



DEFENDER OF RIGHTS

MAKE THE POLICE ACCOUNTABLE IN FRANCE

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INDEPENDENT ENTITIES
ARE ESSENTIAL FOR
INVESTIGATING AND
PROSECUTING CRIMES
COMMITTED BY THOSE
RESPONSIBLE FOR LAW
ENFORCEMENT

UN Special Rapporteur on torture, 2001

Q: WHAT WILL THE DEFENDER OF RIGHTS DO?

A: It is expected that the mandate of the Defender of Rights will, among other things, incorporate that of the National Commission on Ethics in Security (CNDS), which is currently the only independent body investigating complaints against law enforcement officials. The legislation being considered presents a unique opportunity for an effective independent police accountability mechanism to be created in France.

Q: WHY IS AN INDEPENDENT POLICE COMPLAINTS MECHANISM NECESSARY?

A: International law requires France to ensure a thorough, impartial and independent investigation of any incident where there is an allegation or suspicion that someone has been tortured, otherwise ill-treated, or unlawfully killed by law enforcement officials.

Independent and impartial investigation of complaints against law enforcement officials is also important for promoting trust between the public and law enforcement agencies.

A number of international expert human rights bodies have recommended that states create specialized mechanisms for investigating allegations against law enforcement officials, which should be independent of the law enforcement agencies and prosecuting authorities. Internal investigations by disciplinary units, and criminal investigations which rely on information from law enforcement agencies, are not enough.

Q: WHAT'S WRONG WITH THE CURRENT SYSTEM?

A: The system for investigating complaints against law enforcement officials in France does not comply with international law. In 2008, the UN Human Rights Committee said that France was failing to investigate and appropriately punish ill-treatment by law enforcement officials. In 2005, the Council of Europe Commissioner for Human Rights said that “the prevailing mood among police officers is one of impunity”. The European Court of Human Rights said that investigations by the French authorities into torture and unlawful killings by law enforcement officials were inadequate and constituted violations of the European Convention on Human Rights in judgments in 1999, 2006 and 2007.

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**IT IS NECESSARY THAT
THOSE CONDUCTING THE
INQUIRY HAVE NO
RELATIONSHIP TO THE LAW
ENFORCEMENT STAFF
IMPLICATED IN THE CASE.**

Thomas Hammarberg, Council of Europe
Commissioner for Human Rights, 2007

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RECOMMENDATIONS

France must fulfil its obligations under international law to conduct effective, impartial and independent investigations into allegations of human rights violations by law enforcement officials. For France to take a step closer to fulfilling its obligations, Amnesty International recommends that the powers of the Defender of Rights (or any other body replacing the work of the CNDS) include:

- The mandate to investigate all allegations of serious human rights violations by law enforcement officials, including deaths in custody, killings (including fatal shootings), torture and other cruel, inhuman or degrading treatment and racism;
- The capacity to receive, register and investigate complaints filed directly by any individual;
- All necessary powers, authority and resources and staff to conduct independent investigations into alleged human rights violations by law enforcement officials;
- A staff of impartial expert professionals, who are not members of the law enforcement agencies or the public prosecution service;
- The power to refer a case directly to the prosecuting authorities for criminal prosecution where appropriate and the power to appeal against any decision made by the prosecution authorities to a court (including decisions to suspend or close investigations, and decisions on sentencing);
- The power to order disciplinary proceedings to be instigated and the power to require the disciplinary body to report back on the result of disciplinary proceedings;
- The power to make binding decisions that apologies be given or criticisms made, and the power to recommend adequate compensation be paid to victims.

PLEASE TAKE ACTION NOW:

- As a member of parliament, put forward Amnesty International's recommendations in the parliamentary deliberations around the mandate and powers of the Defender of Rights.
- Urge other parliamentarians to add their voice to this subject, which concerns France's respect for its obligations under international human rights law.

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INTERNATIONAL**



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

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