



POLICE ILL-TREATMENT IN FRANCE

ABOU BAKARI TANDIA

“If they told us it was an accident, or there had been violence, we’d understand. We’re human. But not if they say he banged his head against the wall. It doesn’t make any sense. We just want to know what happened so we can grieve.”

Statement by Abou Bakari Tandia’s uncle at a press conference on 24 January 2009



Abou Bakari Tandia, an irregular migrant from Mali, lived in France for 13 years. He died after falling into a coma in police custody in Courbevoie (Hauts-des-Seine, a suburb of Paris) in December 2004. He was 38 years old when he died. Almost five years later his cause of death has still not been established.

Police officers stopped Abou Bakari at around 8pm on 5 December 2004 and took him to the Courbevoie police station for an identity check. He fell into a coma in unknown circumstances and was transferred to the Salpêtrière hospital, and then on to the Louis Mourier de Colombes hospital. He remained in hospital in a coma until his death on 24 January 2005.

Abou Bakari’s family was not notified of his arrest and admission to hospital until 9 December. They visited the hospital with a representative of the Malian consulate but were not allowed to see Abou Bakari for another three days, as police told them he was still in custody.

When Abou Bakari’s family were finally allowed to see him, he was already brain dead. Despite the fact the police claimed he had fallen into a coma after deliberately banging his head against the wall, they could see no visible head injuries. Neither the autopsy report nor any of the medical reports from either of the two hospitals to which he was admitted mentions any head injury. Abou Bakari’s autopsy report attributed his death to multiple organ failure, but did not indicate how this was caused.

The Nanterre (Hauts-des-Seine) public prosecutor opened an investigation on the night Abou Bakari was admitted to hospital, but closed the case in March 2005 without further action due to a lack of evidence to support a prosecution. Abou Bakari’s family made a complaint of “torture and ill-treatment resulting in death” and the case was reopened in April 2005, but progress on the case has been slow.

In 2005 Abou Bakari’s family had been informed that the CCTV camera in his cell was not working on the night of his arrest because a detainee had pulled out its cables. A new internal investigation requested by the family’s lawyer revealed in late 2008 that it was impossible for anyone to reach and vandalize the camera, given its position. The family’s lawyer presented charges of false testimony against the police officer who claimed that a detainee had vandalized the camera, but the public prosecutor did not pursue them.

Immediately after Abou Bakari’s death, the hospital told investigators that his medical reports had been lost. The hospital only produced the medical reports in January 2009, four years after the death, in response to a formal complaint of “destruction of evidence” by the family’s lawyer. It resulted that the hospital had found the misplaced file in early 2005 but had not informed the court. Similarly, in August 2008 the prosecutor handed over some of Abou Bakari’s medical records to the investigating judge, stating that they too had been accidentally misplaced since 2005. These medical documents were subsequently examined by independent specialists from the Medico-Legal Institute in Paris. Their report concluded that Abou Bakari Tandia’s brain injury was caused by being violently shaken and that police testimony that he had thrown himself against a wall did not tally with the medical evidence.

Almost five years after his death, Abou Bakari's family is still waiting for an explanation and for an investigative judge to further re-examine the case.

ISSUE IN FOCUS: INADEQUATE INVESTIGATIONS

France has an obligation under international law to respect and protect the right to life and ensure the absolute prohibition of torture and other-ill treatment. A crucial component of this obligation is the requirement to conduct a prompt, thorough, impartial and independent investigation whenever there is a suspicion that torture or an unlawful killing may have occurred.

Amnesty International believes that when investigations against police officers rely heavily on assistance from judicial police officers and internal police investigation reports, they cannot be considered truly impartial and independent. Furthermore, when investigating authorities are slow to take necessary actions to investigate, as in Abou Bakari's case, the requirements of thoroughness and promptness are violated. As a result, victims and their families are led to believe that there is a reluctance to discover the truth.

On 6 April 1993 Pascal Taïs and his girlfriend were detained by police after a traffic accident in Arcachon, near Bordeaux. He was beaten repeatedly with truncheons while being restrained. The next morning Pascal Taïs was found dead in a pool of blood in the police cell. In 1996 the investigation into his death was closed due to "a lack of evidence", a decision confirmed in 2003 by the Court of Appeal. After more than 10 years' investigation, the court had failed to gather enough evidence to establish the cause of death. On 1 June 2006, the European Court of Human Rights found that Pascal Taïs' right to life had been violated both by his death in police custody and by French authorities' failure to conduct an effective investigation into the matter. Sadly, over 16 years after Pascal Taïs' death, French authorities still fail to conduct adequate investigations into deaths in police custody.

ACT NOW!

Write to the Minister of Justice calling on her to:

- Ensure a prompt, thorough and impartial investigation is conducted into the death of Abou Bakari Tandia, into the charges of false testimony made against some of the police officers involved, and against any individual suspected of deliberately destroying or withholding evidence;
- Take disciplinary action against any judge or prosecutor who fails to conduct an adequate investigation within a reasonable time; and
- Establish a fully resourced independent police complaints commission which would replace the investigative role of the IGPN, IGS and the IGN in serious cases such as allegations of torture and deaths in custody.

Write to the Minister of Interior calling on him to:

- Suspend the officers implicated in the death of Abou Bakari Tandia pending the outcome of criminal and disciplinary investigations;
- Make the IGPN, IGS and IGN reports into the incident publicly available;
- Ensure appropriate disciplinary measures are taken against any officer found to have been responsible for Abou Bakari Tandia's death; and
- Ensure appropriate disciplinary measures are taken against any officer found to have given false testimony and/or deliberately destroyed or concealed evidence;

WRITE TO:

MME. MICHELE ALLIOT-MARIE

Minister of Justice

Ministry of Justice

13, Place Vendôme

75042 Paris CEDEX 01

FRANCE

M. BRICE HORTEFEUX

Minister of the Interior

Ministry of the Interior

Place Beauvau

75008 Paris CEDEX 08

FRANCE

SALUTATION: DEAR MINISTER

SALUTATION: DEAR MINISTER

Learn more about police ill-treatment in France here: <http://www.amnesty.fr/despoliciersaudessusdeslois> and <http://www.amnesty.org/en/library/info/EUR21/003/2009/en>

Photo: Demonstration calling for justice for Abou Bakari Tandia, Paris, 24 January 2009. © Amnesty International