



## POLICE ILL-TREATMENT IN FRANCE

# HAKIM AJIMI

**“We have the additional results of the autopsy, which shows that he suffocated to death. Now I'm waiting for justice to be done. Let nobody tell me it was an involuntary homicide.”**

Boubaker Ajimi, father of Hakim Ajimi



Abdelhakim Ajimi, known as Hakim to his friends and family, died in the city of Grasse in 2008, after being restrained by police officers during arrest. His friends describe him as a quiet, shy young man, who had never been in trouble with the police. They say Hakim had recently been working as a cook at a well-known local restaurant. Hakim was 22 years old when he died.

On the afternoon of 9 May 2008 Hakim had gone to his bank and tried to withdraw money from his account. When his request was turned down, witnesses say he grew angry and aggressive. The bank manager called the police. Hakim left the bank but a unit of police officers from the Anti-Criminality Brigade (BAC) stopped him close to his home on

Boulevard Victor-Hugo and tried to arrest him. It is alleged that he resisted arrest and in the ensuing struggle a shop window was broken and a police officer's collarbone was injured.

Numerous witnesses to the incident said that the force used by the police officers against Hakim appeared excessive. They stated that after police officers handcuffed Hakim, they held him face-down on the ground for a prolonged period of time and one of them punched him twice. Another officer knelt on his back while a third held him in a stranglehold with his arm. Witnesses claim that Hakim's face turned purple and it was clear that he could not breathe. A close friend of Hakim who witnessed the event says his face was so distorted that she did not recognize him and only discovered it was him when she watched the TV news that evening.

Witnesses allege that when paramedics arrived and tried to attend to Hakim the police officers told them to leave him alone, claiming they had the situation under control. Hakim was taken by police car to the police station, where he was declared dead. According to police testimony, Hakim was alive but in a poor condition upon arrival at the police station. However, several witnesses are convinced he was already dead when he was put into the police car.

On 13 May 2008, the public prosecutor in Grasse opened an investigation into “involuntary homicide”. In November, an expert medical report confirmed that Hakim's death was caused by “positional asphyxia” as a result of prolonged pressure being applied on his neck and chest.

In March 2009 five police officers involved in the incident were charged with “non-assistance to a person in danger”. To date the investigating judge has refused calls from the prosecutor and Hakim's family to bring charges against the two officers believed to be responsible for causing Hakim's death. This decision has been appealed to the Court of Appeal in Aix-en-Provence in September 2009. The Court's decision is expected in October 2009. Hakim's family and friends continue to demand justice.

## ISSUE IN FOCUS: “POSITIONAL ASPHYXIA”

*“The Court notes that this type of restraint technique has been identified as a highly dangerous risk to life. The agitation of the victim was the consequence of suffocation caused by the pressure exerted on his body.”*

Paragraph 102, judgement of the European Court of Human Rights Saoud v. France 2007.

Amnesty International is concerned that specific restraint techniques used by law enforcement officials in France represent a serious danger to people being arrested, and have resulted in unlawful killings. Such techniques can cause “positional asphyxia” - death resulting from slow suffocation.

In 2008, the European Court of Human Rights strongly criticized French authorities for failing 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. 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.

Police officers are sometimes required to use force in the course of their work, but where force is used it must be necessary and proportionate to the situation. The use of restraint techniques should never amount to torture or other ill-treatment. Any use of force that may endanger life should be used only as a last resort and only when strictly necessary in the circumstances.

The current lack of clear guidelines and adequate training means that police officers continue to use dangerous restraint techniques. It also makes it difficult for judges and prosecutors to determine whether police officers’ actions in specific incidents were lawful – leading to potential injustice for both detainees and officers themselves.

### ACT NOW!

Write to the Minister of the Interior calling on him to:

- suspend the officers implicated in the death of Hakim Ajimi pending the outcome of criminal and disciplinary investigations;
- make the IGPN report into the incident publicly available;
- ensure appropriate disciplinary measures are taken against any officer found to have acted inappropriately;
- immediately suspend the use of specific restraint techniques which could potentially lead to positional asphyxia, pending a review of their use and the development of clear guidelines and training;
- prohibit the use of dangerous restraint techniques by law enforcement officials, such as hogtying and carotid choke-holds and issue clear guidelines on the appropriate use of force fully consistent with international standards; and
- ensure police officers are fully trained in the use of restraint techniques and other uses of force and are informed of the dangers of “positional asphyxia”.

#### WRITE TO

M. BRICE HORTEFEUX  
Minister of the Interior  
Ministry of the Interior  
Place Beauvau  
75008 Paris CEDEX 08  
FRANCE

**Salutation:** DEAR MINISTER

Learn more about police ill-treatment in France here: <http://www.amnesty.fr/despoliciersaudessusdeslois> and <http://www.amnesty.org/en/library/info/EUR21/003/2009/en>

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