

EXTERNAL

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SWITZERLAND - THE ALLEGED ILL-TREATMENT OF MARC G* BY POLICE OFFICERS IN GENEVA

Marc G lodged administrative and criminal complaints with the Geneva Chief of Police and the Geneva Procurator General on 28 and 29 March 1996 respectively, alleging that he had been ill-treated by police officers on 3 February 1996. On 28 May the Procurator General decided that his complaint should be assigned to an investigating magistrate. Amnesty International is seeking the cooperation of the Geneva authorities in informing the organization of the eventual outcome of the investigations opened into Marc G's allegations and of any further judicial or disciplinary proceedings arising from them.

In his complaint Marc G said that, after he carried out a bag-snatch on a Geneva street on 3 February, police officers chased him and an accomplice, eventually cornering them inside a building. He claimed they offered no resistance, raised their arms in an act of surrender and obeyed an order to stand against the wall with their hands above their heads. However, he alleged that one of the officers, whom he identified by name, ordered his dog to attack him and that he was bitten on his shoulder, hip, thigh and left knee and fell to the floor, in intense pain. He said the officer ignored his repeated requests to call off the dog and, instead, encouraged the animal to continue his attack and laughed as he watched: the dog eventually backed off when Marc G had stopped moving. He claimed that after he was handcuffed behind his back, a second officer - a plainclothes police inspector - pulled him to his feet and threw him against the wall, whereupon the dog attacked his thigh again and that, when he complained, the officer struck his head with his pistol. He said he informed the officers that he was a diabetic but was told they were "not interested".

He said a third officer - also an inspector - dragged him downstairs to the street and, when he said he was feeling very ill, told him to be quiet, then forced his head and torso violently onto the bonnet of the police car, seized his handcuffs and forced his arms upwards until he thought his arm would break. He said that at the same time the officer jabbed his elbow into his spine and neck, threatening him with further ill-treatment at the police station if he did not "talk". Marc G said the man desisted when another officer intervened and that he was then thrown into the police car and, when he again stated that he was a diabetic, told to be quiet.

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At the police station in boulevard Carl-Vogt, he was questioned by the inspector who had allegedly struck him with his pistol. Marc G told him he was feeling very ill and was a diabetic, dependent on insulin. The officer said a doctor would be called after he had asked him some questions. He said that, after an interrogation of around an hour, during which time he received no food, water or insulin, he begged for a doctor to be called. A doctor arrived some 15 to 20 minutes later. According to Marc G's complaint, the doctor told the officer that he required urgent hospitalization but that, although the doctor was assured this would be done, he was questioned again after she had left and told that if he wanted to go to hospital he had to sign a confession. He said he was questioned for about four hours until his transfer to the Cantonal Hospital at around midnight.

He was escorted to the hospital by two uniformed police officers where a doctor examined him in private and photographed his injuries, allegedly despite protests from the escorting officers. He remained at the hospital overnight, for observation, and the next morning, 4 February, was taken back to the police station where he underwent further questioning until his transfer to the local prison of Champ-Dollon later that day.

In his March complaint Marc G stated that he was still suffering from severe headaches and pain in his hip and shoulder: Amnesty International understands that he is awaiting a surgical operation to the latter. Attached were the photographs taken at the Cantonal Hospital and a medical certificate confirming that he had been examined by its emergency services on 4 February. It recorded bruising to his head and swelling and numerous cuts and bruises to his left leg, concentrated around his thigh. The certificate stated that the patient had alleged receiving a blow to his head from the butt of a gun and being attacked by a dog and that the findings of the medical examination were "consistent" ("compatibles") with his allegations. A certificate issued by the prison medical service, following an examination carried out on 5 February, also recorded traumatic injuries consisting of multiple cuts and bruises to his left leg and left shoulder.

Background Information

In recent years the Canton of Geneva has introduced a number of reforms aimed at improving the safeguards against ill-treatment for detainees in police custody (see Switzerland - Allegations of ill-treatment in police custody, AI Index: EUR 43/02/94). However, despite these reforms, a number of allegations of police ill-treatment have continued to be reported.

For example, on 18 March 1996, following a police investigation, Geneva's Procurator General issued suspended sentences of three and four months' imprisonment against two police officers for causing physical injuries to a Moroccan national on 23 December 1995. The police had arrested the man after being called to a city cafe in the early hours of the morning where they found him drunk and causing a disturbance. He was

handcuffed and taken to a police station from which he was released some four hours later. Within days of his release he lodged a formal complaint against the police alleging that he had been beaten, while handcuffed, and called "a dirty Arab". His complaint was apparently supported by medical certificates recording two cracked or broken ribs and bruises and grazes to his back. According to statements reported by the press, the Procurator General reached his decision after receiving the evidence of a trainee police officer who had been at the station at the time of the alleged incidents and stated that he had seen one of the officers hitting the detainee, while the other looked on without intervening. In June the officers entered a successful appeal requesting that the charges against them be examined by a higher jurisdiction, and the case was returned to the Procurator General for a decision on whether to appoint an investigating magistrate to the case or to refer it directly for a hearing before Geneva's criminal court. However, the prosecution can only proceed if the alleged victim continues to pursue his complaint.

In view of such allegations Amnesty International welcomed the Geneva parliament's approval, in April 1996, of legislative reforms introducing further safeguards against possible ill-treatment in police custody.

The measures included an automatic medical examination, by a doctor, of every criminal suspect prior to police questioning (unless refused by the detainee): a medical examination would also be available after questioning, at the detainee's request. It was also proposed that there should be no exception to the right of immediate access to a lawyer after 24 hours in police custody and that detainees should have the right to have their relatives promptly informed of their detention, except where a demonstrable risk of compromising the criminal investigation exists. A written list of the rights of detainees in police custody would also be made available in a variety of languages, and automatically given to each detainee in police custody, in a language understood by him/her. Geneva's Chief of Police publicly supported the introduction of these reforms, pointing out that the systematic medical examination of detainees would also serve to protect police officers from unfounded allegations of ill-treatment. However, the reforms had not come into force at the time of writing as they were subject to a cantonal referendum.