

EXTERNAL

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£AUSTRIA: @THE ALLEGED TORTURE AND ILL-TREATMENT OF WOLFGANG PURTSCHELLER

The following information is based on written complaints submitted by Wolfgang Purtscheller to the Vienna Independent Administrative Tribunal¹ (Unabhängiger Verwaltungssenat Wien) and to the Vienna prosecuting authorities (Staatsanwaltschaft Wien), on Austrian press reports, on a medical certificate issued by a Vienna hospital (Unfallkrankenhaus Lorenz Böhler) and on an interview by Amnesty International with Wolfgang Purtscheller himself. Wolfgang Purtscheller is a free-lance journalist who has reported extensively on right-wing extremism in Austria.

On the evening of 22 September 1994 at approximately 8pm, Wolfgang Purtscheller arrived at the Ernst-Kirchweiger House to attend an opera performance. In the foyer of the building he observed a group of people engaged in a heated argument. It transpired that two plainclothes police officers were attempting to arrest a black African asylum-seeker. Wolfgang Purtscheller intervened and asked one of the officers for his service number. His request was ignored. He then asked whether the officers had an arrest warrant, to which the officers replied that they did not need one. The arguments continued until suddenly around 10 uniformed officers stormed into the building. According to witnesses one police officer recognized the journalist and pointed him out to his colleagues. Wolfgang Purtscheller was aggressively pushed into a corner by one officer, struck in the face and told he was arrested. He was then hit again, at which point he lost consciousness. When he came to he found himself lying on his stomach on the pavement outside, in his own vomit, with his hands secured behind his back. The journalist states that he was surrounded by several police officers, one of whom stood on his head and another on his bottom. He then felt a third person take hold of his right foot and violently twist it. After an enormous surge of pain in his leg he lost consciousness. When he next came to he found himself in a police car.

During the journey to a nearby police station the journalist complained that he was in pain. The response from the officers was to insult him. On arrival at the police station Wolfgang Purtscheller was pulled out of the car and allegedly hit again in the face. He was then dragged into the station by the collar of his leather jacket and thrown onto the floor. After approximately half an hour he was placed in a cell. Wolfgang Purtscheller

¹ Independent Administrative Tribunals exist in each of the nine Austrian provinces. Their function is to "ensure the lawfulness of all public administration". They are empowered to receive and examine complaints from private citizens, including complaints of unlawful behaviour by police officers.

made repeated requests to see a doctor and a lawyer. At 11pm he was finally told that a lawyer had arrived at the station but that he was not allowed to see him. Thirty minutes later a doctor visited him in the cell. Standing at the cell door the doctor asked the detainee to get up. Wolfgang Purtscheller replied that he was unable to stand because of the injury to his leg. The doctor replied that if he wanted to be examined he would have to stand up and roll his trouser leg up. In considerable pain Wolfgang Purtscheller did as he was told, and from a distance of about three metres the doctor carried out his examination, allegedly commenting that the detainee would not need to use his knee any more that day anyway.

At 2am the next morning Wolfgang Purtscheller was interviewed by the station duty officer. The detainee alleges that although he was able to use the lift on the way to the interview room, which was two floors higher up, he was made to walk back down again to his cell as a punishment. Wolfgang Purtscheller was released at approximately 3am. He returned home by taxi and a few hours later was taken by ambulance to the Lorenz Böhler Hospital where it was established that he had suffered bruising to the face, abrasions to both wrists, and damaged knee ligaments.

According to press reports, Wolfgang Purtscheller was one of four people arrested by the police on the evening of the 22 September. In one news magazine the author of an article reports that he and a number of people witnessed the police ill-treat Wolfgang Purtscheller and two of the other three people arrested - a student and the black African asylum-seeker. Five police officers also reportedly suffered injuries.

In his complaint to the Vienna Independent Administrative Tribunal, Wolfgang Purtscheller accuses police officers of assaulting him and of refusing to let him consult a lawyer while at the police station. In two criminal complaints he has submitted to the Vienna prosecuting authorities he accuses police officers of assault, and officers and the police doctor of failing to render him medical assistance. Wolfgang Purtscheller is himself accused of assaulting officers and of resisting state authority.