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France: A small first step towards justice in the case of Mohamed Boukrourou

On 26 March, according to media reports, the investigating judge examining the death in custody of Mohamed Boukrourou on 12 November 2009, formally interviewed four police officers under caution for involuntary homicide.

This is a small first step towards justice, set against a backdrop of widespread impunity for police officers accused of serious human rights violations in France. Sadly, for Mohamed Boukrourou's family, this latest step has come well over two years since his death.

Speaking to Amnesty International, following receipt of this latest news, Mohamed Boukrourou's brother Abdelkader said: "We do not understand why it has taken all this time to question the police officers involved, nor why they have been charged with an offence which does not reflect the acts they committed." The family told Amnesty International that they had received no formal notification of the questioning, and found out about it from press reports.

This development follows the publication in December 2011 of the Defender of Rights' opinion on the case. The file on Mohamed Boukrourou's death had been transferred to the Defender of Rights institution, which took over the work of the National Commission on Ethics in Security (*Commission Nationale de Déontologie de la Sécurité*, CNDS), to which the case had been originally referred in November 2009. 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 27 March 2012 Mohamed Boukrourou's family was not aware of any disciplinary proceedings having been taken and according to their information the police officers involved were still in office.

"It is a first step but our family intends to request the charges to be requalified as voluntary violence that unintentionally caused death", Abdelkader Boukrourou told Amnesty International. "The Defender of Rights himself said Mohamed was subjected to inhuman and degrading treatment."

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, 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. 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 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 officials 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.

For further information:

France: Open letter regarding cases of deaths in police custody, AI Index: EUR 21/004/2011, 30 November 2011, <http://www.amnesty.org/en/library/info/EUR21/004/2011/en>

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, November 2011, <http://www.amnesty.org/en/library/info/EUR21/003/2011/en>

Public outrage: Police officers above the law in France, AI Index: EUR 21/003/2009, 2 April 2009, <http://www.amnesty.org/en/library/info/EUR21/003/2009/en>

France: The search for justice: The effective impunity of law enforcement officers in cases of shootings, deaths in custody or torture and ill-treatment, AI Index: EUR 21/001/2005, 5 April 2005, <http://www.amnesty.org/en/library/info/EUR21/001/2005/en>

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