

# amnesty international

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**EXTERNAL**

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## FRANCE:

### THE ALLEGED ILL-TREATMENT OF OMAR BAHA BY POLICE OFFICERS IN PARIS

Amnesty International is concerned about the alleged ill-treatment, by police officers, of Omar Baha, a 38-year-old French actor of Algerian origin on 23 December 2002, after he saw a man being beaten by police during an identity check and tried to intervene.

The following account of the alleged ill-treatment of Mr Baha is based on statements made by Mr Baha himself, by witnesses speaking to journalists and by those who gave evidence during the course of judicial hearings.

On 23 December 2002, Omar Baha witnessed the ill-treatment of Sebastian de Freitas at the hands of a group of police officers who had used tear gas to disperse a large crowd outside the Château d'Eau metro station on the Boulevard de Strasbourg. Sebastian de Freitas was reportedly Christmas shopping with relatives, including his four-year-old brother. Angry at the effect of the gas on the little boy, who had started to cry, Sebastian de Freitas had apparently insulted the officers, who demanded to see his identity papers, threw him to the ground and beat him. Omar Baha approached the officers and declared his intention to denounce their actions to the Interior Ministry. He reminded them of a recent statement made by the Minister of the Interior that he would not tolerate any police abuses or excesses<sup>1</sup>. As he turned to go into the Metro station, he was approached by the officer using the tear gas and reportedly struck hard on the face with the end of the gas canister and then beaten further by a number of officers. This account was reportedly supported by various eye-witnesses who

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<sup>1</sup> The Minister for the Interior, Nicolas Sarkozy, had announced in a speech to directors of the Police Nationale on 26<sup>th</sup> June 2002 that, whilst promising the police more powers and greater support in the fight against crime, he would not tolerate any infringement of republican rules or any leniency towards police brutality: *'Je ne tolérerai aucune entorse aux règles républicaines justement parce qu'elles remettent en cause votre autorité [...] je vous demande [...] aucune complaisance envers quelque dérive que ce soit'*

confirmed the unprovoked police brutality towards Omar Baha. The crowd reportedly shouted to the police to stop.

His nose bleeding, Omar Baha was put in a police van with Sebastian de Freitas and taken to a police station on the rue de Nancy. He was told by a police officer that he would have to wait until later to receive any medical attention. At the police station he was charged with proffering insults, rebellion and incitation to riot (“*incitation à l’émeute*”). A duty doctor found that his nose was fractured but he was not allowed the advised hospital treatment while being held in police custody. (The doctor had said that he needed further examination by a specialist at Lariboisière hospital.)

Omar Baha remained in police custody until 25 December. On 24 December he was transferred into the custody of the court and appeared before the prosecutor on 25 December when he was provisionally released until a court hearing on 7 February at a Paris correctional court<sup>2</sup> at the *Palais de Justice*.

The extended period of Omar Baha’s detention until 25 December was based on a false charge of “incitation to riot” – a charge which does not exist under French law.

Subsequently, Omar Baha was interviewed by an officer of the *Inspection générale des services (IGS)* (*Police Complaints Authority – the police of the police*) who had been asked by the prosecutor to examine his complaint against the police officers. On 17 January the Interior Ministry announced that two judicial inquiries had been opened – one into the charges against Omar Baha, the other into Omar Baha’s complaint against the police and that two officers suspected of involvement in the ill-treatment of Omar Baha had been provisionally suspended from duty.

At the hearing on 7 February 2003 the court dismissed all charges against Omar Bahar. The court found in favour of the argument that the charge brought by the police officers as grounds for extending police custody – incitation to riot – was illegal because it did not exist, as such, in the French Penal Code. The defence lawyer for Omar Baha also argued that the extension of custody of a detainee who had been injured and who required medical treatment that was not in fact administered promptly, was not in conformity with the proper conduct of a police officer.

The complaint of ill-treatment brought by Omar Baha against the police officers has not yet been heard.

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<sup>2</sup> 24e Chambre du Tribunal Correctionnel de Paris