

July 2000

**SWITZERLAND**  
**ALLEGED ILL-TREATMENT OF**  
**A 17-YEAR-OLD ANGOLAN**  
**BY GENEVA POLICE**

The case of "Didier"<sup>1</sup>

Amnesty International is concerned about the alleged ill-treatment by Geneva police officers of "Didier", a 17-year-old Angolan, in November 1999. A secondary school pupil, Didier lives in Geneva with his older sister, his legal guardian. He claims that three police officers subjected him to physical and racist abuse after detaining him on suspicion of having participated in a street fight. Amnesty International is further concerned that the police interrogated Didier, a minor, without the presence of his legal guardian or any other adult representing his interests, and then kept him in detention at a police station. The organization is also concerned that a criminal complaint which Didier has lodged against the police risks being filed without a full judicial investigation being carried out into his allegations and without Didier being questioned about them.

In a complaint lodged with the Geneva Attorney General (*Procureur général*) on 21 January 2000, Didier accused three Geneva police officers of abusing their authority, causing bodily harm and subjecting him to racist insults (*abus d'autorité, lésions corporelles et injures racistes*). The Attorney General then opened a preliminary investigation, entrusted to the police, under his direction. However, on 11 April 2000, the Attorney General ruled that there were no grounds to justify further investigation and ordered the closure of the dossier. Thus, Didier's complaint was not allocated to a judge of instruction for a full investigation. Amnesty International also understands that, although the accused officers were questioned in the course of the preliminary investigation, Didier himself was never questioned about his allegations. An appeal against the Attorney General's decision was examined by a Geneva court (*chambre d'accusation*) on 14 June 2000. At the time of writing the court's ruling is still pending.

In interviews with local media, Didier said that at approximately 7pm on 3 November 1999 he and two friends witnessed a fight between a man and a woman in a street in the Geneva district of Carouge. When one of Didier's companions approached the couple with the intention of telling the man not to hit the woman, the man turned his anger on the friend who momentarily fled the scene. Didier said that the man then knocked the heads of the two remaining boys together and a violent struggle ensued between the man and all three youths. According to

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<sup>1</sup>The true name is withheld upon request.

Didier's version of events, a short while later, having left the scene of the fight, the youths were stopped by a police unit. They were pinned against a wall and handcuffed with their hands behind their backs.

Didier claimed that he was thrown to the ground and hit with truncheons by more than one officer. Separated from his two friends, he was then placed in a police vehicle and taken to Carouge police station. He maintained that during the transfer he was again hit with truncheons and that on several occasions he was called a "dirty nigger"<sup>2</sup>. He said he pleaded with the officers to stop hitting him and that traces of his blood were left on the inside of the police car window.

On arrival at the police station Didier was taken to a cell where he alleged that -- while still handcuffed -- he was kicked and subjected to further beatings with truncheons. He claimed to have lost consciousness and when he revived found that he had been stripped to his underwear. He said that he was subsequently questioned by a female officer -- who was not part of the arresting team -- and examined by a doctor who prescribed painkillers. However, Amnesty International is concerned to note Didier's claim that the medical examination did not take place in private but in the presence of a police officer. On 6 November 1999, within days of his release, he also sought medical treatment at a local hospital where he complained that he was suffering from headaches and had been assaulted by the police.

While Didier was detained at the police station his sister arrived to deposit his identity card, in response to a police request. However, it appears that, against the provisions of the law, she was not informed that she had the right to be present when Didier was questioned and nor was Didier informed that he had the right to request her presence. Therefore, he was questioned without the presence of any adult to represent his interests. His sister was allowed to speak to him briefly later that night. He spent the night in a police cell; his two companions, who had also been escorted to the station, were released. Didier was released the following morning after appearing before a judge attached to the Juveniles Court where he apparently learnt for the first time that he was accused of resisting the police ("*opposition aux actes d'autorité*"); one of the officers also accused him of causing him an injury (see below). On 26 January 2000 the judge acquitted him of these charges, apparently on the grounds that the versions put forward by the various parties concerned were too conflicting to allow the truth to be established.

According to statements which the arresting officers reportedly made to the Juveniles Court and in subsequent statements attributed to an official police spokesperson, the police officers had gone to the scene of the street incidents of 3 November following a report by an off-duty colleague who said he had observed three youths hitting a man before fleeing the scene. The police also reported that various statements indicated that the man had first attacked two of the youths who had then run off, returning with a third and it was then that they attacked the man. According to the police, Didier and his friends were escaping when intercepted by the police officers but Didier was the only one to have put up a struggle. He was further said to have stuck an unidentified sharp object into the thumb of one of the officers, an allegation which Didier categorically refutes, stating that he was not in possession of such an object on the evening in question. The police officers reportedly stated that Didier continued to resist once inside the police vehicle. They further indicated that they had been obliged to use a certain degree of force because he had resisted arrest.

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<sup>2</sup>« sale nègre » - *Le Courrier*, 24 February 2000.

In March 2000, following his acquittal, police officers carried out a search of Didier's room in the family home, while Didier was at school. Later that month Didier received a summons to report to the police and complied, assuming the summons to be in connection with the investigation into his complaint against the police and believing that he would be questioned about his allegations. However, Amnesty International understands that, on arrival at the police station, he was immediately detained and accused of intimidating younger children in order to obtain goods. The police questioned him about this alleged offence before transferring him to a prison establishment for juveniles where he was held overnight. The next day he was brought before a judge in the Juveniles Court who, however, instantly dismissed the case against him. Fears have been expressed that the actions of the police might have been designed to intimidate Didier in view of his complaint against the police.

Amnesty International is urging that the relevant Geneva authorities ensure that a thorough and impartial investigation, to include questioning of Didier himself, be carried out into his allegations of ill-treatment and that special attention is paid to the provisions of Articles 2 and 37 of the United Nations Convention on the Rights of the Child (see below), to which Switzerland is a party and with which it is, therefore, bound to comply.

## **UN Convention on the Rights of the Child**

### **Article 2**

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

### **Article 37**

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

**Anyone wishing further details relating to Amnesty International's concerns in Switzerland should consult the following publications:**

- *Amnesty International Report 2000;*
- *Amnesty International Concerns in Europe: January - June 2000 (AI Index: EUR 01/03/00);*
- *Amnesty International Concerns in Europe: July -December 1999 (AI Index: EUR 01/01/00);*
- *Switzerland - Comments relating to the submission of the Third Periodic Report to the UN Committee against Torture (AI Index: EUR 43/02/97).*