

News Service: 252/98  
AI INDEX: EUR 23/10/98  
21 DECEMBER 1998

## **PUBLIC STATEMENT**

### **GERMANY**

#### **AMNESTY INTERNATIONAL REQUESTS CLARIFICATION FOLLOWING ACQUITTAL OF HAMBURG POLICEMEN**

Amnesty International has written to the Hamburg government requesting clarification about some aspects of the case of two Hamburg policemen who were recently acquitted two years after having been found guilty of assaulting Oliver Neß, a local investigative journalist, in May 1994.

The two policemen, Olaf Aust and Oliver Heins, were convicted by the Hamburg Regional Court in June 1996. They subsequently appealed to the Federal High Court, which acquitted them at the end of September 1998.

One of the reasons for acquittal was the two year delay by the Hamburg Prosecutor's Office in getting the case to appeal. This time lapse was strongly criticized by the Federal High Court, which found that it made it impossible to clearly establish the guilt or innocence of the accused.

The High Court also considered that the police officers were under intense pressure at the time of the incident and that this may have contributed to the injuries the journalist suffered.

In its letter Amnesty International has asked the Hamburg authorities:

- to explain the reason for the delay in presenting the case for appeal;
- to indicate what measures have been taken or are being considered to avoid such delays in the future and the time-scale for their implementation;
- to clarify the disciplinary position of the officers involved in the incident.

Amnesty International has also asked what action has been taken or planned to ensure the implementation in Hamburg of Article 3 of the United Nations Code of Conduct for Law Enforcement Officials, which states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

#### **Background**

Oliver Neß was covering a public political rally and counter-demonstration at the time of the alleged assault. He claimed that the assault occurred while he was lying on the ground surrounded by police. Among other injuries, this resulted in permanent damage to one of his feet, for which he is still receiving treatment.

Neß was known for investigating allegations of ill-treatment by the Hamburg police and an officer had been found guilty of assaulting him during the course of his work in 1992.

In the course of the investigations into the May 1994 events, the crucial parts of police video and audio tapes were found to be blank.

ENDS.../