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France: Not forgotten: Third anniversary of Ali Ziri's death in custody

This weekend marks the third anniversary of Ali Ziri's death in custody, for which full accountability remains lacking. Ali Ziri's death is a reminder of the failure to bring law enforcement officers accused of serious human rights violations to justice.

Ali Ziri, a 69 year old Algerian man, died following his arrest in Argenteuil on the evening of 9 June 2009. He had returned to France, where he had lived and worked for over four decades until his retirement in 2001, to shop in preparation for his son's wedding in Algeria. He was travelling in a car driven by his childhood friend Arezki Kerfali, when the car was stopped by police at about 8.30pm who reportedly wanted to test Arezki Kerfali's level of blood alcohol.

According to Arezki Kerfali, the police officers ordered him and Ali Ziri to get out of the car and then beat them both at the scene of the arrest and again in the police car in which the officers transferred them to Argenteuil police station, where they arrived about 15 minutes later. At the police station they were handcuffed and made to lie face down on the floor. Arezki Kerfali also claimed that the police officers had racially insulted him and Ali Ziri.

Ali Ziri and Arezki Kerfali were then taken in a police van to Argenteuil hospital where they arrived a few minutes after 10.00pm. At 10.45pm, a doctor found that Ali Ziri had stopped breathing and that he was unconscious. Ali Ziri died at 7.30am on 10 June 2009.

In July 2009, the public prosecutor of the Pontoise court (Tribunal de Grande Instance) opened a preliminary enquiry against unidentified perpetrators for involuntary homicide. However, the prosecutor closed the case two weeks later. After the prosecutor closed the case, Ali Ziri's family filed a complaint as a civil party (partie civile) and requested a new autopsy. The conclusions of this autopsy, dated 20 July 2009, indicate multiple bruises on Ali Ziri's body and signs of "mechanical asphyxia" on the lungs. The autopsy found that asphyxiation was the probable cause of death. In October 2009, the prosecutor of Pontoise issued an indictment against unidentified perpetrators for "voluntary violence which unintentionally caused death". The judge assigned to the case left the court of Pontoise and was replaced by a new investigating judge in September 2010. The new judge ordered another autopsy, which concluded that Ali Ziri had died due to a hypoxic episode related to immobilisation techniques used and repeated vomiting. To date Amnesty International is not aware that any, police officers involved in the arrest and alleged ill-treatment of Ali Ziri have been questioned.

In May 2010, the National Commission on Police Ethics (Commission nationale de déontologie de la sécurité, CNDS), then the police oversight mechanism, issued an opinion on the case after reviewing available information including video recordings. The CNDS opinion established that several police officers pulled Ali Ziri out of the car and threw him on the ground, then carried him into the police station, and that both Arzeki Kerfali and Ali Ziri were handcuffed behind their backs and made to lie face down on the floor in the police station, with their faces in their vomit for between 30 minutes and one hour and 15 minutes. The CNDS called for disciplinary proceedings to be opened against the police officers involved. Amnesty International is not aware of any disciplinary proceedings having been initiated against those police officers to date.

In January 2012, the public prosecutor of Pontoise submitted a request for the case to be dismissed.

Soon after Ali Ziri's death, the Association of Maghrebi Workers in France (Association des Travailleurs Maghrébins de France, ATMF) in Argenteuil and other associations and individuals formed the support committee "Truth and Justice for Ali Ziri" (Collectif "Vérité et Justice pour Ali Ziri"). Mohamed Nemri of the ATMF Argenteuil told Amnesty International: "The whole population of Argenteuil has been traumatised by Ali Ziri's death. He had lived in France for 40 years and had no problems either with the judiciary, or the police, nor health problems. People liked him a lot, they called him 'Ammi' ["my uncle", in Arabic], he was very respected." He said that local residents were very shocked, "especially when they heard how he died" and regarded Ali Ziri as a "*Chibani*" (an older person, in Arabic), a term currently used to refer to retired immigrants who went to work in France in the 1960s and 1970s.

The Collectif "Vérité et Justice pour Ali Ziri" has planned a commemorative march in Argenteuil on 9 June 2012.

Background

The case of Ali Ziri 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. That report followed up on Amnesty International's previous research on these issues, by focusing specifically on the impact of deaths in police custody and of the lack of accountability for the victims' families. All five cases in the report concerned persons from ethnic minorities: one French citizen of Senegalese origin and four foreign nationals from Mali, Tunisia, Algeria and Morocco. Although persons of different ages, social backgrounds and nationalities are victims of human rights violations by law enforcement officials, the overwhelming majority of the cases brought to Amnesty International's attention concern persons belonging to ethnic minorities. There are no official statistics on the ethnic composition of the population of France and disaggregated data on policing despite specific recommendations by international human rights bodies for that data, but discriminatory conduct by law enforcement officials towards persons belonging to ethnic minorities has been alleged in many cases brought to Amnesty International.

Arezki Kerfali was held in police custody at the Argenteuil police station for 24 hours once he left the hospital. As a result of his injuries, he was declared unfit for work for eight days. A few days after the events, Arezki Kerfali tried to file a complaint against the police officers involved. He tried at the local gendarmerie but they refused to register the complaint. He then went to the police station in Bezons, a town near Argenteuil, but the chief of the police station refused to register it. Arezki Kerfali's lawyer then filed a complaint at the prosecutor's office where it was registered. In September 2009 Arezki Kerfali was himself charged with insulting a police officer (outrage) during his arrest on 9 June 2009, a charge he denies. His trial was scheduled to take place in March 2012, but has been adjourned to October 2012 by the judge. Arezki Kerfali told Amnesty International that his life had not been the same since Ali Ziri's death. He said he had been having nightmares about that night and was receiving psychiatric treatment.

Publications

Décès d'Ali Ziri - Amnesty International déplore le non-lieu requis par le procureur, 13 January 2012, <http://www.amnesty.fr/4409> (in French only)

Field Code Ch

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: 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

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>

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