

20 December 2018

France: Seven migrant rights defenders sentenced

On 13 December 2018 the Criminal Court of Gap in south-east France convicted seven migrant rights defenders of assisting illicit entry into the country. The seven defenders had participated in a demonstration by crossing the Montgenèvre pass at the Italian border with around 20 illegal migrants on 22 April 2018.

The seven human rights defenders, known as “the Briançon 7”, gathered in Briançon, a commune in the Alps in south-eastern France, in order to support and show solidarity with migrants who have been struggling to survive while crossing the French border through the mountains. Amongst the Briançon 7 are four French nationals, Jean-Luc Jalmain, Benoit Ducos, Lisa Malapert and Briançon resident Mathieu Burellier, and three foreign nationals, namely Italian national Eleonora Laterza, Swiss national Bastian Stauffer and Swiss-Belgian Theo Buckmaster. The mountain pass through the Briançon valley becomes treacherous in the winter months and those who attempt to cross it generally do so without adequate clothing, equipment or supplies. According to the UNHCR, during the first eight months of 2018, at least five people died while attempting to cross the Italy-France border using this route.

On 13 December 2018, the Criminal Court of Gap handed down a suspended sentence of six months to five human rights defenders for the facilitation of the illegal entry of individuals with “irregular status” into French territory. Mathieu Burellier and Jean-Luc Jalmain were sentenced to twelve months’ imprisonment, eight of which were suspended, due to previous convictions. The Court also ruled that despite a Constitutional Court ruling stating that the act of helping others, even if illegally present on the national territory, is protected under the constitution, it is illegitimate to facilitate illicit entry into the country. The human rights defenders have appealed the decision.

On 6 July 2018, France’s Constitutional Court ruled that the “crime of solidarity” with migrants was not in keeping with the French Constitution and declared that the principle of “fraternity” includes the freedom to assist others at immediate risk notwithstanding their legal status.

On 22 April 2018, a group of about a hundred human rights defenders, including the Briançon 7, joined in a peaceful 15-kilometre march from Clavière in Italy to Briançon in France, crossing the Montgenèvre pass at the Italian border. *En route*, they escorted 20 migrants who had been attempting to make the crossing over the Alpine pass. The march was organised as a peaceful response to the actions of anti-migrant groups and the militarisation of the Franco-Italian border, which has pushed migrants to attempt to enter France through mountain passes without suitable equipment or the requisite knowledge, thus putting them at risk.

Front Line Defenders condemn the sentencing of the Briançon 7 as it criminalises their peaceful and legitimate work for the protection of migrants rights and endangers the work of migrants rights defenders in France.

Front Line Defenders urges the authorities in France to:

1. Drop all charges against the seven migrants rights defenders and quash their conviction as Front Line Defenders believes that they have been targeted solely as a result of their legitimate human rights work;

2. Guarantee in all circumstances that all migrants rights defenders in France are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

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