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GERMANY: FOREIGN NATIONALS AND ETHNIC MINORITIES MAIN VICTIMS OF POLICE ILL-TREATMENT

BONN -- A clear and worrying pattern of police ill-treatment of foreigners and ethnic minorities is emerging in Germany, said Amnesty International today.

"At a time when foreign nationals and ethnic minorities in Germany need to feel the police are there to protect them, many have felt instead a police officer's fist, boot or baton," the human rights organization said.

"The consistency and regularity of the reports we have received and investigated over the past three years lead us to conclude that the problem of police ill-treatment in Germany is not one of a few isolated incidents," Amnesty International said.

An Amnesty International report released today indicates that, from January 1992 to March 1995, the organization received information of over 70 separate incidents in which German police allegedly used excessive or unwarranted force in restraining or arresting people, or deliberately subjected detainees to cruel, inhuman or degrading treatment or punishment.

Medical evidence shows that victims have suffered broken teeth, sprains and bruises, and in several cases broken bones -- injuries consistent with the victims' allegations that they were punched, kicked, beaten with batons or subjected to excessive force during arrest.

In at least two cases the injuries were so severe -- and the evidence that they were inflicted deliberately, repeatedly or intended to cause intense suffering so overwhelming -- that Amnesty International has referred to them as cases of ill-treatment amounting to torture.

Most of the victims of this treatment were foreign nationals, including asylum-seekers and refugees, or members of ethnic minorities. "This is a particularly alarming fact when viewed against the backdrop of anti-foreigner sentiment and racist violence which have scarred Germany since unification", says Amnesty International.

The alleged ill-treatment appeared, in many instances, to have been racially motivated, with victims being subjected to racist abuse by officers. Over half of all cases have involved officers of the Berlin police force.

In many cases the victims of alleged ill-treatment have said that, while in police custody, they were denied basic rights guaranteed in German and international law, including the right to be told why they were arrested, to be allowed to contact a relative from their place of detention, to receive medical assistance if necessary and to be able to complain about their treatment.

Although criminal investigations have been opened into all the cases of alleged ill-treatment reported to Amnesty International, many of the officers involved have escaped prosecution and few, if any, have faced disciplinary sanctions. None of the foreign or ethnic minority victims have been compensated for their injuries.

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In some cases, officers have tried to justify the injuries they have inflicted on detainees by bringing formal complaints against them for "resisting police authority".

The Amnesty International report examines in detail existing procedures for investigating victims' complaints, and concludes they are ineffective in preventing ill-treatment. The organization criticizes in particular the failure of the German authorities to investigate every complaint of alleged ill-treatment promptly, impartially and thoroughly.

At the moment, investigations into alleged police ill-treatment in Germany take too long to conclude, the prosecuting authorities do not exercise sufficient control over police investigations, and they invariably view the testimony presented in favour of suspected police officers as more credible than that supporting allegations by victims.

For the most part, however, the German authorities have refused to acknowledge that a pattern of ill-treatment exists, and have failed to take the necessary steps to combat the problem. "This is a concern we have been following for a long time. We have produced several reports during the past 3 years, and the lack of follow-up by the authorities gives the situation an urgent character now," Amnesty International said.

In its report, Amnesty International makes a series of recommendations which the human rights organization urges the German national and regional authorities to implement, in order to carry out their obligations according to international human rights treaties.

"The German authorities should ensure that the rights of all persons in police custody are respected. They should conduct prompt and impartial investigations into all cases involving allegations of ill-treatment, bring to justice those responsible, compensate and rehabilitate the victims, and prevent such ill-treatment from occurring in the future," Amnesty International said.

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