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November 13, 2014

Re: Death of Rémi Fraisse and the Use of Force During Demonstrations

Dear Minister,

We write to you in connection with the death of Rémi Fraisse on the night of October 25 during a demonstration against the construction of the Sivens dam in the Tarn area. We would be grateful if you could provide us with further information on the investigations that have been opened into his death, and the steps you have taken to ensure those investigations are effective.

According to [media reports](#), an autopsy and analyses of the backpack Rémi Fraisse was carrying when he died have revealed that his death was caused by an explosion that may have been provoked by a stun grenade used by the gendarmes who were policing the protest.

We understand that on October 29, the prosecutor of Toulouse opened a criminal [investigation](#) against “an unknown person” for “intentional violence that resulted in death without intention of causing it” and for “a person in a position of public authority in the course of his/her duties.”

We are also aware that on October 29, Prime Minister Manuel Valls [announced](#) that the General Inspectorate of the Gendarmerie would conduct an internal investigation into the events. In a media interview, the Director General of the Gendarmerie stated on October 29 that he would not suspend the gendarme who fired the grenade that may have caused the death of Rémi Fraisse while the matter is investigated. Can you confirm this information?

If so, we would welcome your clarification as to whether it is standard protocol for an officer to be suspended during an investigation into use of lethal force? If it is not, we would be interested to know why not, or if protocol was not followed in this case why not?

We understand you have suspended the use of stun grenades by law enforcement officials. Is the suspension permanent, and if not, how long have stun grenades been suspended for?

As you know, the right to life is protected under French and international human rights law. Under article 2 of the European Convention on Human Rights (ECHR), use of force that interferes with the right to life can only be justified if it is no more than absolutely necessary “in defence of any person from unlawful violence,” “in order to effect a lawful arrest or to prevent the escape of a person lawfully detained,” or “in action lawfully taken for the purpose of quelling a riot or insurrection.” The right to life is also protected under article 6 of the International Covenant on Civil and Political Rights (ICCPR). The right to life includes a duty on states to investigate any death that may have occurred in breach of that right and to hold to account State agents involved. To comply with France’s obligations under international human rights law, such an investigation must be independent, prompt, effective, and accessible to the public.

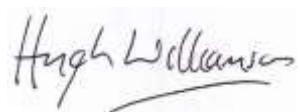
The investigation should determine whether Rémi Fraisse was deliberately targeted with the stun grenade and if the gendarme who threw the grenade identified himself as such and warned the protesters, with sufficient time, of his intention to fire a grenade.

As the minister responsible for the *Gendarmerie Nationale*, we urge you to ensure that the Gendarmerie cooperates fully with the criminal investigation into the death of Rémi Fraisse and that those responsible are held to account.

Yours sincerely,



Jean-Marie Fardeau
France Director



Hugh Williamson
Europe and Central Asia Director