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FRANCE: AN OPEN DIALOGUE WITH THE FRENCH GOVERNMENT ON THE PERSISTENCE OF CERTAIN VIOLATIONS PERPETRATED BY LAW ENFORCEMENT OFFICERS

Following talks held in Paris on 2 and 3 April 1996 between a delegation from the International Secretariat of Amnesty International, headed by Hervé Berger, Deputy Secretary General, and leading government officials, including the Minister of Justice, Amnesty International notes the willingness of the French authorities to engage in a dialogue.

At the same time, Amnesty International notes the persistence of certain human rights violations committed by law enforcement officers which were described in a report of October 1994.

In the report entitled *France: Shootings, killings and alleged ill-treatment by law enforcement officers*, Amnesty International highlighted cases where the organization believed officers used force recklessly and without due respect for the law. It noted that the victims were often juveniles and many were of non-European ethnic origin. Amnesty International made specific recommendations to the ministers responsible for the police, *gendarmerie* and justice, aimed at preventing such violations.

In the 18 months since the report was published new cases have been brought to Amnesty International's attention. They demonstrate that the concerns raised in 1994 are still of immediate relevance. These recent incidents are still under judicial and/or administrative investigation and the full circumstances are not yet known. However, in a number of cases the same pattern of concerns appears as in the 1994 report.

In South-East France in August 1995, a police border patrol officer shot and killed Todor Bogdanovic, an eight-year-old Rom from Serbia. Judicial and administrative inquiries were immediately opened. The preliminary report of the administrative inquiry said that the gunshots were premature. The judicial inquiry is unfinished.

Sid Ahmed Amiri, of dual French and Algerian nationality, was detained in Marseilles in August 1995. He claimed that three officers of the transport police unit (USTC) detained him and took him in handcuffs to an isolated quarry, kicked him and beat him with their fists and truncheons. He was then placed in a metal container and he claimed the officers fired shots at it before taking his wallet and leaving. The officers were suspended and a judicial investigation was opened on charges of illegal detention, premeditated assault and theft.

In September 1995, 16 trade unionists were detained by officers of the *Gendarmerie nationale* in Tahiti, following civil disturbances in connection with the resumption of French nuclear testing in the Pacific. Judicial inquiries are continuing into their allegations of ill-treatment and assault.

During its discussions with the French authorities, the delegation again raised its concerns regarding the excessive length of proceedings involving law enforcement officers and unwarranted delays in the investigation process.

Amnesty International also expressed its concern about the extent of the powers available under certain laws to the *gendarmerie* (which is responsible to the Ministry of Defence) with regard to the use of firearms. The delegates stressed that it was essential for French law to conform to international recommendations and to abrogate a 1943 decree governing the use of firearms by officers, NCOs and *gendarmes*. The authorities to which the delegation spoke themselves described the decree as "null and void".

The Amnesty International delegation received assurances from the French Government that police training would be improved. Reference was also made to the French Government's plans for increasing the effective administration of justice.

Amnesty International is satisfied with the quality of the dialogue which has been established during these talks and which should be maintained.

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Please refer to Amnesty International's October 1994 report, *France: Shootings, killings and alleged ill-treatment by law enforcement officers* (AI Index: EUR 21/02/94), for further information.