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France: No impunity for deaths in custody Suspended prison sentences for the policemen convicted of Hakim Ajimi's death

On 24 February, almost four years after Hakim Ajimi's death in police custody, the Criminal Court (Tribunal Correctionnel) of Grasse convicted two police officers involved in his arrest of involuntary homicide, one of these officers was also convicted of failure to assist a person in danger, and a third officer of failing to assist a person in danger. The three men received suspended sentences of between six months and two years. All three have appealed against their sentences.

Amnesty International believes that these suspended sentences raise concerns as to their proportionality to the seriousness of the offence. International law proscribes sentencing that contributes to impunity by severely underplaying the seriousness of the crimes committed. Sentences such as these send the message that justice will not be done where law officials are the convicted perpetrators and as such they undermine the very principle of the rule of law.

Hakim Ajimi was stopped in May 2008 by two police officers following an argument between Hakim Ajimi and the staff at the bank he used in Grasse. He died during the arrest, and seven police officers were charged with various levels of involvement in his death. Three were convicted and the other four, who had been involved in Hakim Ajimi's transportation from the place of his arrest to the police station of Grasse, were acquitted of the charge of failure to assist a person in danger.

The Criminal Court of Grasse found that, as established by expert medical reports, Hakim Ajimi's death was caused by his restraint at the chest and neck by the two police officers of the Anti-Criminality Brigade (brigade anti-criminalité, BAC). The court ruled that while those techniques are authorized in France and taught at police academies, and the use of force during the arrest of Hakim Ajimi was justified in view of the violence he used as he resisted arrest, each of the two police officers had been "grossly careless and negligent" by maintaining these restraints when Hakim Ajimi had been immobilised and was cuffed at the hands and ankles, without continuously ensuring that these dangerous techniques were not preventing him from breathing.

Amnesty International has repeatedly called on the French authorities to prohibit the use of dangerous restraint techniques and develop and effectively implement, through initial and ongoing training, protocols and guidelines on necessity, proportionality and limits of use of force, including practical training on use of restraint techniques to ensure minimal injury. Amnesty International reiterates this call and urges the French authorities to make public the instructions on the limits of use of force and restraint techniques that are distributed to police officers.

The seven police officers put on trial for the death of Hakim Ajimi have been on active duty since the event, and according to the information available to Amnesty International no disciplinary proceedings have so far been taken against them despite recommendations in April 2010, by the former National Commission on Police Ethics (Commission nationale de déontologie de la sécurité, CNDS), which was "outraged" that the police officers transporting Hakim Ajimi did not react to his position in the car and the fact that he was not responding. Hakim Ajimi was thrown in the back seat by two of the police officers convicted, and the car was driven away with his head on the floor and his legs pointing upwards with two other police officers occupying the back seat.

In the light of the recommendation by the CNDS and the conclusion of the criminal case against the police officers at first instance, Amnesty International urges the Minister of the Interior to begin disciplinary proceedings against all the police officers involved without further delay.

The accused have continued to carry out their functions as policemen in Grasse since Hakim Ajimi's death, although Amnesty International understands from media reports that in March the two BAC

police officers were transferred to a different unit within Grasse.

In September 2011 Boubaker Ajimi, Hakim Ajimi's father, had told Amnesty International "The hardest part is that the policemen still work in Grasse, as if they had done nothing".

The case of Hakim Ajimi is one of five cases of deaths in police custody documented in the Amnesty International report "*Our lives are left hanging: Families of victims of deaths in custody still wait for justice to be done*" published in November 2011, which reflect systemic shortcomings of investigations and accountability in such cases. This is the first of those cases that has gone to trial. Amnesty International calls on the French authorities to ensure that the other four cases, and other cases of alleged torture and other ill-treatment by law enforcement officials, are promptly brought to a just conclusion and that those responsible receive sanctions that are proportionate to the seriousness of the crimes committed.

Background

Hakim Ajimi (also referred to as Abdelhakim Ajimi in earlier Amnesty International documents) was arrested by two police officers of the BAC following an incident in a bank in Grasse on 9 May 2008. The two policemen reported that Hakim Ajimi violently resisted arrest and other police officers came to assist them. Witnesses who gathered around them said that after the police officers handcuffed Hakim, they held him face down on the ground. One of the police officers sat on Hakim Ajimi's back, another held him in a stranglehold with his arm around his neck and another held his feet to the ground. According to witnesses, Hakim Ajimi's face was purple when he was then taken to a police car where he was placed with his head on the floor of the car and his legs pointing up towards the backseat. He was declared dead on arrival at the police station.

A medical expertise on November 2008 concluded that his death had been caused by "slow mechanical asphyxia" with a "prolonged deprivation of oxygen" due to pressure on his chest and neck". In April 2010, the CNDS called for disciplinary proceedings against the two BAC police officers for using disproportionate and unnecessary force against Hakim Ajimi, and against five other police officers for not taking the necessary steps to realize the state he was in.

In January and February 2009, five police officers were questioned on charges of non-assistance to a person in danger. In February 2010, the investigating judge questioned two police officers of the BAC on suspicion of "involuntary homicide". The trial of the two BAC police officers for "involuntary homicide" and five other police officers for non-assistance to a person in danger took place in January 2012.

Publications

France: Open letter regarding cases of deaths in police custody (AI Index: EUR 21/004/2011)
<http://www.amnesty.org/en/library/info/EUR21/004/2011/en>

France: "Our lives are left hanging": Families of victims of deaths in custody wait for justice to be done (AI Index: EUR21/003/2011)
<http://amnesty.org/en/library/info/EUR21/003/2011/en>

France: Committee against Torture urges France to investigate allegations of ill-treatment by law enforcement officials (AI Index: EUR 21/003/2010)
<http://www.amnesty.org/en/library/info/EUR21/003/2010/en>

France: Briefing to the UN Committee against Torture (AI Index: EUR 21/002/2010)
<http://www.amnesty.org/en/library/info/EUR21/002/2010/en>

France: Police ill-treatment in France: Hakim Ajimi (AI Index: EUR 21/011/2009)
<http://www.amnesty.org/en/library/info/EUR21/011/2009/en>

Public outrage: Police officers above the law in France (AI Index: EUR 21/003/2009)
<http://amnesty.org/en/library/info/EUR21/003/2009/en>

France: The Search for justice (AI Index: EUR 21/001/2005)
<http://amnesty.org/en/library/info/EUR21/001/2005/en>