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Austria: Racism in police and the justice system

If you can't rely on the police to protect you, who can you rely on?

An Austrian citizen of Turkish origin who has represented Austria at two Olympic Games

Institutional racism is permeating the Austrian police force and other parts of the country's criminal justice system, Amnesty International says in a report published today. The organization is calls for urgent action to ensure that police and judicial organs provide the same quality of service to all people, regardless of ethnic origin or skin colour.

"Austria runs a de facto two-tier justice system is an affront to the concept of justice. Common social prejudices and stereotypes regarding foreigners and different religious and ethnic groups can have no place in law enforcement structures," said John Dalhuisen, Amnesty International's expert on Austria.

"The Austrian authorities must send a clear message to law enforcement officials and to the public in general that ill-treatment of detainees and racist misconduct are absolutely prohibited in all circumstances and will be investigated and acted upon as appropriate."

The report, [*Victim or suspect: A question of colour. Racist discrimination in the Austrian justice system*](#), documents cases of racist abuse and ill-treatment by the Austrian police as well as the failure of the broader criminal justice system to treat migrants and members of ethnic minorities without discrimination.

As a result of its research, Amnesty International has found that non-white Austrians are more likely to be suspected of crime and ill-treated by police. Their grievances are far less likely to be promptly and thoroughly investigated and the perpetrators to be brought to justice.

"The impact of the discriminatory practices of the police is such that the sense of injustice is not limited to individual victims but spreads contagiously throughout minority communities that come to perceive themselves as specifically targeted," John Dalhuisen said.

While there are no official statistics on the ethnicity of complainants or of proven victims of police ill-treatment, anecdotal evidence and the fact that the overwhelming majority of such cases reported to and taken up by Amnesty International have involved members of ethnic minorities raises the concern of overt racism on the part of law enforcement structures.

Amnesty International is concerned that the majority of complaints of police ill-treatment by members of ethnic minorities are met with an inadequate response by the police force itself and by the judicial system.

Complaints are not properly investigated, police officers are seldom prosecuted and lightly sanctioned.

“It is high time that political leaders and senior police officials acknowledge the existence of racism in the police force. Public confidence in the police cannot be maintained if police officers who are known to have committed serious human rights violations remain in office,” John Dalhuisen said.

Amnesty International calls on the Austrian authorities to:

Ensure that all allegations of racist misconduct by law enforcement officials are effectively investigated and appropriately punished;

Improve the identification of, and institutional response to, patterns of racist misconduct on the part of law enforcement officials;

Increase the awareness of all law enforcement officials of their duty not to discriminate;

Ensure the effective investigation and prosecution of crimes reported by foreign nationals and members of ethnic minorities, including possible racist motivations.

Cases

On 7 April 2006, Bakary J, a Gambian citizen was placed on a plane to Gambia after being released from prison. On board the plane Bakary J told the flight staff that he was being deported against his will. Accordingly, the pilot insisted on his removal. The police officers took him to an isolated warehouse where they beat and punched him on the floor. One of the officers got in the car and hit Bakary J as he was lying on the floor in the back and in the neck. The officers took him to hospital claiming that Bakary J sustained injuries in his head, both hips, left shoulder and spine while trying to escape. In the meantime, his wife managed to contact Amnesty International and the media to raise alarm about his treatment. As a result, the incident was investigated and the police officers put on trial. They received suspended prison sentences of less than one year which were later commuted to fines, which were later reduced. Barely seven months after the incident, the police officers were back at work, albeit in different posts.

In October 2006, A, of Ghanaian origin, was walking home from work in Vienna, when a man ran out in the street and started taking pictures of him, calling him a drug dealer. A tried to grab the camera from him but the man's wife came running to the street and pepper sprayed him. While A was lying on the ground after the pepper attack, the man was preparing to hit him with a baseball bat but some passers-by intervened and called the police. The police failed to take statements from the witnesses and charges against the attacking couple were dropped.

H, an Austrian citizen of Polish origin was returning home late one evening in June 2007 in Vienna when he came across a group of Polish speakers arguing with two other people. H tried unsuccessfully to diffuse the situation. Police came when the brawl was petering out. Instead of taking testimonies, the police allegedly insulted and punched him and threw him on the ground. H managed to call the emergency services on his mobile where they recorded landing of blows and the police calling him “little arsehole”. H was put in a police car where he said he was beaten again. H was charged with resisting lawful authority. H complained before a prosecutor but all charges against the police officer were dropped. The charges against H himself were only dropped after he took his case to the Independent Administrative Tribunal.