

Sivens October 2014-2015: A year on, probe into death of Rémi Fraisse, French dam protester stalls

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In October 2014 student Rémi Fraisse was killed by a grenade thrown by a gendarme during a protest over plans to build a dam at Sivens in south-west France. A year later the judicial investigation into the 21-year-old's death has become bogged down. Investigators have sifted through the victim's background but, as Mediapart's legal affairs correspondent Michel Deléan reports, they seem no closer to placing any officers under formal investigation or even examining the instructions that those officers were given from on high.

It was a year ago, on the night of October 25th to October 26th, 2014, that a 21-year-old environment student with no history of trouble was killed by a gendarme's grenade in south-west France. Rémi Fraisse had been among demonstrators protesting against plans to build a new irrigation dam at Sivens, 40 kilometres south-east of Montauban. Though it was hidden by the authorities for 24 hours, the cause of Rémi Fraisse's death was immediately clear both to gendarmes and first aid teams who were at the scene.

Following a formal complaint by the student's family, an independent judicial investigation was opened by the courts in Toulouse into "violence committed by a person acting in authority that led to death without intent to do so". On October 29th, 2014 two investigating magistrates, Anissa Oumohand and Élodie Billot, were assigned to oversee the investigation.

The investigation itself was handed to the gendarme criminal investigation unit at Toulouse, meaning gendarmes have been looking into the actions of other gendarmes. Now, a year after the death of Rémi Fraisse - whose demise at the hands of the forces of law and order was not mentioned once in interior minister Bernard Cazeneuve's annual address to the police and gendarmerie on October 13th - there is no clear sign that anyone faces being placed under formal investigation for their role in the tragedy.

One thing is clear, however; Rémi Fraiss's own past, as well as his actions on the night he was killed, have been subject to the closest scrutiny by investigators. Indeed, the zeal of investigators into this aspect of the inquiry has astonished those close to the dead student. The contents of his computer and mobile phone have been minutely analysed, as have his internet connections and communications; investigators have probed the people he has associated with, examined his bank account, carried out detailed enquiries over his political opinions, about whether he took drugs or drank alcohol, and even raised questions over the way his death attracted such widespread media coverage. All of this has left some plaintiffs and witnesses wondering whether there was an attempt to blacken the victim's name.

Yet relatives, friends, acquaintances and employers, all those who have been questioned by

investigators, have given the same description of Rémi Fraisse. That of a young man concerned about the environment – he took a higher education course, a BTS [*Brevet de Technicien Supérieur*], in ‘nature management and protection’ – who loved music, liked climbing, was non-violent and a pacifist, who worked hard and who never took drugs. He was never affiliated to any political party or organisation, other than a nature defence association in the Midi-Pyrénées area of southern France, for which he “compiled some reports concerning protected botanical species”.

“Rémi also gave ten euros a month to Amnesty International,” but “he didn’t like politics,” his flatmate told gendarmes. He had also just set up a small association ‘Changeons ensemble’ (‘Let’s change together’) with three friends “with the aim of developing solidarity and a space for dialogue”, explains another person close to him. Rémi Fraisse wanted to study plants – he had signed up for a correspondence course degree – and was planning a trip to Argentina and Chile. In time he wanted to open a shop selling plants. According to his girlfriend he had never taken part in a demonstration.

Based at Plaisance-de-Touch near Toulouse, Rémi had decided on Saturday October 25th, 2014, itself to go to that day’s gathering of opponents to the dam in the forest at Sivens, about 60 kilometres from where he lived. On the programme at the site were debates and music. Around ten friends of the same age made the journey together in two cars, taking tents and supplies.

“His intention was solely to have a good time, to meet some people who had the same convictions as him. He went there really in a festive mood, knowing that no law and order forces were due to be at the scene,” said one of his friends. At around 1.30am, after an evening in the area at Sivens where the festivities were held, Rémi Fraisse, who had drunk some wine, wanted to go in the direction of the sounds of explosions and confrontations coming from two kilometres away, “to see what it was”. He had no scarf over his face and was not carrying any projectile. His girlfriend went with him and then turned around because of the tear gas. Rémi continued straight on. She searched for him all night but never saw him again.

Today, despite the many witness statements, videos, photos and radio conversations between gendarmes that feature in the investigation files, no one is able to say if Rémi Fraisse took an active part in the incidents. In their statements, which appear coordinated in nature, the gendarmes from the mobile unit present at the site have, however, made a point of noting the number of missiles thrown at them and about the determination of their assailants that night. They were bombarded with clods of earth, stones and rockets by around a hundred people.

However, none of the gendarmes were hurt, though six riot police had been injured during incidents the day before. The gendarmes were heavily equipped and protected by wire fencing in the ‘living area’ where they were supposed to be protecting a prefabricated hut.

On the orders of a gendarme major, a junior non-commissioned officer threw several so-called offensive grenades to force back the most determined attackers. One of them, thrown to explode in the air, exploded right against Rémi Fraisse, between his backpack and the back of his neck, killing him immediately. The use of this type of grenade, which is a weapon of war, was banned a few days later by interior minister Bernard Cazeneuve. Meanwhile the gendarmerie’s inspectorate cleared “its men”, saying that they had committed no errors.

Why go to such lengths to defend a prefabricated hut?

In the lead up to the tragedy the government had been fearing a repetition of the situation at Notre-Dames-des-Landes in west France [\[1\]](#), where protestors had occupied a site earmarked for a new airport for the city of Nantes. So the authorities had done nothing in the face of violence carried out

by farmers and gendarmes at Sivens over a period of weeks, despite green MP and former minister Cécile Duflot warning both the president François Hollande and Bernard Cazeneuve about the situation.

After this major event - the death of a young protester at the hands of security forces under a socialist administration- this same government said nothing about it for 48 hours, even feigning ignorance of it. Yet as Mediapart has already shown, the ministry of the interior, the gendarmerie hierarchy - the Direction Générale de la Gendarmerie Nationale (DGGN) - and the state prefecture for the *département* or county of Tarn were following events in real time, and could not have been unaware of the circumstances of Rémi Fraïse's death [2].

The logbook used on the night by the gendarme command structure, the Groupement tactique gendarmerie (GTG), which after the tragedy was first of all sent to the gendarme hierarchy and then to investigators in Toulouse, sets out the details. The gendarmes stated, at 1.45am precisely, and without equivocation: "A protester wounded by OF", in other words an offensive grenade, a type of military weapon that only non-commissioned officers could use. Fewer than 15 minutes later, at 1.59am, the GTG logbook noted: "Wounded protester apparently died. External bleeding at the level of the neck."

According to the official count the number of arms deployed by the gendarmes that night was huge: more than 700 grenade in all. Of these, there were 317 MP7 tear gas grenades, 261 CM6 tear gas grenades, 78 F4 stun grenades, 10 GLI tear gas grenades and 42 OF offensive grenades. Some 74 40mm rubber rounds were also fired. Offensive grenades, which are the most dangerous, are thrown by hand a maximum distance of 10 to 15 metres.

Moreover, according to new documents seen by Mediapart, the upper echelons of the authorities were definitely informed of events minute by minute. At 1.52am on the night in question the gendarmerie's operation centre at Albi in south-west France was informed by telephone by an officer based at Sivens of the probable death of a demonstrator suffering from "massive bleeding". At 2am, just minutes after the tragedy, there is this explicit message in another call: "Golf 42, informing that a protestor has died, investigation brigade visiting the scene, for information it appears to be following the throwing of an offensive grenade." Then at 2.17am a message reads: "Colonel Andreani asks that the [investigation brigade] be informed, as the events are going up to the highest level, the TIC [crime scene investigators] must also be involved." The identity of the person who threw the grenade, a chief warrant officer, had already been mentioned by 2.44am.

The 'living area' where the gendarmes had been entrenched that night was an area constructed by a building firm to put heavy plant, equipment and a changing room. Protected by two successive fences two metres high and a 2.5-metre deep ditch, the zone contained a prefabricated hut and an electrical generator, which was set alight the night before, when the security guards on site had come under attack and were replaced by riot police. What was still left for the gendarmes to protect the following night?

A meeting had been organised at the local prefecture on October 21st, 2015, to prepare for the festive gathering planned for the 25th, when several thousand activists were expected. Questions about the traffic and the parking of cars took up time, according to the minutes to which Mediapart has had access. But so, too, did the question of the risk of an incident.

"During this meeting our organisations asked that there should be no heavy plant on site, to avoid any excesses," said Ben Lefetey, spokesperson for the collective protest group Collectif du Testet, who was questioned as a witness. "The prefecture had confirmed that the machinery would be withdrawn from the site. As regards the forces of law and order, in the same way the prefecture

committed itself to there being no law and order forces present close to the demonstration.”

Yet though the machines were removed from the site, the prefabricated hut and the generator, plus the security guards, were still there. With this target remaining on site, and after the weeks of tension between militant environmentalists on the one hand, and farmers and security forces on the other, the ramping up of incidents was foreseeable from that point on. Incidents that, several activists believe, could only have the aim of “discrediting the movement”, as local intelligence officers from the *Service Départemental du Renseignement Territorial* (SDRT) had anticipated that small violent groups would arrive at the site.

“I was very surprised that confrontations of such a scale took place on the site, leading to this tragedy,” said Ben Lefetey. “I have still not understood why the state had decided to maintain the forces of law and order on the site when from Saturday morning all that remained to protect was a fence. As far as I’m concerned, the state had thus taken a risk with the forces of law and order and with the people they were confronting. This political decision seems disproportionate to me in relation to the stakes involved at the site. Especially as I knew that the report that would be made public on October 27th [editor’s note a government-commissioned report into the future of the scheme] was going to raise questions over the dam project and thus probably lead to a suspension of the work.”

The government kept a very close eye on events at Sivens. According to the incident report of the lieutenant-colonel who led the gendarme tactical group at Sivens there was a telephone conversation between the GGD 81 - the local gendarme group - and the DGGN towards 5.30pm, when the first incidents on October 25th started. This gave the order to “proceed to arrests”. It is proof that events were attracting the interest of the highest echelons.

The lieutenant-colonel who was in charge of the officers that night had received the order to “hold position”. When questioned as a witness he stated: “I want to make clear that the prefect for the Tarn, via the group’s commanding officer, had asked us to show extreme firmness in relation to the protestors in relation to all forms of violence towards the forces of law and order.”

Interior minister Bernard Cazeneuve, meanwhile, gave a diametrically opposed story when he spoke to the National Assembly on November 14th, 2014. “Were there instructions on my part that there should be firmness in a context where there was tension? I gave the opposite instructions, and I repeat that in front of the national representative body,” he declared.

“I was aware for some weeks of the climate of extreme tension at Sivens. I wanted to ensure that this did not lead to a tragedy,” Cazeneuve said. “That is, moreover, the reason why there were no pre-positioned forces on the Friday evening at Sivens, and if they were there later it is because on the night of Friday to Saturday there were clashes which testified to the violence of a small group who have nothing to do with the peaceful demonstrators at Sivens.”

What precise orders did the prefect receive from the ministry of the interior? What instructions did this prefect pass on to his chief of staff? Lawyers acting for the Fraisse family - Arié Alimi, Claire Dujardin and Éric Dupond-Moretti - asked for the prefect for the Tarn, Thierry Gentilhomme [3], to be questioned and for his conversations with the gendarmes, the interior minister, the prime minister’s office and even the Elysée to be examined. But this request was turned down by the investigating magistrates and rejected, too, on appeal by appeal court judges in Toulouse [<http://www.mediapart.fr/journal/france/100315/sivens-remi-fraisse-la-justice-sur-les-freins>]].

According to informed sources, the investigating magistrates in Toulouse do not want to go down the route of questioning the ranks of the civil service and politicians. In other words, the very people

who drove the gendarmes to throw lethal offensive grenades at Sivens.

MICHEL DELÉAN

P.S.

* MEDIAPART. 25 OCTOBER 2015:

English version by Michael Streeter. The French version of this article can be found on ESSF (article 36445).

Footnotes

[1] <http://www.mediapart.fr/en/journal/france/261112/government-sends-mixed-messages-over-bloody-battle-new-airport>

[2] See on ESSF (article 33584), [Sivens : Comment le pouvoir a réécrit la mort de Rémi Fraisse](http://www.europe-solidaire.org/spip.php?article33584): <http://www.europe-solidaire.org/spip.php?article33584>

[3] http://abonnes.lemonde.fr/societe/article/2014/11/15/sivens-le-prefet-qui-pose-question_4524110_3224.html