



**ADMINISTRATIVE COURT
FROM PARIS**

N ° 2002311/9

FRENCH REPUBLIC

ETHICAL SECURITY ACTION
REPUBLICANS

IN THE NAME OF THE FRENCH PEOPLE

Mrs Briançon
President of the Court

The summary judge ruling in urgency

Ordinance of February 7, 2020

Considering the following procedure:

By a request, registered on February 5, 2020, the association Action Sécurité Ethique Republicans (ASER) represented by Me Bonaglia asks the judge for interim relief:

1 °) to order all measures that the summary judge deems useful to put an end to the serious and manifestly illegal attacks on the right to life of the Yemeni populations;

2 °) to charge the State the sum of 2,500 euros in application of article L. 761-1 of the code of administrative justice.

Through interventions, recorded on February 6, 2020, the Association of Christians against torture, the Stop Fueling War Association, the Salam For Yemen Association, the Action against hunger, the Doctors of the World Association, the Sherpa Association demand that the court grant the conclusions of application n ° 2002311.

Having regard to the other documents in the file.

Seen :
- the code of administrative justice.

The president of the court appointed Ms. Briançon to rule on the requests for interim relief.

1. Under the terms of Article L. 511-1 of the Code of Administrative Justice: *"The judge of referred decides by measures which are of a provisional nature (...) "*. In terms of

N ° 2002311/9

2

Article L. 521-2 of the Code of Administrative Justice: *" Seized of a request to this effect justified urgently, the summary judge may order all measures necessary to safeguard a fundamental freedom to which a legal person governed by public law or a body of private law in charge of the management of a public service would have carried, in the exercise of one of its powers, a serious and clearly illegal interference. The summary judge decides within forty-eight hours. "* Under the terms of article L. 522-3 of this code: *" When the request is not of an urgent nature or when it appears obvious, in view of the request, that it does not fall within the jurisdiction of the court*



~~administrative, inadmissible or ill-founded, the summary judge may, without there being any need to apply the first two paragraphs of article L. 522-1. "~~

2. The Association of Christians Against Torture, the Stop Fueling War Association, the Salam For Yemen Association, the Action Against Hunger Association, the Doctors Association of world, the Sherpa Association who voluntarily intervene in the proceedings in support of the request, justify an interest in acting in so far as they associate themselves with the conclusions of the applicant. Consequently, their intervention in support of the conclusions of the application is allowed.

3. The right to respect for life and protection against inhuman treatment and degrading, recalled by Articles 2 and 3 of the European Convention for the Protection of human rights and fundamental freedoms, constitutes a fundamental freedom in the sense of the provisions of article L. 521-2 of the code of administrative justice. When the action or lack of public authority creates a marked and imminent danger to the lives of persons, thus seriously and manifestly unlawful interference with this freedom fundamental, and that the situation allows useful safeguard measures to be taken in within forty-eight hours, the summary judge may, under the special procedure provided for in this article, prescribe all measures likely to put an end to the danger resulting from this action or this deficiency.

4. The Republican Ethical Security Action Association (ASER) requests the cancellation customs authorizations for the exit and transit of war material and similar material (ATMG) of the Saudi cargo ship "Bahri Yanbu" to dock at the port of Cherbourg in destination of Saudi Arabia on February 6, 2020 and to take all necessary measures to stop serious and manifestly illegal attacks on the right to life of populations Yemenis. However, the applicant association does not provide any sufficiently precise information and detailed information to justify, on the one hand, the existence and implementation of authorizations exit that it denounces and on the other hand, the imminent emergency situation with regard to the right to respect for life and protection against inhuman and degrading treatment which may result from their execution. Under these conditions, even though a link exists between such authorizations and the suffering of the Yemeni people, the conditions likely to characterize an emergency situation such as to justify the use of the specific powers that the summary judge is governed by article L. 521-2 of the administrative justice code are not fulfilled. Consequently, the complaint is manifestly ill-founded.

N ° 2002311/9

3

5. It follows from the foregoing that, without, by application of Article L. 522-3 of administrative justice code, it is necessary to initiate an adversarial procedure and to a hearing, the request of the Republican Ethical Security Association must in any case of cause be rejected, including that this association requests the application of article L. 761-1 of the code of administrative justice.

ORDERS:

Article 1st : The interventions of the Association of Christians against Torture, the Association Stop Fueling War, from the Salam For Yemen Association, the Action Against Hunger Association, the Doctors of the World Association and the Sherpa Association are admitted.

Article 2 : The request of the Republican Ethical Security Association is rejected.

Item 3: This ordinance will be notified to the association Action Sécurité Ethique Republican, to the Association of Christians Against Torture, to the Stop Fueling War Association, to the Salam For Yemen Association, the Action Against Hunger Association, the Doctors Association of



world, to the Sherpa Association.

A copy will be sent to the General Secretariat of the Government, to the General Secretariat of defense and national security and the Minister of Economy and Finance and the Minister of action and public accounts.

Done in Paris, February 7, 2020.

The summary judge,

C. BRIANCON

The Republic sends and orders the Minister of Action and Public Accounts, in what concerns, or to all judicial officers to this required, with regard to common law remedies against the private parties, to provide for the execution of this judgment.