

Conseil d'État's urgent applications judge rejects request for suspension of dissolution of Barakacity association

The Conseil d'État's urgent applications judge ruled that the offending remarks of the chairman of the association can be attributed to the association itself and constitute speeches inciting discrimination, hatred or violence, which may justify dissolution.

On 28 October 2020, on the basis of Article L. 212-1 of the Internal Security Code, the Council of Ministers issued a decree dissolving the "Barakacity" association on the grounds, on the one hand, that the messages published on the association's and its chairman's social network accounts and the comments they generated incited discrimination, hatred and violence, and, on the other hand, that the positions taken by the association's chairman revealed the existence of acts intended to provoke acts of terrorism.

The Barakacity association asked the Conseil d'État's urgent applications judge to suspend this dissolution as a matter of urgency.

The urgent applications judge today rejected this request.

First of all, he pointed out that the remarks made by the association's chairman, who is recognised as its principal leader and is responsible for its communication, addressed indiscriminately using either his personal social media accounts or those of the association, could be attributed to the association.

The urgent applications judge then found that some of those messages, in particular those calling for "punishment" for the victims of the attack on the *Charlie Hebdo* newspaper or exposing named persons to public hatred, constituted speech inciting discrimination, hatred and violence, such as to permit the dissolution of the association on the basis of Article L. 212-1 of the Internal Security Code. He also found that the numerous hateful, antisemitic and murderous comments prompted by the chairman's messages could also be taken into account in the absence of any recent action to remove them and warn account subscribers.