



Covering events from January - December 2000

FRANCE

French Republic

Head of state: Jacques Chirac

Head of government: Lionel Jospin

Capital: Paris

Population: 59 million

Official language: French

Death penalty: abolitionist for all crimes

2000 treaty ratifications/signatures:

Optional Protocol to the UN Children's Convention on the involvement of children in armed conflict; Optional Protocol to the UN Women's Convention; Rome Statute of the International Criminal Court



Allegations of police brutality, notably involving asylum-seekers and others of non-European origin, persisted. Police shootings, some fatal, occurred in disputed circumstances. Some courts continued to play a part in perpetuating a situation of effective impunity, notably in regard to deaths in custody. Conditions in holding areas for asylum-seekers were described as inhuman and degrading. A book by a prison doctor reinvigorated debate about prison conditions. Refugees continued to be subject to a form of prolonged administrative detention. Two French generals were among others who publicly admitted that, during the Algerian war of independence, they had committed torture and extrajudicial executions.

Background

New laws affecting human rights concerns were approved or announced. In June Parliament approved a law on the "protection of the presumption of innocence and rights of victims". New measures included an appeal structure for assize courts and legal assistance for detainees in the first hour of police custody - although not in the case of terrorism-related crimes or drug-trafficking offences. Video recording of police interrogation of minors was expected to help prevent brutality in police custody. However, a plan to introduce similar safeguards for adults was postponed in the face of fierce police opposition.

In June Parliament also approved a law creating a commission to oversee the working and implementation of codes of practice governing law enforcement officers.

Two commissions of inquiry into the state of prisons published critical reports

following the appearance of a book by the then chief doctor at Paris-La Santé Prison, Dr Véronique Vasseur, about inhuman and degrading conditions at the prison. In October the Minister of Justice announced that she was preparing a comprehensive law on the penitentiary system. In November a law providing legal representation for prisoners during disciplinary hearings came into force.

In December, following the "Matignon Agreement" on the future status of Corsica, the Assembly of Corsica approved a draft law aimed at transferring a range of regulatory and legislative powers to the island.

Acts of violence were attributed to Breton, Basque and Corsican nationalist groups and there was political unrest and rioting in the overseas department of French Guiana. In September and October the representatives of 18 independence and autonomist movements from metropolitan France and from the overseas departments and territories met in Paris to discuss joint steps towards self-determination.

Torture and killings of Algerians

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Pressure grew on the Paris police authorities to grant access to its archives on the October 1961 massacre by police officers of Algerians at a peaceful demonstration in Paris during the Algerian war of independence (1954-1962). There was still disagreement about the number of demonstrators who had been killed and figures varied between 32 and 200. In June the newspaper *Le Monde* published testimony by Louisette Ighilahriz. She was a member of the Algerian National Liberation Front (FLN) who had been tortured by French parachutists in 1957. Her testimony elicited regret about torture from General Jacques Massu.

In October, 12 public figures appealed to the authorities to acknowledge and condemn torture committed during the war. Generals Massu and Paul Aussaresses both admitted their direct involvement in torture and extrajudicial executions. Torture - which had also been committed by French police before the outbreak of war - included administration of severe electric shocks, suspension by the arms and legs and use of the "*baignoire*" ("bathtub"). In November AI called for those responsible for crimes against humanity during the Algerian war of independence to be brought to justice. AI stated that the lack of political will by successive governments to confront this issue had helped to present torture, summary executions and "disappearances" as a "necessary evil".

Police shootings

A disturbing pattern of use of excessive and sometimes lethal force continued. Such incidents have often occurred during police investigations of car thefts in the urban conglomerations and depressed suburbs where many young people of North African origin live. In April and September rioting broke out respectively in southern Lille and in two areas of Seine-et-Marne after two such killings.

- Three nights of rioting followed the killing in Lille in April of Riad Hamlaoui, a French resident of Algerian origin. Riad Hamlaoui, the passenger in a reportedly stolen car, was shot dead by a police officer. The bullet was fired at close range, piercing his neck. Both he and the driver were unarmed. The driver had got out of the car but Riad Hamlaoui, still inside, was said to have made a "sudden movement" which, combined with the darkness of the night and condensation on the windows, had caused the officer to fear for his life. The officer was detained for investigation in connection with a charge of "voluntary homicide". Two reconstructions

took place and in July the officer was provisionally released.

Ill-treatment in police custody

Police brutality was widely reported. Most allegations were of beatings with truncheons or fists. Victims included asylum-seekers of African and Cuban origin and several women of non-European origin resident in France who alleged that they had been physically assaulted and racially abused.

A number of allegations related to ill-treatment and harassment by police at the Ibis Hotel and other holding areas at Roissy-Charles de Gaulle Airport. In February AI brought some of these allegations to the attention of the Minister of the Interior and expressed concern that the tense situation there, created by poor and inadequate facilities, could help to fuel confrontation between asylum-seekers and police officers. No response was received.

In September magistrates in Seine-Saint-Denis alleged that police had ill-treated minors suspected of delinquency in several incidents over the last few years, including one in which a minor was subjected to "Russian roulette" and another in which five black children were used as "punchbags".

- Shekuna Sumanu, from Sierra Leone, was among a group of Sierra Leonean nationals who claimed that they had been ill-treated and racially insulted by drunken police officers at the Ibis Hotel at Roissy-Charles de Gaulle Airport on the night of New Year's Eve when they emerged into a corridor to pray and sing as part of their religious rituals. Shekuna Sumanu was reportedly beaten across his thighs with a truncheon and required medical treatment.
- Cornélie Chappuis, of Congolese (Zairian) origin, claimed that in January she was ill-treated by police officers from Roubaix (Nord), who removed her from her house during a dispute with her husband and held her overnight at Roubaix police station. In transit to the station Cornélie Chappuis was reportedly handcuffed, thrown to the police van floor, pulled by the hair and told that if she did not stop protesting she would meet the same fate as Semira Adamu, a Nigerian national who died in 1998 during deportation by Belgian gendarmes. Later Cornélie Chappuis was reportedly forced to strip while officers made lewd remarks, one referring to her as a "nigger". Her family doctor subsequently recorded injuries on her body which had not been recorded in a medical report of the previous evening. Cornélie Chappuis was not charged.

'Islamist network' trials

In May Isabelle Coutant-Peyre, one of the lawyers who, during the 1998 "Chalabi" trial, had defended alleged members of support networks for Algerian armed opposition groups, was fined by a Paris court for defaming the national police. She had publicly described mass arrests preceding the trial in 1994 and 1995 as "raids worthy of the methods of the Gestapo and Militia, at all hours of the day and night, against whole families, including children." The court concluded that she had impugned the honour of the police.

The methods of France's specialized "anti-terrorism" investigating judges and of the 14th section of the Paris prosecution service continued to be brought into question by a number of court decisions, particularly with regard to the abusive

use of provisional detention and to a catch-all conspiracy charge, "criminal association with a terrorist enterprise".

- The appeal of 33 "Chalabi" defendants who had been convicted in 1999 was heard in January. In March the Paris appeal court found four of them not guilty. This brought the number acquitted of the conspiracy charge to 55 out of 138. Proceedings against another 35 had been dropped before the opening of the trial. In 1998 AI had criticized the entire judicial proceedings for falling short of international fair trial standards on a number of grounds. In November a compensation commission awarded to 20 of those acquitted a total sum of almost two million francs, on account of the long periods they had spent in provisional detention.
- In December the Correctional Court of Paris acquitted 16 out of 24 suspected members of another "Islamist" network of the charge of "criminal association with a terrorist enterprise". They were accused of preparing attacks during the 1998 World Cup.

Administrative detention

Several refugees, asylum-seekers and former prisoners (who had completed sentences served in France in connection with the above-mentioned conspiracy charge) were held under a form of administrative detention (*assignation à résidence*) instead of being expelled. This form of detention restricts the detainee's movements to a specific and extremely limited geographical area. They had no recourse to a court of law to contest the detention order. They included North Africans and Basques.

- In February AI renewed its appeal to the Minister of the Interior, first made in 1998, to review the case of Tunisian refugee Salah Ben Hédi Hassen Karker, who had been subjected to such administrative detention, far from his wife and child, for more than six years. AI reiterated that Salah Karker had never been given an effective opportunity to contest either the expulsion or administrative detention orders against him and considered it "intolerable to hold Salah Karker indefinitely under such a form of confinement". No response was received.

Impunity

The effective impunity granted by some courts to police officers or gendarmes, notably with regard to deaths in custody, continued to cause concern.

- In January the Court of Cassation annulled an appeal court verdict against a gendarme who, in 1993, had shot dead Franck Moret when he tried to escape a road checkpoint. The court refused the family leave to appeal. In July 1998 the Court of Appeal of Grenoble (Isère) had sentenced the gendarme to a suspended

18-month prison term, finding that, although the gendarme was entitled to fire to stop the car, the fatal shot had been fired in a "particularly imprudent and clumsy way". AI has expressed concern over the continuing application of a decree law which grants particular latitude to the gendarmerie with regard to the use of firearms. This concern was shared by the UN Human Rights Committee and by the UN Committee against Torture.

- In July, two Anti-Crime Brigade (BAC) officers were sentenced by the Correctional Court of Lille to a nominal suspended seven-month prison term for "involuntary homicide" in connection with the death in custody of Zairian-born Sydney Manoka Nzeza. Three other officers were acquitted of failing to provide help. The family's lawyer stated that an appeal would be lodged against the light sentences. In 1998 Sydney Manoka Nzeza was apprehended by a number of police officers during an argument with a car driver. He was pinned to the ground and held under restraint, shackled by his arms and feet and taken to the police station, where he died. An autopsy established that death was caused by thoracic compression.
- In October a judge ordered that a charge of "voluntary and involuntary homicide" against police officers involved in the death of Mohamed Ali Saoud be dropped. In the course of a violent struggle in 1998, Mohamed Ali Saoud, who was suffering from a mental disability and needed urgent medical attention, was shot with rubber bullets and allegedly repeatedly beaten before and while being held under heavy restraint. The judge concluded that the officers had found themselves in a dangerous situation and had not acted criminally. An appeal was lodged against the decision.

AI country reports and visits

Report

- Concerns in Europe, January-June 2000: France (AI Index: [EUR 01/003/00](#))

Visits

An AI delegate visited France in March and April to gather information.
