

June 2001

FRANCE  
THE ALLEGED ILL-TREATMENT OF  
BABA TRAORE  
BY A LAW ENFORCEMENT OFFICER

Amnesty International is concerned about the alleged ill-treatment of Baba Traoré, a Malian national resident in Spain, by an officer of the French border police, *police aux frontières (PAF)*, in February 2001. In complaints lodged with the French judicial authorities by Baba Traoré and by the San Sebastian branch of SOS-Racism, he claimed that he was physically assaulted in a police station after he was removed by officers from a train at the railway station in Hendaye, a south-western town in France close to the Spanish border. Baba Traoré was on his way to Paris, having travelled from his home in Lanzarote, Canary Islands, in order to renew his passport at the Malian embassy: there is no such embassy or consulate in Spain.

Allegations concerning ill-treatment by law enforcement officers should be subject to full, prompt and impartial examinations -- in line with the provisions of international standards, including Article 8 of the UN Declaration against Torture and Article 12 of the UN Convention against Torture -- with the methods and findings made public. Amnesty International is seeking information about the judicial and administrative steps being taken by the French authorities to investigate the allegations made by the complainant and is asking for cooperation in informing the organization of the eventual outcome of the investigations, and of any further criminal or disciplinary proceedings arising from them.

According to Baba Traoré's account of the events, at approximately 2am on 21 February 2001 he was sitting on a train at Hendaye railway station when he was approached by law enforcement officers who ordered him to produce his passport. He explained that he was travelling to Paris, from Spain, in order to renew his passport: he had a valid return train ticket. He said that the officers ordered him to leave the train. He was placed in a police car and escorted by three uniformed officers to what he understands was Hendaye police station.

He alleged that in the course of his detention at Hendaye police station -- during which time he repeatedly asked why he was being detained and not being allowed to proceed to Paris -- an officer punched him in the left eye with such force that liquid seeped out. He said that approximately half an hour after the alleged assault he was escorted by two officers to the police station in Biriadou, a small hilltop village outside Hendaye, where he was handed over to Spanish law enforcement officers. With no grounds to detain him the Spanish officers told him that he was free to leave and reportedly called a taxi. He went immediately to Bidasoa Hospital, Spain, to seek treatment for the injury to his eye. He was promptly transferred by ambulance to Nuestra Señora de Aranzazu Hospital in San Sebastian where, on 21 February 2001, he underwent surgery to repair his damaged left eyeball. He was discharged from hospital on 27 February 2001.

Baba Traoré and the San Sebastian branch of SOS-Racism subsequently lodged criminal complaints against persons unknown with the Bayonne judicial authorities. On 21 March 2001

the French regional newspaper *Sud Ouest* reported that Baba Traoré intended to submit a further complaint to the authorities, constituting himself a civil party in the proceedings. The original criminal complaints were accompanied by two medical reports, issued on 21 and 27 February 2001, which recorded severe damage to his left eye, caused by a "direct blow" ("*traumatismo directo*"). The ophthalmologist responsible for drawing up the second report did not rule out the possibility of further surgery to the eye.

In an article published in *Sud Ouest* in March 2001 the *préfet*<sup>1</sup> in charge of the department of Pyrénées-Atlantiques, was reported to have stated that the Malian citizen violently resisted his re-admission to Spain, and that two officers, responsible for bringing him under control and handcuffing him, were slightly injured.

Amnesty International has a longstanding concern about the reckless use of force by law enforcement officers in France, whereby excessive force is often used against people of non-European ethnic origin. The organization is seeking to establish whether such a concern is indeed well-founded in the case of Baba Traoré.

Anyone wishing details relating to Amnesty International's concerns in France should consult the following publications:

- *Amnesty International Concerns in Europe: July - December 2000 (AI Index: EUR 01/001/2001);*
- *Amnesty International Concerns in Europe: January - June 2000 (AI Index: EUR 01/003/00);*
- *Amnesty International Report 2001.*

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<sup>1</sup>Prefects (*préfets*) represent the State in the departments and regions of France and are the only high-ranking civil servants whose jurisdiction has a basis in the Constitution. According to article 72 of the Constitution of the Fifth Republic the prefect has "responsibility for national interests, administrative control and the enforcement of the law".