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GERMANY: THE DEATH DURING FORCIBLE DEPORTATION OF AAMIR AGEEB

In recent years Amnesty International has repeatedly expressed concern about the alleged ill-treatment of asylum-seekers by police officers during their forced deportations from Germany. The organization believes that it is the responsibility of the German government to ensure that deportations are carried out in accordance with international standards and in a manner which respects the human rights of the deportees. It is relevant to note that the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, in its 7th General Report, published in 1997, "recognises that it will often be a difficult task to enforce an expulsion order in respect of a foreign national who is determined to stay on a State's territory. Law enforcement officials may on occasion have to use force in order to affect such a removal. However, the force used should be no more than is reasonably necessary. It would, in particular, be entirely unacceptable for a person subject to an expulsion order to be physically assaulted as a form of persuasion to board a means of transport or as a punishment for not having done so".

Amnesty International is calling on the German authorities to ensure that police officers follow these principles and senior police officers should deliver the clear message to their subordinates that torture or ill-treatment of deportees is unacceptable and will be the subject of severe sanctions. Amnesty International is calling for thorough and impartial investigations into all incidents of alleged ill-treatment and for those police officers responsible to be brought to justice.

Death during forced deportation - the case of Aamir Ageeb

Amnesty International learned of the death of a 30-year-old Sudanese national, Aamir Ageeb, during his forced deportation from Frankfurt airport to Khartoum on 28 May 1999. Aamir Ageeb is alleged to have died on the aeroplane in the presence of three officers from the federal border police (*Bundesgrenzschutz*). The organization wrote to the German authorities expressing the concern that the actions of the police officers may have contributed to his death.

Three officers of the federal border police accompanied Aamir Ageeb to Frankfurt am Main airport on the evening of 28 May, where he was to be flown on a Lufthansa flight from Frankfurt to Khartoum via Cairo. It has been reported that before the departure Aamir Ageeb's arms and legs were bound by the police officers when he resisted deportation. The police officers have alleged that Aamir Ageeb acted violently towards them. It is also alleged that a helmet was placed over Aamir Ageeb's head. There are reports that on the aeroplane after he was placed in a seat by the police officers, he continued to struggle. The police officers are alleged to have forced the detainee's head between his knees and to have kept him in this position until after the aeroplane had taken off. After take-off Aamir Ageeb stopped struggling and was pushed upright by the police officers. When the helmet was removed from his head the police officers noticed that he had stopped breathing. Several doctors on the aeroplane are reported to have attempted to resuscitate him. The aeroplane was forced to make an unscheduled landing in Munich due to the death on board. As a result of the death of Aamir Ageeb there was a temporary suspension of all forced expulsions from Germany.

Amnesty International wrote to the authorities in June 1999 expressing concern about the use of a helmet during the forced deportation of Aamir Ageeb. A spokesperson for the Ministry of the Interior stated on 30 May that helmets are employed by the authorities to protect the deportee from physical injury during their forced deportation and to protect police officers from being bitten. Amnesty International asked to be informed of the type of helmet employed during forced deportation, the frequency of their use and the guidelines relating to their use. The organization was informed by the Ministry of Interior in July that the use of helmets was stopped when deportations resumed after the temporary suspension of forced expulsions from Germany. The organization also expressed concern about the technique of restraining a deportee in the sitting position by forcing the upper body forward onto, and below, the knees, fearing that this technique may impede the breathing of a deportee, especially when great amounts of pressure are exerted and when other restraints are employed at the same time.

Amnesty International welcomed the announcement that an investigation would be held into the circumstances surrounding the death and asked to be informed of the findings of the investigation, which have not yet been made public. However, it is important to note that the death of Aamir Ageeb is not the first case of an asylum-seeker having died after being restrained during forced expulsion at Frankfurt am Main airport. In August 1994 a Nigerian national, Kola Bankole, died of heart failure during his forced deportation from the same airport. He had been restrained, sedated and gagged with a device one of the police officers had made at home from socks and a belt from a window blind. Amnesty International believes that unless legislation and regulations are enacted to provide safeguards that a deportee's inherent dignity is respected, there is no guarantee that tragic deaths like those of Kola Bankole and Aamir Ageeb will not recur.

Amnesty International's recommendations:

- Police officers should be informed that no more force should be used deporting a person than is reasonably necessary and it is entirely unacceptable for a person subject to an expulsion order to be physically assaulted as a form of persuasion to board a means of transport or as punishment for not having done so;
- Senior police officers should deliver the clear message to their subordinates that torture or ill-treatment of deportees is unacceptable in all instances and will be the subject of severe sanctions;
- The German authorities should examine the safety of the use of methods of restraint and ensure that they do not endanger the health and safety of the deportee;

- Greater concern should be given to the medical condition of the deportee both before and during deportation;
- All allegations of police ill-treatment should be investigated by the prosecuting authorities promptly, impartially and thoroughly. In their investigations public prosecutors should pay special heed to the principles established in German law and in international human rights instruments regarding the use of force by law enforcement officials. If a criminal investigation establishes that the allegations of the complainant are credible, it should be left to a court to assess the veracity of conflicting or contradictory testimony;
- Police training policies and programs should be reviewed in order to ensure that education in the international norms and standards of human rights, particularly standards on the prohibition of torture and ill-treatment in all circumstances, is included.