

NOTE ON ARREST AND DETENTION OF YANN FOUERE AND OTHER MEMBERS OF NON-VIOLENT  
CULTURAL AND POLITICAL MOVEMENTS IN BRITTANY

4th February, 1976.

THE CASE :

On 20 October, 1975, the French police arrested YANN FOUERE, a leading member of the Breton and European Federalists Movements and noted author on the problems of small nations and ethnic minorities in Europe.

He was detained incommunicado for over 5 days in Rennes Police H.Q. He was then transferred to Paris along with twelve other Bretons, and was put into the hands of the COUR de SURETE de l'ETAT.

Since 24 October, he is detained in the Prison de la SANTE in Paris. For the first six weeks he was kept in solitary confinement; attendance at Mass was refused.

Since 24 October, he has had only two interrogation sessions with the magistrate in charge of the case, lasting altogether 3 hours.

No evidence has been presented by the State to substantiate the formal charges. Meanwhile the defence counsel submitted a number of affidavits and other certificates.

Two requests for his release pending trial were made.

Both were refused.

Under the procedure of the Cour de Surete de l'Etat, there is no time limit prescribed within which a person detained must be brought to trial or released. It has been known for persons in similar circumstances to be detained for over two years.

YANN FOUERE :

He was born in 1910, and holds French and Irish citizenship. He is married and has five children.

He has devoted his life to the cause of the Breton and other minorities in Europe and to European Federalism.

He founded one of the first Breton cultural movements (Ar Brezhoneg Er Skol) in 1934, calling for the recognition and teaching of Breton in the schools, and was its President for eleven years.

Doctor of laws, with degrees in Literature and Political Science, he became an official in the Ministry of the Interior and was appointed Sous-Prefet in 1939/40.

Took up journalism in 1941 and directed until August 1944 two daily newspapers, 'La Bretagne', and 'La Depeche de Brest'!

In 1942, he was elected Secretary General of the Consultative Committee for Brittany, an Official Organisation initiated by the then Prefet of the Region, Mr. Quenette, who later became a member of the French Parliament.

In 1944, in connection with proceedings against a number of people for alleged collaboration, he was imprisoned for one year. In 1945, he was released, after which he went to Wales and thence to Ireland where he was granted political asylum. On 30 March, 1946, the emergency Court of that time in Ille et Vilaine in Brittany condemned him 'in absentia' to forced labour for life.

Rather than avail of an Amnesty, he returned to France in 1955 and requested a re-trial. He was acquitted by the Military Tribunal of Paris, and reinstated in all his rights.

Meanwhile, he set up the family home in the West of Ireland and developed a fish export business in 1950, after spending the first year as a teacher of French at Glenstal Priory in Co. Limerick.

In 1957, he founded the first political movement in Brittany following the war, Movement for the Organisation of Brittany, calling for the creation of a Breton Region in France with a special statute ensuring a cultural and political autonomy. He was the first President of this Movement and edited its monthly newspaper 'l'Avenir de la Bretagne'.

Realising the value of closer contacts among the European minorities and the importance of the process towards European integration, he became one of the leading policy makers in the Federal Union of European Minorities and the European Federalist Movement generally, and has been for a number of years Vice-President of the Celtic League. More recently, he was one of the founding members of the Brussels Bureau of Unrepresented European Nations.

He has published extensive number of works on the situation of Brittany in Europe: "De la Bretagne ala France et a l'Europe"; "La Bretagne Ecartelé"; and more recently "l'Europe aux Cent Drapeaux" containing proposals for solving the problems of minorities and small nations in the framework of European integration. He has since devoted his time to lecturing widely on these themes in France, Belgium, Switzerland, and Finland, as well as other European countries.

The fishing industry he has developed in the West of Ireland in Cleggan, has made a considerable contribution to the local fishing communities and to the development of the West. He is an active and highly respected member of the local community.



THE NATURE OF THE CHARGES :

When, on 24 October, 1975, YANN FOUERE was brought before the COUR de SURETE de l'ETAT, he was formally charged with possessing explosives, and attempting to reconstitute a banned movement.

The following comments must be made :

- a) Three detonators, obtained in 1972 for renovation work in an inherited family farm in Evran, Brittany, were found in a tobacco box amid a bric-a-brac in the kitchen. They are of a type frequently used for agricultural purposes;
  - b) Two or three documents, including a newspaper clipping, referring indirectly to the 'Front for the Liberation of Brittany' were found in St. Brieuc, where Yann Fouere exercises his journalistic profession and edits the monthly Breton and European Federalist paper (l'Avenir de la Bretagne). The above documents were received by him over 5 years ago, unsolicited by him. They were never used nor exploited by him. It is perfectly normal and in a journalist's right to keep in his archives any documentation sent to him.
- Furthermore, the 'Front for the Liberation of Brittany' was banned by the French Government decree in early 1974. The charge of attempting to reconstitute a banned movement can therefore only refer to events occurring after 1974.

A number of affidavits and other documents testifying to all of the above and confirming the innocence of Yann Fouéré as to the formal charges brought against him, were submitted by the lawyer to the magistrate in charge of the case.

These affidavits have not been contradicted.

The State has not submitted a single element to the file since Yann Fouéré's imprisonment on 24 October, 1975.

The Government let it be known in October that the multiple arrests, including that of Yann Fouéré, was in connection with the cowardly and condemned bomb attacks which damaged the houses of three Gaullist members of the Parliament in the summer of 1975. Over 50 people, including doctors, teachers and priests, were arrested; most of them were members of non-violent cultural and political movements.

Commentators at the time were unanimous in saying that this was primarily a political move designed both to intimidate these legitimately constituted movements calling for the creation of a Breton region in France, and to discredit them in the eyes of public opinion.

YANN FOUERE is not a man of violence.

His stand against violence is well known. His many friends and those who know him through his works and lectures bear witness to this stand and to his integrity as a man committed to community values.

Furthermore, during the summer of 1975, he was as usual in Ireland at home where the season is at its busiest. In fact, since April 1974, Yann Fouere has only spent approximately 10 weeks altogether in Brittany.

#### THE COUR de SURETE de L'ETAT :

It is a Court of emergency set up by General de Gaulle in early 1963 to deal with the Algerian political crisis.

Its continued existence ever since has been condemned by the Opposition and Majority parties alike as well as legal circles in France. Recently, Edgar FAURE, President of the French Assembly, called for it to be abolished, and Amnesty International pointed to the illegality of its procedures.

Under the procedure, a person can be detained without trial for an indefinite period.

There is, in any case, no Habeas Corpus.

Requests for release pending trial can be made to the magistrate in charge of the case. If these are refused, apart from a limited right of appeal to a Chambre de Controle-which is part of the Cour de Surete, and where neither the lawyer nor the person detained can be heard to state their case, no appeal to a higher Court of Appeal is possible.

At the end of the investigation being conducted by the magistrate, it is not a Judge, but a Government Minister who decides by decree whether a trial should take place or not.

This is another example of the direct intervention of the Executive in the Judicial domaine; it is in direct contravention to the internationally recognised principle of the independence of the Judiciary.

The conclusion is obvious.

The COUR de SURETE de L'ETAT is a body under the control of Government.

The internationally recognised principles of human rights are brushed aside.

#### HUMAN RIGHTS :

The European Convention of Human Rights states :



"Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law."

"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is unlawful."

"No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed."

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinion and to receive and impart information and ideas without interference by public authority and regardless of frontiers".

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity".

It is well known that France took over 20 years to ratify the above Convention. But it is not so well known that France is the only country of the European Community not to have yet recognised the right of individual appeal to the European Commission of Human Rights set up by the Convention.

The guarantees embodied in the European Convention are therefore of little use to the people of France.

The procedure under which Yann Fouere is being detained is contrary both to the spirit and the letter of the Convention. For example, the detention is such that Yann Fouere, whose rights and freedoms are violated, does not 'have an effective remedy before a national authority'. Yet this is a right recognised by the Convention, ratified by France, but which is being denied to Yann Fouere.

Yet he cannot bring his case before the European Commission.

#### PRISON de la SANTE :

Meanwhile, a man remains in prison, away from his wife and family. His younger son, Erwan, travels to Paris every week-end to see him for one hour on Saturdays. His eldest son, John, manages the family home and business in Yann Fouere's absence.

Twice, the lawyer requested his release, the case against Yann Fouéré being non-existent, the interrogation not being pursued, detention being an exceptional measure at all times, and Yann Fouéré not being in any way remotely connected with the events behind the arrests.

Both these requests were refused, in spite of the undertaking given that Yann Fouéré would remain at the disposal of the Court if it so wished to pursue the case.

Matters are being presumed without any basis.

Nothing is proved.

It remains therefore, that to be a Breton or a European Federalist is sufficient in France for detention without trial.

It is the belief and the ideas that are being imprisoned.

A dangerous precedent - why not arrest the Welsh and the Scots in Britain, the Jurassiens in Switzerland,

The list is endless; so is the resultant human suffering.

#### NATIONAL CAMPAIGN :

Already the case has attracted the attention and concern of a large number of european personalities and organisations. Various moves have been initiated and approaches made to the French Government on behalf of Yann Fouere and those other members of the non-violent movements currently being detained:

- a visit by Welsh M.P. Dayfdd Wigely to Paris to make a personal appeal to the Minister for Justice;
- a petition signed by 1,500, and submitted to the Minister for Justice;

The Irish Section of Amnesty International have sent the case of Yann Fouere to London for adoption.

The matter was brought to the attention of Dr.Garret FitzGerald, Minister for Foreign Affairs,

An International Committee in support of Yann Fouéré was created under the auspices of Dr.Henri Brugmans, Denis de Rougemont, Gwynfor Evans,M.P., Robert Lafont, Patricia Elton Mayo. It has obtained the support of over 200 writers, politicians, journalists and professors.

Questions are being raised on the matter in a number of national parliaments. An oral question with debate is on the agenda for the next session of the European Parliament, and has attracted the support of several members, including all those from Ireland.

The family of Yann Fouere are launching a national campaign for Yann Fouere at a Press Conference on Thursday,5th February with a number of T.D.s and friends of Yann Fouere attending. This will be followed by a family vigil outside the French Embassy in Dublin which will commence on Friday,6th at 8.00 a.m. and last for three days.

A petition will be presented for signature during the vigil and subsequently. It will call for the respect of the human rights of Yann Fouéré, that he be brought immediately to trial or that he be released; it will also call for a guarantee of human rights for all the people of the European Community.

This is an appeal to public opinion, to people of good faith everywhere, to the people of Ireland.

We hope it will serve as an example and that the call for better respect for human rights will be heard and taken up by all concerned people and organisations.

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The Family of Dr. Yann Fouere  
4th February, 1976.