



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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UN Special Rapporteur on environmental defenders under the Aarhus Convention

Ref: ACSR/C/2023/7 (France)
(Please use this reference in your reply)

4 October 2023

Excellency,

I have the honour to address you in my capacity as UN Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

As you may be aware, article 3 (8) of the Aarhus Convention requires that “Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.”

At its seventh session (Geneva, 18–21 October 2021), the Meeting of the Parties to the Aarhus Convention adopted decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention.¹ Decision VII/9 establishes the rapid response mechanism in the form of an independent Special Rapporteur on environmental defenders under the authority of the Meeting of the Parties. At its third extraordinary session (Geneva, 23–24 June 2022), I was elected, by consensus, by the Meeting of the Parties as the Convention’s Special Rapporteur on environmental defenders.

In accordance with the mandate in decision VII/9, I write to bring to the attention of your Excellency’s Government information I have received concerning the alleged persecution, penalization and harassment of Mr. Jérôme Kozic in connection with the exercise of his rights under the Aarhus Convention.

According to the information received, on 28 October 2022, Mr. Kozic participated in a roadblock of the A6(a) freeway with six other people as part of a non-violent action by Dernière Rénovation. Dernière Rénovation is a French collective established in 2022 to alert public authorities and media on the extreme urgent need to begin actions against global warming.

Based on the information received, Mr. Kozic is an environmental defender within the meaning of the ninth preambular paragraph of decision VII/9.²

The roadblock carried out by Dernière Rénovation on 28 October 2022 lasted for around thirty minutes until the police removed Mr. Kozic and the other individuals from the freeway. The protesters did not use any violence. According to the information received, the judicial police officer recorded that “the demonstrators remained passive, they were carried without being aggressive and violent towards us, no incident is to be declared”. The following events took place after Mr. Kozic’s arrest:

¹ Available at: https://unece.org/sites/default/files/2022-01/Aarhus_MoP7_Decision_on_RRM_E.pdf.

² Ibid.

1. At approximately 8pm on 28 October 2022, Mr. Kozic was placed in police custody. He remained in police custody overnight until he was questioned the next morning. During questioning, Mr. Kozic exercised his right to remain silent. At the end of the questioning, the Prosecutor decided to bring criminal charges against Mr. Kozic and the other six individuals. The charges were for “obstruction of road traffic” and “endangering the lives of others”. Until that point, Mr. Kozic had no prior convictions and a clean criminal record.
2. On 11 May 2023, Mr. Kozic was subject to a criminal trial before the tenth chamber of the Creteil criminal court. He was found guilty of obstruction of road traffic and sentenced to 35 hours of community service. The sentence was entered in his criminal record.
3. In reaching its verdict, the Court rejected the defences put forward by Mr. Kozic that he had acted under a state of necessity, in order to combat the imminent danger of climate change, and in accordance with his right to freedom of speech, which includes the right to demonstrate in a non-violent manner for a cause of public interest. The Court held that the question of government action on climate change was not relevant to the proceedings and the only question was whether Mr. Kozic had committed the offence of obstructing traffic.
4. Mr. Kozic has appealed the judgment. His appeal remains pending and, as of the date of this letter, the hearing date to hear the appeal has not been set.

Without prejudging the accuracy of the above information, I express my grave concern about the criminalization of acts of peaceful civil disobedience in France, including that of Mr. Kozic as described above. In this context, I am particularly concerned about the court’s decision to enter Mr. Kozic’s sentence in his criminal record. The court’s decision to do so may have long-term, seriously damaging effects on Mr. Kozic’s life, including his ability to obtain employment and housing.

In this regard, it is important that I draw to your attention that the Aarhus Convention Compliance Committee has made clear that article 3 (8) of the Aarhus Convention “is not limited in its application to acts of public authorities as defined in article 2, paragraph 2, of the Convention, but rather covers penalization, persecution or harassment by any State body or institution, including those acting in a judicial or legislative capacity”.³ This means that France is bound by article 3 (8) to ensure that persons are not penalized, persecuted or harassed, including by the French courts, in any way for exercising their rights under the Aarhus Convention.

As it is my responsibility, under the mandate entrusted to me by the Meeting of the Parties to the Aarhus Convention, to seek to clarify all complaints brought to my attention, I would be grateful for your response to the following matters:

1. Please provide any information and/or comments you may have on the allegations set out in the present letter.
2. Please provide any information as to steps taken, including trainings provided, to prosecutors and judges in France in relation to the relevant international legal standards and jurisprudence on the rights of freedom of speech, assembly, and association of environmental defenders, as well as prosecutorial and/or sentencing guidelines, if any, in relation to acts of civil disobedience.
3. Please provide information as to the actions taken, if any, as a result of the present letter.

³ See the Compliance Committee’s findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, para. 70, available at: <https://unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>.

I would appreciate receiving your response within 60 days, that is by **3 December 2023**. After this date, the present letter and the response received from your Excellency's Government may be made public on the Convention's website.⁴ They will also subsequently be reported upon in my report to the eighth session of the Meeting of the Parties in 2025.

In this regard, the Government should take great care, when looking into the allegations in the present letter, that nothing is done that could put Mr. Kozic at risk of further persecution, penalization or harassment.

In the event that your investigations support or suggest the allegations to be correct, I urge you to take appropriate measures to address the alleged persecution, penalization and harassment and to ensure the accountability of any person(s) responsible therefor.

Please accept, Excellency, the assurances of my highest consideration.



Michel Forst

UN Special Rapporteur on environmental defenders under the Aarhus Convention

To: Her Excellency, Ms. Catherine Colonna, Minister for Foreign Affairs, France

Cc: Ms. Marie Courtet, national focal point for the Aarhus Convention, Ministry for Ecological Transition and Territorial Cohesion, France

⁴ <https://unece.org/env/pp/aarhus-convention/special-rapporteur>.