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Mme Michelle Bachelet, High Commissioner for Human Rights
Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders

Poitiers, April 15th, 2019

Copy: Mrs. Nantke Amelie Hinrichs, Mrs. Adriana Zarraluqui, OHCHR,
Mesdames et Messieurs les députés et sénateurs français,
Mrs. and Mr. Permanent Representatives of UN Member States.

Object: Complaint against France presented on 4-3-10 ([exh. 1](#)) to M. Forst under the mandate on the situation of human rights defenders. [Version PDF à : <http://www.pierreenevier.eu/npdf2/let-bachelet-forst-15-4-19.pdf>].

Dear Mrs Bachelet, Dear Mr. Forst,

1. On April 3rd 2019, I sent by email a complaint letter ([exh. 1](#)) to Mr. Forst's team under *the mandate on human rights defenders*, and I also sent my complaint letter to *you* (Mrs. Bachelet by mail and to Mr. Forst by email) because, in addition to my complaint, I presented in my letter a proposal (1) to develop a new legal aid system that could be used by all the countries that want to use it, and therefore indirectly (2) to improve the legal aid systems everywhere around the world.

2. On April 12th, I was able to talk to one of your colleagues who mentioned **(1) that** my complaint was still under review, **(2) that** she did not know yet if 'you' would contact France with an '*Urgent appeal*', **(3) that** there was a possibility that you did not even respond, and **(4) that** you could not write a letter that could help me postpone my 5-7-19 appeal hearing to a later date (end of October 2019) to make sure **(a) that** the investigation on my criminal case and on the frauds to maintain the dishonest legal aid system in France can be done before the hearing, **(b) that** my right to a fair trial is preserved in my criminal case, and **(c) that** I have sufficient time to write my various appeal pleadings (and also **to increase** my chance of **not dying of heart attack** while I am preparing my appeals' pleadings).

3. I understand that my complaint letter is long, technical and difficult to study for your colleagues, but I believe that you and your colleagues could **(and should)** do more on this case and could easily help me with my urgent request, so I am writing you to explain you what you can do, why and how you can do it, and also to forward you the sample of an *urgent appeal* you (could and) should send to Mr. Rivasseau **urgently** ([exh. 5](#)). I am copying my letter **(1) to the Permanent Representatives** of UN Member States because I have written to them on this French LA law subject on 7-12-17 ([exh. 2](#)), and I must keep them informed on the action you are taking on my allegations against the LA law (...), and **(2) to the French Députés and Sénateurs** because I also wrote to them (several times) about this matter also. Before I explain you why and how you could easily help me and France, I must summarize you my complaint.

A Brief description of my complaint letter contents ([exh. 1](#)).

4. **First, I believe I am a human rights defenders** because, for the past 20 years now, I have criticized and complained about (in courts and in front of the French governments and politicians,) **the French legal aid law** which describes how the actual legal aid system works since 1991, and which, according to me, deprives systematically **the 14 millions French poor** concerned of *their right to a fair trial* in front of the justice. Independently from the legal argumentation against this dishonest LA law (...) that is described my last (2-15-19) QPC attached to my complaint letter, and that establishes that the LA law violates systematically the fundamental rights of the poor, **the legal aid law** is very **dishonest** because the French lawyer association

admitted to the senators (in 2014) that the LA law did not pay the lawyers enough to allow them to defend the poor rights correctly (!); and the UK, which has about the same population and wealth levels than France, spends **2,5 billions euros / year** for its LA system while France spends only **460 millions euros / year** (!). Money is not the only problem, but it is an obvious one.

5. Second, the human rights violations I am victim of because I denounce (a) the dishonest legal aid system for the poor, and (b) the dishonest behavior of the French politicians and of the high level judges who **knowingly** maintained the LA system to continue robbing the poor. My 30-3-19 complaint letter explains (1) that I was victim of the dishonest legal aid law **in five** different cases since 1999, but it describes precisely the problems I had in **one of them** only, my **criminal complaint** against the Crédit Agricole (CA, among other defendants, the tenth biggest bank in the world), which started **in 2011**; (2) that the Cour of cassation cheated in three decisions (2014, 2018, 2019) to avoid judging on the merits my QPC on the LA law (and various CPP articles); and (3) that since 2011, the prosecutors and judges [who ruled on my criminal case against the CA] **harassed** me, and even *tortured me* when they ignored my detailed accusations and refused to rule on them, and they forced me to file pleadings after pleadings, and to do an **enormous amount** of work [I have worked continuously **7 days a week** since June 2018]; and it also refers to my 5-2-19 letter [sent to the French Députés and Sénateurs] for the explanations on how the *Conseil d'Etat* and the *Conseil Constitutionnel* cheated to avoid judging on the merits my QPC on the LA law in 2015, and for other detailed explanations on the wrongdoings in my criminal complaint.

6. Third, the complaint **explains** also that, after the 14-1-19 decision of non-lieu (dismissal decision), the appeal court set on 13-3-19 a hearing date for my appeal **on 7-5-19**, leaving me almost no time (barely 5 weeks) to file, not only the appeal memorandum that is, in this case, necessarily complex (because of the facts over the 30 years period, of the ten criminal offenses described in the complaint, and of the facts that none of my accusations were properly addressed or even judged in the dismissal decision), but also the other pleadings I must file like a new QPC (...); and it requests you and the French justice minister to intervene in some way to make sure that the 7-5-19 hearing is postponed until the investigation on my case is finished and the LA law unconstitutionality problem is addressed (end of October 2019 about). The complaint letter also talks about my proposal to develop a new legal aid system that could be used by all the countries that wants it; this is a related topic that demonstrates my expertise in the legal aid subject, and supports the fact that I am a reliable source. I do not deny that the complaint is **legally complex** to analyze for your colleagues who obviously cannot be experts in criminal and constitutional law from each country around the world, but you don't need to do a detailed analysis here.

B Mr. Forst's role, and his and his team's work on a complaint like this one, and the fact that I also asked the French justice minister for an administrative investigation on my case.

7. First, Mr Forst determines if the complaint **falls within his mandate**; then he determines the **probable validity** of the allegations of human rights violations that is thought to have occurred, and the **reliability of the source** of the information; and, finally, if appropriate, he contacts the government concerned through an *urgent appeal* sent to the state Geneva diplomatic mission for a transmission to the capital. Given the information I just gave you above, **it is obvious**, I believe, that the complaint **falls within** Mr. Forst's **mandate** because my complaints and efforts to denounce the dishonest French LA law over a 20 years period, makes me a (individual) *human rights defender*, and because I alleged that I am victim of human rights violations, not just because of the dishonest LA law, but also because I denounced the dishonest law and the dishonest behavior of the high-level judges and politicians who maintained it for 20 years to continue robbing the poor (!). Concerning **the probable validity** of my allegations of human rights violations, Mr. Forst and his team must first look at the validity of my allegations against the French LA law.

8. Constitutional law is a complex subject, and, again, your experts cannot know perfectly the law of every country in the world, but here, after reading my 7-12-17 letter to Mr. Guterres ([exh. 2](#)), and my 15-2-19 QPC, you can easily see that my allegations against the LA law are very **serious**; moreover you can also see that, by looking at the UK legal aid system budget and the French LA system budget, there is an obvious shortage of fund in France; and if you add to that the lawyer association admission made to the senator that the LA law does not pay enough to defend correctly the poor, then **it is obvious** that my allegations against the legal aid law are **valid**. Then concerning my allegations against the 3 supreme courts judges that,

according to me, *cheated* to avoid judging on the merits my QPCs on the LA law, there are **the most technical and complex allegations**, and therefore difficult for you to evaluate, but, given what is at stake, and given that the Constitutional court had not only a duty to judge, but also an obvious interest in judging the merits of the QPC in 2015, and it did not do it (at the last minute, it cheated to find the QPC inadmissible!), **it is obvious** that these allegations are also **valid** (and that the French government needs to give a precise explanation on this subject, in particular Mrs. Belloubet, the Justice Minister, who was a judge at the Constitutional court at the time).

9. Finally, concerning my allegations that I am victim of human rights violations in my criminal proceeding against the Crédit Agricole for **the past 8 years** about (violation of my right to a fair trial, victim of moral harassment and of a form of torture,); here again the evaluation of these allegations is complex and difficult to do for you because your colleagues cannot know the criminal law in all the countries of the world, and you do not have the time to study and read so many facts, decisions, requests and memorandum; **but**, given my critics against the LA law (and the OMA's) and the judges, lawyers, and politicians who maintained it, **you can easily understand** why the prosecutors and judges would want to rob me of my chance to obtain justice and hurt me as much as they can; moreover it is also obvious that setting the appeal hearing date just **less than two months** after the dismissal decision full of lies was issued [when obviously the case has been going on for about 7 years], is **very suspicious** and show a will to prevent me from defending my rights properly. Finally, you do not have to go into the details of my accusations because I have already asked Mr. Belloubet to do *an administrative investigation* and your role is to ask France to do an investigation and to control the response it give you.

[9.1 The President of the CI in Poitiers, M. Jacob, recently wrote to me ([exh. 3](#)) to reject my request to postpone my appeal hearing on the ground (1) that I have enough time to file *my appeal memorandum*, and (2) that the case has been going on for a long time (as if it was my fault), but these grounds are very dishonest because, after seven years of proceeding (due to the treacheries and constant harassment of the prosecutors and judges), and given the fact that there are 10 criminal offenses and 30 years of facts described in my criminal complaint (none of which were properly addressed in the dismissal decision), it would not hurt the case to give me few more months to prepare my pleadings properly. Also, he forgets that I must also file a new QPC on the LA law because the court repeatedly cheated on my previous ones and the government (and you, the UN so far) did address the issue, at this time].

10. Concerning **the reliability of the source** of the allegations, me here. I am a 59 years old French man who studied mathematics 5 years in the US and taught mathematics in a US university; then I worked in the cosmetic industry, in a French administration (in France), and at Reuters in Germany (mainly in the data processing and computer system development field). Also, I was victim of a political scandal while I worked for the French administration, so I started fighting in court against the French administration and this is how I learned how the LA system worked in 1999 [please see more details in my 7-12-17 to Mr. Guterres ([exh. 2](#))]. Then I went to seek asylum in Switzerland, Belgium, and the US, and eventually obtained the refugee status in the US [again see more details in my 7-12-17 to Mr. Guterres ([exh. 2](#))]. The important point for you is that I defended my case in Court in 4 different countries, and for more than 20 years, so I have a good general knowledge of the law and of the legal aid systems in different countries [and a good knowledge of the laws that concern my case], so you can consider me **a reliable source** and even **an expert** in the LA system subject. Moreover and again, here I also asked Mr. Belloubet, the French justice minister, to order *the Inspection General of the Justice* to start **an administrative investigation** on my various allegations, so your work will be mostly to control their investigation.

11. The constitutional court needs only 3 months to determine if a law is unconstitutional or not, so they should know what to respond to you on this subject; and if they refuse to do this administrative investigation on my case, they should explain you in details why they don't want to do it; so in this case all that you have to do is to send an '**urgent appeal**' letter to the French diplomatic mission forwarding my complaint and to ask the French government to respond precisely to my (3 different types of) allegations: (1) allegations that the French LA law is unconstitutional; (2) allegations that the 3 French supreme courts cheated to avoid ruling on the merits of my QPC on the LA law; and (3) allegations that I am victim of human rights violations in my ongoing criminal complaint against the Crédit Agricole. Your appeal letter should also point out that it is critical that my 7-5-19 appeal hearing date be postponed until the end of October 2019 (a) to give the time to the French justice ministry and government to do this investigation and to respond to my allegations, and, for you, to evaluate their responses, and (b) to allow me to defend my rights properly [I have prepared you a sample letter ([exh. 5](#))].

C. The letter addressed to the French diplomatic in Geneva I prepared and certain specific aspects of this complaint.

12. You will find attached ([exh.5](#)) the *urgent appeal* addressed to Mr. Rivasseau, the Ambassadeur at the French diplomatic mission in Geneva; it describes briefly the complaint and the objective of your intervention (a typical one for you given the scope of your mandate); so all you have to do basically is (edit it eventually,) sign it and send it to Mr. Rivasseau with a copy of my 30-3-19 complaint letter. When and if the French government sends you a response, I can help you verify the pertinence and accuracy of their response because I have good knowledge (a) of the subject matter (criminal law, constitutional law, ..., related to my case), and (b) of the facts of my case also, of course. So you do not have a lot of work to do, and it would be very unfair not to send this *urgent appeal* because my complaint is very technical and your colleagues, who are certainly high level experts in the area of human rights, do not have the specific knowledge on the national law in question in my complaint and do not have enough time to study the details of the complaint.

13. My allegation are **serious and well-founded**, and the *urgent appeal* is only asking the French government to respond to the allegations (it does not sentence them to death); if the government (and *députés* and *sénateurs*) had responded (honestly) to the various letters I wrote to them since 2013 (and even in 2000), I would not have to contact you today, but they did not; and instead they let the judges and prosecutors cheat and harass me; so you have to act. Also, this is a good time to do it because Mrs. Moutchou and Mr. Gosselin [the *Députés* in charge of studying this LA subject] have decided, it seems, to extend their information mission on the LA system until July [please see Mrs. Moutchou's response ([exh.4](#)) to my 30-3-19 complaint letter], so your urgent appeal letter asking the government to respond to my accusations will help everybody, not just me and the more than 14 millions poor concerned, but also the French *Députés* in charge of studying the LA system problems. Finally, you must remember that, when the supreme courts cheated on my QPCs, they did not just rob me, they also robbed all the poor who were victims (tens of thousands, in not more) of the dishonest LA law since 1991 because the fraud robbed them of their chance to obtain **a retroactive compensation** for the prejudice they suffered.

14. Mr. Guterres has **closed his eyes** on this French LA system problems when he did not respond to my 7-12-17 letter describing the LA system problems and proposing to develop a new LA system (that could be used by all the countries that want to use it); and, at the same time, he intervened **publicly** in favor of a release of the 2 Reuters journalists imprisoned in Myanmar; it is a form of double standard, and an injustice for the French poor, some of which have been complaining in the street every weeks for several months now. I am not saying that he should not intervene in favor of the 2 journalists, but I don't think he should have done it **publicly**, and that, instead, he should have talked **publicly** about the LA problems that hurt millions French poor and all the society also [because the dishonest LA system **makes our entire justice system and society very corrupt**]. If Myanmar did not respond to his request and Saudi Arabia does respond to some of your important demands concerning the Kashoggi murder case, it is also because they know you close your eyes on some dishonest behaviors of rich countries like France, so it is important that you ask France to respond to my accusations for many reasons.

D Conclusion.

15. My human rights defenders profile and my 30-3-19 complaint letter fit perfectly *the mandate on human rights defenders*; and it is very easy for you to act urgently to help the French poor in general, and me in particular who has worked 20 years to denounce the dishonest French LA law, because I have already prepared you the *urgent appeal* and you only have to sign it and send it. Not acting on my complaint and not sending an urgent appeal to Mr. Rivasseau would hurt not just the 14 millions poor concerned by the LA law, including me, it would hurt also France and all its citizens, so I must ask you to act urgently and to confirm me by email that you have sent the urgent appeal and to send me a copy of this urgent appeal to help me obtain the adjournment of 7-5-19 appeal hearing. Your intervention is also important (1) to facilitate the work of French *Députés* (Mrs. Moutchou and Mr. Gosselin) who are now studying this subject **to help design a new law**, and (2) to help you evaluate the pertinence of the proposal to develop a new legal aid system (and the 2 computer systems to implement it everywhere) I presented you in my letter.

16. Many poor (millions perhaps) have been victims of this dishonest legal aid law in France since 1991 (at various degrees, of course); and it is very difficult for a poor (non lawyer) to bring you **written** proofs that the highest level judges in the country (constitutional court judges,) cheated to avoid judging a QPC on this law because, for that, the poor must first present his case to this court, have it registered, and obtain the response from the prime minister office, and this requires to have a very good knowledge in constitutional law and in other area of the law; moreover he must face also other obstacles like the obligations to have a lawyer in certain proceedings (and the hostility of the judges ...), so refusing to send **an urgent appeal** would not just make you (Mrs. Bachelet, Mr. Forst and your colleagues) accomplices of the French government (and alleged thieves and criminals), it would also demonstrate a lack of compassion. Finally, I have already discussed this LA subject with the UN member states, so it is important to show them that you do not cover up the dishonest behavior of rich countries (including France, when it is a French poor who presents the problems). I look forward to hearing from you and remain

Yours sincerely,

Pierre Geneviev

Exhibits.

- Exh. 1 : My 30-3-19 complaint letter ; [<http://www.pierregenevier.eu/npdf2/let-pres-parl-bachelet-30-3-19.pdf>].
- Exh. 2 : Letter to l'ONU (...) **du 8-12-17**, [<http://www.pierregenevier.eu/npdf2/let-unsg-unga-usa-uni-8-12-17.pdf>].
- Exh. 3 : Letter from the CI President 27-3-19; [<http://www.pierregenevier.eu/npdf2/let-CI-rejet-report-aud-27-3-19.pdf>].
- Exh. 4 : Response sent by Mrs. Moutchou; [<http://www.pierregenevier.eu/npdf2/let-Mme-moutchou-9-4-19.pdf>].
- Exh. 5 : Sample letter to send to Mr. Rivasseau ; [<http://www.pierregenevier.eu/npdf2/urgent-appeal-15-4-19.pdf>].