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## **PUBLIC STATEMENT**

### **AUSTRIA**

#### **DEATH OF NIGERIAN ASYLUM-SEEKER: AMNESTY INTERNATIONAL EXPRESSES CONCERN TO AUTHORITIES**

Amnesty International has written to the Austrian Minister of the Interior, Karl Schlögl, to express its concern over the tragic death of a Nigerian asylum-seeker during an attempt to forcibly deport him to Nigeria.

25-year old Marcus Omofuma died on a flight to Sofia on the evening of 1 May 1999. He is alleged to have suffocated on the aeroplane, after being gagged, in the presence of three Austrian police officers. Police officers had bound his arms and legs on the way to the airport and covered his mouth with adhesive tape when he continued his verbal protest on the plane.

When they removed the adhesive tape after landing, the officers realised that Marcus Omofuma had lost consciousness. By the time a doctor arrived to treat him, Marcus Omofuma was dead. It is not known whether the officers had been trained in first aid or whether they made any attempts to resuscitate him.

Amnesty International is concerned that the authorities may have paid little regard to Marcus Omofuma's health. In its letter to the authorities, the organization asked why the police officers did not check on Marcus Omofuma during the flight to make sure he was not having any difficulties.

A spokesperson for the Ministry of the Interior, Rudolf Gollia, stated that the autopsy suggests that death had occurred as a result of suffocation and a chronic respiratory illness. If it emerges that Marcus Omofuma had a respiratory illness, Amnesty International would be concerned that information relating to his medical condition was not passed on to the police.

In its letter, Amnesty International sought to ascertain whether gagging is permitted as a form of restraint during forced expulsion, and if so, under what circumstances. Amnesty International also asked whether during training officers are informed of the risks of gagging.

The organization believes that mouth gags should not be used because they can lead to death by asphyxia and recommends that any mouth restraints should be used only in extreme circumstances and under medical supervision.

Amnesty International welcomes the announcement of an investigation into the circumstances surrounding Marcus Omofuma's death and of a temporary suspension of forced expulsions from Austria. The organization urged that the investigation should be full and impartial and has asked to be informed of its findings.

Amnesty International believes that it is the responsibility of the Austrian government to ensure that deportations are carried out in accordance with international standards and in a manner which respects the human rights of the deportees. Unless legislation and regulations are enacted to safeguard the deportees' inherent dignity, there is no guarantee that tragic deaths like that of Marcus Omofuma's will not recur.

### **Background Information**

This is not the first case of an asylum-seeker having died after being restrained and gagged during forced expulsion. Joy Gardner, a West Indian woman, collapsed, fell into a coma and died four days later as a result of being gagged and bound during an attempted deportation by British police in July 1993.

In August 1994 a Nigerian national, Kola Bankole, died of heart failure during his forced deportation from Frankfurt am Main airport in Germany. He had been restrained, sedated and gagged with a device one of the police officers had made at home from socks and a belt from a window blind.

In September 1998 a Nigerian national, Semira Adamu, died of asphyxia in Belgium after gendarmes pressed a cushion against her face. The so-called 'cushion technique' was used by the Belgian authorities to prevent deportees biting and shouting. As a result of investigation into Semira Adamu's death the use of the technique has since been terminated.

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