

**EXTERNAL**

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**GERMANY: ALLEGED ILL-TREATMENT OF MIMOUN T.**

The following information is based on statements made by Mimoun T. and by a witness, on a criminal complaint lodged by Mimoun T.'s lawyer, on a medical certificate, and on newspaper reports of the incident in question.

On the evening of 7 October 1992 at about 6.30pm, Mimoun T. and a friend were stopped near Frankfurt am Main railway station by several uniformed police officers. According to a statement made by Mimoun T., one of the officers shouted at the 25-year-old Moroccan to put his hands above his head and stand against the wall. Mimoun T. asked the officers if they wanted to see his identity papers, but before he could show them he was kicked by an officer and struck on the back of the head by a police baton. After falling to the ground Mimoun T. was handcuffed. He was then kicked again and his head was banged against the ground. His ill-treatment was witnessed by a friend. Mimoun T. was then pushed into a police van where he alleges he was insulted by one of the officers ("Don't look at me, look out the window, you shitty foreigner" - "Guck' mich nicht so an, glotz' aus dem Fenster du Scheißausländer"), kicked in the testicles and struck in the face.

At the police station Mimoun T. was asked for his asylum papers. He explained that he was not an asylum-seeker, but was legally resident in Germany. On hearing that Mimoun T. had a job working at the Post Office, one of the officers allegedly looked at his colleague and said "you'll be in trouble", to which the officer in question replied "he resisted (police authority)".

At this point Mimoun T. felt dizzy and collapsed. He was taken to St Elizabeth's Hospital (St. Elisabethen-Krankenhaus) in Frankfurt where the following injuries were identified: multiple bruise marks to the face and to the lower limbs ("multiple Prellmarken im Gesicht und an beiden unteren Extremitäten") two weals running down his back ("[a]m Rücken...zwei längsverlaufende Striemen") and suspected concussion ("Verdacht auf Commotio cerebri"). A diagnosis by the police officers who brought him to the hospital that he had suffered some sort of epileptic fit was rejected as "questionable" ("fraglich") by the doctor who treated him. Mimoun T. spent nine days in hospital as the result of his injuries.

According to press statements made by the police, Mimoun T. and his friend had been stopped on suspicion of drugs dealing. Mimoun T. had refused to show his identity papers when asked and had "kicked out" ("um sich getreten") at the officers. He had had to be "immobilized with two blows from a police baton" ("er habe `mit zwei Schlägen mit dem Schlagstock ruhigestellt' werden müssen").

Mimoun T.'s wife and his lawyer have lodged complaints regarding his ill-treatment with the Frankfurt Public Procurator (Staatsanwaltschaft bei dem Landgericht Frankfurt am Main). According to newspaper reports, the police have also lodged a complaint accusing Mimoun T. of refusing to show his identity papers (Personalienverweigerung) and resisting state authority (Widerstand gegen die Staatsgewalt).

Amnesty International is seeking information about the outcome of the judicial investigations into these complaints.