

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

9 May 2012

AI Index: EUR 21/006/2012

France: Not forgotten: Fourth anniversary of Hakim Ajimi's death during arrest

Today, on the fourth anniversary of Hakim Ajimi's death during arrest, Amnesty International remains deeply concerned that full accountability remains to be achieved, and that law enforcement authorities continue to fail to make clear what guidelines exist for law enforcement officers regarding the use of dangerous restraint techniques, such as the one that led to his death.

Hakim Ajimi died while being arrested and forcibly restrained by two police officers of the Anti-Criminality Brigade (brigade anti-criminalité, BAC) following an incident in a bank he used in Grasse on 9 May 2008. The two policemen reported that they restrained Hakim Ajimi after he violently resisted arrest. Hakim Ajimi died after the two police officers continued to restrain him at the chest and neck when he had been immobilised and was cuffed at the hands and ankles.

Seven police officers were eventually charged with various levels of involvement in Hakim Ajimi's death. In February 2012, the Criminal Court (Tribunal Correctionnel) of Grasse convicted two police officers involved in his arrest of involuntary homicide, one of these officers was also convicted of failure to assist a person in danger, and a third officer of failing to assist a person in danger. The three men received suspended sentences of between six months and two years. All three have appealed against their sentences. The other four police officers, who had been involved in Hakim Ajimi's transportation from the place of his arrest to the police station of Grasse, were acquitted of the charge of failure to assist a person in danger. Amnesty International believes that these suspended sentences raise concerns as to their proportionality to the seriousness of the offence. Sentences such as these can send the message that justice will not be done where law officials are the convicted perpetrators and as such they undermine the very principle of the rule of law.

To Amnesty International's knowledge, the seven police officers tried for offences relating to the death of Hakim Ajimi have been on active duty since the event, and no disciplinary proceedings have so far been taken against them despite strong recommendations in April 2010, by the National Commission on Police Ethics (Commission nationale de déontologie de la sécurité, CNDS), then the police oversight mechanism, calling for such proceedings.

The fourth anniversary of Hakim Ajimi's death is also a sad, continuing reminder that the French authorities have not yet made public the instructions on the limits of use of force and restraint techniques that are distributed to police officers, despite criticism from the European Court of Human Rights in 2008 regarding the 1998 death of Mohamed Saoud (see background), a case with remarkable similarities to the death of Hakim Ajimi. Amnesty International has repeatedly called on the French authorities to prohibit the use of dangerous restraint techniques and develop and effectively implement, through initial and ongoing training, protocols and guidelines on necessity, proportionality and limits of use of force, including practical training on use of restraint techniques to ensure minimal injury, and to make their guidelines publicly available.

Background

The case of Hakim Ajimi (also referred to as Abdelhakim Ajimi in earlier Amnesty International documents) is one of five cases of deaths in police custody documented in the Amnesty International report “*Our lives are left hanging: Families of victims of deaths in custody still wait for justice to be done*” published in November 2011, which reflect systemic shortcomings of investigations and accountability in such cases. This is the first of those cases to have gone to trial.

Hakim Ajimi was arrested by two police officers of the BAC following an incident in a bank in Grasse on 9 May 2008. The two policemen reported that Hakim Ajimi violently resisted arrest and other police officers came to assist them. Witnesses who gathered around them said that after the police officers handcuffed Hakim, they held him face down on the ground. One of the police officers sat on Hakim Ajimi’s back, another held him in a stranglehold with his arm around his neck and another held his feet to the ground. According to witnesses, Hakim Ajimi’s face was purple when he was then taken to a police car where he was placed with his head on the floor of the car and his legs pointing up towards the backseat. He was declared dead on arrival at the police station.

The Criminal Court of Grasse found that, as established by expert medical reports, Hakim Ajimi’s death was caused by his restraint at the chest and neck by the two police officers of the Anti-Criminality Brigade (brigade anti-criminalité, BAC). The court ruled that while those techniques are authorized in France and taught at police academies, and the use of force during the arrest of Hakim Ajimi was justified in view of the violence he used as he resisted arrest, each of the two police officers had been “grossly careless and negligent” by maintaining these restraints when Hakim Ajimi had been immobilised and was cuffed at the hands and ankles, without continuously ensuring that these dangerous techniques were not preventing him from breathing.

In 2008, the European Court of Human Rights strongly criticized the failure of the French authorities to issue any specific instructions to law enforcement officials on the use of this restraint technique, following the Court’s judgement in the case of Mohamed Saoud (Saoud v France, App No. 9375/02). Mohamed Saoud died on 20 November 1998 after a violent arrest. Medical experts said that Mohamed Saoud died from cardio-respiratory failure, caused by slow asphyxiation as a result of the restraint technique used against him. Two police officers held him by the (handcuffed) wrists and ankles and another knelt on his back while pressing his hands against Mohamed Saoud’s shoulders, as he lay on his stomach on the ground. Sadly, almost ten years after Mohamed Saoud’s death, and less than a year after the European Court’s judgement in that case, Hakim Ajimi died of “positional asphyxia” after being subjected to the same dangerous restraint technique.

Publications

France: The European Committee for the Prevention of Torture calls for “zero tolerance” of ill-treatment (AI Index: EUR 21/005/2012)

<http://www.amnesty.org/en/library/info/EUR21/005/2012/en>

Field Code Ch

France: No impunity for deaths in custody: Suspended prison sentences for the policemen convicted of Hakim Ajimi’s death (AI Index: EUR 21/004/2012)

<http://www.amnesty.org/en/library/info/EUR21/004/2012/en>

Field Code Ch

France: Open letter regarding cases of deaths in police custody (AI Index: EUR 21/004/2011)

<http://www.amnesty.org/en/library/info/EUR21/004/2011/en>

Field Code Ch

France: “Our lives are left hanging”: Families of victims of deaths in custody wait for justice to be done (AI Index: EUR21/003/2011)

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

Field Code Ch

France: Committee against Torture urges France to investigate allegations of ill-treatment by law enforcement officials (AI Index: EUR 21/003/2010)

<http://www.amnesty.org/en/library/info/EUR21/003/2010/en>

Field Code Ch

France: Briefing to the UN Committee against Torture (AI Index: EUR 21/002/2010)

<http://www.amnesty.org/en/library/info/EUR21/002/2010/en>

Field Code Ch

France: Police ill-treatment in France: Hakim Ajimi (AI Index: EUR 21/011/2009)

<http://www.amnesty.org/en/library/info/EUR21/011/2009/en>

Field Code Ch

Public outrage: Police officers above the law in France (AI Index: EUR 21/003/2009)

<http://amnesty.org/en/library/info/EUR21/003/2009/en>

Field Code Ch

France: The Search for justice (AI Index: EUR 21/001/2005)

<http://amnesty.org/en/library/info/EUR21/001/2005/en>

Field Code Ch

END/