

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: EUR 23/002/2004 (Public)
News Service No: 285

Embargo Date: 14 January 2004 10:00 GMT

Germany: Police ill-treatment and excessive use of force

Published

There is a persistent pattern of alleged ill-treatment and excessive use of force by police officers in Germany according to a new report by Amnesty International. The human rights organization is calling on the German government to establish without delay an independent body to examine complaints of serious police misconduct.

"All too often complaints against police officers are not investigated promptly or impartially. Although some cases do make it to the courts, others do not, even though there is compelling evidence to suggest that they should," Amnesty International said.

Back in the Spotlight - Allegations of police ill-treatment and excessive use of force in Germany highlights Amnesty International's concerns about ongoing allegations of police ill-treatment and excessive use of force. A significant proportion of the allegations continue to come from foreign nationals or members of ethnic minorities in Germany. The report looks in detail at a number of individual cases.

In particular the report draws attention to the unreasonably protracted length of criminal investigations into allegations of police ill-treatment, the reluctance of some prosecuting authorities to forward cases to the courts, the high incidence of counter-charges brought by police against those who complain, and sentences which in some cases do not appear to match the gravity of the crime.

"There is a very real danger that these practices result in police officers getting away with committing human rights violations. Even in cases of *prima facie* evidence of torture it has sometimes taken years for the alleged perpetrators to be brought to justice."

"The number of allegations received by Amnesty International has diminished in recent years, but the seriousness of certain reports and the severity of some of the injuries demonstrates that there is still a long way to go. One of the most effective ways to prevent and penalize acts of ill-treatment is to investigate complaints promptly and impartially."

A further concern is that official statistics on police ill-treatment in Germany are woefully inadequate. In previous reports on Germany published in 1995 and 1997 Amnesty International recommended that a central agency collect and compile uniform and comprehensive figures on complaints against police officers.

Eight years on the problems remain: police statistics are collated by the individual *Länder* (regional states). However, the lack of uniformity of this data collection by the various *Länder* makes national overview extremely problematic.

"The authorities in Germany must establish a system to maintain and publish regular, uniform and comprehensive statistics. The establishment of such a system is long overdue," Amnesty International said.

"Greater scrutiny of police conduct could also be achieved by allowing domestic and international human rights experts immediate and unrestricted access to places of detention. Germany should therefore immediately sign and ratify the Optional Protocol to the Convention against Torture and establish a mechanism for places of detention in Germany to be visited," the human rights organization stated.

The report also reaffirms the absolute prohibition of torture in international law. One particular incident sparked off a disturbing debate in German society about whether torture should be permissible in certain instances - for instance in order to save a human life.

"Amnesty International believes however that there can be no justification for torture. The message should be delivered loud and clear to all police officers that torture or ill-treatment or threats thereof are absolutely prohibited."

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

For latest human rights news view <http://news.amnesty.org>