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Germany: Foreigners still the main victims of continuing pattern of police ill-treatment

Further evidence of a worrying pattern of police ill-treatment where the main victims are foreigners -- first identified by Amnesty International more than two years ago* -- is revealed in a new report published by the human rights organization today

Amnesty International's new report -- "*Continuing Pattern of Police Ill-treatment*" -- documents allegations received over the past two years, according to which German police officers have used excessive or unwarranted force in restraining or arresting people, or have deliberately subjected detainees to cruel, inhuman or degrading treatment or punishment.

As in previous years, the vast majority of the victims are foreign nationals, including asylum-seekers, or members of ethnic minorities. In many instances, the alleged ill-treatment appears to have been racially motivated. Medical evidence shows the injuries suffered by detainees -- mainly bruising and abrasions, and in some cases broken bones -- to be consistent with their allegations of having been punched, kicked or struck with a police baton.

"We recognize that the police have a difficult and often dangerous job, and that most encounters with members of the public do not result in allegations of ill-treatment. However, the authorities have a responsibility to ensure that deliberate ill-treatment, or excessive force amounting to ill-treatment, will not be tolerated under any circumstances," the organization said.

Amnesty International's report examines other evidence of police ill-treatment that has emerged over the past two years, including the findings of a study commissioned by the 16 Interior Ministers of the *Länder* (federal states) and of a Committee of Inquiry set up by the Hamburg Parliament.

"These -- together with the conclusions of the Human Rights Committee which examined Germany's human rights record in November 1996 -- support Amnesty International's view that cases of alleged police ill-treatment are not isolated incidents but amount to a clear pattern of abuse," the organization said.

The report updates numerous cases of alleged police ill-treatment documented by Amnesty International in previous years, and the conclusions that emerge are the same as those presented in the organization's previous report: criminal investigations have been opened into all the allegations of police ill-treatment reported to Amnesty International, but in many cases they have not been carried out promptly, impartially and thoroughly.

**Federal Republic of Germany: Failed by the system - police ill-treatment of foreigners*, published in May 1995.

"Many of the officers allegedly responsible have therefore escaped prosecution, few, if any, have faced disciplinary sanctions, and none of the foreign or ethnic minority complainants have been compensated for the injuries they have suffered," Amnesty International said.

In a letter accompanying its report, addressed to Chancellor Helmut Kohl and to the 16 heads of government of the *Länder*, Amnesty International expresses regret at the German Government's rejection in May 1997 of the Human Rights Committee's recommendation to establish independent bodies for the investigation of complaints of police ill-treatment.

"It is essential that the German authorities establish additional mechanisms to those already in place for examining and responding to alleged police ill-treatment," the organization said in its letter. "We therefore urge you to reconsider as a matter of urgency your Government's response to the Human Rights Committee's recommendation and call upon the federal and *Länder* governments to establish permanent, independent oversight bodies."

In Amnesty International's view, these bodies should maintain uniform and comprehensive statistics on complaints about police ill-treatment and their outcome, be empowered to conduct their own investigations into such complaints, and recommend whether criminal and/or disciplinary charges should be brought against any of the officers involved. They should also be able to determine whether compensation should be awarded to the victims, and perform a continuous assessment of the measures adopted by the police authorities to prevent the use of excessive force or deliberate ill-treatment.

Finally, in a letter to the Federal Minister of the Interior, also accompanying its report, Amnesty International repeats its call for a full and impartial inquiry into the role and accountability of all agencies involved in the deportation process.

Amnesty International first called for such an inquiry in September 1994, following the death the previous month of Kola Bankole, a rejected asylum-seeker, while in police custody at Frankfurt airport. He had been bound, gagged and injected with a sedative during an attempt to deport him to Nigeria. In February 1997, the trial of the doctor who administered the sedative was halted. None of the police officers involved were ever charged.

"We are still not convinced that adequate safeguards are in place which will prevent forcible deportations from being carried out in the future in a cruel, inhuman or degrading manner that could threaten deportees' safety and possibly lead to another death in police custody", the organization said.

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