning teams were seen seizing tents with heavy machinery, excluding diggers and excavators. As soon as the digger hit the tent, a person inside screamed, yet the digger driver made two more attempts to grab the tent, finally stopping and leaving the area without a word.



Photo: Lagkadikia Camqu Hama, displaced person living in Grande-Synthe

“The cleaning tractor came for the tents and tried to take them without even checking if there was anyone inside. I was inside and I could have died.”

Testimony translated from Sorani Kurdish, given by a displaced person living in Grande-Synthe, 04.12.2020.

All other belongings, including medicine, are thrown in the mud and trampled on, rendering them worthless. One person reported that the police tore up their banknotes in front of them. On the 8th of December, our team witnessed cleaning staff rummaging through personal belongings and, with the complicity of the police, making fun of their contents. In February on several occasions, even water and food were thrown away or burnt during the police operations. These actions are not isolated; they have been repeated several times throughout the year, both in Calais and in Grande-Synthe.

In Calais, the APC company is in charge of dragging the tents and other belongings to two different vans. There is a skip van which goes straight to the waste disposal centre, into which we observe a lot of personal belongings being thrown. The second van's contents are driven to the Ressourcerie, a facility owned by the FACE Valo association. Since 2018, one of the activities of the Ressourcerie is to receive the belongings seized from the camps, sort them, and then make the remaining belongings available to associations so that they can return them to the owners.



This is, roughly speaking, the protocol established by the Pas-de-Calais prefecture. In short, the police conduct an operation that results in the seizure of the property of people who cannot recover their belongings themselves.

Not only is this system largely unknown to those being evicted, but it is also difficult to access and navigate for many people, who, beyond the obstacle of the distance from their living site to the Ressourcerie are often apprehensive about being stopped by the police on the way.





Furthermore, the conditions in which the belongings are kept discourage people from coming to collect anything: the belongings which have been dragged along the ground by the employees of the APC company are stored as they are, day after day, in a closed and humid container, the condensation damaging the belongings and making the air unbreathable in the container. Finding a particular item often requires digging through and turning over all of the items which have been thrown into the container.

Moreover, access to the container in 2020 was only possible between 10 a.m. and 12 p.m., a very limited time frame which often coincided with evictions from the living sites, meaning that the people being evicted did not have time to come the same day.

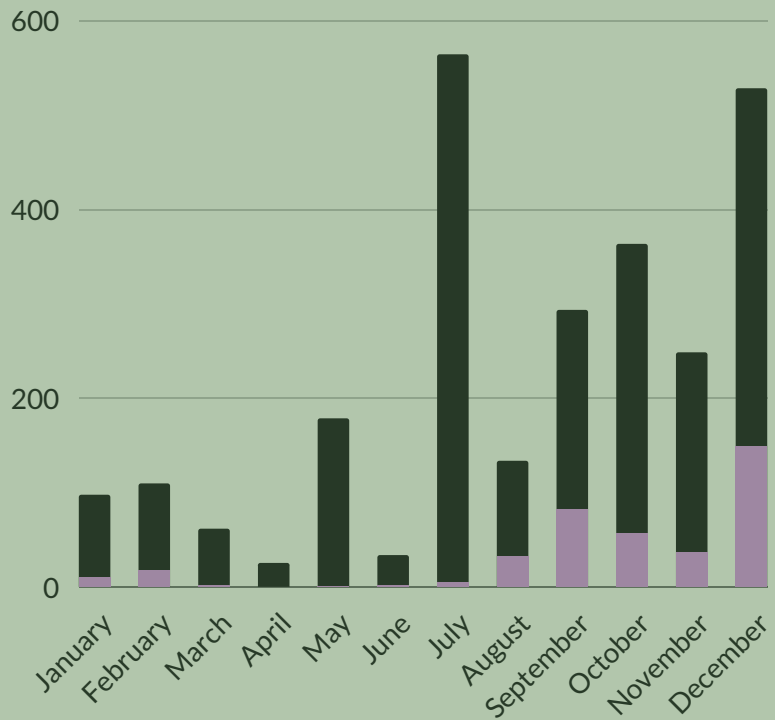
As a result, in 2020, even when volunteers from an association accompanied the owners to try to find the seized items, one out of two people did not find their belongings.

NUMBER OF TENTS AND TARPAULINS, BOTH SEIZED AND RETRIEVED, DURING AND AFTER THE EVICTIONS • CALAIS • PER MONTH IN 2020

From March 16, the beginning of the first confinement, to the beginning of May, the Ressourcerie was closed.

From July onwards, the people usually being evicted experienced an increase in large-scale evictions, during which all shelters were destroyed or seized.

■ Tents and tarps seized  
 ■ Tents and tarps retrieved



Among the items seized were identity papers, mobile phones and power banks, money and medicine. Of the few people who came to try to reclaim these valuable items, 72.6% did not find them. On the other hand, all too many bags which initially contained such high-value items, are found empty.

This frantic pace of the theft and destruction of goods has a severe impact on the stocks of humanitarian associations, who are not always able to replace all of what has been stolen or destroyed, further increasing the precariousness of the people living in the camps.

# 'Sheltering operations' or pushing people away from the border?

In Calais in 2020, 97.6% of evictions were not followed by any accommodation solution for those evicted. Indeed, only 23 operations out of 967 were officially followed by access to shelter. These 23 operations were larger evictions. 5 other large-scale evictions of this type were, however, not accompanied by any accommodation solution.

In Grande-Synthe, the AFEJI association is mandated by the State to provide shelter for displaced persons. The association provides a bus service, from Monday to Friday, to accommodation centres. Their capacity in terms of available places is limited. The lack of available places and the shortcomings of this system have already been demonstrated in the HRO 2019 report.

"The police came this morning [Wednesday 8 April] and woke us up by banging on the tents. The children started to cry because they were so scared, but the police continued. Once we got out of the tents, they destroyed them with knives. I thought France was a peaceful country, we came here for peace and not for violence. But I feel like I am in Iraq again. They treated us like animals this morning."

Testimony given by a family living in Grande-Synthe.

In 2020, up until June, the AFEJI teams were present at a fixed location every day of the week and referred those who wanted accommodation to buses.

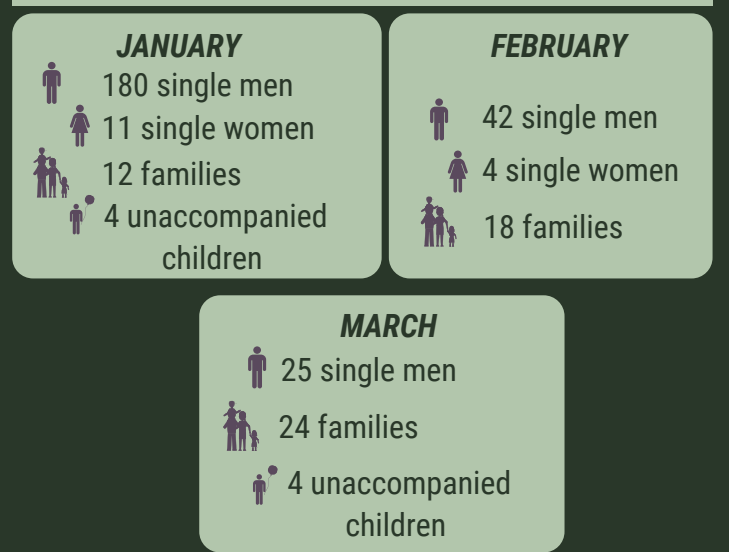
The smaller-scale, daily evictions are hardly ever followed by access to shelter. In theory, in the Pas-de-Calais department the prefecture mandates the Audasse association to "shelter" evicted people. In practice, the teams were very seldom seen at the various living sites, making no information available on the existence of the accommodation scheme.

This lack of information is compounded by the distance to the designated buses. Indeed, these buses only left from one location, close to some living sites but not to all. People staying in the other living sites had to cover a distance of between one and five kilometres, if they knew about the scheme at all, making it very difficult to access.

From the 17th of March to the 3rd of April, in the midst of the first lockdown, Audasse services were completely suspended, even as evictions continued. From then until the 5th of May, only a COVID-19 sheltering system was in place, two to five times a week. Following the first period of easing of the lockdown regulations, from the 11th of May onwards, the association offered shelter two mornings a week from a single living site, despite the ongoing evictions.

After the eviction and closure of the living site closest to where AFEJI was present, the team became mobile, covering several living sites. Due to these new modalities and without a fixed meeting point, we were thereafter not able to properly observe the number of people refused access to AFEJI sheltering operations.

## Number of people refused access to AFEJI daily sheltering operations



As we were not able to be present regularly in April and May due to lockdown measures, we only have reliable data for January, February and March.



There are a number of problems with the accommodation system as a whole.

Despite the presence of interpreters during the eviction, information about the provision of shelter is generally not conveyed. No information was given about the destination of the buses, the type of accommodation and the types of services available. As no social diagnosis is carried out before evictions, no individualised solutions are proposed and the specific needs of individuals are not sufficiently taken into account. For example, during the spring 2020 sheltering operations in reaction to COVID-19, the associations noted that the presence of unaccompanied minors on the living sites in Grande-Synthe was not taken into account, despite the fact that they had been notified to the competent authorities.

Moreover, the type of accommodation offered often does not correspond to the needs of the people taken in, who regularly tell us that they left the shelter the same day they arrived<sup>29</sup>.

Michel Tournaire, sub-Prefect of the Pas-de-Calais department in 2020, stated in an interview with France Inter: *"We are not in the logic of unconditional accommodation and reception. We do not want to create permanent accommodation structures in Calais and the Calais area"*<sup>30</sup>.

The Prefecture of the Nord department also stated in a press release of the 12th of January 2021 that Michel Lalande, the Prefect, *"confirms his firm opposition to organising one, let alone several, fixed reception points near the coast"*.

Whether people are simply evicted with no further solution, or forced into shelters, they do not benefit overall from any real or appropriate sheltering.

This system is therefore more akin to 'removal operations' and is in line with the policy of fighting fixation points, rather than providing unconditional, sustainable accommodation in line with people's fundamental needs and rights.



photo: Mobile Refugee Support

<sup>29</sup> The claims of a manager of an accommodation centre, transcribed in an article by France Inter, support this statement: *"The manager of the centre, Claude Picarda, is well aware that some migrants only come to recharge their bodies damaged by the cold and constant displacement experienced in Calais, and leave before the arrival of the services of the prefecture, the examination of their case, and a likely eviction. He fully acknowledges this."*

<sup>30</sup> France Inter, *"À Calais, des expulsions un matin sur deux "le temps qu'il faudra"*, 12.01.2021. La Voix du Nord *« Visite ministérielle à Calais : « Le confinement forcé des migrants n'est pas légal »*, 14.05.2020.

For years, the State has managed to subvert sheltering operations in order to better remove people in transit from the border-crossing areas. Moving the accommodation centres away from the border is one technique, another is to force people to go to these centres.

Very often, people who get on the buses return to their living site within a week or even a day, asserting that they had not wanted to get on the bus, but had been forced to do so.



Photo: Victor Leon @victorle0n

More insidiously, when the border police (PAF) are present - which is the case for one in two evictions in Calais and Grande-Synthe - the only alternative to forced accommodation is arrest, in anticipation of placement in the administrative detention centre (CRA). For this purpose, the border police vehicles are parked right next to the buses destined for the accommodation centres. Usually, minivans are used by the border police for arrests. However in Calais, buses were sometimes mobilised on the day of the so-called sheltering operation, demonstrating the anticipation of a large number of arrests taking place that day.

In May, 6 people reported to associations that they had boarded a coach which dropped them off at a car park in Douai, after which the police ordered them to leave. They were not redirected to an accommodation centre. These 6 people returned to Grande-Synthe the same day, by foot.

By law, provision of shelter can only be undertaken with the consent of the persons concerned, in compliance with precise procedures, and without coercion, as the administrative court of Lille reminded the authorities in a decision on the 7th of March 2019. With regard to placement in a CAO/CAES in particular, their operating charter states that this *"is carried out with the agreement of the migrants concerned after comprehensive information has been provided during outreach activities about the CAO in question (geographical location, accessibility in terms of transport, type of accommodation) and the prospects following admission to the CAO"*.

This coercion is exercised in several ways.

One obvious form of coercion is the destruction of people's shelters.

Another is to use considerable police presence to enforce the operation, with evicted people sometimes being encircled, escorted by force to the buses, and patted down by armed police before being allowed to board. As a typical example, on the 17th of July, a member of the police force told the association Project Play, which was observing an eviction, that his role as a police officer was *"to accompany the migrants on the coaches, otherwise they might escape and not get on the buses"*.





However, in Grande-Synthe, even the shelter operations in response to the public health crisis were supervised by a police force similar in size to that for the usual evictions. On some occasions, the camps were surrounded by police equipped with batons and shields, people's tents were slashed and thrown away, blankets were taken and thrown away, people were not allowed to collect their belongings before having to leave and were escorted to the buses by law enforcement officers. All of these elements demonstrate the repressive and securitising perspective and approach of the public authorities.

The forced nature of sheltering operations by the Nord prefecture had already been recognised the previous year. Indeed, on the 7th of March 2019, the administrative court of Lille overturned a prefectural decision to use public force to evict a camp on the grounds that the sheltering process had been carried out without the consent of the evicted individuals. The judge concluded that *"it follows from this that the use of public force could not therefore be justified in the context of a sheltering operation"*. The previous testimonies prove that this ruling did not lead to the expected changes.

On a visit to Calais on the 14th of May, the Secretary of State Laurent Nuñez evoked that making it compulsory to go into accommodation would be *"a measure that deprives people of their freedom, which the French constitution does not allow. This solution, which we had envisaged, was not adopted for legal and constitutional reasons"*.<sup>31</sup>

The prefecture of the Nord department did not heed this message and, in addition to all the coercive measures listed above, told the people present in the camps, on the English version of a flyer: *"You must go"*- a slip of the tongue perfectly illustrated by the way in which these so-called sheltering operations were carried out.

You must go. Departures will be organised everyday, from Monday to Friday - from 10.30am - at the La Linière camp's entrance

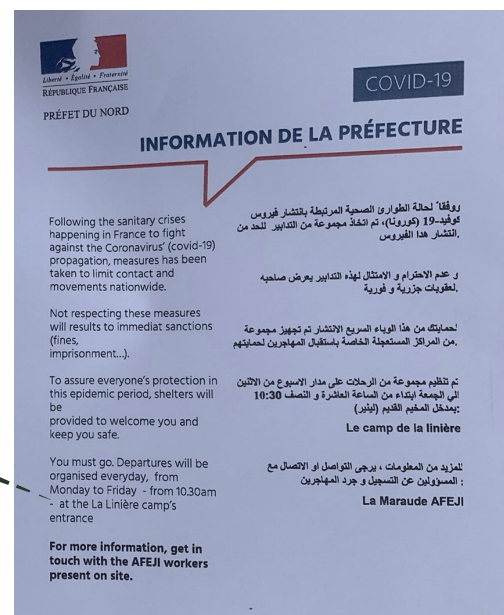


photo: Utopia 56

<sup>31</sup> La Voix du Nord "Visite ministérielle à Calais : « Le confinement forcé des migrants n'est pas légal »", 14.05.2020.



# Arbitrary arrests

## NUMBER OF ARRESTS DURING EVICTIONS • CALAIS • PER MONTH IN 2020

Over the course of 2020, we were able to observe

# 349

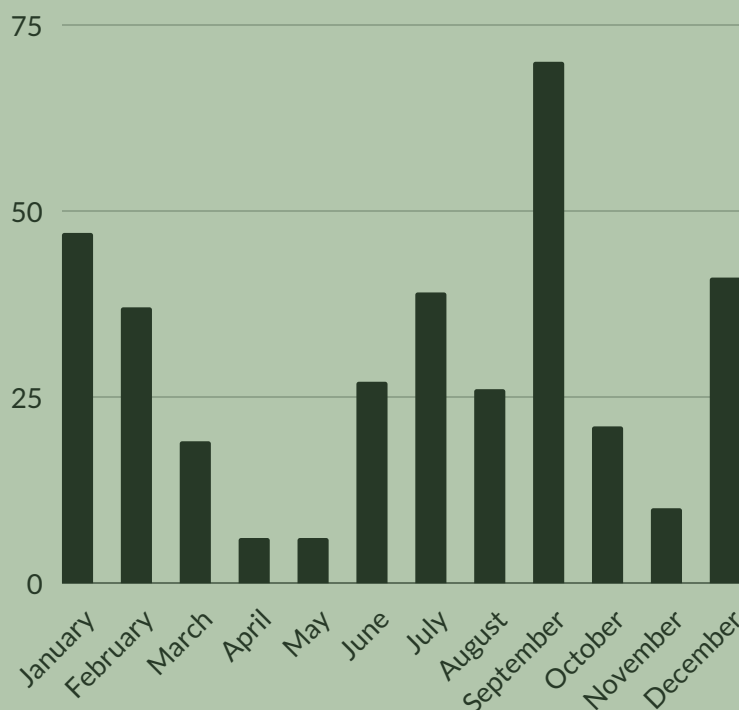
arbitrary arrests conducted by the border police during eviction operations.

Amongst these 349 arrests,

# 72

took place during evictions which the prefecture themselves qualify as "**sheltering operations**".\*

\* According to prefecture numbers, there were 87 further arrests that we were unable to observe.

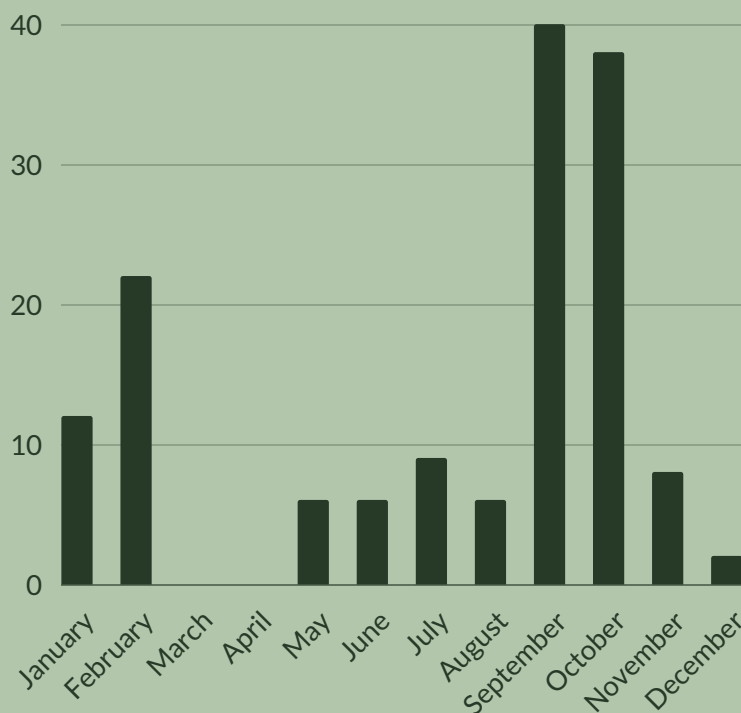


## NUMBER OF ARRESTS DURING EVICTIONS • GRANDE-SYNTHE • PER MONTH IN 2020

Over the course of 2020, we were able to observe

# 149

arbitrary arrests conducted by the border police during eviction operations, which the prefecture themselves qualify as "**sheltering operations**".



The figures in these graphs highlight the way in which evictions are used to carry out greater control of people stuck at the border. For many, the eviction is only the beginning of a long procedure that can lead to deportation from France: identity check, arrest, detention in the CRA, and then deportation from France or release back onto the streets<sup>32</sup>.

When the border police accompany the police convoy, their agents randomly check and arrest the people they come across, without any objective element to explain why one person rather than another is checked. These arbitrary arrests serve the same purpose as the sheltering operations: to remove people blocked at the border from the areas of passage. They also serve the greater purpose of continuous harassment, as these people are never safe from arrest at any given place.

These arrests, carried out with the prospect of placement in administrative detention, apply to all those present at the living sites. Even though unaccompanied children should be able to fully benefit from the right to remain on French territory, individuals who claim to be minors (unaccompanied children) are also frequently arrested - sometimes despite having been legally recognised as minors<sup>33</sup>



In Grande-Synthe, whether or not there is an eviction, the border police are systematically present early in the morning near living sites and during the day near supermarkets, carrying out identity checks and arrests. This pressure is omnipresent. In addition to this State violence, there is also physical violence: beatings and injuries, aggressive pat downs, and being tackled to the ground by several members of the police.



Photo: Utopia 56

<sup>32</sup> "Rapport 2019 sur les centres et locaux de rétention administrative", ASSFAM, Forum Réfugiés COSI, France Terre d'Asile, La Cimade, Solidarité Mayotte.

<sup>33</sup> As stated in Article L311-1 of the *Code de l'Entrée et du Séjour des Étrangers et du Droit d'Asile*.

## II. Fighting fixation points: the instrumentalisation of the law

Firstly, people who own land that is inhabited without authorisation do not themselves have the right to evict people living there.

In both Calais and Grande-Synthe, various procedures are employed by the authorities to evict inhabited land. These procedures are used by the authorities in a complementary manner, so as to create a mechanism enabling the systematic eviction from living sites. The eviction operations are carried out in a similar way, regardless of the legal basis alleged by the authorities. For example, the assistance of the police is the same no matter what the legal basis of the eviction may be. Sheltering operations however, are not consistently part of these evictions.





# The use of court decisions as a strategy to control living spaces

## Orders on request adopted by a court of law

In 2019 and again in 2020, the “ordonnance sur requete” (hereafter referred to as ‘order on request’) was one of the two most used procedures in both Grande-Synthe and Calais. Following a request made to a judge, this procedure allows private owners to obtain an order. An order is when a judge hands down their decision. This request must mention a bailiff’s report containing all factual elements relating to the settlement of people on the land in question.

In theory, this procedure, concerning the right to housing, is an emergency procedure. This is unlike the “procedure d’assignation” (a so-called summons procedure), which requires the bailiff to order each person, as well as the owners of the land, to appear before the judge, for both parties to be heard.

For owners, the advantage of the emergency procedure is as follows: only the owner presents their request to the judge. The people living on the land targeted by the order on request have no means or opportunity to present their defense before a judge, which is in total disregard of the principle of adversarial proceedings.

### The adversarial principle

The adversarial principle is a component of the right to a fair trial, as well as a fundamental principle of European law.<sup>34</sup> It implies that “Everyone has the right to know the demands or reproaches of their adversary and to have the time and intellectual means to understand them and prepare their defense.”<sup>35</sup> Essentially, it is the principle that both parties have the right to be heard. Failure to respect the adversarial principle amounts to depriving the people concerned of one of the fundamental principles of French justice.

French law allows exceptions to the rules around adversarial proceedings if certain conditions are met: the informal settlement on the site in question must be considered either dangerous or substandard, or be an impediment to imminent construction work. Finally, owners can also use this procedure if the people living on the land in question are not identifiable. Indeed, at the border, each bailiff’s report mentions the impossibility of identifying the people living on the premises. As such, owners of private land are systematically authorised to use this procedure.

*“I can hear them talking to each other in a language I don’t understand.”<sup>36</sup>*

*“Mr. Rambur [the bailiff] wanted to get in touch with the people he came across but no one answered him. The migrants present [...] spoke a dialect that the bailiff did not understand.”<sup>37</sup>*

*“I greet several of them who answer me but they speak a dialect that I do not understand. In addition, when I arrive they flee and refuse contact. It is impossible for me to inquire about anyone’s identity, knowing that in addition migrants come and go on the site and arrive from all over and also leave using different routes.”<sup>38</sup>*

<sup>34</sup> The right to a fair trial is guaranteed by Article 6 of the European Convention on Human Rights.

<sup>35</sup> As presented on the website of the Minister of Justice.

<sup>36</sup> Taken from the motion initiated by the order of September 7, 2020, adopted by the Boulogne sur Mer court.

<sup>37</sup> Taken from the motion initiated by the order of February 19, 2020, adopted by the Boulogne sur Mer court.

<sup>38</sup> Taken from the motion initiated by the order of July 27, 2020, adopted by the Boulogne sur Mer court.

In order to foster genuine dialogue, the bailiffs could and should be accompanied by interpreters when the assessment of a living site is carried out prior to an eviction.

That the bailiff had completed the required due diligence was called into question in December 2019 before the judicial judge Mr. Vanzo (the judge who authorises most of the orders on request in Calais) on the basis of the absence of an interpreter. At the expense of the adversarial process, Mr. Vanzo flatly refused this line of questioning, arguing that as a sworn and certified profession, a bailiff always performs and carries out all relevant duties.

In Grande-Synthe, an order on request, covering the entirety of a natural area, and signed on the 11th of October 2018 by the president of the Dunkirk judicial court, was renewed with the adoption of a new court order. The latter is identical in all respects to the previous one, except for the date of the signature: the 21st of October 2020. Between these two dates, the 2018 order was still being used to evict people living in this area. In addition, other land across the city has been subjected to orders on request. In practice when the bailiff is present at the time of the eviction, they occasionally show the order to the people being evicted, provided they request it. The document in question is not displayed prior to the eviction, which makes it impossible to challenge it beforehand.



Almost all of the living sites in Grande-Synthe are targeted by orders on request; people are therefore constantly subjected to evictions, at the discretion of the authorities.

In Calais, 9 petition orders were signed in 2020 by Mr. Vanzo, president of the Boulogne-sur-Mer judicial court, compared to 6 in 2019. Unlike in Grande-Synthe, the orders were displayed prior to the evictions. It is not obligatory to display the orders. For evictions that were to take place at the beginning of the following week, orders were frequently displayed at the targeted living site on Saturday. Orders have also been posted the day before, or even the day of, an eviction.

The information was displayed in French and English, despite the fact that most of the people targeted by the evictions were not fluent in either of these two languages. Without the provision of translated documents, the information remained inaccessible to those concerned by the order, and, once more, the limited display timeframe meant that the orders could not be challenged before the eviction operation took place.

Throughout 2020, the enactment of orders on request procedures served as a means to continue the work of gradually closing down a large number of living spaces, which had already begun several years earlier.



## “Référé mesures-utiles”, judged by the administrative court

The “référé mesures-utiles”, also known as the ‘référé conservatoire’, was used once by the city of Grande-Synthe in 2019, and twice by the city of Calais in 2020.

This French legal procedure is very similar to that of the order on request, except that it is made available to all public persons, so that the administrative judge may order all necessary measures relating to the protection of the public domain.

This procedure is yet another emergency procedure, and can be used when it is impossible to communicate the resulting decision to those likely to have to defend themselves before a judge. Once again, this means that if the bailiff considers that the people inhabiting the land in question are not identifiable, then they will never be asked or given the opportunity to present their defense in court. The effectiveness of the adversarial principle only comes into question at the second stage of the process: once the request made by the town hall has been registered with the court, it is posted and displayed on the premises targeted by the upcoming eviction, alongside a summons to a hearing by the administrative judge. The persons concerned by the request will then be able to present their observations before the same judge.

Practice shows that the modalities surrounding this procedure further complicate the possibility of accessing adversarial proceedings: the request regarding the eviction of the inhabited land is posted in French, despite most of those inhabiting the land not understanding the language. No accessible information or explanation concerning the procedure and means of appeal is given. The hearing is scheduled for 10 days after the initial signing of the motion. Without the intervention of associations providing legal support, the two hearings of 2020 would have taken place without the presence of the people targeted by the expulsion procedure, once again to the detriment of the adversarial proceedings.

The first “référé” of this type posted and displayed in Calais was registered with the administrative court of Lille on the 2nd of November 2020. It concerned the eviction of people who had found shelter in an outside courtyard of a sports hall belonging to the city. Some of the people directly targeted by the eviction requested to be present at the hearing as plaintiffs, which was held on the 17th of November. On the 18th of November, the court granted the town hall's request and approved the eviction of the people living there. The eviction operation took place on the 27th of November.

Similarly, the second “référé mesures-utiles” displayed in Calais was registered on the 16th of December with the same court, for the eviction of people living under several bridges in the city - the spaces beneath the bridges being among the last habitable places after the systematic eviction and closure of many other living spaces. A hearing was requested by those targeted by the notice, and was held on the 23rd of December. On the 24th of December, the administrative court of Lille granted the request of the town hall and ordered the inhabitants to leave the premises. The eviction operation took place on the 19th of January 2021. Bicycle parking racks, followed by poles, were installed under the bridges, making any future attempt to inhabit this site impossible.<sup>39</sup>

Regarding the first “référé”, despite there being no interpreter accompanying the bailiff, the administrative judge ruled that the procedure conducted by the town hall had been carried out legally. Contrary to the adversarial principle, the judge concluded the following: *“moreover, the fact that the bailiff, who made the report at the request of the municipality of Calais, was not accompanied by an interpreter has no impact on the admissibility of the request.”*

The evictions carried out on the basis of these court decisions are followed by what the authorities call “sheltering operations”. These are highly problematic in various ways, as previously demonstrated.

<sup>39</sup> La Voix du Nord, “Calais : des arceaux à vélo pour empêcher les migrants de s’installer sous le pont Mollien”, 20.01.2021.



# The use of criminal law as a strategy of harassment

According to the authorities, in 2020 and for several years before that, the daily evictions that were carried out in Calais were judicial police operations aimed at putting an end to the illegal occupation of land, an offense provided for by the Penal Code.<sup>40</sup> According to the authorities this offense is a priori committed "in flagrante delicto" meaning caught in the immediate act of wrongdoing. In this case, the police have the possibility to start an investigation without the authorisation of a judge, to collect and preserve the necessary evidence in order to have the offense recognised. The administration is supposed to be completely absent from this criminal law procedure.

Yet the practice is entirely different.

Firstly, this investigative procedure, conducted within the framework of in flagrante delicto, concerns living spaces that have been in existence for well over eight days<sup>41</sup>: indeed, the settlement on certain pieces of land in Calais took place more than two years ago. The people inhabiting these living spaces have thus been subject to regular evictions for more than two years.

The police convoy operating the evictions of living sites is always organised in the same way. The convoy intervenes either every day, on the same group of living spaces on day N, on another group of living spaces on day N + 1, then back on day N, or every other day, in which case all living spaces are evicted the same day. In any case, since August 2018, living spaces have been evicted every 48 hours. This systematic and organised way of proceeding is entirely inconsistent with the supposed emergency nature of the procedure.

Whether the assistance of the police is granted by the Prefect, or decided by the judicial authority as part of an in flagrante delicto investigation, the police convoy is identical in all respects and always operates according to the same pattern. It even includes interpreters from the prefecture. In this regard, the eviction on the morning of the 29th of September caused significant debate and discussion. Indeed, the legal basis of the operation was challenged before the judicial court of Boulogne-sur-Mer, to hold the State, via the prefecture of Pas-de-Calais, accountable for the infringement of fundamental rights caused by the disputed eviction order. To which the president of the district court, Mr. Vanzo, replied:

*"Although the Prefect declared that he had decided to carry out an evacuation operation and that the Minister of the Interior mentioned in a "tweet" the dismantling of a migrant camp carried out by the prefecture of Pas-de-Calais, it remains clear from this procedure that the operation which consisted in dislodging the migrants from the land they illegally occupied was a judicial police operation, carried out under the exclusive authority of the public prosecutor".*



The reasoning used to conclude the non-involvement of the State in this eviction remains puzzling, given the Prefect of Pas-de-Calais Mr. Le Franc's authorisation for the dismantling, and Mr. Darmanin's corroboration of Le Franc's remarks. The applicants appealed against the decision.

<sup>40</sup> The offence of illegal settlement provided for in Article 322-4-1 of the Penal Code: §1 "The fact of settling as a group, with a view to establishing a dwelling, even temporarily, on land belonging either to a commune that has complied with its obligations under the departmental plan provided for in Article 1 of Law No. 2000-614 of 5 July 2000 relating to the reception and housing of Travellers or that is not included in this plan, or to any other owner other than a municipality, without being able to prove their authorisation or that of the holder of the right to use the land, is punishable by one year's imprisonment and a fine of €7,500. "

Translated with [www.DeepL.com/Translator](http://www.DeepL.com/Translator) (free version)

<sup>41</sup> This eight-day period is required according to article 53 of the Code of Criminal Procedure, according to which: "the flagrante delicto investigation carried out following the discovery of a crime or a flagrant offense cannot continue for more than eight days." This is not a strict time limit, practice limits it to 48 hours, depending on the judge's judgment.

# III. Beyond evictions of living spaces: systematic State violence at the border

*“The repression in Calais is systematic, involving actors from bottom to top, from minor officials and frontline police to the highest authorities, whether they actively participate or merely look away in silence. Brutality and harassment in Calais are deliberate weapons used in the service of French, British and European immigration policy. The idea is a simple one; drive refugees away from the border by making their lives unbearable.”*<sup>42</sup>

This paragraph is an extract from the Calais Migrant Solidarity report denouncing police violence observed between 2009 and 2011. It remains conspicuously relevant today. In 2017, Human Rights Watch further claimed that *“such police behavior is a violation of the prohibition on inhuman and degrading treatment or punishment under human rights law.”*<sup>43</sup>



Photo: Victor Leon @victorle0n

<sup>42</sup> Calais Migrants Solidarity, *“Calais: cette frontière tue. Rapport d’observation des violences policières à Calais depuis juin 2009”*, June 2011.

<sup>43</sup> Human Rights Watch, *“« C’est comme vivre en enfer » Abus policiers à Calais contre les migrants, enfants et adultes”*, July 2017.

## Violence on a daily basis

The daily violence inflicted by French security forces aims to physically and emotionally exhaust those blocked at the border: humiliation, beatings, injuries, deprivation of sleep and of food, constant surveillance, control and restriction of living spaces. The organised precariousness of their living conditions and the lack of decent accommodation which forces them to live in camps, demonstrate the institutional ambition to keep displaced people in a constant state of insecurity.

This violence takes place at all hours of the day and night, everywhere, but above all out of sight, so that there may be no external witnesses.

*"Contrary to what the police would have us believe, it is not only the crossing points to reach England, such as the port, that are subject to constant surveillance, but also living spaces; spaces dedicated to relaxation, recreation, socialisation. For displaced people, every moment of their existence ranging from sleeping to relaxing in the park, from having a drink in a cafe to showering, is conditioned by the possibility of being controlled, arrested, or deported..."*

*...This systematic surveillance that spans the city constitutes a powerful tool of intimidation and instills a sense of daily insecurity, thus maintaining a climate of pervasive tension."*<sup>44</sup>

Despite countless human rights reports, public denunciations and court rulings, the behaviour of police officers appears unchangeable.

Often, testimonies are given to local supporters, without the victims in question wishing to initiate any legal action. Indeed, asking police officers to acknowledge acts of violence perpetrated by police themselves may be perplexing to some.

In addition, the length of the proceedings and the striking lack of results further discourage the legal denunciation of this violence. As such, these acts remain invisible and unpunished, and consequently persist.

"You can't even walk in peace. The CRS repeatedly accelerate when they see us walking along the road, as if wanting to hit us with their vans. They make sure that we are in a constant state of fear, we are never at peace, and always afraid for our life. Then they laugh, they film us. It's humiliating".

Testimony translated from Tigrinya, given by a displaced person living in Calais, 12.11.2020.

"It happens a lot, almost every time we go into the city centre or want to come home to our camp, and every time they block us, they stop us from getting there. For no reason, we didn't do anything, we're just walking and all of a sudden they come, they block us, they gas us and they hit us. That's what happens".

Testimony translated from Tigrinya, given by a displaced person living in Calais, 07.11.2020.

<sup>44</sup> Report by l'Auberge des Migrants, Utopia 56, Help Refugees and Refugee InfoBus, 'Calais: Le harcèlement policier des bénévoles', 2018.



There is thus a culture of normalised violence, purposely degrading treatment, abuse of power and impunity that is deeply rooted and remains unchallenged by those in power. In turn, this culture of impunity facilitates abusive and illegal practices utilised to fulfill the State's objectives at the border.

For the past ten years and still today, individuals, collectives and associations have been working to denounce police violence perpetrated at the border. The testimonies cited in this report are strikingly similar to other testimonies reported over the past ten years.<sup>45</sup>

In Calais, as in Grande-Synthe, the extent of the violence exerted on people on the move by the State goes far beyond evictions.

Indeed, in 2020 we received large numbers of testimonies recounting incidents of theft and of destruction of property committed by police outside eviction operations: theft and destruction of phones, identity papers, clothes, shoes, tents, and so forth. In several instances, food had been thrown on the ground by police officers.



"Last night, after our engine broke down, we had to go back to the beach. There were 24 of us, including minors. When we arrived on the beach, at least 20 police officers stopped us. They lined us up, told us they were going to disinfect us from COVID, and gassed us all from less than a meter away. Then they told us "to fuck off". They took the opportunity to crush several phones and power banks left on the beach. In addition, they forced two of the minors to carry the engine of the boat which weighs more than 100 kilos".

Testimony given by a displaced person living in Grande-Synthe, 19.10.2020.



Moreover, the police persistently harass displaced people and communities: on an almost daily basis, we received reports of police using their personal phones to film them, making monkey noises, mocking them, and using racial slurs when walking or driving past them.

Tear gas is one of the most widely used weapons against displaced people and communities, and has been the case for years. In 2020, police used teargas on food, on water, on tents, on people walking along roads from the window of their vehicle, on people in their living spaces during the day, on people sitting in public spaces or in front of supermarkets, and especially on people at night, when they are sleeping.

<sup>45</sup> 3 reports from Calais Migrant Solidarity, "Calais: this border kills. Documented police violence, June 2009-June 2011", "Calais, Novembre 2011 - Avril 2014, Chronologie non exhaustive des contrôles d'identité, interpellations, intimidations, fermetures de squats, etc, subis par les exilé-e-s." and "Calais deux ans après: Harcèlement policier, Discriminations, Nouvelle saisine du défenseur des droits". Human Rights Watch, "It's Like Living in Hell" Police Abuse in Calais against Migrants, Children and Adults', July 2017.

Report by l'Auberge des Migrants, Utopia 56, The Legal Shelter et Refugee InfoBus, 'Rapport sur les violences à Calais, pratiques abusives et illégales des forces de l'ordre, Observations et témoignages du 1er novembre 2017 au 1er novembre 2018' Auberge des migrants, "Rapport sur les expulsions forcées à Calais : confiscations et destructions des abris des exilés", April 2018; Human Rights Observers, "Annual Report 2019: Observations of Fundamental Rights Violations at the Franco-British Border".

"Two days ago I was on a boat with 23 people. The police were waiting for us on land. Without any reason they gassed everyone. I cried for two days from the gas, and I got irritations around my mouth from the gas".

Testimony given by a displaced person living in Grande-Synthe, 19.10.2020

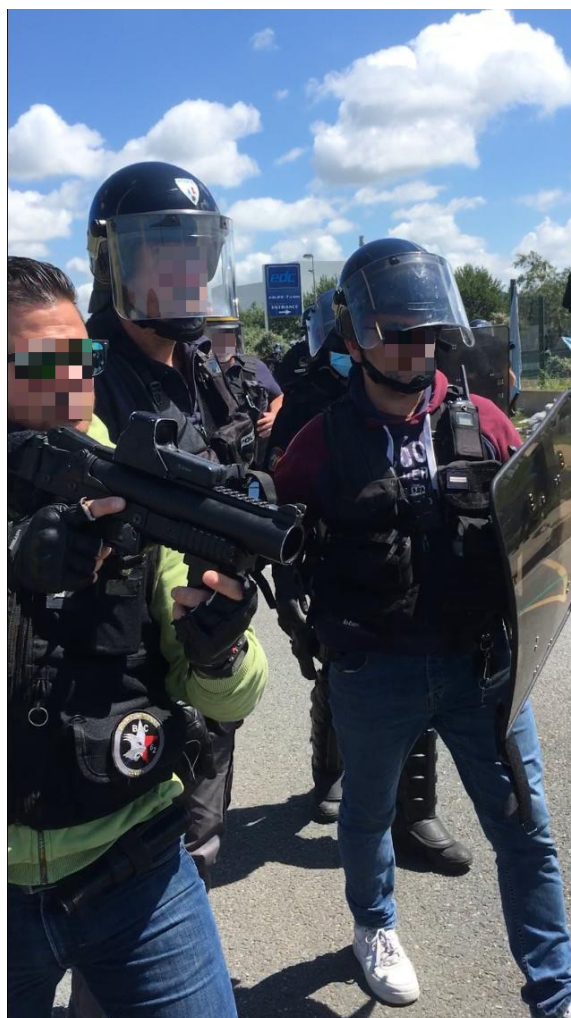
"On the night of July 30, myself and several friends were chased by the police along a road. While fleeing, I tripped and fell on a wire fence which seriously injured my face (requiring several stitches). Out of fear, I hid in the ditch for a long time. I saw a friend of mine get caught and taken away by the police."

Testimony given by a displaced person living in Grande-Synthe.

The use of tear gas led to numerous hospitalisations in 2020. On the night of the 2nd of October, in anticipation of the eviction of their living space, the inhabitants of a camp shifted their tents to a parking lot next to it. In response, the CRS assaulted several individuals and threw vast amounts of tear gas grenades into the camp. Subsequently, several people were rushed to the emergency room, one of whom had been sprayed by a CRS officer at a close distance and then seriously injured to the head with the gas canister.

Too often, law enforcement officers compel those attempting to reach England to put themselves in danger. It is commonplace for police agents to chase people onto the highway and beat them with batons. Towards the end of 2020, due to traffic jams on the A16 caused by Brexit and COVID-19 measures, these endangering practices intensified. On the 19th of November, Mohamed Khamisse Zakaria, blinded by tear gas, was hit by a car and died<sup>46</sup>

Employees of private security companies, especially at ports, also commit numerous acts of violence. In 2020, numerous people were chased and several suffered beatings at the hands of port security personnel. Dogs without muzzles were also used to attack individuals. The means employed by these security teams align with the methods used by law enforcement to make the border as dangerous as possible.



"I was in the truck when I was stopped by 3 policemen, they broke my hand as they pulled me out of the truck. Once outside, they left me alone. My friends arrived, we called an association and the association came and took me to the hospital".

Testimony translated from Sorani Kurdish, given by a displaced person living in Grande-Synthe, 22.12.2020.

<sup>46</sup> Infomigrants, "Calais : sur l'autoroute près de l'Eurotunnel, "on assiste à un déchaînement de violences", 21.12.2020.



"I was in front of the Auchan shop in Grande-Synthe around 7 am with 3 friends. At that time we ran into four policemen from the border police. They stopped us. During the arrest, I explained to them that I had an important medical appointment at the hospital and that I absolutely had to go there in order to pick up my treatment. They didn't listen to me and took me to the police station. Once at the police station I asked when I could be released and they told me between 9 a.m and 9:30 a.m. When I realised this was incorrect, I got angry. There were 8 or 9 of us in the cell. The police then took me out of the cell and handcuffed me and started swearing at me in French. I did not understand everything. After that, 5 or 6 of them took me to a separate cell, and started hitting me with their batons on the nose, face, head and back. I passed out and woke up in the hospital. At the hospital, I was still handcuffed and accompanied by 3 policemen and an interpreter. I wanted to speak with the doctor but I was prevented from doing so. They spoke for me, and I did not receive any paperwork to prove my visit to the hospital. After that, I was taken back into custody at the same police station. I was released between 5 and 6 p.m."

Testimony translated from Sorani Kurdish, given by a displaced person living in Grande-Synthe, 13.10.2020

Many testimonies show that violence often occurs in situations such as that above, in police custody and when individuals are held and detained in order to verify their right of residence. Beyond acts of violence, the behaviour of police agents in these spaces is at many times abusive, and they often deny people of their right to a lawyer, an interpreter, a doctor, and a phone call. On the 30th of September, a person was released from the detention centre without their shoes.

There is an even greater number of testimonies of assault and battery at the hands of police. Most often, these types of violence are carried out at night or while people are on the move.

Beatings by police with telescopic batons while the victim is on the ground, or people sleeping in camps being woken up with batons and kickings, are far from uncommon. "People are beaten, arms are broken and shoulders are dislocated".<sup>47</sup> On the 13th of June, a person injured by the CRS was left for dead on a rock, despite needing hospitalisation. On the same day, the CRS strangled and beat an unaccompanied child, to the point of needing hospitalisation.

On the 11th of November, a man was hospitalised for more than two months after an LBD-40 was aimed and fired at his face at a close distance.<sup>48</sup> On the 25th of January 2021, he finally succeeded in filing a complaint for "willful violence by a person holding public authority".<sup>49</sup>

Comparably, on the 25th of January 2018, an unaccompanied child lost an eye due to an LBD-40 shot in the face.

Law enforcement officials continuously perpetuate these violent, and potentially fatal, acts yet face no consequences.



<sup>47</sup>Liberté Hebdo, "Les violences contre les exilés sont systémiques", 31.12.2020.

<sup>48</sup>Street Press, "À Calais, un Érythréen gravement blessé au visage par un tir de LBD-40", 18.11.2020.

<sup>49</sup>Libération, "«C'est bien cette arme qui m'a blessé» : à Calais, le combat d'un exilé contre une bavure policière", 09.03.2021 and Médiapart, "Victime d'un tir de LBD, un Érythréen porte plainte et veut faire reconnaître la responsabilité de l'Etat", 09.03.2021.



"The CRS blocked some of our compatriots on the bridge which we use to access our living space. We asked them why, and to let people go freely. They refused to discuss anything with us, and subsequently we were gassed. One of our compatriots was shot at by a CRS with the gas launcher [which turned out to be a defence ball launcher]; he aimed it right in the face, not in the air like they're supposed to. He aimed at him directly, at face level, within 10 meters. There was too much blood, it exploded in his face, he was bleeding deeply from his forehead and it opened his cheek completely. Two of us volunteered to accompany him in the van of an association that was present and wanted to take him to the emergency room. To make sure he wouldn't lose too much blood or pass out on the way. But the CRS arrested us, and in the end we carried our injured friend to the ambulance. In less than five minutes the national police were there and they took my friend who had accompanied him with me. They handcuffed him without telling him anything, and took him to the police car. No one said anything to me and they wouldn't let me go with my wounded friend. We cannot take the harassment of the CRS any longer. We are humans, and we have rights. Here we live like dogs, it's not a life."

Testimony given by a displaced person living in Calais, 11.11.2020.



Despite the difficulties in ensuring the perpetrators of such violence are recognised as such and held responsible, there are times when people, individually or collectively, want to draw attention to what is happening to them. A community of people, whose members have been victims of chronic physical violence at the hands of the police forces, communicated two open letters to the authorities and to the press to explain what they endure on a daily basis. The first was published in April, and the second in November.

Photo taken by a displaced person living in Grande-Synthe



- first off, before we write our complaint what is happening to us by the CRS we would like to say something about our selves

- We are migrants from Eritrea, the reason why we are here is because we want to live in a safe place and have a future, we are not criminals, we are just innocent migrants trying to go to UK and persue our dream.

Our complaint is about the CRS organization and their aggressive, <sup>impulsive</sup> <sup>polisive</sup> actions on us.

# They don't think that we are humans. They called us names like monkey, bitch, etc. And...

A couple weeks ago they started threatening our lives by keep beating us every time they get chance like when they found two or three people walking around the foodstreet area or in our tents where we sleep. They keep driving fast to wards us on the street like they want to run over us and start to take people in their <sup>car</sup> to some places which is out side calais and keep beating us until we faint out.

-> They hide their personal code while their doing something wrong over us. And when ever they see recording them while they are doing something wrong they come and break your mobile and your body.



Below is a list of the recent acts of violence we have faced. Each one happened in Calais and was carried out by CRS.

- 26<sup>th</sup> March 2020, 3:30pm : one person was teargassed and beaten by CRS after being denied entry to Carrefour Supermarket
- 27<sup>th</sup> March 2020, 2pm : two people walking near Stade de l'Épopée to get food at the distribution, were beaten by CRS (company 8). As a result, one of them has a broken arm.
- 27<sup>th</sup> March 2020 : two people walking near the BMX park to get food at the distribution were beaten and teargassed by CRS (company 8).
- 28<sup>th</sup> March 2020, 9am : one person walking along Rue Mollien was thrown to the ground and beaten by CRS (company 8).
- 28<sup>th</sup> March 2020, 3pm : two people walking near the BMX park to get to the food distribution were beaten and teargassed by CRS (company 8)
- 28<sup>th</sup> March 2020, 3:30pm : one person walking alone along Quai Lucien L'heureux, going back to his camp, was beaten and hit on the back of the head with a telescopic baton by CRS (company 8)
- 28<sup>th</sup> March 2020 : four people walking near the BMX park were beaten with a telescopic baton by CRS (company 8).
- 31<sup>st</sup> March 2020, 12:50pm : two people pulled out of a truck were beaten by CRS (company 8) on Rue des Sablières. One person was complaining about strong pain in the arm, one person was left nearly unconscious and had to be brought to hospital by an ambulance.

The Eritrean Refugee Community  
of Calais

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Open letter written by the Eritrean community, on the 16th of November 2020

To whom it may concern

First and foremost we would like to thank the French people for their hospitality and also for their friendly manner.

Let me familiarize myself and my people to you so you will not be left in the cold. We are from the Eritrean community living in Calais near the BMX playground area. Our people have been living here for so many years in this area. In our community there are so many untold stories that are difficult to digest even if you spread them around. So, we are asking for a fast solution to our problems. Let me tell some of our story.

The Eritrean people have seen so many horrible things on their way, and history is repeating itself again. My community is here because it's the only option she has. Some of them have a fingerprint in Italy, without their consent, and others were taken or transferred to other European countries such as Germany and Switzerland, where unfortunately they were rejected. What makes us sick is that most of them have waited 5 or 6 years for their application to be considered and the terrible thing is that they end up having a negative response, while this expectation caused them great anguish.

Despite our great expectations of the democratic European countries which were disappointed and which have somewhat broken our fighting spirit, we still realized that abandoning our goal is not an option for us; our goals have not yet been achieved since we left home.

Right now we are in Calais, our only intention is to reach the UK by any means. Here some people, including humanitarian organizations, help us with our basic needs. Apart from these people, some others like the CRS make our lives hell. Sometimes they follow us everywhere like whether we were spies or criminals with criminal records. Some CRS members do terrible things to our community. We have seen CRS members gas our people with chemical agents as they tried to return to the place of life. Many members of our community are victims. The CRS sometimes act above the law; a democratic country cannot be considered as such if it uses physical force in this way, and it does not make it civilized and does not make it perform their function more acceptable. The last time they hit a friend of ours when he was trying to get back home. It is not fair to hit someone without cause on the way home.

On the 5th of November 2020, without any notice they came to our place of life and they didn't allow us to go out for the whole day. Then, around 9:40pm, they came to our tents, they launched tear gas, sprayed all our belongings with pepper spray and hit us like we are animals, not human beings. The next morning they waited for us around Sangatte and they hit those who wanted to go to Sangatte, they sprayed us and made us go back on ourselves. At different times, they cause us some big and small damages and it's still going on. Even when we are just walking, they open their car and spray us.

Everyone has the right to go wherever they want and at any time. These people they call CRS are chasing us outside the Carrefour area and preventing us from shopping. For them, seeing Eritreans having fun together fill them with anger and make them all the more violent. Like all customers, we have the right to buy what we want and we also have the right to have fun as we want. The actions of the CRS are shameful; these people have crossed the line. While we were sleeping, some members of the CRS tried to force us out. As soon as they arrive, they gas us. Gassing people sleeping is far beyond imaginable. In these cases, as a community, we have the right to defend ourselves.

On November 11, some of our brothers came from the port and others from the city to where we live, known as BMX. Our brothers were blocked in the area of the bridge by members of CRS, who did not want to let them pass to reach the place. There were about 6 cars and 40 people. We saw that the CRS agents were against them, so we ran to join our brothers and we were able to join them. The agents couldn't stand us because we were protecting our brothers. According to the information I have collected and seen with my own eyes, 6 people were injured. One of the victims is a man who was seriously injured. He lost a lot of blood. According to our sources, our man was shot in the head at point blank [with an LBD-40]. Eventually, things calmed down even though the CRS agents were ready to beat us up again. We tried to resist, not moving from our place to be able to defend our place of life. We expected them to hit anytime as they had hit our brother at close range. At that moment we decided to speak up and ask for help.

Legally, every citizen has the right to defend himself and to defend the people he loves, what is called self-defense.

All we need is to inform those who may be concerned by this. In this country of freedom and democracy, our human rights must be respected. If not, we will defend ourselves and our place of life, by all means. We know the police work for the safety of people. We Eritreans respect the law, we are happy to help them and do what they legally ask us to do. If someone tells us that we are doing illegal things, we ask that he presents his evidence in the right way. We request therefore help for the CRS to stop everything they are doing to us.

As a community, we just want to inform what is happening to us. We could have gone to court for a trial, but we do not have the residence papers to defend our case. All that we want is justice. All we ask for is justice and help from society. In a court of justice, we are all equal and we are waiting for the authorities to do us justice, so that our people may live in peace like everyone else.

# Racism and discrimination

Discrimination is an inherent part of the State violence and blatant State racism<sup>50</sup> at the border, and has been both witnessed by and reported to local actors and supporters in both Calais and Grande-Synthe. Discrimination regarding access to swimming pool facilities in Calais had previously been denounced in 2015.<sup>51</sup> In 2016, access to public transport was regularly denied to people deemed to be “migrants” by the personnel of the transport company Calais Opale Bus.<sup>52</sup>

The instances of discrimination reported in 2020 concern the access to public buses in Calais, and to shopping centers in Calais and Grande-Synthe.

Since December 2019, access to buses in the city of Calais is free of charge. However, this does not prevent the authorities from limiting access for people who live in informal settlements, simply based on their appearance and the language they speak.<sup>53</sup>

“On the evening of the 5th of March 2020, after it had been raining all day, the bus stopped at the ‘Channel’ stop. Three displaced people are waiting at the stop. The driver does not open the door in front of them; neither the first nor the one in the middle, but only the back door. The three boys then join the other displaced people at the back of the bus.”

Testimony given by a displaced person living in Calais.

“On April 8, 2020, we had several patients who required non-COVID related care. We accompanied them to the bus stop n°10, located on route de Gravelines at 3:05 p.m. The bus stopped. It was empty. The driver did not want to take these 3 people saying that his management asked not to take refugees or displaced people because they do not respect the COVID rules and measures. He wouldn't give me his name. We were unable to provide any treatment options other than walking to the hospital the next morning.”

Testimony given by a member of an association.

“A bus controller pulled up with his vehicle and questioned me to find out if the displaced people were going to take the bus. I told him no. He told me: “The State has asked all bus drivers in France not to pick up migrants. The Prefect gave us this order until the end of confinement on May 11”. He himself indicated his disbelief at this order targeting refugees and left.”

Testimony given by a member of an association, 24.04.2020.

This policy was denounced in the press, and indeed, the authorities openly confirmed the facts. On the 21st of June, the newspaper Libération published an article stating the following: “At the end of May, the director of Calais Opale Bus considered it “difficult to confront” Calaisians who had been confined for several weeks with refugees who had not been, and declared: “For the moment, we are avoiding taking migrants on the buses”.

*...A few weeks earlier, Philippe Mignonet, deputy mayor of Calais and president of the Intercommunal Union of Urban Transport for the Calais area, adopted a change in policy aimed at no longer taking groups of migrants on board buses, following « three confirmed cases of COVID in the camps ».”<sup>54</sup>*

<sup>50</sup> For more information on State racism, see the book by F. Dhume, X. Dunezat, C. Gourdeau, A. Rabaud, “Du racisme d’Etat en France?”, 2020.

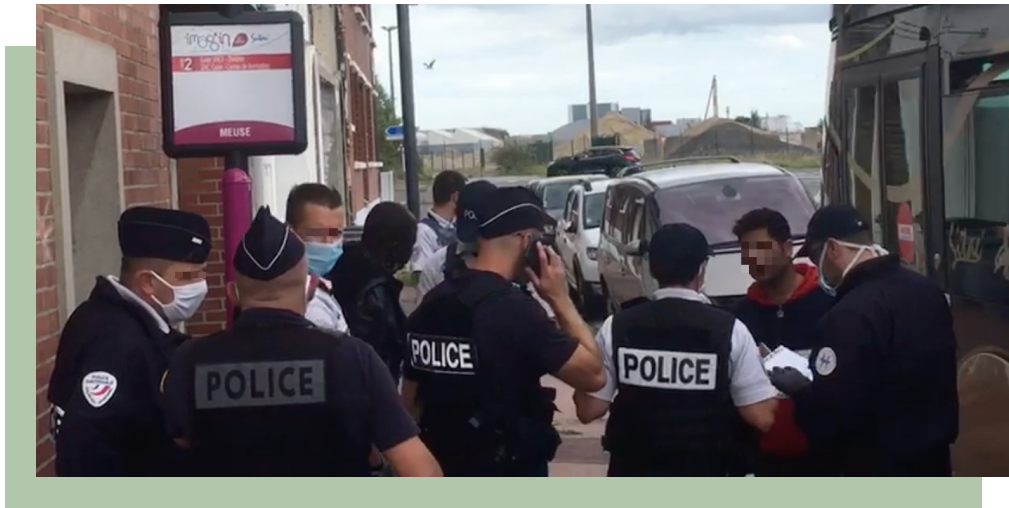
<sup>51</sup> Inter-associative press release, “Piscine de Calais - mesure discriminatoire dans un établissement recevant du public”, 2015.

<sup>52</sup> Astil 62, “Calais Opal Bus: prévention contre la gale” video from 7.03.2016.

<sup>53</sup> Discrimination in buses also took place in Paris on November 17 (“Des CRS font sortir des migrants d’un bus RATP, la sélection se fait au faciès”). France Inter, “Lacrymo, malaises, traques : des vidéos montrent la journée d’enfer de migrants expulsés à Saint-Denis”, 01.12.2020.

<sup>54</sup> Libération, Reporting “Calais : «S’ils ne peuvent pas prendre le bus, autant mettre une pancarte “interdit aux migrants””, 21.06.2020.





The reported discrimination is not limited to the access to public transport.

Indeed, in Grande-Synthe, the entrance to the Auchan shopping center has also been a site of discrimination against displaced people. Security personnel at the shopping centre have regularly denied entry to people who appear to be living in the nearby camps. On several occasions, CRS police agents have also controlled the entrance:

“In front of the Auchan shop were two CRS trucks, eight CRS officers, three police officers, and two Auchan security officers. The latter then explained to me that it was not their fault, that it was the prefecture that asked the CRS to come and help the security personnel. [...] During the two previous weeks, I went to Auchan and every evening I witnessed that as soon as displaced people came to shop, CRS officers forced them out on the pretext that they had no right to be in the store.”

Testimony given by a member of an association, 26.03.2020.

These people were also denied entry to the “Mi-voix” Carrefour store in Calais. The reported acts of discrimination are not the only form of violence that took place around this store. The CRS are regularly present in the parking lot, and on numerous occasions assaulted and harassed people using tear gas, batons, insults and racist remarks.

“We went to the back of the queue in order to enter the supermarket. The security agent was also outside the entrance and enforcing the coronavirus prevention measures and regulations set by the government. Very soon after our arrival, the security guard motioned for us to join him at the front of the line. He immediately asked for our identity papers. We presented him with our lockdown exemption certificate, and explained that as displaced people, we do not have identity documents and as such, are unable to present any. The officer then explained to us, in English, that his superiors had ordered him not to let anyone in without identification papers and that he risked being fired if he allowed us to enter Carrefour supermarket”.

Testimony given by a person prevented from entering Carrefour, on 23.03.2020.

"It was March 26, 2020 at 3:30 p.m. I was going to Carrefour supermarket, to buy food and as I tried to enter, the security guard told me that I was not allowed to enter and buy food. I wanted to talk to him and ask him why, but he immediately called the CRS. As soon as the CRS arrived they didn't even listen to what I had to say, they threw tear gas at me and started beating me with their sticks, several times on my back and around the knee area. I was afraid he would hit me until I passed out. So I ran. I just wanted to buy food with my money, but instead I was beaten. "

Testimony given by a person prevented from entering Carrefour.

"I don't even try to go there anymore, I'm afraid to see the CRS."

Testimony given by a person prevented from entering Carrefour.

These distinctions made between people on the basis of their background, their physical appearance, their particular vulnerability resulting from their perceived economic situation, their place of residence, their health condition, their language, their perceived belonging or non belonging to an ethnic group, a nation, a supposed race or religion are all forms of discrimination.<sup>55</sup>

These recurring acts of discrimination illustrate once again the xenophobic nature of French policy at the border.



"We are in Europe, facing a difficult life. All this, just to live in dignity. But, we couldn't find peace in Europe. We risked our lives just to get to Europe, because our country is all about conflicts and wars. We said to ourselves that maybe we could find peace in Europe? But we haven't seen anything of the sort! We are now facing the biggest war in Europe, ie racism, fascism, our country is at war, and Europe is in a fascist war. We are immigrants, we live in France, in the region of Calais, and France has not accepted us because we are trying to go to the UK. All of this for a better future".

Testimony given by a displaced person living in Calais, 11.09.20.

<sup>55</sup> As indicated by article 225-1 of the Penal Code, drafted in these terms: §1 "Any distinction made between natural persons constitutes a discrimination on the basis of their origin, their sex, their family situation, their pregnancy, their physical appearance, the particular vulnerability resulting from their economic situation, apparent or known to the perpetrator, their surname, their place of residence, their state of health, their loss of autonomy, their disability, their genetic characteristics, their mores, their sexual orientation, their gender identity, their age, their political opinions, their trade union activities, their ability to express themselves in a language other than French, of their belonging or not belonging, true or supposed, to an ethnic group, a nation, a so-called race or a determined religion."

# CONCLUSION

In Grande-Synthe and Calais, violence and police harassment are ever present. After each eviction, each person is condemned once again to being on the move, in a state of prolonged displacement. The precarious situation of each person is maintained and perpetuated, exacerbating the stigmatisation and racism that they face.

The spectrum of securitising policies carried out by the French state at the border, including the policy of fighting against fixation points in Calais and Grande-Synthe, constantly violate the fundamental rights of the people who find themselves blocked there. Indeed, *“the practices reported to the Special Rapporteur by residents of the encampments around Calais are a gross violation of the right to adequate housing and other human rights, such as the rights to water, sanitation, health, food and physical integrity. The systematic and repeated nature of these cases of forced eviction suggest that they also constitute cruel, inhuman or degrading treatment of one of the most vulnerable population groups in France.”*<sup>56</sup>

Local and national authorities have been repeatedly convicted for various violations of fundamental rights.<sup>57</sup>

Yet, since then nothing has changed. Much like the rest of the coast, Calais and Grande-Synthe are places where the State protects at all costs - even at the cost of the law itself - its law enforcement agencies. This increasingly accepted policy of repression calls into question the true role of police forces in French society today, particularly when they act in defiance of the law and rights, yet continue to receive the support of the authorities. In Calais and in Grande-Synthe the use of force is neither proportionate nor necessary: maintaining order has become the pretext to justify all abusive practices.<sup>58</sup>

Freedom of movement, access to water and food, access to healthcare, the right to shelter, the right to respect for private and family life, the protection of the best interests of the child and the right to an effective remedy, are all rights that are being continuously violated at the border. The list is far from being exhaustive.

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<sup>56</sup> United Nations Human Rights Council, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, §76, 28.08.2020.

<sup>57</sup> See following decisions: Conseil d'État 31 juillet 2017 « Commune de Calais » n°412125, n°412171; Conseil d'État, 21 juin 2019 n° 431115 ; ECtHR, Khan v. France, 28.05.2019, Application n°12267/16 ; ECtHR, N.H. and others v. France, 02.07.2020, Application n° 28820/13.

<sup>58</sup> Still relevant today, these last three sentences are an extract from the report on the violence in Calais, abusive and illegal practices of the police, *'Observations et témoignages du 1er novembre 2017 au 1er novembre 2018'* published by the associations Refugee Infobus, Auberge des Migrants, The Legal Shelter and Utopia 56.



# GLOSSARY<sup>59</sup>

## WHAT DO WE MEAN BY...?

**Displaced people:** employing the term "displaced people" is a choice that aims to be inclusive and refers to all people in a state of migration/on the move, regardless of whether for political, social or economic reasons. This term is preferred to the term "migrants", which is no longer neutral in the media and political arena, and to the terms "refugees" or "asylum seekers", which refer to a legal status linked to the Geneva Convention.

**Unaccompanied children (UAC):** an unaccompanied child is a person under the age of 18, separated from their two parents and who is not cared for by an adult who does not have, by law or by custom, the responsibility to do so.<sup>60</sup> Foreign unaccompanied children are supposed to benefit from child protection provisions.

## LIVING SPACE/SITE<sup>61</sup>

**Living space/site:** a generic term to talk about places where a person lives and carries out the totality of their daily activities, with all the relations that this implies to the territory and to its inhabitants. At Grande-Synthe and Calais, and in surrounding areas, these living spaces are camps, i.e. groupings of tents, also called "Jungle" by the people that live there. This term, "Jungle," dzangâl, which means "forest," was first used by Afghan people to designate the camps and shelters in which displaced people are compelled to live near the borders at which they are blocked, from Greece to Calais. The expression in its English form was thereafter adopted by other displaced people, many local and national actors such as the media and associations, to designate the camps, squats and informal settlements in which displaced people blocked at the French-UK border try to survive.

## EVICCTIONS

**Forced eviction:** the UN Special Rapporteur on the right to adequate housing defined forced evictions as *"permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."*<sup>62</sup>

**Policy of fighting against fixation points:** The State's systematic anticipation of evictions of informal settlements at the border in order to prevent the creation of anything resembling more permanent living spaces. When a living space is created, law enforcement agencies are systematically deployed in order to evict it.

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<sup>59</sup> The definitions for the majority of these terms and expressions are taken from the glossary of the 2020 analysis note from the 'Observatory of evictions from informal living spaces' (Observatoire des expulsions des lieux de vie informels, "Note d'analyse 2020")

<sup>60</sup> The article L 112-3 of the Social Action and Families Code defines unaccompanied foreign children as minors *"temporarily or permanently deprived of the protection of their family"*.

<sup>61</sup> 'Space' and 'site' are used interchangeably

<sup>62</sup> High Commissioner for Human Rights, *"The Right to Adequate Housing,"* June 2014.

## VIOLENCE

**Police violence:** we use the definition that local supporters of people blocked at the French-UK border have come up with - *“Police violence comes from the use and abuse of the power given to the police by the State. It can be physical and/or psychological, visible or invisible, repeated or sporadic, legal or illegal, but always systemic. It is dehumanising, its damage irreparable, and the perpetrators are never held to account.”*

**State violence**<sup>63</sup>: despite the uncertain contours of this term, we speak of ‘State violence’ because by encouraging and rewarding police violence, by leaving it unsanctioned internally or in the courts, and by denying its existence, this violence extends beyond police institutions and becomes State violence. In addition to police violence, State violence also includes dehumanising and irreparable, but systemic, State practices.

## SHELTERING MECHANISMS

**Sheltering operation:** this term refers to accommodation solutions that are often temporary, in CAESs or CAOs.

**CAES or centres for initial reception and assessment of situations (Centre d’Accueil et d’Examen des Situations):** created in 2017, CAES have a dual function: providing emergency accommodation, and enabling a rapid assessment of the administrative situation of displaced people. The aim of the creation of these centres was to remedy the situation of displaced people living in makeshift camps, especially in the regions of Paris and Calais. In practice, these centres are not only used as an accommodation solution - they are also used as “sorting centres”. Once the person’s administrative situation has been assessed, the person is either transferred towards a centre corresponding to their administrative situation, or returned to the streets, if not removed from the French territory. The forced nature of the sheltering operations carried out during evictions brings people to these centers and enables authorities to exercise further control over the administrative situation of displaced people stuck at the border.

**CAO or Reception and Orientation Centres (Centre d’Accueil et d’Orientation):** originally created in October 2015 to provide accommodation, on a voluntary basis, for those living in the Calais ‘Jungle’, these centers are now mostly used for the emergency accommodation of persons evicted from camps in Paris or along the northern coast. CAOs are managed by the French Office for Immigration and Integration (OFII) and are part of the National Reception Scheme (Dispositif National d’Accueil), which includes all of the reception structures dedicated to the reception of asylum seekers.

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<sup>63</sup> This definition is in part taken from Didier Fassin’s editorial piece *“Nommer la violence d’Etat”*, published in *Libération*, 29.01.2020.