

PRESS STATEMENT 25.10.2022.

Death of Blessing Matthew: Facing impunity in France, we file an application before the European Court of Human Rights

We refuse to accept that the violence of impunity be added to the violence that cost Blessing Matthew her life!



Video still from The in situ testimony of Hervé S., Border Forensics, 2022

On 9 May 2018, the body of a young woman was discovered in the Durance river at the Prelles dam, about ten kilometres downstream from Briançon (Hautes-Alpes, France). The young woman was identified a few days later as Blessing Matthew, 21 years old and originally from Nigeria. She was last seen on 7 May, between 4 and 5 a.m., when mobile gendarmes were trying to arrest her and her two travelling companions, Hervé S. and Roland E., in the village of La Vachette, near the French-Italian border. Beyond the grief of her family and her two companions, Blessing's death caused great

emotion in the Briançon area. It materialised the fears, repeatedly expressed by civil society, concerning the militarisation of the Alpine border and its dangerous consequences for illegalized migrants. This was the first documented case of person dying in the Briançon area since the French government's decision to reintroduce fixed border controls in 2015. Since then, several other cases have been documented. In total, from 2015 to May 2022, 46 people have died trying to cross the French-Italian border.

In the aftermath of her death, Blessing's family - supported by the Briançon based association Tous Migrants - has consistently called for truth and justice for her death. However, in response to the complaint filed on 25 September 2018 by one of Blessing's sisters, Christiana Obie, the Gap prosecutor decided on 15 November 2019 to dismiss the case *ab initio*, a decision subsequently confirmed.

This judicial process did not shed light on the facts leading to Blessing's death and the responsibilities involved. On the contrary, Tous Migrants' analysis of the prosecutor's investigation, and in particular of the mobile gendarmes' statements, revealed numerous inconsistencies, contradictions and grey areas.

At the request of the Tous Migrants association and in collaboration with it, and thanks to the fundamental contribution of one of Blessing Matthew's fellow travellers, Hervé S., the Border Forensics agency has mobilised advanced spatio-temporal analysis methods to conduct its own counter-investigation. On the basis of the *in situ* testimony of Hervé S., Border Forensics' analysis confirmed and clarified the reconstruction of events. According to this testimony, by pursuing Blessing, the gendarmes put her in danger, leading to her fall into the Durance river and her death. In addition, Border Forensics carried out a spatio-temporal analysis of the gendarmes' statements which brought to light the many omissions, contradictions and grey areas in the judicial police investigation regarding the alleged conditions that led to Blessing's death.

The analysis produced by Border Forensics, published on 30 May 2022, called into question the conclusions of the judicial police investigation exonerating the gendarmes. In view of these new elements, which shed new and decisive light on the facts, a request was made on 27 May 2022 by Vincent Brengarth to the Grenoble Public Prosecutor's Office for the investigation to be reopened on the basis of new charges. However, against all expectations, on 23 June 2022, the public prosecutor indicated that he did not intend to refer the case to the investigating chamber. The public prosecutor's decision, which was expressed in a few lines and taken very quickly, swept aside all the new evidence provided by Border Forensics and signified his refusal to

hear the testimony of Hervé S. which, for the first time, revealed the existence of an ambush. This decision completely ignored the new elements that should have justified further investigations.

Reacting to the circumstances of her sister's death, Happy Matthew told us, "They just let a person die because she is not white like them, she is not French like them." The denial of truth and justice confirmed by the Attorney General perpetuates the discriminatory and inhumane treatment of Blessing Matthew after her death.

We refuse to allow the violence that cost Blessing Matthew her life to be compounded by impunity. As Christiana Obie says: "My sister will continue to scream and shout" until justice is done. Beyond Blessing's case, the impunity for the deaths of migrants at the Italian-French borders allows the perpetuation of policies and practices of systematic controls and deportations that put exiles in danger.

Thus, considering the imperative of truth and justice for Blessing and the exhaustion of remedies in France, Vincent Brengarth has filed an application before the European Court of Human Rights (ECHR) on 20 October 2022. This application against France highlights the lack of an effective investigation and its lack of independence. It is based on the obligations of Member States under Article 2 of the European Convention on Human Rights, which protects the right to life. The refusal to take Hervé S.'s testimony into account reveals a posteriori the lack of independence in the investigation that was carried out, but also its partiality. Furthermore, the application also denounces the absence of any recourse to denounce the position of the Public Prosecutor's Office refusing to reopen the judicial investigation despite the elements produced and by means of an expeditious motivation. Mr Vincent Brengarth declared about the procedure: "It is essential that the ECHR condemn France for the unacceptable way in which it investigated the death of Blessing, which did not benefit from an independent and impartial investigation".

On the occasion of the submission of the application to the ECHR, Border Forensics publishes the full video reconstruction of the spatio-temporal analysis of the contradictions in the gendarmes' statements, and publishes the English translation of its counter-investigation and the associated videos.

Nothing will stop our demand for "truth and justice for Blessing"!

About Tous Migrants

Our citizen's movement was born in September 2015 and the association was created at the end of 2016. Since the beginning, we have been raising awareness and advocating for a dignified and supportive reception of migrants. The movement has contributed to the setting up of solidarity "maraudes" (the volunteer practice of monitoring the mountains for rescuing people in distress) citizen reception, then emergency reception, then the creation of the Refuges Solidaires, then legal and judicial action for the respect of the rights of exiles and solidarity. We work in partnership and in complementarity with other actors, and at all levels of action, in the Briançonnais and the Haut Val de Suse, in the whole of the Hautes-Alpes, in the Franco-Italian part of the Alps, on a regional and national level, on a European and international level.

Website: <https://tousmigrants.weebly.com/>

Social networks: <https://www.facebook.com/tousmigrants> and
<https://twitter.com/tousmigrants>

About Border Forensics

Border Forensics is a Geneva-based organisation that uses innovative spatial and visual analysis methods to investigate border violence wherever it occurs. Working in collaboration with migrants and non-governmental groups, we aim to promote and defend the dignity and rights of migrants and to foster mobility justice.

Website: <https://borderforensics.org>

Social networks: <https://twitter.com/BorderForensic>

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