



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

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## **Michel Forst UN Special Rapporteur on Environmental Defenders under the Aarhus Convention\***

### **Visit to Tarn, France, 22 – 23 February 2024 End of mission statement**

On 22 – 23 February 2024, I visited the Tarn region of France in my capacity as UN Special Rapporteur on Environmental Defenders under the Aarhus Convention.

This visit followed on from the complaints submitted to my mandate concerning the methods of policing and eviction of environmental defenders – nicknamed “squirrels” – peacefully occupying trees on the “Crem'Arbre” site (commune of Saïx) in the context of the mobilizations against the A69 motorway project.

The aim of my visit was to observe the situation onsite firsthand and gather additional information through exchanges with various actors from civil society and the authorities.

First, on 22 February in Saïx, I discussed with two environmental defenders in the trees as well as with groups and individuals present at the “Crem'Arbre” site or who had taken part in the various protests organized there.

At my request, on 23 February I then met in Albi with the Prefect of Tarn, Michel Vilbois, in the presence of the Colonel commanding the Tarn Gendarmerie, who is in charge of law enforcement operations at the “Crem'Arbre” site.

During my visit, I also spoke with several volunteer first-aiders (“medics”) and members of the *Observatoire toulousain des Pratiques Policières* present on the “Crem'Arbre” site, as well as with the lawyer in charge of filing complaints to the public prosecutor against “persons unknown” (unidentified law enforcement officers) for “endangering others” (the environmental defenders in the trees), relating to events that took place during law enforcement operations on the site between 14 – 22 February 2024.

#### **Observations about the visit to Saïx on 22 February 2024**

I would like to thank the law enforcement officers present on 22 February at the “Crem'Arbre” site for facilitating my discussions with the environmental defenders in the trees.

It is unfortunate, however, that I was not allowed to:

- Choose my own means to have access to the trees, despite my request, in order to be able to talk to a greater number of environmental defenders occupying the trees;
- Bring food supplies to the environmental defenders in the trees, despite my request for authorization to the Prefect of Tarn, that until now remain unanswered.

It is also unfortunate that the press was not allowed to stand on the road bordering the “Crem'Arbre” forest during my visit, so that they could carry out their work in better conditions.

#### **Remarks on the scope of my mandate**

As Special Rapporteur on Environmental Defenders my mandate is to protect those who are threatened for seeking to protect the environment. It is not for me to pronounce on the relevance or legality of the A69 motorway project, but rather to respond to complaints in relation to the alleged persecution and harassment of environmental defenders who peacefully oppose the project by various means, including through civil disobedience.

Any member of the public seeking to exercise the right to live in a healthy environment is an environmental defender within the meaning of the Aarhus Convention, which France ratified in 2002. The environmental defenders occupying the trees and the individuals, groups or associations peacefully participating in the assemblies and demonstrations against the A69 motorway project are environmental defenders within the meaning of the Aarhus Convention and are hence eligible to protection under my mandate.

## Call for immediate measures to protect environmental defenders peacefully occupying trees

Following my visit, I would like to express my deep concerns regarding the following:

- **The particularly tense climate on the “Crem'Arbre” site, entirely incompatible with the safe eviction of the environmental defenders occupying the trees**, for themselves as well as the safety of law enforcement officers responsible for their arrest in the trees they occupy. In a context where an appeal against the environmental permit for the construction of the A69 motorway is currently pending before the Toulouse administrative court, including strongly contesting the legality of the forest clearing work already undertaken on the “Crem'Arbre” site at the beginning of February 2024, the environmental defenders present at the site express their deep sense of injustice and powerlessness. This is exacerbated by the massive presence of law enforcement, particularly in comparison to the lower number of people present in the trees and on the ground.
- **The denial of access to food and obstruction of access to drinking water**, which fall within the scope of the prohibition on cruel, inhuman or degrading treatment laid down in article 3 of the European Convention on Human Rights and France’s international obligations under the UN Convention against Torture. From 15 February 2024 to date, the authorities have prohibited the supply of food to the environmental defenders occupying the trees. Between 15 – 20 February 2024, the authorities also banned the supply of drinking water to the environmental defenders in the trees. On 20 February, when the authorities finally allowed them access to drinking water, the NGE company in charge of clearing the forest on the site punctured the water cans brought by the police and intended for the environmental defenders in the trees.
- **Deliberate sleep deprivation by law enforcement officers**, which also falls within the scope of the prohibition on cruel, inhuman or degrading treatment laid down in article 3 of the European Convention on Human Rights and France’s international obligations under the UN Convention against Torture. During the nights of 16 – 19 February 2024, law enforcement officers carried out various actions deliberately aimed at preventing the environmental defenders occupying the trees from sleeping, including the use of strobe lights pointed in the direction of the trees, which was confirmed to me by law enforcement.
- **The burning of various materials, the lighting of fires, and the pouring of flammable products on trees occupied by environmental defenders, by law enforcement officers**. On 14 and 15 February 2024, various dangerous and potentially illegal acts by law enforcement officers, creating a risk of fire and poisoning, were reported and documented, including: the burning of assorted materials in the middle of the woods, the lighting of several fires at the edge of the woods, and the pouring of flammable products on three trees occupied by environmental defenders. The purpose of these activities appears to have been to force the environmental defenders to leave their position in the trees.

In light of the above information, I request the French authorities to take immediate measures to protect the environmental defenders occupying the trees, and in particular to:

1. Ensure the immediate and unhindered authorization of access to food and drinking water supplies.
2. Take all precautions necessary to ensure the safety of the “squirrels” and the law enforcement officers responsible for arresting them.
3. Investigate and punish deliberate acts of sleep deprivation, burning of materials, lighting of fires and dumping of flammable products by law enforcement that may put the environmental defenders’ lives at risk.

## Request to facilitate the work of the media and observers of police practices

During my visit, I observed that the media and members of the Observatoire toulousain des Pratiques Policières were kept in an area with extremely limited visibility at a considerable distance from the “Crem'Arbre” site.

Although a judicially approved police operation may justify certain restrictions on access to the site, these should be strictly limited and clearly defined. France’s international obligations, in particular under the International Covenant on Civil and Political Rights, include facilitating the Observatoire toulousain des Pratiques Policières and the media to carry out their functions as observers.

In this respect, I also ask the French authorities to facilitate the work of the media and other observers, in accordance with France's international obligations, and in particular to:

4. Ensure the media and members of the Observatoire toulousain des Pratiques Policières are able and authorized to carry out their work onsite without disproportionate restrictions, including by delimiting strictly, clearly and in the most limited way possible, any area to which they are not authorized to have access during judicially approved police operations.

Finally, during my visit I received very concerning information relating to the policing methods used during the demonstrations held near the "Crem'Arbre" site in the course of February 2024. These include the disproportionate and indiscriminate use of tear-gas grenades, including in the direction of the occupied trees; violent arrests, including truncheon blows, kicks and punches against demonstrators on the ground; and obstruction of volunteer "medics" and access to professional rescue services, including ambulances. I will investigate the information I received on these issues in the course of dealing with the complaints submitted to my mandate.

While the seriousness of the observations I made and the information I received during my visit on 22– 23 February has prompted me to issue this statement to express my concerns without delay, and to make the above four requests for immediate measures to protect the environmental defenders, the processing of the complaints formally submitted to my mandate is ongoing, and will enable me to look more deeply into the issues raised in these complaints and observed during my visit.

In this respect, I wish to pursue a constructive dialogue with the French authorities to ensure that members of the public seeking to protect the environment in France are not persecuted or harassed for doing so.

29 February 2024

#### **\*About the UN Special Rapporteur on Environmental Defenders under the Aarhus Convention**

The mandate of [Special Rapporteur on Environmental Defenders](#) was established under the Convention on Access to Information, Public Participation in Decision-making, and Access to Justice in Environmental Matters ([Aarhus Convention](#)). In October 2021, the Meeting of the Parties to the Aarhus Convention adopted, by consensus, [Decision VII/9 establishing a rapid response mechanism for the protection of environmental defenders](#) in the form of a Special Rapporteur on Environmental Defenders, to deal with cases related to article 3 (8) of the Convention.

Article 3(8) 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."* The role of the Special Rapporteur on Environmental Defenders is to take measures to protect any person experiencing (or at imminent threat of experiencing) penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention. The Special Rapporteur on Environmental Defenders is the first mechanism specifically safeguarding environmental defenders to be established within a legally binding framework either under the United Nations system or other intergovernmental structure.

Michel Forst was elected by consensus as the first Special Rapporteur on Environmental Defenders at the [third extraordinary session](#) of the Meeting of the Parties to the Aarhus Convention, on 24 June 2022.

The Aarhus Convention is an international instrument open for accession to any UN Member State. There are currently [47 Parties](#) to the Aarhus Convention (the list is available [here](#)). France has been a Party to the Aarhus Convention since 2002.

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#### **Contact**

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