



REDON: “FREEPARTY” REPRESSION

Amnesty International’s analysis of the use of force at the Redon Teknival (France) on
18 and 19 June 2021

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EXECUTIVE SUMMARY

On 18th and 19th June 2021, the police intervened to prevent the installation of a music festival (“Teknival”) in fields near the commune of Redon, then to break it up. This event was advertised as a festive gathering to honour Steve Maia Caniço, who died two years earlier during a police operation at a ‘Fête de la Musique’ event. A prefectural decree had banned all unauthorised festive and musical gatherings in the department. Police operations during the night of 18 and 19 June, then during the late afternoon of 19 June, resulted in numerous injuries: several dozen among the festival-goers and eleven among the gendarmes. A young man had his hand mutilated.

Using interviews with people present on-site, including journalists and association leaders, and analysis of videos and other documents (orders, press releases, press articles, etc.), Amnesty International has investigated if the law enforcement response to this event complied with international human rights law. This shows that, whether or not the ban on the festival was legitimate, the conditions of the use of force by the police did not comply with the United National Basic Principles on the Use of Force. Unlawful use of force can lead to violations of fundamental rights, including violations of the right to life (Article 2 of the European Convention on Human Rights – ECHR, article 6 of the International Covenant on Civil and Political Rights – ICCPR), the right to security of person (Article 9 of the ICCPR) and the right to be free from inhuman or degrading treatment (Article 7 of the ICCPR, Article 3 of the ECHR).

The evidence from the policing operations in Redon indicates that the use of force was neither necessary nor proportionate.

Necessity implies that force is a last resort and is aimed at an achievable goal. In Redon, the police intervention took place without any communication or negotiation on the part of the authorities. There were no attempts of prior mediation. If warnings were given, they were barely audible, and during the operation, the police did not use communication methods with the festival participants (megaphones or similar). Therefore, this use of force took place as a first resort, without any attempt to disperse the crowd by other means, even though a dispersal was in itself complicated to implement, particularly at night, in a poorly-lit field, without any information given and in the confusion of the intervention.

Unnecessary use of force may amount to an act of retribution, which is illegal under international human rights law.

The principle of proportionality implies that any damage caused by the use of force must not exceed the expected benefits, namely the achievement of the legitimate objective. In Redon, the police fired tear gas and stun grenades at a crowd at night for more than seven hours, including grenades that could maim people. The use of these weapons in such dangerous conditions led to dozens of injuries: cuts, a fracture, burns, as well as panic attacks and respiratory distress. A journalist was shot in the arm with an LBD40 blast ball while trying to talk to gendarmes. A young man had his hand mutilated in an explosion, according to witnesses.

“The grenades, most of the time we didn’t see them coming at us. They went under the grass.”¹.

This use of force was also counterproductive: it increased tensions and violence among the Teknival participants and may have increased the risk of Covid transmission (through the coughing and choking of those affected by tear gas).

¹ Interview with Perig, 20 years old, a student who attended the Teknival

Excessive use of force may amount to inhuman and degrading treatment or even torture, and constitutes a violation of the human rights protected by the conventions and treaties ratified by France.

Other elements of the operation and its aftermath are also worrying in terms of the French authorities' respect for international human rights law. The United Nations Basic Principles on the Use of Force require that if law enforcement officials use force, they must ensure that those targeted have access to medical assistance as quickly as possible. But the Redon policing operation took place without rescue workers coming to evacuate the injured. The young man whose hand was mutilated had to be accompanied to the hospital by festival participants in the confusion of the operation, even though the gendarmes had been warned of the gravity of the situation.

“What would have happened to him if he had lost consciousness in the field if he had not been found?”².

Finally, the first public reactions by the authorities that Amnesty International has been informed of indicate that they do not acknowledge any wrongdoing on the part of the police. Although the authorities launched a preliminary enquiry into the case of the person whose hand was mutilated, the absence of a critical assessment of the operation, coupled with the lack of a mechanism for an independent enquiry into allegations of police violence in France, raises concerns that the gendarmes and their superiors will not be held accountable for the operation, nor will these practices be challenged.

The case of Redon took place in a context of repeated use of excessive force in police operations. This situation calls for urgent responses from the French authorities to put an end to human rights violations:

- Ensure that a judicial enquiry is launched as soon as possible to shed light on the police intervention, the use of force, and the injuries inflicted on the participants at this event, particularly in the case of the person whose hand was mutilated.
- Immediately ban the use of sting-ball grenades and explosive tear gas grenades in the maintenance of public order.
- Initiate structural reforms of policing to develop dialogue and de-escalation strategies.
- Issue clear instructions to local authorities and law enforcement agencies on the conditions under which they may use force and the risks involved in the event of unlawful use of force.
- Ensure that local authorities and law enforcement agencies are trained in mediation, negotiation and communication techniques and procedures to resolve crisis situations without resorting to force.
- Create an independent body with responsibility for investigating complaints against law enforcement officials.

I. INTRODUCTION

On 18 and 19 June 2021, the police intervened in the commune of Redon to stop the installation of the “Teknival” music festival – which according to social media posts, was planned for 18-22 June – and then to attempt to break it up. This event was advertised as a festive gathering to honour Steve Maia Caniço, who died two years earlier during a police operation at a ‘Fête de la Musique’ event. Police operations during the night of 18 and 19 June, then during the late

² Interview with Katia, 31 years old, who attended the Teknival festival

afternoon of 19 June, resulted in numerous injuries: several dozen from among the festival-goers and eleven among gendarmes.

This document aims to analyse the police intervention during this event in the light of international human rights law. As law enforcement agents, the police have an obligation to respect the international human rights framework, particularly when using force. Unlawful use of force can lead to violations of fundamental rights, including violations of the right to life (article 2 of the European Convention on Human Rights – ECHR, article 6 of the International Covenant on Civil and Political Rights – ICCPR), the right to security of person (Article 9 of the ICCPR) and the right to be free from inhuman or degrading treatment (Article 7 of the ICCPR, Article 3 of the ECHR).

Evidence collected on the policing operations in Redon indicates that the use of force was neither necessary nor proportionate. Unnecessary use of force may amount to an act of retribution, which is illegal under international human rights law. In addition, excessive use of force may amount to inhuman and degrading treatment or even torture and constitutes a violation of the human rights protected by the conventions and treaties ratified by France.

II. METHODOLOGY

To analyse the events that happened in Redon on 18 and 19 June, Amnesty International used 54 minutes of video taken during the night and on Saturday morning by the journalist Clément Lanot³, present at the scene as well as around thirty short video clips posted on social media. These images made it possible to geolocalise the events and document the actions of the police, the weapons used and the behaviour of the Teknival participants.

Amnesty International consulted media sources, orders, press releases and statements from the Prefecture as well as a report by the organization Techno+⁴ present at the scene, which describes the course of events during part of the night and on the Saturday and presents 22 cases of injuries that they had to deal with. Finally, images of the remains of grenades were analysed to identify their type, and medical certificates were consulted to establish the injuries sustained.

Our researcher interviewed twelve people present at the scene, including three journalists, and had access to twenty written witness statements provided by collectives. She also interviewed Eric Bergeault, the national reference person for festive gatherings organised by young people at the French Ministry of National Education and Youth, and two lawyers acting for individuals who participated in the evening.

Amnesty International contacted the French Ministry of the Interior and the Ille-et-Vilaine Prefecture. At the time of writing, they have not responded to the questions posed. In a letter dated 13 July 2021, the Ille-et-Vilaine prefecture indicated that the ongoing judicial investigations did not allow it to comment.

In accordance with the informed consent given by the interviewees and to protect their security and privacy, we have used pseudonyms or initials to refer to some of the people whose testimonies we use in this report.

³ <https://www.youtube.com/watch?v=vw3Kn9VTL48>

⁴ Techno+ is an organization regulated by the French 1901 law that works, with teams of volunteers, on harm reduction. It is supported by regional health agencies (ARS). Its report on the events in Redon is available online: <https://technoplus.org/fete-libre/repression-teuf/6703-teknival-de-redon-du-19-juin-2021-techno-temoigne/>

III. DESCRIPTION OF FACTS

The “Teknival des Musiques Interdites du 18 au 22 juin dans le Pays de la Loire” (Teknival for Banned Music on 18 to 22 June in the Pays de la Loire region) was announced by networks without specifying the location and without prior declaration, even though these procedures are compulsory in France for festive gatherings of over 500 people. This Teknival was part of the “Freeparty” movement, festivals organised by collectives of volunteers claiming self-management values.

According to the Guide to mediating youth-led festive gatherings⁵, the result of a collaboration between five French ministries⁶, the inter-ministerial mission to combat drugs and addictive behaviour (MILDECA), the Association of French mayors and the organization Freeform⁷, if no declaration is made, it is recommended that a mediator contact the organisers to prepare for the event and ensure that it can take place in good conditions. No process of this kind seems to have been initiated in advance of the gathering in Redon. The national mediator was not informed of the existence of this gathering, and Amnesty International has not been able to identify a mediator for the department of Ille-et-Vilaine.

On 17 June, the Ille-et-Vilaine Prefecture issued an order banning all festive and musical gatherings in the department, from Friday 17 June at 5pm until Wednesday 23 June at 8 am, citing in particular:

- The absence of a prior declaration (art. L211-5 of the French Internal Security Code) ;
- Circumstances that suggest a high risk of transmission of Covid: difficulty in respecting social distancing rules in a festive context, mixing of the population, incidence rate (decree of 1 June 2021 empowering Prefects to ban gatherings of more than ten people because of health risks);
- The absence of appropriate fire-fighting, emergency, health and road safety facilities;
- The insufficient number of security forces, as they were mobilised on other missions, to allow the gathering to take place in good conditions⁸.

It is also noted that at that time, an 11pm curfew, prompted by the pandemic situation, was still in force in France and was due to end on Sunday 20 June.

Violation of the curfew, participation in an undeclared festive gathering or failure to comply with other health regulations is punishable by a fine of 135 euros. Organising an undeclared festive gathering is punishable by a fine of 1,500 euros, as well as the seizure of equipment, and these sanctions may be accompanied by the suspension of a driving licence, the confiscation of objects used for the offence, and community service (article R211-27 to R211-29 of the French Internal Security Code).

During the evening of 18 June, several hundreds of cars nonetheless converged on the commune of Redon to participate in this Teknival festival. The police were present on the roads near the event venue and then at the first assembly point at a supermarket in the commune. They reportedly checked several vehicles at that time. Around 11 pm, the cars headed for the gathering point, a field on the edge of the commune of Redon where trucks had already arrived. The gendarmes then intervened to block access to the site. Some of the participants had already

⁵ Guide de médiation des rassemblements festifs organisés par les jeunes, 2021 Edition

⁶ The Ministry responsible for youth, the Ministry of the Interior, the Ministry of Justice, the Ministry for Solidarity and Health, the Ministry of Culture.

⁷ Freeform is an organization regulated by the French 1901 law that aims to defend and promote the free party culture.

⁸ Ille et Vilaine Prefecture, Order temporarily prohibiting a festive gathering of a musical nature and prohibiting the movement of any vehicle transporting sound equipment to an unauthorised festive gathering of a musical nature in the Ille-et-Vilaine department, 17th June 2021

entered the site. At the back of it, a long traffic jam of several hundred cars built up on the road leading to the event. Some participants left their vehicles to walk to the site on foot; others parked further away and walked to the field.

According to the information that Amnesty International has obtained, from around 11.30pm onwards, without any violence being reported among the participants (1,500 according to the authorities⁹), the police (300 to 400 gendarmes according to the authorities¹⁰) began to use force against the crowd by firing tear gas. This use of force was not preceded by warnings that were audible to all participants¹¹, and information gathered indicates that throughout the night, there was no communication from the police, through loudspeakers or other means, on the use of force, the weapons used, nor indications of the expected dispersal.

Fairly quickly, videos and witnesses showed that some participants retaliated by throwing projectiles, despite several calls not to do so. So, we hear in the videos: *“We’re not throwing anything! We’re not throwing anything!”*¹². A member of the collectives explains: *“We were trying to calm the tension, people’s actions have an impact on the image of our movement, it’s important (...) Instructions were passed around, not to throw projectiles (...)”* (N., member of the collective).

According to the interviews carried out and the videos seen by Amnesty International, the projectiles were bottles, cans, pebbles, branches and petrol bombs¹³. The videos also show tear gas grenades being thrown back to keep them away, but perhaps also at the police. In the media, the Ille-et-Vilaine prefect also mentioned that the gendarmes were reportedly hit with petanque balls, pieces of breeze-block and firecrackers¹⁴.

Until around 6:30am the following day, the gendarmes fired continuously, with some more intense periods. The videos, photos and witness statements have enabled the identification of tear gas grenades and explosive grenades of the type GM2L. These grenades were launched with launchers (range: 50-200 metres) and by hand (thrown from the ground). Witness statements consistently indicated that the gendarmes were mainly positioned on the Rue des Marais and the Route des Grands Prés, two perpendicular tracks framing the field, and moved forward only occasionally. During this whole time, the authorities did not take any communication initiative to calm the situation, convince the participants to leave voluntarily, and indicate how to proceed (nor provide directions to follow). The presence of the police on these roads could also have prevented the evacuation of the site on these sides, as participants might legitimately fear approaching and passing through the lines of gendarmes.

At around 2:42am, a young man had his hand mutilated in an explosion. He was evacuated by other participants after the gendarmes had been alerted, without the emergency services being able to enter the site (see analysis in the section “On access to care and assistance for injured people”). The Techno+ organization entered the site at 3am to try to find him, without success. A group of ten of their volunteers and their chair, who is a nurse, spent the night walking around

⁹ LCI, Fête sauvage à Redon: affrontements violents avec les gendarmes (Wild party in Redon: violent clashes with gendarmes), 19 June 2021:

<https://www.lci.fr/justice-faits-divers/video-fete-sauvage-a-redon-affrontements-violents-avec-les-gendarmes-2189240.html>

¹⁰ <https://twitter.com/bretagnegouv/status/1406230365795241988?s=20>

¹¹ In the interviews conducted by Amnesty International, only one participant believes that he heard official warnings. The fact that the others did not hear them may be explained by the configuration of the site (a large field) and the fact that people arrived in dribs and drabs. In any case, this was not sufficient communication as it did not include any indication of how to leave the site

¹² https://www.youtube.com/watch?v=vw3Kn9VTL48_8:30

¹³ <https://www.youtube.com/watch?v=vw3Kn9VTL48> 12:05 for a petrol bomb

¹⁴ Ibid note 7: LCI, Fête sauvage à Redon : affrontements violents avec les gendarmes, 19 June 2021:

<https://www.lci.fr/justice-faits-divers/video-fete-sauvage-a-redon-affrontements-violents-avec-les-gendarmes-2189240.html>

trying to help the wounded without any specific training in this area since the organization is involved in risk reduction and not first aid.

It is difficult to determine the precise number of injuries among the participants as no accurate count has been made. The fact that many of them were treated on-site and / or evacuated by other participants or Techno+ means that it is not possible to obtain information from the emergency services or “official” treatment services (paramedic-firefighters, ambulances, hospitals, etc.). The organization’s records and the testimonies received indicate that several dozen participants were probably injured: leg wounds from the grenades exploding, burns, and respiratory distress caused by the tear gas. The following morning, the prefect announced that five gendarmes were injured during the night, two of whom were taken to hospital¹⁵. In the absence of a response from the Prefecture and public communication on this subject, Amnesty International has no information about the nature of these injuries or their cause (projectile injury, fall, other type of accident, etc.).

Between 5:00 and 6:00am on Saturday 19 June, the organisers and participants moved to a different field near Redon racecourse, enclosed by two ditches and bordering the river. Initially, gendarmes intervened at this new location by throwing tear gas grenades and then left the scene around 6.30 am. No witnesses interviewed by Amnesty International heard any warnings or communication from the police at the time.

Sound systems and tents were set up, and the festival began during the day. During the subsequent hours, the police no longer intervened at the site and did not communicate with the participants. The organization Techno+ talked to the sub-prefect who asked them to encourage people to leave, which did not fall within their remit (see below).

Around 5 pm, the gendarmes and CRS (Republican Security Corps) returned to the site. The participants were not committing any violence. The law enforcement agencies set off tear gas and explosive and sting-ball grenades, then advanced towards the sound systems. No testimonies indicate that any warnings were given. Several people were hurt, including a young woman who had her cheek punctured and several teeth broken by shrapnel from a grenade that hit her while she was sleeping, and an organiser whose ribs were cracked and broken after being hit in the back with a truncheon. Tear gas canisters landed in one of the Techno+ tents where participants were resting, and it had to be evacuated. Other grenade shells landed on cars. The prefect indicated that six gendarmes were injured during this second operation, without giving details about the nature or cause of the injuries. Videos and witness statements show that the police destroyed the sound equipment. The participants dispersed in the following hours.

Beyond the physical injuries, several testimonies mention the psychological impact of the law enforcement operation on the participants: difficulties sleeping, stress and the trauma of seeing someone mutilated:

« After, when I went home, I had difficulties sleeping, I reacted to every noise, I was stressed”
(Yann, 21 years old, student)

“I still feel traumatised by what happened” (Katia¹⁶, 31 years old)

“Almost our entire team of volunteers was off sick afterwards, due to the psychological impact”
(Omblin, 29 years old, nurse and chair of Techno+)

The young man who had his hand mutilated underwent an amputation, and the Rennes public prosecutor’s office opened an investigation into “unintentional injuries with an incapacity for work of more than three months”, to determine the exact circumstances and the origin of these injuries,

¹⁵ [Ibid](#)

¹⁶ This first name has been changed

and on this basis, possible criminal responsibilities. On 20 July, he filed a complaint about “*deliberate violence with weapons or by persons holding public authority and resulting in permanent disability*” as well as “*non-assistance to a person in danger*”. Another investigation has also been launched relating to violence against persons in positions of public authority (gendarmes), and five men were taken into custody in this context on 19 June. An investigation was also launched into the organization of the “free party”.¹⁷

IV. THE LEGAL FRAMEWORK: THE USE OF FORCE BY LAW ENFORCEMENT OFFICIALS UNDER INTERNATIONAL LAW

In fulfilling their responsibilities to uphold the law, maintain security and public order, for preventing and detecting criminal acts, law enforcement officials may use force, defined as any physical means used against a person to enforce the law, including compelling a person to follow an order.

This power comes with obligations and responsibilities, especially concerning the human rights at stake, because the State and its agents are obliged to respect and protect these rights even when using force. The legitimacy of law enforcement officials and the State, and the trust placed in them by the population may be undermined when force is applied excessively, arbitrarily, abusively or illegally.

It is the responsibility of governments and the hierarchy of law enforcement officials to ensure that the force used by law enforcement officers is guided by clear rules and instructions, enabling them to respond in a way that respects human rights, including in stressful or dangerous situations.

The United Nations Basic Principles on the Use of Force and Firearms by law enforcement officials are a reference and guide to the authorities about the use of force while respecting human rights¹⁸. Guidelines for the implementation of these Basic Principles, drawn up by Amnesty International Netherlands in 2015¹⁹, indicate the steps that the authorities should follow to guarantee the applications of the Basic Principles on a daily basis.

The Basic Principles establish law enforcement officials should only use force to achieve a lawful objective when strictly necessary and in a proportionate manner (principles 1, 4, 5 and 13). This implies that the use of force should be based on the law, that other means should be used before resorting to force, and that force should be a last resort, that is to be used at the minimum level that is deemed effective, temporarily, and ceasing once the objective has been achieved, or if that objective proves impossible to achieve. When legitimate use of force is inevitable, it must be

¹⁷ Hugo Huaumé, Rave party à Redon. Trois enquêtes ouvertes, cinq hommes en garde à vue (Rave party in Redon. Three investigations opened, five men in custody), Ouest France, 19 June 2021:

https://www.ouest-france.fr/bretagne/redon-35600/rave-party-a-redon-trois-enquetes-ouvertes-cinq-hommes-en-garde-a-vue-15ef96fe-d0f7-11eb-a168-4ce97855ea12?utm_source=trouve&utm_medium=site

¹⁸ The Basic Principles were drafted by law enforcement experts, including police officers, and were discussed from 1987 to 1990 at various preparatory meetings and consultations, before being adopted by the Eighth United Nations Congress on Crime Prevention and Criminal Justice, held in Havana, Cuba, from 27 August to 7 September 1990. In its resolution 45/121 of 14 December 1990, the UN General Assembly welcomed the Basic Principles.

¹⁹ Amnesty International Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015:

<https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

proportionate to the seriousness of the offence and to the legitimate objective to be achieved and the damage inflicted must not exceed the damage that this use of force was intended to prevent.

When they use force, law enforcement officials must identify themselves and give a clear warning of their intention to use firearms, then allow sufficient time for the warning to be observed (principle 10).

Concerning more specifically the use of wide-area chemical irritants, Amnesty International considers that this is only legitimate when violence has become generalised and is no longer committed by a limited number of people, to the extent that law enforcement officials can no longer intervene only against individuals that are committing such violence. A clear order and warning must precede all use of chemical irritants. They must never be used in an area where the crowd cannot disperse²⁰.

Furthermore, Amnesty International is calling for a ban on the use of GM2L explosive tear gas grenades and sting-ball grenades in public order operations, as they present an increased risk of causing excessive and disproportionate harm²¹.

In addition to respecting the principles of necessity and proportionality, law enforcement officers must also ensure that any injured people have access to help and treatment (principles 5c and d).

Finally, the victims of unlawful force carried out by officers must have access to justice. Improper use of force must be sanctioned by law. Officers and/or their superiors should be held accountable, and procedures should be available, particularly an independent, impartial and effective enquiry mechanism (Principles 7, 22, 23, 24).

These principles cannot be subject to derogation under any circumstances (Principle 8).

Under French law, article 431-3 of the Penal Code authorises the use of force by the police and gendarmes after warnings, for the purpose of dispersing a crowd that is disrupting public order. Article L 435-1 of the French Internal Security Code also allows the use of force in cases of self-defence. In each of these situations, in compliance with international law, the use of force must be strictly necessary and proportionate.

V. MAIN CONCLUSIONS ON THE LAW ENFORCEMENT OPERATION IN REDON

The Prefecture had banned the Redon Technival to avoid public disorder in the context of the pandemic. According to international law, the right to freedom of peaceful assembly implies that there should be no blanket ban on gatherings and that they should be analysed on a case-by-case basis, that measures should be envisaged to allow them to take place (e.g. protection and social distancing measures) and that prohibition should be the last resort. In this case, the Redon Technival aimed at paying homage to Steve Caniço and could therefore be considered an exercise of the right to freedom of peaceful assembly. The Prefecture had issued an order banning all unauthorised festive gatherings of a musical nature throughout the department, without any

²⁰ Amnesty international Netherlands, Chemical irritants in law enforcement, An Amnesty International position paper), June 2021: <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

²¹ Amnesty international, France: les autorités doivent suspendre le LBD40 et interdire les grenades GLI-f4 et de désencerclement dans le cadre du maintien de l'ordre des manifestations (The authorities must suspend the use of LBD40 and ban GLI-f4 and sting-ball grenades in the context of maintaining order at demonstrations), May 2019 : https://amnestyfr.cdn.prismic.io/amnestyfr%2Fbc1434a2-ca33-436c-bf31-9ceeb919ba63_positionnement_lbd40_grenades_france+%281%29.pdf

specific regime for a protest gathering and without any prior discussion with the organisers or attempt at mediation to assess whether it was possible to hold it under acceptable conditions. One may therefore question the conditions of this ban, although it was limited in time and the objective of protecting public health may be legitimate.

However, whether or not the ban on the festival was legitimate, the conditions under which force was used raise serious human rights concerns.

Neither the principle of necessity (1) nor that of proportionality were respected (2). Other elements about the operation and its aftermath also cause concern with regard to the authorities' compliance with international human rights law (3).

1. On necessity: was it necessary to throw grenades continuously to maintain order?

According to Principle 4 of the United Nations Basic Principles of the Use of Force: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result".

Unnecessary use of force may amount to an act of retribution, which is illegal under international human rights law.

Respecting this principle of necessity implies that the use of force is a last resort: other means of achieving the desired objectives must be used before force is considered. Force should be kept to the minimum level necessary to achieve the objective and should cease if the objective cannot be achieved in this way.

A lack of communication and negotiation on the part of the authorities

To respect the principle of necessity, those responsible for law enforcement are obliged to do everything possible to de-escalate any situation, engage in dialogue and negotiate with an individual before considering the use of force.

In Redon, both before and during the night of 18–19 June and during the day of 19 June, no communication or mediation seemed possible with law enforcement officers or the authorities.

According to the "Guide de médiation des rassemblements festifs organisés par les jeunes"²², if a non-declared gathering is only discovered after it has begun, it is recommended that State service (Prefecture, police, gendarmerie, mediator) make contact, on-site, with the organisers, in order to establish which measures to take to ensure that the festival runs smoothly and the participants remain safe. Amnesty International has found no proof that this process was engaged by the authorities. On the contrary, during the night, the organization Techno+ tried to contact the regional health agencies (because of the injured), as well as the prefecture, but no mediation was set up.

On the ground, the police did not use communications methods with the participants (megaphones or similar). Several testimonies confirm that it was felt to be impossible, even dangerous to approach the gendarmes to talk to them:

²² Inter-ministerial Group: "Rassemblements festifs organisés par les jeunes" (Festival gatherings organised by young people), Guide de médiation des rassemblements festifs organisés par les jeunes, 2021 Edition

"I wasn't going to go and see the commanders in the middle of an operation, I would have been arrested" (anonymous witness statement from a participant)

"It would have been impossible to go and speak to the police, you would have to be mad" (Yann²³, 21 years old, student)

"I had robots in front of me, it was unthinkable to go and talk to them, we would have been killed" (N., member of a collective)

"It felt like we had deaf people in front of us, maintaining order but without an evacuation strategy" (Omblin, 29 years old, nurse and chair of Techno+)

The journalist Clément Lanot says that he approached some gendarmes during the night to raise the alarm about the young man who lost his hand. He said he had his hands in the air and showed his press pass, but nonetheless was hit by a rubber bullet fired with the LBD40 launcher ²⁴.

On the morning of Saturday 19 June, Techno+ finally received a return call from the sub-prefect, via the national mediator for festive gatherings. According to the testimony of the organization's chair, the sub-prefect essentially gave orders that the organization was not in a position to carry out, due to a lack of resources or because they were not within the organization's responsibility or role²⁵ : "get the injured out, make sure there are no more injured, get people to leave"²⁶. These instructions do not constitute a dialogue, which involves a conversation in both directions, taking into account the positions, needs and limits of each party. Dialogue is a key element in human-rights based policing to help avoid the use of force.

Force as a first resort for hard-to-implement dispersion

According to the witness statements received, the firing of tear gas and other grenades began as early as 11:30pm, while some of the participants had arrived at the Teknival venue, and hundreds of other vehicles were blocked outside by the police. As seen above, the evidence consistently indicates that no communication or negotiation process was engaged beforehand. Force therefore appears to have been used not as a last resort but as a first resort.

Although one person who Amnesty International interviewed thinks that they heard a warning, no one else mentioned it. The configuration of the site – a large field – meant that warnings would not have been heard by everyone, even more so because people were arriving in dribs and drabs onto the site due to the blockade. The order to disperse was therefore not clearly communicated.

Once the use of force began (firing grenades and tear gas), the goal of people dispersing became complicated to achieve: it was dark, visibility was reduced because of the clouds of tear gas. The participants were in a field, in an area that most of them did not know.

"How could people leave? It was possible to escape, but via the forest, the brambles, the bogs on the edge of the forest..." (Sébastien, co-coordinator of the Techno+ team present on site)

In addition, the police did not indicate what to do next.

Furthermore, for several hours, the main access road was blocked by the gendarmes to restrict access to the site, which created a traffic jam that made it impossible to turn around:

"It was possible to leave, but it was a mess because there were too many cars" (Charles, journalist)

²³ This first name has been changed

²⁴ <https://twitter.com/franceinfo/status/1406254394820149248> For more information on the context, see the section below: "On access to care and rescue for injured people", page 17.

²⁵ Techno+ intervenes in the context of health and risk reduction linked to festival practices

²⁶ Interview with Omblin, 29 years old, nurse and chair of Techno+

“The gendarmes were dispersing but they didn’t want to leave the crossroads where they were blocking people, so it was blocked” (participant, anonymous)

The objective of making people disperse therefore seemed difficult to achieve on the night of 18 to 19 June, and yet the gendarmes continued to use force for over seven hours.

The principle of necessity implies that the use of force should cease once the objective is achieved, but also if it proves impossible to achieve²⁷. In addition, the principle of proportionality implies that law enforcement officers must not seek to attain a legitimate objective at any price: the option of falling back and no longer pursuing an action should be considered, depending on the circumstances and the risks²⁸.

The next day, when Teknival was set up in another field, the chair of the organization Techno+ who was present on-site told the Ille-et-Vilaine sub-prefect that people were in no condition to leave because they had consumed alcohol, were exhausted after the night of violence and some were injured. Evacuation in the area where the festival had started was dangerous because it was bordered by two ditches and a river.

Despite these warnings, the police again used arbitrary force, without warning those present, even though no violence was observed among the participants. The police used tear gas and explosive grenades, as well as sting-ball grenades. They also targeted the sound systems. Again, several people were injured. Rescue boats were deployed on the river to anticipate the risk of people falling in. It would seem that the objective of this second intervention by the police on 19 June was not dispersion but the “neutralisation” of the equipment, which led to its destruction, as videos and testimonies from several people show. This calls into question the legality of the operation: while the seizure of material is provided for by law, its destruction is not²⁹. Using tear gas, sting-ball grenades and GM2Ls to seize or destroy equipment does not seem to be the minimum level of force required to attain this objective: it led to several serious injuries (see the section on “proportionality”).

2. On proportionality: was it necessary to risk maiming young people to prevent a festival?

According to Principle 5 from the United Nations Basic Principles on the Use of Force: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
- (b) Minimise damage and injury, and respect and preserve human life”

²⁷ Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

²⁸ Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p. 111-112: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

²⁹ Article L211-15 of the French internal security code provides that judicial police officers and agents may seize the equipment used, with a view to its confiscation by the court, but not its destruction.

This principle of proportionality involves determining if there is a balance between the benefits of using force and the consequences or harm that its use may cause. The use of force is prohibited if the harm inflicted exceeds the benefits of using force, namely achieving a legitimate objective³⁰.

Law enforcement officials are therefore expected to avoid resorting to force if the consequences are more harmful than the intended effect and – ultimately – must accept that perhaps they cannot achieve their legitimate objective. Falling back can also be an option if the risks, particularly to people, are too high compared to the benefits of the operation³¹. In other words, the end doesn't justify all means. This means, for example, that a life may only be put in danger if another life is threatened, or that a serious injury should not be inflicted to stop damage that does not cause any danger to people.

In this case, the number of injuries, including serious injuries, and the counterproductive effects of the operation demonstrate a failure to respect the principle of proportionality in the use of force.

Disproportionate use of weapons, including mutilating weapons, in dangerous conditions

According to the principles of international law on the use of force, devices that have indiscriminate effects and a high risk of causing harm, such as tear gas, should only be used in situations of generalised violence to disperse a crowd and only if all other means have failed to contain the violence³². They may only be used when people can disperse and not when they are in a confined space or when roads and other exits are blocked. People should be warned of the imminent use of these methods and given permission to disperse.

At the Redon Teknival, from 11:30pm onwards, the police set off tear gas on the participants who had arrived at the site when these people had not committed any violence, and no other means were used to disperse them beforehand (communication, negotiation, mediation). Dispersal at night, in clouds of smoke, in the middle of the countryside, and while the road was blocked by traffic was an unrealistic objective (see above). Furthermore, no dispersion plan had been communicated by the gendarmes or other authorities.

The firing of tear gas grenades continued from 11.30pm to around 6.30am. The duration of this intervention shows just how ineffective this approach was, even though the weapons used could cause serious injury. Although some participants engaged in violence during the night, throwing projectiles at gendarmes, a large proportion remained peaceful yet continued to be fired at. Images show that tear gas grenades were set off at young people who were sitting down in front of the police, not committing violence³³.

³⁰ Amnesty International Netherlands, Use of force: Guidelines for implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

³¹ Amnesty International Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p. 111-112: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

³² OSCE, Human Rights Handbook on Policing Assemblies, 2016, pp. 78-79, <https://www.osce.org/files/f/documents/c/5/226981.pdf>; Amnesty international Netherlands, Chemical irritants in law enforcement, An Amnesty International position paper), June 2021, p. 9: <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

³³ <https://www.youtube.com/watch?v=vw3Kn9VTL48> 9:40

Since the grenades were set off using a grenade launcher, with a range of 50 to 200 metres, most landed at a distance from the police, so in places where people were too far away to throw projectiles at them. People who stayed peaceful were thus targeted.

“There were a lot of people in tears, who couldn’t breathe, who were having panic attacks” (Yann³⁴, 21 years old, in civic service).

Amnesty International also identified from among the grenades used sting-ball grenades and stun grenades of the type GM2L. Sting-ball grenades are by nature disproportionate in their impact: they hurl pellets that can seriously injure people, including loss of eyesight. They have indiscriminate impacts, as they strike randomly when thrown into a crowd³⁵. These grenades have a deafening effect that aims to disorientate people, which is counterproductive if the objective is to try to make them disperse, as this effect is likely to prevent them from reacting.

Type GM2L grenades also have contradictory effects since they project tear gas (dispersion objective) with a deafening effect (disorientating people). Furthermore, the impact of these weapons is again disproportionate since the explosion, with a pyrotechnic charge, can lead to mutilation. On 5 December 2020, a protester lost several fingers, probably due to a GM2L grenade³⁶. When exploding, GM2Ls throw out shrapnel that can cause deep wounds³⁷.

By their nature, the use of these two types of weapons in public order management is not consistent with the principles of international law on the use of force³⁸. In the case of the Redon operation, like the tear gas grenades, they were used in particularly dangerous conditions.

These grenades were fired during the night, from 11:30pm until around 5am, in a field, with no visibility. Although the gendarmes had lights on their trucks, these only illuminated a limited distance, and most of the site was in darkness and clouds of gas. The gendarmes used grenade launchers with a range of 50 to 200 metres: it was therefore impossible for them to target a specific group engaged in violent acts in these conditions and to warn or at least limit the effects on those who were not committing violence or who were not festival participants at all (such as the Techno+ teams). Other grenades were thrown by hand, onto the ground, including in areas where the grass stopped people from seeing them arrive (as well as the darkness, clouds of gas and the confusion from the operation). Many people testified that it was difficult to protect themselves and see the grenades coming, which created a risk of injury from the impact, contrary to the stated purpose of these weapons (incapacitating effects).

³⁴ First name has been changed.

³⁵ Amnesty International Netherlands, Guidelines for Use of force: Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p. 148: https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf

³⁶ Simon Louvet, La main d'un manifestant arrachée par une grenade de la police à Paris : une enquête ouverte (Protester's hand torn off by a police grenade in Paris: an investigation opened), ActuParis, 8 December 2020: https://actu.fr/ile-de-france/paris_75056/la-main-d-un-manifestant-arrachee-par-une-grenade-de-la-police-a-paris-une-enquete-ouverte_37970284.html it could also have been a sting-ball grenade, but if it was thrown over a barrier it would indicate a GM2L grenade, as sting-ball grenades have to be thrown at ground level.

³⁷ See for example report 873 by David Dufresne, 29 January 2020: <https://twitter.com/davduf/status/1222516610759634945?s=20> and <https://twitter.com/davduf/status/1222518650525114373?s=20>

³⁸ See also: Amnesty international, France: les autorités doivent suspendre le LBD40 et interdire les grenades GLI-f4 et de désencerclement dans le cadre du maintien de l'ordre des manifestations (The authorities must suspend the use of LBD40 and ban GLI-f4 and sting-ball grenades in the context of maintaining order at demonstrations), May 2019 : https://amnestyfr.cdn.prismic.io/amnestyfr%2Fbc1434a2-ca33-436c-bf31-9ceeb919ba63_positionnement_lbd40_grenades_france+%281%29.pdf and Amnesty international Netherlands, Chemical irritants in law enforcement, An Amnesty International position paper), June 2021: <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>

“There was one that fell next to us and exploded 5 seconds later, in an area where there was no light” (Brice, 21 years old, student)

“I was walking down to the site; it was unlit, I don’t know where it came from” (“Nono”, who sustained a leg injury, probably from a sting-ball grenade)

“The grenades, we didn’t see them coming most of the time when they came at us. They went under the grass” (Perig, 20 years old, student)

“People were crouching on the ground to avoid the gas: it was super dangerous if a GM2L exploded next to them” (Katia³⁹, 31 years old)

“It’s dangerous to mix tear gas and exploding grenades because people pick up the tear gas and throw it back or kick it away to avoid getting the smoke in their face. And they don’t know the difference, so if it explodes in their hand or on their foot, it’s dangerous. One exploded near my shoe; I got a hole” (N., member of a collective)

In the morning, although visibility was better because of the daylight, images show that the gendarmes threw grenades while they were withdrawn behind hedges⁴⁰, which meant that neither the place from which they were being launched nor where they were landing were visible, nor could they assess the usefulness and effectiveness of these weapons.

During the last operation in the late afternoon, witnesses indicate that canisters from grenades fell on cars or near tents. According to Techno+, tear gas canisters fell in their tent where two people were sleeping, and they had to be evacuated. The organization also reports that a young woman was hit by shrapnel while sleeping and had her cheek punctured, and several teeth were broken⁴¹.

The operation obviously aimed to “neutralise” the sound equipment: to take the risk of injuring people for this purpose is clearly disproportionate.

Amnesty International has not had access to images of the use of kinetic impact projectiles fired with the LBD40 launcher. However, testimonies report that the gendarmes had this weapon and the journalist Clément Lanot said he was shot and hit by a shot from a LBD40 launcher:

“I came out of the field at Rue de la Rive, where there are houses. I walked towards the gendarmes, shouting that I was a journalist and that there had been a serious injury, and I was shot at with an LBD launcher” (Clément, 24 years old, journalist)⁴²

For more than two years, Amnesty International has been calling for an immediate suspension of the use of LBD40s, given the number of people who have suffered serious injuries (e.g. eye gouging, fractured skulls or jaws, etc), due, it would seem, to the rubber bullets shot from this weapon, its lack of precision, the lack of specific training given to certain units in the police force (anti-crime squads in particular) who are responsible today for maintaining order, and the failure of the authorities to ensure its use in accordance with human rights standards⁴³.

³⁹ The first name has been changed.

⁴⁰ <https://www.youtube.com/watch?v=vw3Kn9VTL48>, 24:10

⁴¹ Techno+, Dossier public de témoignage sur le teknival de Redon du 19 juin 2021 (Public testimony file on the Redon Teknival), 30 June 2021 – facts confirmed during an interview with the chair of the organization, present on site.

⁴² See also page 11-12 for the context of this use of a riot gun.

⁴³ <https://www.amnesty.fr/actualites/depuis-le-17-novembre-2018-le-bilan-des-manifestants> and Amnesty international, France: les autorités doivent suspendre le LBD40 et interdire les grenades GLI-f4 et de

The quantity and type of grenades used, over hours, in dangerous conditions, led to the Redon operation resulting in many injuries: eleven injuries among the police, more than twenty from among the participants, according to the inventory made by Techno+ (which is not exhaustive), including cases of fractures, deep wounds and burns. A young man aged 22 was mutilated. This data does not consider the psychological consequences on the young people who came to attend a festival.

The police interventions, which caused damage that seriously affected people's health and failed to ensure their safety, cannot be considered proportionate to the objective of eliminating the risk of disturbance of public order that was invoked by the prefecture.

A counterproductive use of force

In addition to the apparent disproportionate use of force, the law enforcement operation at the Redon Teknival appears to have had a counterproductive effect by contributing to the deterioration of personal safety and health, the health risks related to Covid and also by creating a road safety risk.

The immediate use of force without any attempts at prior communication or warnings contributed to an escalation in violence.

According to testimonies collected by Amnesty International, the participants wanted to "party", not confront the police. When the gendarmes fell back on the Saturday morning, the participants did not seek to provoke clashes but set up their equipment for the festival. The violent intervention by the police seems to have provoked a rise in tension, which resulted in some of the participants throwing projectiles.

Those responsible for law enforcement should be aware of the fact that they have a direct influence on the unfolding of events of this type. This influence can either lead to de-escalation and an improvement in the situation or contribute to a rise in violence and a deterioration of the situation. Using force in an indiscriminate way, including against people who are not being violent, can lead to anger and an increased risk of violent acts⁴⁴.

The violence committed by some participants was not acceptable nor lawful. But the choice of intervention made by the police did not contribute to pacifying the situation. The fact that they persisted in using weapons with indiscriminate effects, in an intense manner and over many hours, did not contribute to calming the situation. It also probably made it more difficult to apprehend the violent individuals (tear gas reduced visibility, even for the police).

It is the responsibility of law enforcement officers and their superiors to analyse if the use of force risks escalating violence that could result in more casualties than no intervention or a different kind of intervention.

désencerclement dans le cadre du maintien de l'ordre des manifestations (The authorities must suspend the use of LBD40 and ban GLI-f4 and sting-ball grenades in the context of maintaining order at demonstrations), May 2019 : https://amnestyfr.cdn.prismic.io/amnestyfr%2Fbc1434a2-ca33-436c-bf31-9ceeb919ba63_positionnement_lbd40_grenades_france+%281%29.pdf

⁴⁴

Amnesty International Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p. 164 and following: <https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

Secondly, while in the order banning the gathering, the Prefecture had cited its objective of preventing the spread of the Covid-19 virus and protecting public health, this policing operation is likely to have increased rather than limited this risk. The disorder and movements of the crowd due to the grenades increased the risk of violations of the health regulations and social distancing guidelines. Prolonged exposure of people to tear gas over several hours was also likely to increase the risk of transmitting the virus, by causing choking, coughing and respiratory difficulties likely to increase situations of contamination by projections⁴⁵. Finally, those injured by the weapons used by the police had to be treated by medical services who were also dealing with the pandemic.

Lastly, as is often the case with this type of event, it was likely that some of the participants had consumed alcohol and/or drugs. Encouraging participants to drive in such a dispersal operation under these conditions is in itself a road safety risk. Several individuals confirmed to Amnesty International that they had to wait several hours before feeling able to drive on the Saturday.

3. On rescue and responsibilities

On access to care and rescue for injured people: “What would have happened to him if he lost consciousness in the field if we hadn’t found him?”⁴⁶

According to Principle 5 in the United Nations Basic Principles on the Use of Force: “Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (...) c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.”

Around 2:42 am, in the field, a young man had his hand mutilated in an explosion, according to several witnesses: “*We heard an explosion nearby, I turned around, I saw him fall backwards*” (Charles, 30 years old, journalist).

Despite the extreme seriousness of the injury, he was evacuated by participants in very complex and risky conditions: with crowds, panic, clouds of tear gas, an absence of first aid and the car being blocked, among other vehicles on the road.

However, when the injury happened, the journalist Clément Lanot, who was nearby, went to tell the gendarmes. After being shot with an LBD (see above), he said he managed to talk to other gendarmes who refused to come and get the wounded man and asked him to evacuate him himself. Given the danger (the risk of being shot again with an LBD), it did not seem sensible to him to bring the wounded man to the police. According to an investigation by the newspaper Médiapart, based on the gendarme reports on the Redon operations, “intelligence agents, infiltrated among the participants, informed their hierarchy in real-time of the condition of the young man whose hand was mutilated, without any decision being taken to help him”⁴⁷. According

⁴⁵ See: Amnesty International, Covid-19 Crackdowns: Police Abuse and the Global Pandemic, 2020, <https://policehumanrightsresources.org/covid-19-crackdowns-police-abuse-and-the-global-pandemic>; Amnesty International Netherlands, Chemical irritants in law enforcement, An Amnesty International position paper, June 2021: <https://www.amnesty.nl/content/uploads/2021/07/Amnesty-position-paper-chemical-irritants.pdf>; Omega Research Foundation, Position paper: Lowering the risk - Curtailing the use of chemical irritants during the COVID-19 pandemic, 2020, https://policehumanrightsresources.org/content/uploads/2020/11/Position-Paper-Lowering-the-Risk_Nov-2020.pdf?x96812

⁴⁶ Katia (this name has been changed), 31 years old, speaking about the young man who lost his hand.

⁴⁷ Pascale Pascariello, Redon: des notes de gendarmerie accablent le préfet et le ministère (Redon: gendarmerie notes point to the prefect and the ministry), Médiapart, 8 July 2021; <https://www.mediapart.fr/journal/france/080721/redon-des-notes-de-gendarmerie-accablent-le-prefet-et-le-ministere?onglet=full>

to Médiapart, the gendarmes would have prevented the rescue services from accessing the site to rescue him⁴⁸. For their part, the coordinators of the Techno+ team were blocked at a gendarmerie roadblock at the entrance to the site. At 3.07am, after an exchange with the gendarmes about the hand injury, the organization was allowed to enter to look for the injured person, whom they did not find.

This evidence shows that, despite having been immediately informed of the seriousness of the wounded participant's injury, the authorities do not appear to have taken any steps to modify the policing operation (since the use of grenades continued in the same way for the rest of the night) and to ensure the urgent evacuation of the injured person. On the contrary, they reportedly obstructed the evacuation.

The leaders of the organization Techno+ denounced the lack of a general plan to help the injured. *"At 2:30am, we called the helpline number of the ARS (Regional Health Agency), who didn't know anything about what was happening"* (Ombline, 29 years old, nurse and chair of Techno+). The leaders of the organization tried unsuccessfully to call ARS several times during the night. In the morning, they learned that there was still no plan in place to evacuate those who had been injured, despite the seriousness of several cases. At midday, the sub-prefect reportedly told them that they [the authorities] still had to get organised. Both ARS and SDIS (Departmental Fire and Emergency Service) reportedly raised fears for the safety of the first-aid workers with Techno+. The organization said it responded by reassuring them that the participants would not attack them and that the Techno+ team would be there on-site if they needed mediation. SDIS vehicles did not arrive on-site until 6:30pm on the Saturday to evacuate the injured who had not yet been evacuated by other means.

The prefecture denied this lack of help in a statement, indicating that both ARS and SDIS were "fully mobilised", which contradicts testimonies. The statement did not specify whether the mobilised rescue workers were authorised to enter the site to get people who had been injured.

These difficulties in accessing help could have contributed to worse injuries or even caused deaths.

Techno+ reported that they took charge of a person who had been hit by shrapnel from grenades in the ankle and couldn't walk. The police did not evacuate this person, who was taken to the hospital by friends.

"They had to walk her through the undergrowth, she ended up with a leg infection" (Sébastien, Techno+ team coordinator, present on-site).

On the responsibility of law enforcement and public authorities

Under the United Nations Basic Principles on the Use of Force, all agents of the state, including law enforcement officials, must be held accountable when they have violated human rights in the course of their duties.

In fact, when it comes to the excessive, arbitrary, abusive or otherwise unlawful use of force, the main factor leading to such behaviour is the prevalence of impunity. People are more likely to break laws and regulations when they do not have to fear the consequences.

⁴⁸ Pascale Pascariello, Redon: la préfecture a empêché les pompiers de secourir les blessés (Redon: the prefecture prevented the fire brigade from rescuing the injured), Médiapart, 30 June 2021: <https://www.mediapart.fr/journal/france/300621/redon-la-prefecture-empêche-les-pompiers-de-secourir-les-blessés>

Thus, effective implementation of accountability mechanisms is essential to guarantee that law enforcement is carried out in a lawful manner that respects human rights. Police officials or gendarmes are not the only ones who are accountable for their actions or omissions. All the superiors who give them orders, supervise, command or control them, all those responsible for planning and preparing law enforcement operations must also be held accountable⁴⁹.

The need to establish systems for independent, impartial and effective enquiry also comes under the right for victims to have an effective remedy, guaranteed under article 13 of the European Convention on Human Rights (ECHR).

Beyond criminal investigations, any effective system of accountability must include disciplinary investigations, civil or administrative proceedings and a review of how institutions function. The authorities must learn lessons from events: institutional failings that are not detected will inevitably contribute to the recurrence of human rights violations, resulting in damage, injury and even death, whether or not these failings can be attributed to an individual. This must be remedied by identifying institutional faults and shortcomings as soon as possible⁵⁰.

Following the events in Redon, the only information received directly from the Prefecture by Amnesty International mentioned that several judicial enquiries had been opened, under the authority of the public prosecutor's office in Rennes⁵¹.

Investigating cases of unlawful violence is an important step for the rights of victims and to prevent the recurrence of such incidents.

However, in the case of the person who lost his hand, which is the subject of one of the enquiries (for "unintentional injuries with an incapacity for work of more than three months") and who has also lodged a complaint, it is a "preliminary enquiry" that has been launched, which does not allow the victim's lawyer to have automatic access to the file, unless the public prosecutor decides to pass on the information to him (article. 77-2 of the French Penal Code)⁵². This enquiry may last several months or even several years. After one year, the accused persons can access the file, which also opens it up for the victim who made the complaint (article 77-2 of the French Criminal Procedure Code). This lack of access to the file by the victim's lawyer raises many concerns. According to Amnesty International's guidelines on the implementation of the United Nations Basic Principles on the Use of Force, national legislation must ensure that law enforcement officials are fully and transparently accountable for their use of force. The accountability system must take full account of the victims' right to be informed about the progress and outcome of the enquiry.

⁴⁹ Amnesty International Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p.20:

<https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

⁵⁰ Amnesty International Netherlands, Use of force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials), August 2015, p. 68:

<https://policehumanrightsresources.org/use-of-force-guidelines-for-implementation-of-the-un-basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials>

⁵¹ Letter from the Sub-Prefect and Director of Cabinet, 13 July 2021

⁵² The launch of a judicial investigation, under the authority of an investigating judge, allows this access to the file. The opening of this information is compulsory in the case of a crime and is done on the decision of the Public Prosecutor's Office for offences when they are considered to be complex and require extensive investigations (art. 79 and 80-2 of the French Code of Penal Procedure).

For several years now, Amnesty International has been denouncing the difficulty for victims of police violence in France to access justice⁵³ and the lack of structural reform to remedy this. Despite repeated warnings by Amnesty International about the lack of impartiality and transparency in cases involving the police⁵⁴ and despite the condemnation of France by the European Court of Human Rights⁵⁵, France has never implemented an independent and impartial enquiry mechanism for cases of unlawful use of force by the police or gendarmes.

Apart from the young man who was mutilated, most of the injured participants with whom Amnesty International spoke, said that they didn't intend to file a complaint, either because of a lack of trust in the authorities or for fear that their complaint would not be successful. These reactions, even though they are understandable given the difficulties victims of police violence in France have to access justice, are problematic because the lack of prosecution and punishment for illegal behaviour may contribute to its repetition. A further investigation should therefore be opened to shed light on the use of force during this operation and the damage suffered by all the participants who were injured during the event.

The first reactions of the authorities that Amnesty International has been informed of indicate that they do not recognise any wrongdoing on the part of law enforcement officers. A representative of the gendarmerie stated that the "intervention of the squads [was] always proportionate" and that "communication of rave party personnel was [not at all about] communication, but rather about confrontation with police"⁵⁶, which contradicts the testimonies of participants, journalists and organizations collected by Amnesty International, as well as the videos analysed. The Ille-et-Vilaine Prefect also declared to the media that the gendarmes felt that they were being confronted with "people who had one objective: to fight with the police"⁵⁷. However, both the testimonies and the images indicate that the participants had come to celebrate and commemorate the memory of Steve Caniço and that the clashes, for which they were not prepared, only took place after the gendarmes had used force. There had been no violence by participants before the violent intervention of the police.

Alongside the judicial investigations, the administration and law enforcement officials should undertake a critical and external review of the policing operations carried out in Redon. This is all the more necessary as the interventions of the gendarmes at the Teknival on 18 and 19 June 2021 are characteristic of the abuses of policing in France and the human rights violations to which these abuses lead.

In fact, this Redon Teknival was organised in memory of Steve Maia Caniço, who died when he fell in the Loire River during a disproportionate police charge against "revellers" at night and on the

⁵³ See: Amnesty international, France: Public outrage: Police officers above the law in France, April 2009, <https://www.amnesty.org/en/documents/EUR21/003/2009/en/> and: Amnesty international, France: 'Our lives are left hanging': Families of victims of deaths in police custody wait for justice to be done), November 2011: <https://www.amnesty.org/en/documents/EUR21/003/2011/en/>. The report of the IGPN (General Inspectorate of the National Police) for the year 2020 also looked at the investigations following complaints of violence against police officers in the context of demonstrations between November 2018 and October 2020: 70% of the referrals resulted in no action being taken.

⁵⁴ Violences policières et impunité en France: nous alertons les autorités depuis plus de 10 ans (Police violence and impunity in France: we have been alerting the authorities for over 10 years): <https://www.amnesty.fr/actualites/violences-policières-et-impunité-en-france>

⁵⁵ See for example: ECHR, Case Semache vs France (request no 36083/16), June 2018: France is condemned for negligence of the authorities in the case of the death of Ali Ziri, 69, in a police station in Argenteuil and: ECHR, Case CHEBAB vs. France, (Request no [542/13](#)), 23 May 2019: France is condemned for incomplete and deficient investigation into the death of Mr. Chebab, who was killed by a police officer's gunshot during his arrest.

⁵⁶ LCI, Rave-party illégale à Redon: le site évacué par les autorités, 11 gendarmes et 2 participants blessés, (Illegal rave party in Redon: site evacuated by authorities, 11 gendarmes and 2 participants injured), 19 June 2021: <https://www.lci.fr/justice-faits-divers/rave-party-illegale-a-redon-les-forces-de-l-ordre-evacuent-le-site-7-nouveaux-blesses-2189226.html>

⁵⁷ <https://twitter.com/bretagnegouv/status/1406175633357643783?s=20>

riverbank. Thirty-three tear gas grenades, ten sting-ball grenades and twelve shots from a LBD40 launcher were used. An investigation by the IGA (General Inspectorate of Administration) into this case concluded, among other things, that the management of the security and rescue arrangements led to “questions being raised about the relevance of certain choices made on Quai Wilson and a lack of discernment in the conduct of the police intervention”⁵⁸.

In addition, in two years (November 2018–December 2020), journalist David Dufresne has recorded six hands mutilated during law enforcement operations⁵⁹ due to the use of mutilating weapons.

For its part, Amnesty International has documented the serious injuries caused by sting-ball grenades, in particular through the case of a trade unionist who lost his eyes during the demonstrations against the Labour Law in 2016⁶⁰.

Amnesty International also regularly warns of the dangers associated with the illegal use of tear gas in France, both during student demonstrations and climate marches⁶¹.

The repetition of this type of situation calls for urgent responses from the French authorities. The failure of the authorities to respond adequately to law enforcement interventions in which people are maimed or even die leads to the repetition of such incidents and to further human rights violations by law enforcement officials in France. When these repressive practices are used to disperse demonstrations, they also have a deterrent effect and can lead to people giving up their right to participate in peaceful assemblies freely.

⁵⁸ IGA, Rapport relatif à l'organisation et aux événements survenus lors de la Fête de la musique à Nantes les 21 et 22 juin 2019 (Report on the organization and events of the Fête de la musique in Nantes on 21 and 22 June 2019), September 2019

⁵⁹ David Dufresne, « Allo, place beauvau ? », Mediapart : <https://www.mediapart.fr/studio/panoramique/allo-place-beauvau-cest-pour-un-bilan>

⁶⁰ "On 15 September 2016, Laurent, a hospital secretary affiliated to the Solidaires-Sud trade union, lost the use of his right eye following the explosion of a hand grenade fired by a police officer of the Corps Républicains de Sécurité (CRS) at Place de la République in Paris." <https://www.amnesty.org/en/documents/eur21/6104/2017/en/>

⁶¹ Gaz lacrymogènes: analyse d'un usage abusif à travers le monde (Tear gas: an analysis of its misuse around the world), June 2021: <https://www.amnesty.fr/liberte-d-expression/actualites/gaz-lacrymogenes-analyse-dun-usage-abusif-a-travers-le-monde>

RECOMMENDATIONS

Concerning the events that took place during the law enforcement operation in Redon on 18 and 19 June 2021, Amnesty International calls for the French authorities to ensure that a judicial enquiry be opened as soon as possible to shed light on the police intervention, the use of force and the injuries inflicted on the event participants, in particular the case of the individual who lost his hand.

Concerning the more general issue of the use of force during police operations, Amnesty International calls on the French government, and in particular, the French Ministry of Interior to:

- Immediately ban the use of sting-ball grenades and stun tear gas grenades for public order operations, as the impact of these weapons are disproportionate and contrary to the principles laid out in international law on the use of force by law enforcement officials.
- Initiate structural reforms of policing to develop dialogue and de-escalation strategies. These reforms must be subject to a transparent process, and all stakeholders should be consulted. In addition to law enforcement agencies, human rights defence organizations, the French Defender of rights, elected representatives, protesters and users of policing services should be involved in the reform work. These law enforcement strategies must be subject to regular assessments on their implementation, involving again all stakeholders. These assessments must include in particular an evaluation of the respect for human rights, and strategies must be modified if human rights violations are found to be recurring.
- Issue clear instructions to local authorities and law enforcement agencies on the conditions under which force may be used and the risks involved in the event of unlawful use of force. It should be remembered that the use of force must always be a last resort and that it is only to be used when strictly necessary and proportionate. Tear gas, in particular, must only be used in situations where the violence is generalised, to disperse a crowd, on the condition that the crowd has the opportunity to do so and only if all other methods have failed to contain the violence.
- Ensure that local authorities and law enforcement agencies are trained in mediation, negotiation and communication techniques and procedures to be able to resolve crisis situations without resorting to force. The necessary resources must be allocated to guarantee that these techniques are used.
- Create an independent body with responsibility for investigating complaints against law enforcement officers. It can either be a new body or a specialised department within the Défenseur des Droits' (Defender of Rights) office. It must be empowered and have the resources to investigate all allegations of serious human rights violations against law enforcement officials. This mechanism and the modalities of its referral should be communicated in such a way as to allow potential victims to be aware of it and to refer their cases to it.

APPENDIX: BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS

Basic Principles on the use of force and firearms by law enforcement officials adopted by the 8th Congress on Crime Prevention and Criminal Justice on 7th September 1990

1. Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, Governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.

4. Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

5. Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

b) Minimize damage and injury, and respect and preserve human life;

c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;

d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

7. Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

8. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles.

Policing unlawful assemblies

13. In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Reporting and review procedures

22. Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to in principles 6 and 11 (f). For incidents reported pursuant to these principles, Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious

injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

23. Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependants accordingly.

24. Governments and law enforcement agencies shall ensure that superior officers are held responsible if they know, or should have known, that law enforcement officials under their command are resorting, or have resorted, to the unlawful use of force and firearms, and they did not take all measures in their power to prevent, suppress or report such use.

25. Governments and law enforcement agencies shall ensure that no criminal or disciplinary sanction is imposed on law enforcement officials who, in compliance with the Code of Conduct for Law Enforcement Officials and these basic principles, refuse to carry out an order to use force and firearms, or who report such use by other officials.

26. Obedience to superior orders shall be no defence if law enforcement officials knew that an order to use force and firearms resulting in the death or serious injury of a person was manifestly unlawful and had a reasonable opportunity to refuse to follow it. In any case, responsibility also rests on the superiors who gave the unlawful orders.