France: Not forgotten: Third anniversary of Mohamed Boukrourou’s death in custody

Last week marked the third anniversary of Mohamed Boukrourou’s death in police custody, for which full accountability remains lacking. Mohamed Boukrourou’s death is a reminder of the failure of the authorities to bring law enforcement officers accused of serious human rights violations to justice.

Mohamed Boukrourou, a 41-year-old Moroccan man, died during his arrest on 12 November 2009 in Valentigney (Doubs). He had gone to the Favre pharmacy in the centre of Valentigney, where he was a regular customer, at about 4:45pm, and complained about some medicine he had bought a few days earlier. According to the pharmacist Mohamed Boukrourou was extremely agitated, and the pharmacist called the police at Mohamed Boukrourou’s request. According to witnesses he subsequently sat and waited calmly for the police. When four police officers arrived they reportedly tried to handcuff him but he refused to co-operate. According to the information received by Amnesty International, the four police officers restrained Mohamed Boukrourou on the ground outside the pharmacy, before carrying him into a police van. A witness said she could see inside the van from where she stood, and that she saw the police stamping on Mohamed Boukrourou, and kicking and beating him.

At 6:05pm, a doctor declared Mohamed Boukrourou dead. At 8pm that evening, around 10 people including the mayor of Valentigney, his deputy and the police commissioner went to Mohamed Boukrourou’s home and told his wife that he had had “a serious accident”. She and Mohamed Boukrourou’s parents and brother went to the police station. They waited there for over two hours, while the police officers and firemen who were present during the arrest were in a meeting. At 10:30pm the police told the family members that Mohamed Boukrourou had died of a heart attack following an accident.

In November 2009, the prosecutor of Montbéliard opened an inquiry into the cause of Mohamed Boukrourou’s death, and in December an investigation against unidentified perpetrators for involuntary homicide. In November 2009, the family filed a complaint as a civil party before the investigating judge of Montbéliard.

Mohamed Boukrourou’s family informed Amnesty International on the first week of November 2012 that the Public Prosecutor asked for the case against the four police officers to be dismissed.

This request is a particularly alarming setback given that in March this year, the investigating judge examining the death in custody of Mohamed Boukrourou on 12 November 2009 took the partly positive step of formally interviewing four police officers under caution for involuntary homicide. The Boukrourou family however, at the time, expressed their reservations about this as they did not consider a charge of ‘involuntary homicide’ to be sufficiently grave to reflect the role they believe the officers played in Mohamed’s death.

Indeed, the investigating judge’s decision followed the publication in December 2011 of the Defender of Rights’ opinion on the case. The Defender of Rights concluded that “the police officers had made an inappropriate and disproportionate recourse to the use of force against MMB [Mohamed Boukrourou], who was the victim of inhuman and degrading treatment as set
out by Article 3 of the European Convention on Human Rights.” The Defender of Rights recommended that all four police officers concerned be subjected to an internal disciplinary procedure, and made a number of general recommendations on police training and ethics.

As of 19 November 2012 Mohamed Boukrourou’s family was not aware of any disciplinary proceedings having been taken and according to their information the four police officers involved were still in post. “Given all the faults committed, I cannot understand how they [the police officers] can still be in post” said Mohamed Boukrourou’s sister Samira. “They continue with impunity, and they could do the same again”.

“The Public Prosecutor’s request to dismiss the case has been a real blow to our family. To be treated so unjustly, when there has been such clear evidence, from the beginning, is a humiliation. Being treated this way in a country like France is shocking,” she added.

Background:

Amnesty International has followed a number of cases of ill-treatment by police and deaths in police custody in France in recent years. Sadly, Mohamed Boukrourou’s case is not a case in isolation. Amnesty International’s 2011 report “France: ‘Our lives are left hanging’: Families of victims of deaths in police custody wait for justice to be done” (AI Index: EUR 21/003/2011) addressed five cases of deaths in custody and the profoundly negative impact on families of both the death and the fact that they feel that they have not had access to truth, justice and reparation. The other four men whose cases were addressed in the report were either foreign nationals, like Mohamed Boukrourou, or French nationals from an ethnic minority background.

Mohamed Boukrourou’s family members have created the association “Justice and Truth for Mohamed Boukrourou” (“Justice et Vérité pour Mohamed Boukrourou”). They organise memorial marches to mark the anniversary of Mohamed Boukrourou’s death and to demand justice.

Amnesty International’s 2011 report followed earlier research on police ill-treatment in France, including the 2009 report “Public outrage: Police officers above the law in France” (AI Index: EUR 21/003/2009), which focused on the deficiencies of accountability mechanisms for dealing with allegations of police ill-treatment, and the 2005 report “France: The search for justice” (AI Index: EUR 21/001/2005), which concluded that law enforcement official who committed serious human rights violations enjoyed de facto impunity, in a context where police, prosecutors, and judges were reluctant to thoroughly investigate and prosecute such abuse.

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