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Denmark: Lack of independent investigation leaves police officers unaccountable

The Danish authorities must establish an independent mechanism for the investigation of human rights violations by the police, Amnesty International said today. The organization made the call as it published a detailed briefing into the case of Jens Arne Ørskov on the fourth anniversary of his death in police custody.

"The police cannot be above the law. Actions that have led to human rights violations must be thoroughly, independently, impartially and promptly investigated. The Danish government must comply with its international obligations and ensure that this happens," Claus Juul, Amnesty International's researcher on Denmark, said.

On 14 June 2002, 21-year-old Jens Arne Ørskov died while in custody of Løgstør Police. He was arrested for disorderly behaviour at a town celebration in northern Jutland. According to official reports, Jens Arne Ørskov ran amok and the two police officers taking him to prison had to calm him by holding him on the ground face down. At some point Jens Arne Ørskov reportedly lost consciousness and the police officers called an ambulance. He was formally pronounced dead on arrival at the local hospital.

The cause of death, given as "hyper excitation leading to cardiac arrest", has since been disputed by Danish as well as international medical experts. They are unanimous that Jens Arne Ørskov died from asphyxiation having been forced to lie on his stomach and having pressure applied to his back.

"It is a disgrace that to date no-one has been found responsible and held accountable for the treatment and death in police custody of Jens Arne Ørskov," Claus Juul said.

The case of Jens Arne Ørskov and the police actions that allegedly led to his death would have been ignored if it were not for two Danish TV documentaries which exposed inconsistencies in the autopsy report and the investigation of the actions of the police officers involved, including important factual information being ignored.

"The state prosecutor for Northern Jutland, who was a former lawyer with Løgstør Police, and the Director of Public Prosecutions have dismally failed in their obligations to investigate impartially and thoroughly this death in police custody. A series of issues not only in relation to the cause of death, but also in relation to the specific actions of the police officers were left unresolved in subsequent investigations," Claus Juul said.

The Danish authorities have closed the case into the circumstances surrounding the death of Jens Arne Ørskov without taking criminal action or otherwise disciplining the police officers. However, in May 2006 Jonna Ørskov, Jens Arne Ørskov's mother, was granted free legal aid to file a civil law suit against Løgstør Police and the Ministry of Justice for not implementing their responsibilities to ensure that police officers are properly trained and for not investigating the death of her son thoroughly and impartially.

"It's terrible what you have to go through because of a bad legal system. I am fighting for justice for Jens Arne. I am fighting to make those responsible for a long line of mistakes that led to my son's death, accountable for their actions," Jonna Ørskov told Amnesty International.

On the eve of the fourth anniversary of Jens Arne Ørskov's death, the Danish Minister of Justice announced that the frequent display of public distrust in the complaints system cannot be tolerated anymore and that it should be considered whether a change is required. Amnesty International welcomes this apparent willingness to open a debate on reform.

"Now is the time for the Justice Minister to order a reopening of Jens Arne Ørskov's case. The questions left unanswered so far mean that lessons have not been learnt, general guidelines for such situations have not been changed and other mothers risk facing the same ordeal as Jonna Ørskov in future," Claus Juul said.

See: *Denmark: Jens Arne Ørskov's death in custody: A mother's quest for justice*, (AI Index: EUR 18/001/2006) <http://web.amnesty.org/library/index/engeur180012006>

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