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FRANCE: FATAL SHOOTING BY POLICE OFFICER OF 17-YEAR-OLD HABIB OULD MOHAMED

Amnesty International is concerned at the fatal shooting of Habib Ould Mohamed by a police officer in Toulouse (Haute-Garonne) in December 1998. He and a friend, both unarmed, were suspected of attempting to break into a car when they were surprised by a police patrol. Administrative and judicial inquiries were opened. Amnesty International is seeking information from the French authorities about the progress and eventual outcome of the investigation into Habib Ould Mohamed's death, and of any further judicial or administrative proceedings arising from it. The organization is also seeking information on the current training programs for law enforcement officers on the use of firearms and the control of suspects.

The following account is based on newspaper reports.

Habib Ould Mohamed, a 17-year-old of Algerian origin and a student in accountancy, lived with his family in the Toulouse district of la Reynerie. His 16-year-old friend, identified only as "Amine", also came from la Reynerie.

At approximately 3.30am on 13 December 1998 Habib Ould Mohamed and "Amine" were spotted by a four-man police patrol¹ as they attempted to break into a BMW car, parked on Déodat-de-Séverac boulevard in the Arènes district of Toulouse. They had driven there in a stolen Peugeot 205 GTi. On seeing the police patrol the two youths tried to escape in the Peugeot but their route was blocked by the police van. A police sergeant and an auxiliary approached the car from both sides with their weapons drawn.

The full circumstances leading up to the death of Habib Ould Mohamed have yet to be established. However, it has been reported that the police auxiliary fired a warning shot in the air. He was subsequently knocked to the ground as "Amine" got out of the car and fled from the scene.² The sergeant shot Habib Ould Mohamed "accidentally" when trying to pull him from the car with one hand while holding his service weapon, a Manhurin 38, in the other. The body of Habib Ould Mohamed was discovered two to three hours later by a woman who noticed it partially hidden under a stationary car some 100 metres away from the scene of the shooting. It was not clear whether Habib Ould Mohamed was left to stumble away along the road, or had managed, although fatally wounded, to elude the police officers. "Amine" later claimed that as he was running away he turned round to see his friend staggering "as if in slow motion" down the road.

¹ It was reported that the night patrol was led by a police sergeant and included a police driver, a trainee police officer and a police auxiliary (who was carrying out his compulsory military service with the police).

² On fleeing the scene, "Amine" hid behind some bushes from where he claimed he saw the police looking for him. He further claimed that as he was running away he heard four or five more shots. After a delay of three days he presented himself, along with his lawyer, to the judge of instruction to offer his testimony.

After their return to the police station the officers failed to report having fired their guns, as required by law, stating only that they had witnessed an attempted car theft. With particular reference to this oversight the acting Minister of the Interior reportedly noted in the days following the shooting that “some fundamental rules were not respected”³. The Public Prosecutor was also reported as saying: “It is certainly hard to understand, and cannot be explained why those involved did not immediately report to their commanding officer that they had used their weapons on two occasions, a warning shot (with the weapon of the police auxiliary) and a second shot [which hit] the victim”⁴. The sergeant maintained that at the time he had not realized he had fired his gun and it was only after the body had been discovered that he thought to check his weapon. Both the sergeant and the police auxiliary were taken into custody (*garde à vue*) on 13 December 1998.

An autopsy, carried out on 14 December 1998, established that the fatal shot had been fired at point blank range⁵ using the sergeant’s service weapon. The bullet had entered the youth’s left shoulder at the base of the neck on a downward trajectory that pierced the right lung before exiting via the chest.⁶ He had died as a result of internal haemorrhaging.

An internal administrative inquiry was promptly opened by the General Inspectorate of the National Police⁷. On the orders of the acting Minister of the Interior, the sergeant was provisionally suspended from duty.

On 15 December 1998 the sergeant was placed under formal investigation on a charge of manslaughter (*homicide involontaire*) by the judge of instruction attached to Toulouse court. He was released on bail from police custody. He was ordered to remain under house arrest and barred from possessing a firearm. No charges were brought against the police auxiliary.

The family of Habib Ould Mohamed submitted a judicial complaint, as a civil party, for murder (*homicide volontaire*) and failure to render assistance (*omission de porter secours*).

In the months before the killing of Habib Ould Mohamed relations between police and local youths, who complain of harassment, were said to be tense. The death of the 17-year-old and the subsequent release under judicial control of the police officer provoked civil disturbances in la Reynerie and other districts of Toulouse, lasting several days.

Some five days after the shooting Habib Ould Mohamed’s body was flown to Algeria where he was buried alongside his grandparents.

Amnesty International has a longstanding concern about the reckless use of force by law enforcement officers, whereby excessive force is used against people who are largely young and often

³ « des règles fondamentales n’ont pas été respectées » - *Libération*, 17 December 1998.

⁴ « Il est certain qu’on comprend mal et qu’on ne s’explique pas pourquoi les intéressée n’ont pas indiqué tout de suite à l’officier de commandement qu’ils avaient fait usage des armes à deux reprises, un tir de sommation (avec l’arme du policier auxiliaire) en l’air, et un deuxième tir sur la personne qui a été victime » - *Libération*, 16 December 1998.

⁵ « tiré à bout touchant » - *Le Monde*, 17 December 1998.

⁶ It was reported that the bullet had not been recovered from the scene of the shooting. There were further reports suggesting that two police officers returned to the scene before Habib Ould Mohamed’s body was discovered by the passer-by.

⁷ *Inspection générale de la police nationale* - IGPN. The IGPN is responsible for carrying out internal inquiries into complaints against the police.

of non-European ethnic origin. In this case Amnesty International is concerned that the police officer may have used his firearm against an unarmed person in a situation where there was no clear danger to his life or that of others. The use of excessive force violates both the standards of international and French domestic law.

Article 3 (C) of the UN Code of Conduct for Law Enforcement Officials states: “The use of firearms is considered an extreme measure...firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender.” Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials further states: “...officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury.”