

EXTERNAL

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FRANCE: THE ALLEGED ILL-TREATMENT OF RACHID HARFOUCHE BY POLICE IN NOISY-LE-SEC

Amnesty International is concerned about the alleged ill-treatment of Rachid Harfouche following his arrest by three police officers in Noisy-le-Sec, a suburb east of Paris, on 10 December 1993. He and his brother, Idris Harfouche, lodged a judicial complaint against persons unknown¹ with the senior Judge of Instruction in the Bobigny court (Tribunal de Grande Instance de Bobigny) on 21 December 1993. The organization is seeking information from the French authorities about the progress of the investigation into this complaint.

The following information is based on the official complaint made to the court in Bobigny. Rachid Harfouche is a 20-year-old student and a French national of Algerian descent. At around 10.30pm on 10 December 1993 he was returning home when he saw a police car which was approaching at high speed stop outside the block of apartments in which he lived with his family in Noisy-le-Sec. On seeing three police officers get out of the car and run towards him, Rachid Harfouche took fright and turned to run up the stairs towards his parent's apartment.

He was chased by the three officers and was eventually stopped outside a neighbour's door for what the police claimed at the time was an identity check. Although he put up no resistance, the neighbour witnessed the officers handcuffing Rachid Harfouche behind his back. Members of his family heard Rachid Harfouche shouting for them to get his identity papers and they and other neighbours witnessed one officer holding him while the two officers violently beat him with truncheons; the officer holding on to Rachid Harfouche indicated that this was an "identity check". His family and neighbours followed as Rachid Harfouche was taken down the stairs. It is claimed the police continued to ill-treat him on their arrival at the ground floor and Rachid Harfouche was seen to be vomiting following a severe blow to the thorax.

The complaint describes various attempts to stop this reported assault and the police used tear gas to clear the hallway; Rachid Harfouche's mother was later taken to hospital suffering from the effects of tear gas. He was then taken outside and, according to his father, the officers made humiliating remarks as they kicked and beat his son, who was lying handcuffed face downwards on the pavement. Two onlookers claimed to

¹Plainte contre X avec constitution de partie civile

have witnessed the incident on the street from their apartment windows.

Rachid Harfouche was then taken into custody to Noisy-le-Sec police station where, according to newspaper reports, he was charged with assaulting the officers (*outrage à agents*). He was also examined by a duty doctor who issued a medical certificate recording multiple bruising to his body.

When his older brother, Idris Harfouche, and a friend went to the Noisy-le-Sec police station they were apparently searched and had their identity papers checked by the police. Idris Harfouche was then taken into custody following his refusal to leave without seeing his brother.

After his release on 11 December 1993 Rachid Harfouche was medically examined and treated for his injuries on three further occasions. On 11 December 1993 a medical certificate was issued by the Montreuil Hospital (*Centre Hospitalier Intercommunal de Montreuil*) recording a fracture to his nose and extensive cuts and bruises to his body, in particular to the back and wrists. The numerous injuries to his wrists were said to have been caused by particularly tight handcuffs.

On the advice of his lawyer, on 13 December 1993 Rachid Harfouche was examined and x-rays were taken by a doctor attached to the *Service des Urgences Médico-Judiciaires* in Jean Verdier Hospital, Bondy. A detailed medical certificate, for presentation in evidence to the court, was supplied by the hospital which recorded Rachid Harfouche's injuries, in particular the fracture to his nose and multiple cuts and bruises to his throat, thorax, back, pelvis, right arm, right buttock and right wrist. The certificate noted that a "blunt instrument, such as a truncheon"² had caused the injuries.

As a result of the alleged assault Rachid Harfouche was said to have been suffering from anxiety and depression and on 16 December 1993 was further examined by a doctor at Broussais Hospital in Paris, who prescribed antibiotics and anti-depressant drugs.

On 21 December 1993 Rachid and Idris Harfouche made a judicial complaint against persons unknown to the senior Judge of Instruction of the Bobigny court.

² "Objet contondant (type matraque)"