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1. INTRODUCTION

On the night of 18-19 May 1993, 31-year-old Alexander Borgstrøm went to St Hans Square in Copenhagen, shortly after midnight to see what all the noise was about. It was a demonstration. Minutes later, he was running from the sound of gunfire. As he turned his head to see what was happening, he was hit on the cheek. His jaw and bottom teeth were shattered by a bullet fired by a police officer. He was among at least 11 people wounded after plainclothes and riot-gear police fired directly into a crowd.

A few days earlier, police came to the home of a 50-year-old woman, who had been too ill to attend court on a civil case. She was arrested and taken to the police station, where she was subjected to beatings and other ill-treatment. She was denied medical attention and suffered several injuries.

These two cases point to the wide range of ill-treatment by Danish police recorded by Amnesty International in recent years. The organization has received numerous reports from former detainees, the majority from Copenhagen, who allege that both uniformed and plainclothes police officers ill-treated them. Such treatment violated their rights to physical integrity and not to be subjected to cruel, inhuman or degrading treatment. These rights are enshrined in international human rights treaties and conventions which have been ratified by Denmark.

In two areas of policing a disturbing pattern of ill-treatment has emerged. The first has been during demonstrations, particularly those which have degenerated into violent confrontations between demonstrators and the police. The second was during a 15-month police operation in 1992 and 1993 against hashish dealing in Christiania, a community in Copenhagen.

Several reports of ill-treatment involve police working in plain clothes, particularly a unit of the Copenhagen police, the *Uropatruljen* (the "unrest patrol", hereafter called the Uro patrol), which engages in surveillance of political groups, motorcycle and other groups and patrolling and observing the illegal drug-trade in the city¹. As illustrated, however, there have also been complaints of ill-treatment during routine encounters with police.

The allegations include that police have kicked and beaten detainees; hit people on the head with truncheons; applied metal handcuffs very tightly around the wrists of detainees in such a way as to cause severe pain; and forced detainees to the ground, handcuffing them behind their backs and then have exerted force by pushing their knees into detainees' backs.

In many cases, police have used a particularly excruciating, dangerous and degrading form of restraint known as the "leg-lock", (shown in the photograph on the cover). This method involves handcuffing someone behind the back, then bending both legs at the knee, wedging one foot against the opposite knee and placing the other foot up under the handcuffs. It is an extremely painful position and many victims have sustained injuries ranging from abrasions to the wrists to nerve damage resulting in pain, numbness and tingling in the shoulders, arms, hands or fingers, sometimes lasting for months.

Amnesty International is concerned that the Danish authorities have failed to address adequately the many complaints of ill-treatment by police. In several of

the cases highlighted in this report either no disciplinary or criminal proceedings have been initiated or, when they have, they have not resulted in any sanctions being taken against the perpetrators. Indeed, many of the cases highlighted in this report might never even have come to light were it not for the fact that they were captured on film and videotape by journalists and others present at the scene when the incidents occurred.

People wishing to lodge a complaint about ill-treatment by police may do so with the regional police complaints board (*Lokalnævn*)². However, these boards are only empowered to dismiss the complaint or to order an investigation. The investigations are almost always carried out by police; in most cases this involves officers from the same district police force against which the allegation is being made.

On satisfactory completion of an investigation, cases are sent by the police complaints board to the regional Chief Constable. The boards have no powers to recommend that criminal or disciplinary proceedings be initiated against a police officer, or that the victim be paid compensation. The regional Chief Constable decides whether disciplinary proceedings should be instituted. Complaints which allege serious injury or indicate that a police officer engaged in criminal conduct are referred to the regional public prosecutor. It has been reported in several cases that, due to a conflict in evidence between the police and the complainant, a decision not to institute proceedings has been made. The difficulty of satisfactorily resolving such conflicts of evidence appears to be a key weakness in the system which needs to be addressed.

Many people have reportedly declined to file complaints with these boards because they lack confidence in the independence and integrity of this system. The system is currently being reviewed by a commission headed by a supreme court judge, which is expected to issue a report and recommendations in the second half of 1994.

Amnesty International is concerned that the failure to conduct full, independent and impartial investigations into allegations of ill-treatment by police, the failure to institute disciplinary and criminal proceedings against alleged perpetrators, and the failure to bring perpetrators to justice is contributing to the development of a climate of fear and distrust of the police among certain sectors of society. These failures may also be helping to create an impression among some police that they can act with impunity and sending a signal that police ill-treatment of criminal suspects and others is acceptable.

Amnesty International concludes this report with a series of recommendations and urges the Danish authorities to implement them as a matter of urgency.

2. DEMONSTRATIONS

2a) The growth of violence

On the night of 18 May 1993 police responded to a violent demonstration by firing directly into a crowd, injuring at least 11 people. In the years leading up to this incident, a disturbing pattern of excessive use of force and ill-treatment by Copenhagen police during demonstrations had already become evident.

During the 1980s there were many demonstrations involving predominantly young people who had "squatted" empty buildings, particularly in Nørrebro, the north-central area of the city. Police used tear-gas and truncheons to break up demonstrations, made mass arrests and photographed youths involved in the protests. Some young people stated that they were so frequently harassed by

police in the area that they wore masks during demonstrations to hide their identities. It was also claimed that plainclothes officers from the Uro patrol picked up some youths aged between 16 and 18, drove them around in cars and beat them without arresting or charging them.

The resulting tension between Copenhagen police and demonstrators had grown to a level where clear battle lines were drawn. The squatters and hooded demonstrators became known as the "BZ-Brigade"³. The police, who were called on to evict people from squatted buildings and break up the demonstrations, became increasingly identified by BZer's as a violent opposition.

With the repossession and destruction of the last squatted houses in 1990, the "BZ-Brigade" dispersed. Some joined other youths and became known as the "Autonomous Milieu"⁴. They participated in activities and demonstrations against apartheid, racism and the European Union. Demonstrations about these issues, which members of the Uro patrol along with others were involved in policing, frequently turned into violent clashes. Demonstrators (and, on occasion, police) threw stones, and police used tear-gas and truncheons. In some instances, police drew their guns and on a few occasions they fired warning and other shots. There were also reports that animosity between the demonstrators and members of the Uro patrol had developed on a personal level.

Allegations of excessive use of force and ill-treatment by the police during these confrontations markedly increased. During two demonstrations in May 1993, in the run-up to the 18 to 19 May incidents, police used firearms. Early in the month, police reportedly drew their firearms and fired warning shots during a confrontation between young immigrants and a group of drunken youths. The next day, they again fired warning shots during a 500-strong anti-racist demonstration. During this demonstration, police reportedly shot the tyre of a car carrying people who were alleged to have been looking for police reinforcements.

Both the use of firearms and reports of ill-treatment during demonstrations have caused Amnesty International concern that police officers, including members of the Uro patrol, may have violated Danish law and international standards when performing their duties at demonstrations.

2b) The law

It is clear that on many occasions police have been assaulted and injured by demonstrators. Amnesty International does not in any way condone such attacks on the police, but nor can these attacks justify unlawful action by the police. As law enforcement officials, the police are obliged to act at all times in a professional manner and in accordance with both national law and regulations and international treaties which have been ratified by Denmark, as well as other well-established international standards. Specifically, the Danish Constitution guarantees the inviolability of personal liberty⁵. Under the Administration of Justice Act, all arrests must be made "in as gentle a manner as possible"⁶. The Criminal Code provides for the punishment of all types of wilful bodily injury, and of people entrusted with the care of others who then abandon their charges or reduce them to a helpless condition⁷. Police may use handcuffs during arrests when there is a danger of flight, violence or suicide, or when necessary to prevent imminent danger or surmount intractability⁸. The use of truncheons and firearms is strictly limited to clearly defined circumstances and only when the purpose cannot be achieved by less drastic measures⁹.

International standards require that all persons deprived of their liberty must

be treated with respect for the inherent dignity of the human person¹⁰. Law enforcement officials may use force only when “strictly necessary and to the extent required for the performance of their duty”¹¹. Torture and other cruel, inhuman or degrading treatment and punishment are forbidden, and no exceptional circumstances whatsoever may be invoked as a justification¹². Furthermore, law enforcement officials have a duty “to ensure the full protection of the health of the persons in their custody”¹³.

The Danish Government is required to review systematically its laws and practices with a view to preventing torture or ill-treatment; to initiate prompt, impartial investigations in the event that there are reasonable grounds to believe that an act of torture or ill-treatment has occurred; to enact criminal laws which punish the use of torture; in cases of well-founded allegations of cruel, inhuman or degrading treatment to initiate criminal or disciplinary proceedings as appropriate against alleged perpetrators; to ensure the right of redress for victims of torture or ill-treatment; and to pay compensation to victims¹⁴.

2c) 18 to 19 May 1993 demonstration

In what has been described as the most violent incident in Denmark since the Second World War, police in riot gear and plain clothes fired 113 shots during a violent demonstration in Nørrebro, in north-central Copenhagen on the night of 18-19 May 1993. The demonstration followed the “Yes” vote on the second Danish referendum on the Maastricht Treaty. Eleven people were treated at Copenhagen's main hospital, *Rigshospitalet*, for bullet wounds to the stomach, neck, back, arms and legs. Three other people were reportedly treated privately for gunshot wounds. Fortunately, none of the injured died.

One of the victims was Horst Pedersen, who had attended a peaceful gathering in the area earlier in the evening. At the time of the shooting he was at St Hans Square assisting a photographer. When the police started firing, the photographer advised him to leave. Horst Pedersen states:

“I ran back towards St Hans Square because the police were shooting at people. Just before the corner, I slowed down enough to have a puff of my cigarette. When I exhaled, I felt that I was hit in the back.”

“The first thing you experience when you are shot is the sound. It is almost like the sound of a bullet hitting a stone, only it is inside of you. Then the pain, like a big lump in your shoulder, and then I was thrown by the impact of the shot. My first thought was I am going to die now; but if I survive, I will stop smoking.”

Horst Pedersen was arrested while in the hospital for treatment for the gunshot wound. The charges against him were later dropped.

“The mere fact that I was lucky enough to get hit makes me guilty in the eyes of the police, and also the politicians who are supposed to protect my interests. When they say that the police action was correct, they judge everybody, the guilty and the innocent, before they have had a chance to defend themselves.”

The bullet which entered Horst Pedersen's back stopped only millimetres from his right lung and broke several of his ribs. It has been reported that the police officer, who fired the shot which hit Horst Pedersen, stated that he fired only “warning shots”, and did not realize that he had hit anyone.

Another victim of the police's bullets was Alexander Borgstrøm. He describes himself as a bystander to the demonstration. When he heard the shots, he ran away. When he turned to see what was going on, he was shot in the jaw. The bullet stopped within millimetres of the carotid artery in his neck; had it hit this

artery he most likely would have been killed. He needed extensive surgery, during which his shattered jaw was wired up. After his surgery, the doctor told him he was under arrest and was not allowed to receive visitors. On 20 May police came to question him but he refused to speak without his lawyer being present. The following day he was taken to prison, where he remained in isolation¹⁵ until his release on 22 May on the orders of the court. All charges against him were dropped in January 1994. He has filed a claim seeking compensation for his injuries. It has been reported that the police officer who fired the shot which hit Alexander Borgstrøm said that he fired two sets of "warning shots" and cannot understand how his shots hit anyone.

The morning after the shootings, Prime Minister Poul Nyrup Rasmussen and Commissioner of Copenhagen Police Poul Eefsen expressed their full support for the police. While the precise circumstances in which the police threw stones at demonstrators and fired both warning shots and shots directly into the crowd remain disputed, within days of the incident, police and government authorities reportedly stated that police had followed their regulations.

Amnesty International does not condone violence aimed at police or property, nor does the organization oppose the lawful use of reasonable force by law enforcement officials. The organization is concerned that in shooting into the crowd, the police risked killing people present, rather than bringing suspected law-breakers to justice in a court of law.

Following the shootings, Amnesty International urged the government to initiate a thorough, independent and impartial investigation to determine, among other things, whether the actions of the police conformed with Danish law¹⁶ and international standards¹⁷. It also urged the authorities to make the results of the inquiry public.

In the meantime, Amnesty International conducted its own inquiries into the incident¹⁸ and is concerned that the full circumstances in which the police resorted to potentially lethal force remain unclear.

2(c) i) The events of 18 to 19 May 1993

Amnesty International has received information from a range of sources, including eye-witnesses, about the events of 18-19 May 1993; the sequence of events appears to have been as follows.

On the evening of 18 May 1993, about a thousand people gathered in a small square in Nørrebro to listen to the results of the second Danish referendum on the Maastricht Treaty. As the crowd dispersed at around 10pm, about a hundred youths left the square and set up barricades around part of Nørrebro, creating what they called an "EC Free Zone". The area, much of which was under construction, was soon blocked off: mobile work wagons were tipped over blocking some major intersections; steel wires were stretched across one of the intersections.

Plainclothes police in the area reported that youths, many of whom were masked, were collecting cobble stones from the construction sites, breaking up paving stones, preparing Molotov cocktails and lighting bonfires in the streets.

The police presence that night had been focused on the parliament building, where politicians and representatives of the foreign media had gathered. Between 10pm and 11pm, in response to reports from Nørrebro, the police were forced to regroup¹⁹. As a small number of youths smashed bank windows and vandalized stores along the main street in Nørrebro, a Central Command was set up at the central police station in Copenhagen. The police area leader, who was commander of the operation on the scene, arrived at Nørrebro and was briefed by plainclothes

officers. Over the course of the night approximately 300 police officers (including 19 plainclothes officers, some of whom were members of the Uro patrol) were deployed to the scene.

At about 11pm, when a fire truck arrived in response to a report of a fire in the main street in Nørrebro, approximately 26 officers in riot gear were deployed to break through the barricades. Using large amounts of tear-gas and banging on their shields with their truncheons, the police marched in a chain and broke through the first barricades, clearing the way for the fire truck²⁰. Youths at the barricades (reportedly between 30 and 40 of them) threw stones in response, but then dispersed.

By midnight some of the youths, journalists and bystanders had gathered at another square in Nørrebro – St Hans Square – which was also under construction. Members of the Uro patrol and other plainclothes officers who were there reported over the police radio that the youths were gathering up cobblestones and lighting bonfires.

A group of 24 uniformed officers which moved towards the square was met by between 20 and 30 youths throwing stones. This police group reported to the Central Command that it had been forced to retreat²¹. In response, the Central Command announced that this police unit was “in difficulty” at St Hans Square. This “in difficulty” message is reportedly a code for “police in life-threatening situation”, which calls for immediate response from other police units.

Members of the Uro patrol, who were still in the square, and who had been ordered to perform surveillance, to report, and to avoid confrontation, reported over the radio that youths were throwing stones at civilians, journalists and themselves. They grew impatient. They could not understand why the area leader, who was in sight nearby with approximately 24 riot-clad officers, was not advancing on the square. They radioed into the Central Command, 'they must come the hell forward now'. In turn, the area leader ordered the Uro officers to withdraw, a message that was apparently not heard.

The area leader was waiting for reinforcements and tear-gas supplies at the head of a street leading to the square (Fælledvej).²² But when the Central Command relayed the message from the Uro patrol as another “in difficulty” message²³, the area leader decided to advance with the forces he had. As they moved up Fælledvej, the 24-strong police chain was reinforced by other police groups.

As the police chain approached St Hans Square, they were met by lines of demonstrators throwing cobblestones, rocks, pieces of glass, iron rods and other materials from the construction sites. As police officers were hit by flying objects, their numbers decreased. The plainclothes officers, including members of the Uro patrol, retreated behind and to the side of the police lines as they approached. The chain then retreated temporarily from the square. The police, who had little or no tear-gas left, tried to disperse the crowd by advancing²⁴. Some plainclothes and a uniformed officer responded by throwing stones back at demonstrators²⁵.

When the police were about 50 metres from the square, they were bombarded with stones. The area leader told Central Command that the officers were being “hard pressed and were about to panic”. Nonetheless, the police were able to re-establish a chain. Thirty seconds later, the police reported that they were being violently attacked. The area leader called into Central Command stating that unless he received reinforcements and tear-gas, he would have to use firearms.

The area leader has stated that he had intended that he and two of the leaders of the police patrols present (the leader of the Uro patrol and the leader of a uniformed platoon) would draw their guns and fire warning shots into the air. However, before the area leader was able to announce over a megaphone his intention to fire warning shots, the leader of the Uro patrol and the leader of a uniformed police unit ordered the police to fire warning shots. Sixty or more shots were fired; some were aimed into the air, some were aimed a little above head height; and some were fired directly into the crowd²⁶. About 40 seconds later another volley of shots was fired. On a video some of the guns can be seen aimed at, although not firing directly into, the crowd.

The area leader has stated that "he did not hear anyone give orders to shoot directly at the crowd". He said that so many shots were fired that "it sounded like a shooting range". The only orders reported by police in the subsequent investigations were orders to draw the guns and fire warning shots.²⁷

In all, 92 shots were reported to be fired by 29 police officers on Fælledvej. Of these, it is reported that 83 were fired under orders and nine were fired by officers acting "individually". The police state that three shots were "aimed" and 14 were "fired under circumstances in which they might have hit people"²⁸. According to police reports, none of the shots was "seen to have hit people". However, it is generally agreed that all those who were wounded by bullets were shot during this incident on Fælledvej²⁹.

During the course of the trial against 26 people accused of participating in the disturbances, a police officer testified that he had fired seven shots on Fælledvej. He had intended all to be "warning shots". However, he said he fired four shots after a stone hit and broke his trigger finger. Ballistics reports show that four bullets fired from this officer's gun hit and wounded four people: 2 in the stomach, one in the leg, and one in the foot. The Court took the unusual step of stating in its judgment that it found this officer's testimony untruthful.

Following the shooting, one of the police groups' leaders notified Central Command that shots had been fired. However, at critical periods during the night, including prior to the shooting episodes, it is reported that the police radios were jammed³⁰.

According to the police, the shots had little if any effect; police and others present have stated that they mistook the shots for firecrackers. Demonstrators continued to throw stones. However, during the shooting episode, an officer arrived with more tear-gas. With the aid of the tear-gas, police advanced to St Hans Square. In response, most of the remaining demonstrators went to a side street, Guldbergsgade, where bonfires were burning and cobblestones had been gathered. It is reported that demonstrators continued to throw stones at police from Guldbergsgade and that some of them entered the square and assaulted police lines.

About 10 minutes after the shooting on Fælledvej, police drew their weapons and again fired. According to a police report, at this time 21 shots were fired by eight officers - 12 under orders, nine "individually". One shot was "aimed" and three were "fired under circumstances that they may have hit people". It is believed that none of these 21 shots hit anyone.

Video footage of the scene at St Hans Square shows police officers throwing stones. According to a police report, a total of 43 stones were thrown by police officers in St Hans Square: six plainclothes officers threw 21 stones; six

uniformed officers threw 22 stones. Thirty-seven of these stones are reported to have been thrown “under command” and six “individually”.

One of the officers reported that stones were thrown “to keep the participants in the disturbance at a distance”. Another stated:

“It is difficult to estimate the extent of the stone-throwing but it went on for a while with the result that the [demonstrators] were pressed onto the defensive a bit. The leader gave the order [to throw stones] as it was thought to be the mildest possible means of using force since no other was possible at the time, except the use of firearms.”

The Commissioner of the Copenhagen police has acknowledged that police had thrown stones at people during past demonstrations. He explained that both he and other police authorities had instructed that they “do not want that”. In his second report about this incident, the Commissioner of the Copenhagen police concluded that:

“When, in spite of this prohibition, stones have been thrown [by police] it must be seen as a manifestation of the potential lethal situation the police found themselves in.”³¹

Following the shooting episode on St Hans Square, the violence decreased. The crowd gradually dispersed and by approximately 3am the police reported that all was quiet.

According to the police, a total of 47 people were arrested, including nine of those treated at Rigshospitalet for bullet wounds³². One of the 47 pleaded guilty to having thrown an iron rod at police officers and was sentenced to 60 days' imprisonment³³. Charges were dropped against several, including six of the people who had been shot.

On 2 March 1994 the trial against 26 accused was started. It was reported that five of the 26 admitted during the trial that they had engaged in violence against the police (stone-throwing). Many of the accused faced charges based only on their presence in the area during or after the disturbances, which was equated with “active participation” in the disturbances. On 10 May, eight people were sentenced to up to three months' imprisonment. Two were fined, one for calling a police officer an “idiot” and “pig”, the other for failing to keep her dog on a leash on another occasion. The charges against four were postponed during the course of the trial and 15 were acquitted. The prosecution has appealed both the convictions (on the grounds that the sentences were not harsh enough) and the acquittals.

One of the five who admitted having thrown stones was “Anders”³⁴. It is reported that he threw stones just after the police shot twice into the crowd on Fælledvej. He was arrested shortly afterwards. Video footage shows that he was grabbed by two plainclothes police officers and forcibly brought to the ground. The officers held him by each of his legs and while he was lying on his back, dragged him down the street for about 25 metres. The video shows he was dragged over pieces of broken glass and loose cobblestones. A third plainclothes police officer ran up to “Anders” as he was being dragged and struck him over the head with a truncheon. The police then stopped and rolled “Anders” onto his stomach. While handcuffing “Anders” behind his back, a police officer can be seen placing his knee on “Anders'” back. At the same time, a plainclothes police officer can be heard on the video saying, “Do you remember Benjamin? That could just as well be you”. (Apparently a reference to Benjamin Schou, who suffered severe brain damage during arrest: see below, page 20.)

It is alleged that once the handcuffs were secured, "Anders" was brought to his feet and led down the street. He was then placed in the leg-lock position (see page 1) until he was driven away to the police station. At the trial, one of the arresting officers admitted that he had hit "Anders" with his truncheon on the back and arms.

The Director of Public Prosecutions (DPP) has sought a full account from the police of this arrest, in conjunction with his overall investigation of the incident. Answers to his inquiries, which were put to the police in November 1993, had not been given by the end of April 1994.

2(c) ii) The investigations

In a press conference on 19 May 1993, the Prime Minister said that "these events are completely unacceptable. My thoughts go out to our police who have been badly hit. This riot was activated, planned and organized and the government will not refrain from ensuring that this will not happen again."

He further stated that according to his information, "a number of police officers were lying on the ground in a very dangerous situation...it was a question of life and death. The police had no alternative but to shoot".

After another night of unrest on 19 May, during which demonstrators again took to the streets in Nørrebro and reportedly threw stones at police officers, the media was full of reports calling the actions of demonstrators "shameful". The few people who called for a full investigation into the events were sharply criticized.

The mood changed when videos filmed by camera operators from two private television stations were broadcast. These gave the Danish public and the authorities a new view of the demonstration.

The tapes show uniformed and plainclothes police officers throwing rocks at demonstrators from behind police lines. Uniformed and plainclothes officers can be seen aiming their guns and shooting directly into the crowds. No police officer can be seen lying wounded in the streets between the police chain and the rock-throwing demonstrators at the time of the shootings.

After the videos were broadcast, many questions were asked. Who gave the orders to shoot? What were the orders? How many shots were fired? When these and other questions were not answered by the first report of the Commissioner of the Copenhagen police (published on 24 May 1993³⁵), several prominent figures (including an elected city official who was chairman of the police complaints board) joined the chorus of those demanding an independent investigation into the incident.

The Minister of Justice initially resolved not to order an independent investigation. On 24 May it is reported that he stated: "I do not intend to initiate an impartial investigation because it would throw doubt on whether the police were in a life-threatening situation".

On 26 May, however, after a meeting with the Parliamentary Legal Affairs Committee, the Minister of Justice announced during an address to an annual meeting of the police that he had appointed the DPP to prepare a report on the events of 18 to 19 May. This is to be based in large part on an investigation conducted by the national police and reports filed by individual officers to the Commissioner of Copenhagen police³⁶.

Several people, including members of parliament and scholars, criticized the fact that the investigation is to be based on information gathered by the police. Among other things, they feared that people who had participated in or had

witnessed the events would be unwilling to speak to the police. Their concerns were well-founded. The DPP reported that among those who are unwilling to give evidence are several people who had been hit by police bullets and who are not being prosecuted. The appointment of the DPP to head the investigation has also been criticized. He is under the authority of the Minister of Justice, who has overall authority over the police in Denmark.

On 2 July 1993 the Commissioner of Copenhagen police filed a supplementary report to the Minister of Justice, which was made public. This report is more comprehensive than the first. Further detail is provided about the planning and organization of the demonstration. It estimates that demonstrators threw several tons of stones and that damage to property valued between two and three million Danish Kroner (approximately £200,000 to £300,000).

The report says that police radios were not capable of handling the amount of communication going back and forth during the night, and that some of the radio messages were not heard and others were misinterpreted and improperly relayed by the Central Command³⁷. It also refers to a shortage of tear-gas at critical moments³⁸. Statistics are given about the injuries to police officers³⁹.

Further details are given about the shooting incidents on Fælledvej⁴⁰ and in St Hans Square, and about the stone-throwing by police. The report includes police explanations of why they opened fire. The reasons given for the first volleys of shots (on Fælledvej) were that the police were under heavy attack by demonstrators throwing stones and other objects, that officers were lying wounded in the street and against walls of buildings, and that the police chain could therefore not retreat. In the words of one of the officers who gave the orders: *"The force ran down Fælledvej in the direction of St Hans Square. In approximately the middle of Fælledvej, it was impossible to go any further. The resistance of the excited crowd was extremely violent, many hooded persons threw large cobblestones at the chain. Several colleagues on the force fell after being hit by paving stones.*

"The chain was ordered forward to create a distance from the injured colleagues as the paving stones continued to be thrown with full force at the fallen colleagues as well as the chain. The resistance was now so violent and massive that it was impossible to push the chain further forward, which is why it was necessary to come to a halt.

"Immediately afterwards, the chain was being overrun by the excited and furious crowd. Colleagues were still being hit by thrown objects and falling on the road from where they had to be helped back into relative safety. The chain was ordered forward partly to protect the injured colleagues and partly to cut off the crowd from the awfully large pile of throwing-objects now on the road. More colleagues in the chain continued to fall on the road after having been hit by paving stones, etc. It was no longer deemed possible to protect the injured colleagues since the excited crowd was deliberately trying to injure them even more by direct, forcible attacks on the fallen colleagues.

"Just then, shots were heard in the area. I then ordered service pistols drawn. The crowd was informed via the megaphone that the police would fire shots if the heavy bombardment did not immediately stop and the crowd withdraw. The visible as well as the verbal threat with service pistols did not have any apparent deterrent effect in as much as paving stones continued to veritably rain down on the injured colleagues as well as the rest of the chain, nor did the crowd draw back.

“Several warning shots were fired up into the air. After the first warning shots the stone throwing eased up and the crowd drew back. It was now possible to perform sallies on the crowd, who were still forcibly throwing paving stones, however. At St Hans Square, the crowd again attacked the chain with great force, which is why the personnel were ordered to fire warning shots into the air, which again created a bit of distance to the crowd.”

It should be noted that this description conflicts with the video tapes seen by Amnesty International and with statements of eye-witnesses. In the videos, no police officers can be seen either lying on the ground or leaning against adjacent buildings at the time of the shooting. The clips, which were filmed from in front of and behind the police chain, show that when police officers were injured or fell, they were almost immediately helped to their feet by other (predominantly plainclothes) police officers. They were then escorted or carried off down the street, away from the police chain and stone-throwing.

In the same vein, one eye-witness⁴¹ stated: “I never saw any wounded police officers or [demonstrators] lying between the front [of the chain] and those throwing stones”. The witness added that when police officers fell, “two or three plainclothes police would pull them back in the direction of Nørrebrogade very quickly”.

Another witness, a journalist⁴², stated: “I am one hundred percent certain that at no time were injured police officers lying in the street between the police chain and the activists. They were all taken care of by the Uro officers. Their evacuation was very effective.”

A man working with a television crew, who was present when the shots were fired, said, “I am amazed that the police did not move back. The pictures show that there were no wounded officers lying on the ground, as police have said in arguing that it was necessary to shoot.”

Conspicuously absent from this second report from the Copenhagen police was any clear explanation of how and why police fired directly into the crowd. Nor was there any explanation of how anyone was hit by bullets.

In January 1994 Amnesty International received an excerpt of the report of the investigation conducted by a branch of the National Police, which was submitted to the DPP. The same excerpts of this report, dated August 1993, were also provided to the Danish media in January 1994.

The report was based on statements by over a hundred civilians (including residents in the area, people who had witnessed the events and people who had taken part in the events), a review of the video footage and photographs of the incidents, as well as information from other authorities and hearings in which police officers made statements.

The report gives a detailed chronology of the events of 18 to 19 May. It describes the misinformation which led to the advance of the police chain into St Hans Square, and clarifies which officers ordered the shots to be fired. According to this report, the area leader did not see whether any aimed shots were fired.

2(c) iii) Recommendations

Amnesty International remains concerned that several important questions about the events of 18 to 19 May remain unresolved, despite the above-mentioned reports. Crucially, there has been no full account or explanation of how at least 11 people were shot by police.

Amnesty International urges the DPP to ensure that the following issues, among

others, are thoroughly investigated and that the findings are made public when his report is published⁴³:

1. The full circumstances under which each shot was fired by the police should be accounted for:

- a) Which officer fired the shot?
- b) Under whose command was the officer at the time the shot was fired?
- c) Was the shot fired under command? If so, who gave the command, what was the substance of the command, and what were the circumstances at the time the shot was fired?
- d) If not fired under command, what is the justification for the firing of the shot?
- e) What was the position (angle) of the police officer's shooting arm at the time the shot was fired?
- f) Was the shot intended as a warning shot?
- g) If not, was it aimed at a particular person?
- h) If the shot was aimed, how far away was the intended target and what was the targeted person doing at the time?
- i) If the shot was aimed to hit a person, at what part of the body was it aimed?
- j) Did the shot hit anyone?
- k) If so, where was the person at the time that they were hit, on what part of the body was the person hit, and what was he or she doing just before they were hit?
- l) Was the shot fired in accordance with the provisions of Danish law and police regulations? If so, which law and/or regulation?

2. Each incident in which a police officer threw a stone should be accounted for and judged as to whether it was in accordance with Danish law and police regulations. If it was, what was the applicable regulation or law?

In addition, Amnesty International urges the government to make public all decisions about whether or not any police involved in the events of 18 to 19 May will be prosecuted or subjected to disciplinary proceedings, and the results of any such proceedings.

Amnesty International also calls on the government to investigate fully the circumstances of the arrest of "Anders" and to bring to justice any officer found to have violated Danish law, police regulations or international human rights standards in the course of his arrest. The organization believes that there is compelling evidence that the manner of his arrest and detention violated national law⁴⁴ and international standards⁴⁵, and there are good grounds for the view that the government should pay "Anders" compensation for the ill-treatment he suffered.

2d) Ill-treatment

As indicated earlier, there have been many reports of ill-treatment by police during demonstrations. The following case highlights the problem.

Christian Poul Andersen

On 16 March 1991 a young photographer, Christian Andersen, was taking pictures of a demonstration relating to the Gulf war. As the demonstration was ending, he photographed demonstrators throwing eggs and paint at a group of police, and police arresting and beating demonstrators.

Just after he had taken pictures of a demonstrator being beaten by four to seven riot-clad police officers, he himself was struck on the head from behind by a member of the Uro patrol wielding a truncheon. At the time, he was reportedly

walking away from the crowd, holding his camera in the air in an effort to distinguish himself to the police as a photographer, not a demonstrator.

The member of the Uro patrol later admitted striking Christian Andersen at this time and said he recognized Christian Andersen from other demonstrations which Christian Andersen had photographed⁴⁶. It is alleged that after hitting Christian Andersen the officer called over to colleagues: "I have our friend here". Three other officers then allegedly hit Christian Andersen with their truncheons, fists and elbows.

After one blow hit him in the side, Christian Andersen sat on the ground. He was then struck on the head with a truncheon by another police officer, who was in uniform and wearing a helmet. As a result of this blow, Christian Andersen temporarily lost consciousness. He revived as he was being dragged away, and heard a police officer saying to him: "Pig, we smashed you up!"

With blood streaming down his face, he was handcuffed and laid on the ground next to other detainees, who were also handcuffed. A few minutes later an ambulance arrived. Christian Andersen's cameras were confiscated by police, his handcuffs were removed and he was taken to hospital. As the four-centimetre cut on his head was being treated, a police officer informed him that he was no longer under arrest.

Christian Andersen filed a complaint with the local police complaints board (*Lokal nævn*) and the Commissioner of the Copenhagen police against the police alleging unlawful arrest, ill-treatment and the resulting pain and suffering, and damage to his property⁴⁷. Approximately six months later he was informed that his complaint had been forwarded to the criminal investigation unit of the police. During the investigation Christian Andersen was informed that the police officer who had hit him over the head with a truncheon as he sat on the ground would be charged with unprovoked violence.

In March 1992 the case was heard in the lower court (*Byret*). Several police officers testified, including the officer facing charges and the plainclothes officer who first hit Christian Andersen. A video-tape of the incident taken by a local television station (*TV-Stop*) was also shown and admitted as evidence. Despite the video evidence, which showed the accused police officer striking Christian Andersen over the head with a truncheon, the accused officer was acquitted. According to a newspaper report, the court found that the video evidence "was not unambiguous". The prosecutor appealed against the acquittal to the High Court (*Østre Landsret*).

In the course of the lower and high court hearings, it is reported that the member of the Uro patrol who first hit Christian Andersen testified that, when he saw Christian Andersen holding something [a camera] over his head he believed that Christian Andersen was going to use it as a weapon against him. He therefore sought to pacify Christian Andersen, and hit him three to four times with a truncheon. The officer stated that a colleague, whose assistance he had sought, then hit Christian Andersen until he sat on the ground. The first officer considered that when Christian Andersen was sitting on the ground, he was "pacified". This officer further testified that he did not see the accused police officer hit Christian Andersen on the head, and only next saw Christian Andersen when he was lying on the ground. At this time, he arrested him.

In the magistrate's court the accused police officer is reported to have testified that at the time in question, he had lost his balance after bumping into a colleague and had accidentally hit Christian Andersen, who was sitting on

the ground, on the head with his truncheon. The High Court judgment notes that "the accused maintained that he had not intentionally hit [Christian Andersen]. He did not at all notice the blow."

The six High Court judges (three professional and three lay judges) were evenly divided on their verdict. Three judges voted to convict the police officer primarily on the basis of the video evidence; the three others voted to confirm the acquittal, as they found that there was insufficient proof that the accused deliberately hit Christian Andersen. As a result, by judgment dated 1 September 1992, the accused was acquitted.

Christian Andersen then filed a civil suit for compensation. In January 1994 the state was ordered to pay him 5,031 Danish Kroner (approximately £500) in compensation for the pain and suffering and damage to his cameras. He had previously received compensation for having been unjustifiably arrested.

The police's use of truncheons on Christian Andersen as described above clearly violates existing police regulations⁴⁸. However, to the best of Amnesty International's knowledge, no police officer has faced disciplinary proceedings as a result of the arrest or ill-treatment of Christian Andersen.

3. POLICE OPERATION IN CHRISTIANIA

3a) The police operation

Hundreds of people claim they were unjustifiably searched, detained or arrested during an intensive 15-month police operation in 1992 and 1993 in an area commonly known as the "Free City" (*Fri staden*), Christiania. Many also allege that they were ill-treated by police.

Christiania is a former military barracks in eastern-central Copenhagen. It was settled by "squatters" who set up an alternative "city within a city" after the military abandoned it in 1971⁴⁹. The area has been the source of much controversy since then, particularly about the public sale and consumption of hashish, which is illegal in Denmark.

In September 1992 the Copenhagen police created a special squad, the "Christiania Group", whose aim was to curb the sale of hashish in the area. From then until 22 December 1993 the Christiania Group (which grew from 30 to 70 plainclothes and uniformed officers who volunteered for the assignment) vigorously patrolled the area in and around Christiania. Taking part in this initiative were members of the controversial Uro patrol.

The patrols reportedly worked up to 20 hours a day, seven days a week. The police initiative included stopping, detaining and searching people, including young children going to and from a nearby school.

Reports indicate that police stopped, searched or arrested people on more than 10,000 occasions during the operation. In all cases people's pockets were searched; some had their shoes, socks or underwear searched as well. People were found to be in possession of small amounts of hashish in less than one-third of the cases.

Many people have questioned whether police conformed to the legal requirement that there be reasonable suspicion in order to detain a person or to make a search. This was highlighted by the case of Nuggi Vemmer. He was stopped by police on 18 September 1993 as he was walking to a supermarket near Christiania. It was the fifth time he had been stopped within the year; not once had he been found with drugs. Police testified that they stopped him on this occasion because he had his hands deeply in his pocket, he looked away from the police officers, and crossed to the other side of the street as he approached the police.

The prosecutor argued that due to the lively trade in hashish in the area a lesser degree of suspicion should be required to justify the search of a person found in or near Christiania. Neither the lower court nor the High Court agreed. The courts clarified that in order to stop or search someone, the police must have the same reasonable suspicion required as that needed to make a lawful arrest.

Under Danish law, people who believe that they have been unjustifiably stopped, searched or arrested may make a claim to the authorities for compensation. Between March 1993 and February 1994, the Christiania "Legal Group" (*Retsgruppen*, a group of Christiania residents who gathered information about and assisted people alleging complaints against the police) received reports from more than 257 people all claiming that they had been unjustifiably detained, searched or arrested by police in or around Christiania on at least one occasion.

Special statistics relating to complaints emanating from Christiania reportedly have not been kept by, or are not available from, the Danish Government. However, it is reported that the amount of compensation paid out by the government increased by nearly 50 per cent between 1992 and 1993⁵⁰. Copenhagen's chief police lawyer stated that the increased activity of searching and arresting people in or around Christiania may have been a contributing, although not the sole, factor for this increase.

The police operation was criticized by people who felt that their lives were being intruded upon by the massive police presence and frequent and often groundless public and humiliating searches. The criticism grew volatile in late 1992; large and violent clashes broke out on several occasions, with civilians throwing bottles and stones at police, and riot-clad police throwing tear-gas and wielding truncheons.

Following "Week 12", a non-violent initiative in March 1993 promoted by residents of Christiania, resistance to the police reportedly became less violent.

3b) Ill-treatment: Illustrative Cases

Many people allege that they were physically ill-treated by police in the course of this large and costly police operation. Other complaints include allegations of police wearing T-shirts marked "Christiania Rangers" and bearing insignias or references to right-wing and neo-nazi groups. Police allegedly hurled insults at residents and used tear-gas excessively and indiscriminately, particularly in residential areas where children were present. In one incident in August 1993, for instance, a plainclothes police officer in an unmarked car is reported to have blindly thrown a tear-gas grenade over a high perimeter fence into Christiania. Three children playing in a playground on the opposite side of the fence were engulfed in the tear-gas and began to scream, cough and sneeze⁵¹.

The majority of complaints of ill-treatment during the operation received by Amnesty International form a pattern. Most people allege that after being detained either on suspicion of possessing hashish or for insulting police officers in or around Christiania, they were beaten or thrown to the ground, and then put in the leg-lock position. As a result of being held in this position, many people say they suffered abrasions or swelling of the wrists and hands, and several report that they suffered numbness in their fingers or the entire hand for several months.

The following cases illustrate the ill-treatment allegedly suffered by people in the course of the police operation.

Brian Sørensen:

On 20 March 1993 Brian Sørensen allegedly insulted four police officers by calling them names, including "fascist pig". He was restrained by police officers, at which point the incident was recorded on video. Holding him by both shoulders, police officers knocked his head twice against the outer wall of a brick building. After this Brian Sørensen is alleged to have punched an officer in the face. He was arrested and charged with insulting a police officer and assaulting a public official. He was sentenced to three months' imprisonment by the lower court. An appeal against this conviction is pending. When brought by the police to the hospital, the doctor noted a small contusion still bleeding on Brian Sørensen's forehead at the hair-line, and swelling and bruising of his left hand.

Reinholdt Bjarne Johan Knudsen:

A 43-year-old resident of Christiania, Reinholdt Knudsen was stopped by the police in Christiania a few times in 1993. On 24 May, for instance, he alleges that five or six plainclothes officers approached him as he was standing outside a restaurant. Claiming that he had shouted at the police, they handcuffed him and led him out of Christiania. When they reached a bordering street, police laid him on the ground and put him into the leg-lock position. They searched his pockets but found no drugs. Reinholdt Knudsen reports that he was kept lying on the pavement in the leg-lock position for between five and 10 minutes. During this time, a video of the incident shows that the officers were casually standing around him. When a police van arrived, he was lifted into the van and then placed again in the leg-lock position. He was reportedly taken out of this position on arrival at the police station. Reinholdt Knudsen was charged with insulting the police; he was fined 400 Danish Kroner (approximately £40).

Uvdlorianguaq Geisler:

A 29-year-old resident of Christiania, Uvdlorianguaq Geisler reports that he was stopped by police in Christiania on several occasions during the police operation. He alleges that on 15 June 1993 he was stopped in the corridor of his house by a plainclothes officer and, without explanation, handcuffed behind the back. He claims that the handcuffs were very tight around his wrists. A video of the incident shows that although he offered no resistance, one of the plainclothes officers who led him out held him by the hair. He was then lifted by the handcuffs into a police van. He was laid on the floor of the van and reportedly placed in the leg-lock position. He reportedly remained in this position during the journey to the police station. He was held overnight and then released. No drugs were found on him. Five months after the incident, he was still suffering from tingling in his hands.

Brian Beyer Johnsen:

Brian Johnsen, along with others, witnessed the police holding Uvdlorianguaq Geisler by the hair as they led him to the street. He intervened after a friend of his, who reportedly tried to convince the police to let go of Uvdlorianguaq Geisler's hair, was also arrested. Accused of calling the police "violent psychopaths", Brian Johnsen claims that he was grabbed from behind. He fainted. When he regained consciousness, he was lying face down on the ground behind a police van. He reports that he resisted as plainclothes police sat on top of him and attempted to handcuff him behind the back. Once handcuffed, he was put in the leg-lock position. After about five minutes, he could not stand the pain and

managed to free his foot from underneath the handcuffs. He claims the police then tightened the handcuffs on his wrists; they were so tight that the metal cut through the skin of his wrists. He was released from the police station at 3am, charged with insulting the police. He was later informed that he had received a warning. Brian Johnsen has scars on both of his wrists. Three months after the incident, he complained that his thumbs were still numb and that the tingling in his hands had not disappeared.

Albert Hatchwell Nielsen:

On 6 July 1993 Albert Nielsen, a 22-year-old resident of Christiania, witnessed the police arresting a woman, who allegedly had eaten a piece of hashish as police approached her. The arrest sparked off a scuffle. Albert Nielsen was present as people began to run away as police officers in riot gear approached, carrying shields. He had been playing a penny whistle throughout the day and is alleged, among other things, to have blown the whistle into a police officer's ear. One of the officers reportedly grabbed Albert Nielsen and accused him of inciting the crowd with his whistling. He was then led out of Christiania, laid face down in the street and placed in the leg-lock position. After 10 minutes in the leg-lock, Albert Nielsen reports that it started raining. An officer then removed his foot from under the handcuffs. Albert Nielsen reports that he was then lifted by the handcuffs, placing the full weight of his body on his wrists which were compressed by the cuffs, and placed in a police van. He reports that after spending four to five hours in a cell at the police station, he was released after being charged on three counts of violating police regulations (for whistling on three occasions). As a result of being held in the leg-lock for approximately 10 minutes and being lifted by the handcuffs, Albert Nielsen reported that he suffered numbness and tingling in his hands. He is a carpenter by trade. Seven months after the incident, he still complained of suffering from pins and needles in the first finger of each of his hands, and a reduction of sensation. A neurologist examined him in February 1994 and concluded that his symptoms were due to a compression injury of the wrist.

Peter Lucassen:

At about 1pm on 8 September 1993 Peter Lucassen, a 31-year-old musician and resident of Christiania, was on his way down the stairs of his house when he came face to face with a group of plainclothes police officers who were rushing up the stairs. One of the officers stopped him. He reports that both he and an officer tumbled down the stairs. Before he was able to stand up, a police officer started beating him with a truncheon. Two other officers approached and joined in beating him about the body. After beating his hands which clutched the bannister, he was handcuffed behind his back. The handcuffs were so tight that they caused him great pain. His request that the handcuffs be loosened was ignored. Police then grabbed him by the handcuffs and the legs and carried him down the remaining stairs. He was placed in the leg-lock position. At the police station, he was made to wait for an hour after he requested to go to the toilet. He was released at about 10.30am; the charges against him include violence against the police. After his release, Peter Lucassen went to hospital where doctors noted bruises on his back near the spine, two separate bruises on his left arm, and bruises on his shoulder blades and knee. His nose and forehead were swollen. There were abrasions on both of his wrists. The numbness in his hands has persisted. A neurologist examined him in February 1994 and found signs of damage to the nerves of his left hand.

Mads Sjølund:

On 10 September 1993 Mads Sjølund met a patrol of approximately 12 uniformed police officers in Christiania. He reportedly asked them what they were doing and suggested that they should be patrolling Vesterbro, an area known for its heavy drug trade. When he saw the police making a report over their radio, he began to run. He reportedly ran into a group of plainclothes police officers, who took hold of his arm. He objected and was then laid on the ground, which was muddy and wet from rain. A police officer allegedly placed his knee on Mads Sjølund's left hand, grinding it into the ground. It is also alleged that one of the officers put his knee on Mads Sjølund's neck. Mads Sjølund was then handcuffed behind the back and placed in the leg-lock position for approximately 35 minutes. When he was finally released from the leg-lock, Mads Sjølund reportedly requested that the handcuffs be loosened. This was refused. By the time he arrived at the police station, his wrists were so swollen that police had difficulty removing the handcuffs. A few hours later he was released after paying a fine for an unrelated matter. He went to hospital where his left hand was put in a splint. The doctor noted redness, swelling and bruising on both of Mads Sjølund's wrists. Eight months after the incident, Mads Sjølund reportedly still had scars on his wrists.

Bent Lüchow Poulsen:

A 28-year-old resident of Christiania, Bent Poulsen reports that he was stopped on at least 11 separate occasions by the police in or around Christiania during the spring of 1993. Then, on 28 September 1993 at approximately 4.30pm, police reportedly entered the Communal Kitchen, *Fælleskøkkenet*, where he was sitting with a friend. According to Bent Poulsen's account, a plainclothes police officer approached him and asked him to identify himself. Bent Poulsen, in turn, asked the officer to show him his badge. The officer refused. Bent Poulsen was detained on suspicion of possessing drugs. The officer then emptied the contents of Bent Poulsen's pockets onto the table and searched his body. While the officer was communicating on his radio, Bent Poulsen began to put his belongings back into his pockets. The police officer grabbed his arm, and when Bent Poulsen refused to follow the officer's command to let go of his bank and credit cards, the officer reportedly twisted Bent Poulsen's arm behind his back and handcuffed him. In a scuffle the two fell to the ground. People looking on urged the officer to be careful, as Bent Poulsen suffers from a chronic back problem. The officer then reportedly lifted Bent Poulsen to his feet by the handcuffs, and tightened them; the handcuffs cut into Bent Poulsen's wrists. His hands became swollen and numb. While being escorted to a police van, Bent Poulsen asked the police officer to loosen the handcuffs as his wrists were bleeding. This request, he says, was ignored. He was released from the police station at approximately 10.30pm, after refusing to sign a document admitting that he had used violence against a police officer. No illegal substances were found in his possession. The following day he went to hospital. The doctor noted marks on his chest, a substantial cut on his left wrist, and marks on his right wrist. When interviewed 11 days later, Bent Poulsen complained of pains in his hand, upper arm, shoulder and neck, and that his wrists were numb in cold weather.

c.) The aftermath

These and many other incidents of ill-treatment by police in and around Christiania were recorded on video by Christiania's Documentary Group (created

by Christiania residents to document the police operation) and have been widely publicized in the Danish media. The reports and videos were sent to the Minister of Justice and the Parliamentary Legal Affairs Committee.

Among other things, the Minister of Justice asked the Christiania Steering Group – a neutral body comprising a Director of Social Work, a social debater, a magistrate's court judge and an architect, who are empowered to negotiate between Christiania and government authorities – to attempt to reach a resolution.

In mid-December 1993, the Minister of Justice stated that tear-gas would no longer be used in the area and asked police to ignore petty crimes committed by people living in or visiting Christiania. This last instruction was withdrawn within days, as it would have undermined the law. However, on 22 December 1993, a few hours after another volatile incident had erupted in Christiania⁵², the Minister of Justice stated that policing of the area would be reduced to normal levels by the following spring. In return, residents of Christiania were asked to bring the visible hashish market under control and to avoid provoking police. In addition, an agreement was made between the residents of Christiania and the Minister of Defence that a perimeter fence would be taken down, to allow police easier access to the community.

Following the announcement of the Minister of Justice's decision of 22 December, the police, who complained about the dangers of working conditions in Christiania, refused to patrol the area until ordered to do so by the Minister of Justice in January 1994.

The special police group, the Christiania Group, was disbanded on 22 December 1993. Since police returned to patrol the area in January 1994, it is believed that the uniformed police patrols have been reduced in number and frequency. Since then, there have been few reported incidents of ill-treatment by police in the area.

Amnesty International notes the recent initiatives taken by the Danish authorities, including the Minister of Justice, with respect to the police operation; and the resulting reduction of allegations of police ill-treatment in and around Christiania. The organization remains concerned, however, about the allegations of ill-treatment which have been made, and which warrant impartial investigations, including about the past and continuing use of the leg-lock as a method of restraint.

3d) Experts' opinion of the leg-lock

In response to the many allegations of ill-treatment, Amnesty International sent a delegate to Denmark in June 1993. The delegate spoke with residents in and around Christiania and watched videos made by the Christiania Documentary Group, which clearly showed many incidents of ill-treatment by police. The delegate also spoke with authorities in the Copenhagen police and the DPP about the police operation.

Amnesty International sent clips from videos and summaries of individual allegations to police and forensic experts outside Denmark. Among other things, the experts stated that, to their knowledge, the placing of people in the leg-lock position by police is not taught or used anywhere else in Western Europe. A police expert stated:

“The trussing up of a human person in this way causes acute pain and distress. After a while it can lead to numbness in the limbs. Used in the manner shown on the video of the...Christiania arrests, where officers stand around their prisoner in a relaxed and jocular manner, [it] is unseemly. This method can be

regarded as inhuman and degrading treatment... The trussing up of the persons mentioned above was force beyond the extent necessary."

A Professor of Forensic Medicine stated:

"This method of restraint makes use of handcuffs for a purpose for which their design was not intended. The method of restraint "locks" the legs by forcing them into a position which is beyond their natural unassisted movement so that they cannot be unlocked without assistance. Inherent in this method of restraint is the continuous forced flexion of the legs and continuous traction applied to the handcuffs. Associated with this pressure on the handcuffs is indirect pressure on the shoulder joints and partial fixation of the muscles of the shoulder girdle which are accessory muscles of respiration. Additionally, lying a person face-down on the ground would inhibit respiratory movements produced by the diaphragm."

"Continuous pressure applied to the handcuffs increases the risk of handcuff neuropathy. [Citations omitted.] Such nerve damage may persist for a number of years after the event."

"This method of restraint compromises breathing and in doing so provides a setting in which sudden death may occur."

"This type of restraint procedure is well recognized as inhibiting respiration and creating a risk of sudden death, and has been reported as the primary cause of a series of deaths in the United States. [Citations omitted.] It is noteworthy that the Danish 'leg-lock' restraint method is more severe than that used by the American police forces..."

"I would particularly draw your attention to the fact that this method of restraint leaves the victim absolutely helpless in terms of adjusting their position. Consequently it places upon the restraining officers a heavy burden of responsibility for the continuous monitoring of the effects of restraint."

"Inherent in this method of restraint with the victim lying face down on the ground in a position of absolute helplessness must be a sense of humiliation felt by the victim and an awareness of this on the part of the restraining officers. This raises the question as to whether the use of this method of restraint reflects the application of a punitive humiliation rather than a necessary method of control."

3e) Recommendations

Amnesty International urges the Danish authorities to end immediately the use of the leg-lock by law enforcement agents. It is the opinion of the experts and Amnesty International that the use of the leg-lock constitutes cruel, inhuman or degrading treatment or punishment. To Amnesty International's knowledge, this method of restraint is not used in other countries in Western Europe. Amnesty International believes that the use of the leg-lock violates Danish law⁵³ and international human rights standards to which Denmark is a State Party and therefore bound to comply⁵⁴.

Amnesty International is aware that some of these allegations will be individually reviewed by branches and agencies of the Danish police in the course of examining claims for compensation by individuals for unjustifiable stops, searches and arrests and complaints made to the local police complaints board. However, in view of Amnesty International's concern that the ill-treatment by police in the course of this operation was systematic and formed a distinct and disturbing pattern, and about the lack of independence of the investigations initiated by the police complaints board, Amnesty International urges the

government to initiate a fully independent and wide-ranging investigation into all the allegations of ill-treatment arising from this 15-month police operation. It is hoped that during this inquiry individuals would be able to address their claims and have them examined by impartial appointees of the government. It is also hoped that police regulations, operations and training, including the stopping and searching of people and the use of force, would be re-examined and revised. Following such revisions, Amnesty International recommends that police officers be retrained, in accordance with revised procedures.

Amnesty International urges the government to bring to justice in criminal or disciplinary proceedings those police officers reasonably believed to have engaged in ill-treatment. It also urges the authorities to pay reasonable compensation for the ill-treatment suffered and provide rehabilitation to the victims of such ill-treatment.

4. OTHER CASES OF ILL-TREATMENT

Benjamin Christian Schou

Shortly after midnight on 1 January 1992, 18-year-old Benjamin Schou was picked out of a crowd of revellers by police and arrested. He was charged with allegedly having thrown a bottle at police during the traditional new year's eve celebration at the Town Hall Square in Copenhagen.

During the arrest, which was carried out by three plainclothes officers, Benjamin Schou was forced onto his stomach on the pavement, causing abrasions to his forehead and eyelid, and handcuffed behind his back.

A video recording of part of the arrest and restraint shows that two of the officers placed their knees on Benjamin Schou's back and legs. Eye-witnesses confirmed this. Despite this, the police deny putting their knees or their full weight on Benjamin Schou.

A few minutes later, Benjamin Schou was carried, still handcuffed, by the three police officers for about 25 metres; two of them each held one of his arms and allegedly lifted him by the chain of the handcuffs. Police alleged that when they moved him, Benjamin Schou walked a few steps, but because he was kicking and twisting his body, a third officer took hold of his left leg. This information contradicts the statements of witnesses, who said that after being restrained and before being moved Benjamin Schou looked lifeless when lying on the ground. The witnesses also said that as he was being carried his head hung down and his right leg was dragging behind him. The video (which ends while he is being carried) supports the witnesses' rather than the police version of events. No screams of pain or resistance were heard from Benjamin Schou at this time.

The three officers carried Benjamin Schou to the street, where they laid him on his stomach behind a police vehicle. Police state that they then placed him in the leg-lock position, and allege that because he continued to resist they also lifted his arms for a period until he calmed down.

Two witnesses stated that while Benjamin Schou was lying on the ground behind the police vehicle, they saw at least one officer with at least one of his knees on Benjamin Schou. Police denied this.

Police stated that when they lifted Benjamin Schou into the van - about eight minutes after his initial detention - his body was limp. In the van the police noticed that Benjamin Schou was not conscious or breathing, and that he had turned blue in the face. Although at least one ambulance had been present at the Town Hall Square, and the hospital was nearby, the police proceeded to the police

station. On the way they called an ambulance to meet them there.

At the police station, Benjamin was laid on the floor of the reception room of the station. Police state that they cut free a long scarf that Benjamin Schou was wearing around his neck.

On arrival, the ambulance attendants determined that Benjamin Schou was unconscious and not breathing and that he had suffered a cardiac arrest. They started heart massage and called for a doctor. Benjamin Schou was resuscitated at 00.29am, approximately 18 minutes after his arrest. The doctor arrived at 00.33am and administered adrenalin, which made Benjamin Schou begin breathing. Benjamin Schou was then taken to the main hospital in Copenhagen, *Rigshospitalet*.

It is alleged that when doctors at the hospital asked the police for details as to what had happened, the police initially stated that it had been a "normal" arrest. It is alleged that later that day, police informed the doctors that Benjamin Schou had been unconscious for about five minutes (medical experts believe he did not breathe for between 14 and 17 minutes).

The emergency room report states that Benjamin Schou showed no signs of strangulation or poisoning. Medical experts agree that Benjamin Schou suffocated and as a result suffered a cardiac arrest. Owing to a lack of oxygen to his brain, he suffered severe and permanent brain damage.

Benjamin Schou is currently lying in a nursing home in a vegetative state from which he will not recover. Prior to his arrest he was in good health, having no history of heart disease or other medical problems.

The incident was investigated by Department A of the Copenhagen police, an investigations department. On the day of the incident, police told Benjamin Schou's mother that he had become violent during the arrest.

Two days after the incident it was reported in the press that a police spokesperson stated that Benjamin Schou had vomit in his lungs and a high blood-alcohol content, and that there were no grounds to believe that the police had used undue force in the course of the arrest. According to Benjamin Schou's medical records, however, he did not have a high blood-alcohol content and there is no mention of vomit in his lungs.

The police investigation was concluded at the end of January 1992. On 30 January 1992, a newspaper reported that the investigation had concluded that no violence had been used against Benjamin Schou.

The case was referred to the Regional Public Prosecutor, along with the video-tape which had been discovered in April 1992. The Regional Public Prosecutor confirmed the findings of the police investigation. At the request of Benjamin Schou's parents, the decision not to continue the investigation or bring charges against any of the police officers involved was forwarded to the DPP.

In November 1992 the DPP decided not to bring criminal charges against any of the police officers involved. He found that there was "...no basis for assuming that any of the police officers intended to use violence against Benjamin Schou apart from that which was necessary to carry out the arrest" and "...no basis for assuming that the arresting police officers have acted towards Benjamin Schou in such a way as to deliberately cause injury to [him]".

A principal reason given for this decision is "conflicting evidence" over the cause of the cardiac arrest. Some medical experts believe that the cardiac arrest may have been caused by the pressure placed on his chest (by the knee[s] of the police), while others cannot rule out the possibility that the cardiac arrest was

caused by possible strangulation by the scarf Benjamin Schou was wearing. What is clear, however, is that sometime between his arrest and his transport to the police station, during which he was continuously in the custody of the police and continuously handcuffed behind his back, Benjamin Schou suffocated and suffered cardiac arrest.

The decision not to prosecute any of the officers involved in the incident was submitted for review to the Minister of Justice in December 1992. In August 1993 the Minister of Justice stated that he was in agreement with the decision not to investigate the case further or prosecute the officers involved.

In June 1993 the government decided to drop the charges against Benjamin Schou owing to his medical condition. Benjamin Schou's parents have filed a civil action against the Copenhagen police seeking monetary compensation for the permanent injury sustained by their son; it is still pending.

Amnesty International urges the Danish Government, as a matter of urgency, to initiate a full, independent and impartial inquiry into the circumstances which resulted in Benjamin Schou coming to be in his current vegetative state, and to make the results public. If any police officer or other official is found to have been culpable, he or she should be the subject of disciplinary or criminal proceedings. Appropriate compensation should be paid to Benjamin Schou for any ill-treatment suffered. Amnesty International also urges the government to initiate a comprehensive review of the rules, training and practice of the use of force and restraint and amend them in order to ensure that tragedies such as this do not happen again.

“Mrs Andersen”⁵⁵

On 13 May 1993 at about 8pm, 50-year-old “Mrs Andersen” was arrested at her home for failing to appear in court on a civil case. The case was about her daughter's car loan, which she had guaranteed.

“Mrs Andersen” says that she explained to the arresting officers that she had not appeared in court because she was bedridden at the time owing to a severe problem with her spine, which affected the nerves in her leg. She told them that she was still suffering severe pain and undergoing treatment.

As she was being taken to the police station, “Mrs Andersen” was informed that she would be held at the police station overnight and taken to court the following day. She informed the officers that she wanted to see a doctor, as she believed that she was not medically fit to be detained. The officers told her to make her request to the head of shift at the police station.

At the police station, “Mrs Andersen” attempted to talk to the head of shift about her illness. The head of shift allegedly responded by shouting at “Mrs Andersen” to remove her glasses. “Mrs Andersen” claims that when she tried to explain her problem, the head of shift forcibly removed her glasses and ordered her to empty her pockets, which she did.

When the head of shift ordered two police officers to take her to a cell, “Mrs Andersen” claims that she requested that a doctor be called to examine her. Two police officers then reportedly grabbed her arms. “Mrs Andersen” sat down. A male officer allegedly twisted one arm behind her back, while a female officer took her other arm and bent her thumb back in the direction of her wrist, holding it there. “Mrs Andersen” says she was so shocked and hurt by this treatment that she bit the male officer on the arm.

She alleges that after this two police officers held down her legs. A policeman

then forcibly placed his knee in her ribs and she was punched repeatedly on the left side of her head in the area between her eye and ear. When the beating stopped, "Mrs Andersen" states that she was ordered to stand up. However, due to her back problems, she could not get up without using her arms, which were still being held by the police officers. When she did not get up, the police allegedly began screaming at her. Four officers then carried her by her arms and legs and threw her into a cell. "Mrs Andersen" says that she landed on the floor with her legs up on the wall and was unable to move from this position.

She claims that about 30 minutes later the female officer who had previously twisted her thumb came and asked her whether she had calmed down. "Mrs Andersen" says she told the officer that she could not move, and once again requested to be examined by a doctor. She claims that the officer said that a doctor could not be called.

After lying in the same position for approximately one hour, "Mrs Andersen" says that another police officer entered the cell and helped her get up off the floor into a seated position. She states that she told this officer that she now also had pain in her right hand.

"Mrs Andersen" claims that she remained seated throughout the night and a light was left on continuously. On the morning of 14 May her glasses were returned to her and she was taken to court - without having been given any nourishment or drink since her arrest.⁵⁶

As a result of the ill-treatment, "Mrs Andersen" stated she suffered swelling and bruising to the left side of her face and was unable to wear her glasses comfortably for approximately 10 days. She said the pressure put on her rib cage by one of the police officer's knees meant that she was unable to lie on her left side for approximately one month. She also said that the twisting of her thumb caused swelling and bruising to such an extent that she could not turn a tap for approximately one month and that she suffered from nightmares. Her doctor, who examined and treated her, stated that her account of the ill-treatment she suffered was consistent with her complaints of pain and injuries.

International human rights standards⁵⁷ guarantee the right of a detainee to be examined by a doctor. This right was allegedly denied to "Mrs Andersen".

International human rights treaties ratified by Denmark require that all persons deprived of their liberty be treated with respect for the inherent dignity of the human person⁵⁸. These standards mandate that no person shall be subjected to cruel, inhuman or degrading treatment or punishment⁵⁹, and instruct that reasonable force may be used against a detained person only when "strictly necessary"⁶⁰.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires the government to initiate prompt and impartial investigations whenever there is a reasonable ground to believe that an act of torture or other cruel, inhuman or degrading treatment has been committed.

"Mrs Andersen" filed a complaint, seeking compensation for the ill-treatment she suffered, with the police complaints board in October 1993. As of May 1994, she had not received a response.

Amnesty International is concerned that the treatment of "Mrs Andersen" by the police may have violated international human rights standards. Specifically, the Danish police failed to grant "Mrs Andersen" prompt access to a doctor, which she repeatedly requested. The organization notes that in its report of July 1991, the ECPT recommended that the Danish authorities expressly provide for "the

possibility for an arrested person to have access to a doctor (including of his own choosing)". Apparently, as the case of "Mrs Andersen" highlights, this recommendation had not been followed by 1993. Further, the Danish police allegedly failed to respect "Mrs Andersen"'s right to bodily integrity and to be free from torture, or other cruel, inhuman or degrading treatment or punishment. Amnesty International calls on the Danish authorities to initiate immediately an independent and impartial investigation into this case, making the results public. In the event that the investigation reveals wrongdoing by the police, the authorities should subject the perpetrators to criminal or disciplinary action and pay adequate compensation to "Mrs Andersen" for the ill-treatment and injuries suffered.

Amnesty International also calls on the authorities to initiate a comprehensive review of the rules, training and practice on the provision of food and drink to people detained and access of detainees to a medical examination and medical treatment and of the use of force and restraint. The organization urges the government to amend such rules, training and practices in order to ensure that the rules are in accordance with international human rights standards and to ensure that incidents such as this do not happen again.

Berit Fagergård

On 11 September 1993, 26-year-old Berit Fagergård saw a police officer asking to see the papers of three "foreigners" in Copenhagen's central train station, in what she describes as a very aggressive manner. She reportedly approached the officer, who refused to speak to her. She then asked the "foreigners" what they had done. One of them reportedly replied: "Nothing, it's because we are black". As Berit Fagergård turned to leave she exclaimed "discrimination!". It is alleged that the police officer followed her, took hold of her arm and asked her whether she was accusing him of being racist. After she gave the police officer a false name, she was handcuffed behind her back. She alleges that the handcuffs were applied very tightly to her wrists and that her hands were turned upwards towards the middle of her back, causing great pain. She alleges that she had never been arrested before and was shocked by how she was being treated. When her protests about the pain were ignored, Berit Fagergård allegedly dug her nails into the hand of the police officer, who was holding her by the wrists. He then raised her cuffed hands even further up her back.

At the police station, she suffered an injury to her head. She claimed that the police officer called her a "slut". She says she was then placed alone in a cell, still handcuffed. She was denied access to a toilet for several hours, despite several requests, and consequently had to urinate on the floor of the cell. She was released five or six hours later and has been charged with violating various police regulations, including insulting a police officer and assaulting a police officer.

As a result of the ill-treatment, Berit Fagergård says she suffered both physically and psychologically. Marks on her wrists from the handcuffs as well as swelling and redness on her head were visible to her doctor five days after her arrest. She has received treatment from a psychologist for the trauma suffered during the incident.

Amnesty International urges the government to conduct an independent, impartial investigation into the allegations that Berit Fagergård was ill-treated by police, and to make the results public. If the allegations are substantiated, the organization urges the government to bring to justice those responsible and to

pay her adequate compensation for the ill-treatment suffered.

5. RECOMMENDATIONS

In addition to the recommendations made about individual cases described in this report, Amnesty International calls on the Danish Government to implement the following measures:

1. Order an immediate end to the use of the leg-lock which, in Amnesty International's view, constitutes cruel, inhuman and degrading treatment or punishment. Police officers and other officials should be instructed that use of the leg-lock is not acceptable and that criminal and/or disciplinary proceedings will be instituted against any police officer or official who uses the leg-lock.

2. Instruct the police and other law enforcement authorities that they should use no more than the minimum force necessary to restrain a person. Police should be instructed that, whenever possible, they should refrain from using their knees on bodies or limbs when restraining detainees as, in the past, this has led to injury and could even lead to death. The government should ensure that all police officers are instructed in the use of handcuffs in such a way so as to avoid causing injury to detainees.

3. Take all necessary measures to ensure that the police are adequately equipped and trained to employ non-lethal methods of crowd control. The government should institute a public order training program for all police officers aiming to ensure that no more than reasonable force is used to control disturbances. The government should also review and clarify the role and use of plainclothes police during public disturbances.

4. Take immediate steps to ensure that all arrested persons are provided with food and drink; have access to an independent doctor, upon request; have ready access to toilets; and that all detainees are treated with respect for their human dignity.

5. Establish an independent commission of inquiry to examine the use of force and restraint by police. Amnesty International suggests that, among other things, the commission should investigate and make recommendations for clarifying and improving:

the use of force and restraint by police and other authorities: all methods of restraint used and proposed, including the placing of knees on the backs or limbs of detainees, and equipment for these purposes, should be subjected to comprehensive medical testing so as to ensure their application does not constitute ill-treatment or cruel, inhuman or degrading treatment or punishment. Police regulations and training should be reviewed and, where appropriate, amended accordingly.

the use of firearms by police and other authorities: all regulations and training on the use of firearms should be reviewed and amended so as to ensure clarity and conformity with relevant international standards and to protect, to the greatest extent possible, the lives, physical integrity and safety of the public. The commission should make recommendations for regular training of all police officers in the use of firearms.

methods of crowd control: among other things, past practices, regulations, and equipment available should be reviewed. Where necessary or appropriate all measures should be taken to ensure that no more than minimum force is used in the course of crowd control. The role and function of plainclothes officers in crowd control should be examined.

Amnesty International also recommends:

- a) The commission's members, including the chair, counsel and technical experts, should consist of people of acknowledged independence and probity and be appointed from outside the Ministry of Justice and the police.
- b) The commission should be given jurisdiction to take evidence from people alleging that they have been ill-treated by police, and such people should be protected against harassment and intimidation and from criminal prosecution for the substance of any allegations made about specific instances of ill-treatment by police.
- c) The commission should be empowered to summons and take evidence from police officers as well as police administrators, and to subpoena relevant evidence and records.
- d) The commission should file interim reports to facilitate the prompt initiation of any appropriate criminal or disciplinary proceedings, identifying specific instances and individuals whenever possible. These reports should also facilitate prompt amendment of police regulations, laws, police training and procedures as appropriate.
- e) The commission should be given the authority to recommend that criminal prosecutions or disciplinary proceedings be brought against any police officer against whom there is *prima facie* evidence that they have engaged in cruel, inhuman or degrading treatment.

6. Revise the procedures for investigating and acting on complaints against the police (Amnesty International is aware that the government has begun a review of this process). The government should ensure that, in future, all bodies responsible for handling complaints against police practice and decisions are completely impartial and independent.

Amnesty International further recommends that:

- a) The complaints body should consist of people of acknowledged independence and probity, who are not members of the police force. This body should have at its disposal its own corps of independent investigators to look into complaints.
- b) The complaints body should be afforded all necessary powers and authority to conduct investigations into complaints against the police, including the power to summons witnesses and to subpoena evidence and documents.
- c) The body should, at a minimum, be given the power to: decide whether a case should be concluded or if an apology should be issued; recommend to appropriate authorities that adequate compensation be paid to the victim; and recommend whether criminal or disciplinary proceedings should be brought against the perpetrator.

In order to maintain the independence and impartiality of the police complaints process, it is strongly recommended that no police authorities should sit on this body. All possible steps should be taken to ensure the independence and impartiality of the investigation of complaints against police.

Amnesty International believes that if the recommendations included in this report are implemented with determination and speed, then reports of ill-treatment by Danish police will become a thing of the past.

6. CONCLUSION

Amnesty International is concerned about reports of ill-treatment by police in Denmark. The concerns illustrated present a disturbing trend. The organization is further concerned that, to date, the Danish authorities have failed to address

adequately the complaints about ill-treatment. The organization calls on the government to implement a series of recommendations, including the immediate end of the use of the "leg-lock", a thorough review of the police complaints system, and the establishment of an independent commission of inquiry to examine the use of force and restraint by police.

Delegates from Amnesty International's International Secretariat met and discussed the organization's concerns and recommendations with the Minister of Justice in May 1994. The Minister of Justice stated that the Danish Government has already decided to ensure that, in the future, police would no longer investigate complaints about police conduct. It is expected that the Commission working on revisions to the police complaints process will report its recommendations in September 1994. The government hopes to initiate a new police complaints process by 1995. Further, the Minister of Justice agreed to review and consider the issues and cases contained in this report.

Riot geared police readying to shoot into crowd during demonstration in Nørrebro on 18-19 May 1993. © Christian Andersen

Horst Pedersen was shot in the back while assisting a photographer during the demonstration in Nørrebro on 18-19 May 1993. © Torben Andersen

Alexander Borgstrøm, a bystander, was shot in the face by police minutes after arriving at St Hans Square on 18-19 May 1993. The bullet stopped within millimetres of his carotid artery.

Plainclothes police officer ready to shoot during the demonstration on 18-19 May 1993. © Henrik Saxgren, 2 maj

One of the people shot by police during demonstration in Nørrebro on 18-19 May 1993. © Christian Andersen

"Anders" is dragged down the street by 2 plainclothes officers on 18-19 May 1993. © Photograph taken from TV-Stop's video footage

View from behind police chain on Fælledvej, seconds before the shooting. © Photograph taken from Vesterbro Lokal TV's video footage, 18-19 May 1993.

While sitting in the street, recovering from earlier blows from police truncheons, photographer Christian Andersen was hit on the head with a police truncheon during a demonstration in Copenhagen against the Gulf War in 1991. © Torben Andersen

Photographer Christian Andersen lies handcuffed and bleeding, after being hit on the head by a police truncheon during a demonstration in Copenhagen against the Gulf war, which he was photographing. © Torben Andersen

Plainclothes police stand around Reinholdt Bjarne Johan Knudsen, who was held in the leg-lock for 5-10 minutes, after being detained for insulting police in May 1993. © Jan Flemming, Christiania's Dokumentare Gruppen

Person held in the leg-lock outside of Christiania in 1993. © Jan Flemming, Christiania's Dokumentare Gruppen

Benjamin Christian Schou is permanently brain damaged after suffocating and suffering a heart attack while being detained by police on 1 January 1992.

ENDNOTES

¹ The Uro patrol was established in 1966. It is currently made up of about 55 officers: 15 permanent members and 40 who serve on a rotation basis, spending between three and six years with the patrol.

Working in plain clothes, dressed primarily in blue jeans and athletic shoes, the

tight-knit members of *Uropatruljen* operate in Copenhagen's most volatile environments. These include the drug- and vice-ridden western area of the city, Vesterbro; areas frequented by motorcycle groups; demonstrations; and in Christiansia.

Animosity towards these officers has grown to extreme levels among some members of Danish society over the years. The group's tactics, particularly its use of force, have frequently been described as heavy-handed by the media, and their conduct has often been described as "provocative".

² Members of the police complaints boards include the Chief Constable of the region, members of the police force, local elected officials, and when working on complaints against the police, a lawyer from the area.

³ Pronounced "Bee-Zed-er". This is the equivalent of the Danish word for squatter, *besætter*.

⁴ The police describe the Autonomous Milieu as "unstructured in terms of leadership". They estimate it is made up of 200 to 300 people from political groupings and umbrella organizations, as well as individuals without group affiliation. According to the authorities, the aims are undefined but "can be characterized by a negative common denominator: a feeling of not belonging to the rest of society, which they wish to fight against out of varying motives, and willingly [use] violence".

⁵ Article 71 (1), Danish Constitution.

⁶ Administration of Justice Act (*Retsplejeloven*) Paragraph 758.

⁷ Paragraphs 244 and 250 of the Criminal Code (*Straffelov*). However, under paragraphs 13 and 14 respectively, such acts are not punishable if committed in self-defence and are necessary to avert an actual or imminent unlawful attack or damage to person or property; or if they are necessary to enforce lawful orders in a lawful manner, or to carry out a lawful arrest, or to prevent the escape of a prisoner. The use of excessive force in such situations is not subject to punishment if the act could be reasonably attributed to the fear or excitement produced by the attack.

⁸ Police Regulation (*A-meddelelse*) III number 2, 1 December 1991.

⁹ Police Regulation (*Kundgørelse*) II, number 37, 21 January 1987; Police Regulation (*Kundgørelse*) II Number 38, 9 July 1980.

¹⁰ International Covenant on Civil and Political Rights (ICCPR), Article 10. This Convention was ratified by Denmark in 1972.

¹¹ United Nations (UN) Code of Conduct for Law Enforcement Officials, Article 3.

¹² Article 7 ICCPR; Article 15 European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention). This Convention was ratified by Denmark in 1953.

¹³ Article 6, UN Code of Conduct for Law Enforcement Officials.

¹⁴ Articles 4, 11, 12, 13, 14 and 16, UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture). This Convention was ratified by the Danish Government in 1987; UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Declaration Against Torture), Articles 6, 10, 11; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, (UN Body of Principles) Principles 6, 33 and 35.

¹⁵ He was given a pair of scissors to keep in his cell to cut the wires holding his jaw together, in the event of an emergency.

¹⁶ Danish police regulations governing the use of firearms state that firearms may be used only in certain defined circumstances and “[o]nly when it is estimated that other means to achieve the objectives are insufficient or inadequate under the given conditions”.

The regulations instruct that “when there is a risk that bystanders may be hit, firearms may be used only as a last resort”.

Under the regulations, police under the command of a leader may only use firearms if ordered to do so, unless they are averting a dangerous attack on a person. The regulations also instruct that “when shooting [at a person] the aim should be to disable the person in question, i. e. by hitting the arms or the legs, in such a way that use of firearms or escape is made impossible”. Regulation (*Kundgørelse*) II, nr. 38, 9 July 1980.

¹⁷ International standards concerning the use of firearms include the following: Article 3 of the UN Code of Conduct for Law Enforcement Officials provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty;

UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provide in part:

4. “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”

5. “Whenever use of force and firearms is unavoidable, law enforcement officials shall:

a. Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;

b. Minimize damage and injury and respect and preserve human life”;

9. “Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.” (emphasis added)

14. “In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in Principle 9.”

According to Principle 7, “Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law”.

Principle 8 instructs that “Exceptional circumstances such as internal public instability or any other public emergency may not be invoked to justify any departure from these basic principles”.

¹⁸ As part of the investigation, Amnesty International spoke to the Commissioner and Deputy Commissioner of the Copenhagen Police; the Director of Public Prosecutions, who is leading the investigation for the government; people who were shot; witnesses; journalists; lawyers and legal scholars. The organization has reviewed videos and photographs of the incident, the police reports which

have been made public, transcripts of the trials of those arrested in the aftermath of the demonstrations, and the voluminous media coverage.

¹⁹ According to the Copenhagen Police Commissioner, "there was no information which might indicate that trouble could be expected in Nørrebro".

²⁰ The reported fire turned out to be only a reflection of a bonfire seen in a window of a nearby building. It was later determined by the National Police investigators that the call to the fire department was made in good faith by a resident.

²¹ This police group was not wearing gas masks. Among other things, youths threw tear-gas canisters back at the police.

²² This police group had run out of tear-gas in their advance to Fælledvej.

²³ During the trials, a member of the Uro patrol testified: "It was my impression that the uniformed colleagues were in shock and needed a small push... There was the commander of the Uro patrol, but I held the radio. I could see the uniformed officers stop, and I thought it went too slowly. So I reported over the radio that things needed to be speeded up. This may have been the message which was heard as the 'in difficulty' message."

As reported in the National Police investigation, the leader of the Uro patrol stated that although he considered the situation in the square to be "serious", he did not believe that it justified the emergency call to action message communicated by the Central Command.

²⁴ It has been reported that the Uro patrol was urging the uniformed officers to advance, at this time.

²⁵ Video-tapes show plainclothes officers behind and to the side of the police chain throwing stones over the heads of their uniformed colleagues. A report by Detective Inspector Kurt Jensen, attached to the 2nd report of the Commissioner of Copenhagen Police, states that police threw a total of 28 stones on Fælledvej, all under command. Seven plainclothes officers were reported to have thrown 25 stones and three were thrown by a uniformed officer. The report states that "none of these stones was seen to hit anyone".

²⁶ According to a witness, "the police lifted their guns into the air. Then slowly, as if their arms were fatigued, some moved their arms downward to a horizontal position".

²⁷ According to Danish police firearms regulations, "warning shots are to be fired directly into the air".

²⁸ An excerpt from the statement of one police officer which was included in the second report of the Copenhagen police stated that this officer aimed and fired two shots in the direction of a demonstrator's leg, when the demonstrator was approximately five metres away from a "wounded and defenceless, prostrate police officer" with a large paving stone in his hand and poised to throw it at the wounded officer. The officer reported that he did not know whether the shots he fired hit the person targeted.

²⁹ Of the people shot, Amnesty International has learned that two were hit in the stomach, three in the back or shoulder area, one in the face, two in the ankle or foot, one in the knee and one in the hand.

³⁰ The Commissioner of Copenhagen police stated that the Copenhagen police have repeatedly drawn attention to the fact that their radio system does not fulfil demands at major events; portable radios have only two channels, so only two people can get through to headquarters at the same time. As was the case on 18 May 1993, signals often cannot be read clearly, sometimes not at all.

³¹ This conclusion contrasts sharply with scenes in the video-tapes showing two plainclothes officers standing behind uniformed officers, who are seated at St Hans Square and appear to be relaxing. The video shows one of the plainclothes officers picking up and throwing seven stones. The other plainclothes officer can be seen throwing two stones. No stones can be seen or heard to be thrown at the officers either before, during or after they threw the stones.

³² It is reported that on 19 May, police went to the hospital and requested the names and identification numbers of the people being treated for bullet wounds. When doctors refused to comply, the police obtained a warrant from a magistrate. On the basis of this warrant, doctors were forced to reveal the names of their patients.

Many of those who were shot reported to Amnesty International that police came into their hospital rooms on 19 May while they were still under the effects of anaesthesia or pain-killers, then took their clothes and sought to question them. Most refused to give statements.

The Danish Medical Association, angered by the infringement of the doctors' professional code of confidentiality, launched a protest; as a result, regulations have been clarified with a view to ensuring that people can seek medical attention without fear of their physicians being compelled to hand over their details to the authorities.

³³ The prosecution has appealed the sentence.

³⁴ His true name was withheld during the course of the proceedings.

³⁵ This first report was notable for the amount of information it contained about the unanticipated violence, which the Commissioner said was pre-planned, and for the lack of detailed information about the shooting episodes. It did not cover many issues, including whether the shots were fired on command, who ordered the shooting and how many shots were fired. No mention was made of the final shooting episode on St Hans Square.

The Commissioner reported that the police were forced to advance to St Hans Square before the requisitioned tear-gas had arrived to "save police who were in difficulties, some of whom were already injured". He further explained that the police were in a life-threatening situation at the time of shooting: 12 to 15 officers who had already been hit and were lying on the street were being attacked. On the basis of speaking with six of his closest assistants and reviewing the report of an interview with the area leader he concluded that "the police have acted strictly in accordance with the shooting regulations".

The Commissioner concluded his report by noting that it was regrettable that some of the demonstrators were wounded as despite "their rabid conduct, they are still human beings in Danish society".

³⁶ The mandate of the investigation is "to give an overall picture of the events in question and, among other things, to shed light on the events leading up to as well as the acts of violence which took place".

³⁷ Significant examples of messages not heard were: an order to the Uro police to withdraw from St Hans Square just prior to the advance of the police chain; and the report of the shooting incident on the square.

³⁸ It had been reported that when the tear-gas supply was growing short, police had to break into a storage shed to retrieve additional supplies, as they were unable to locate the key.

³⁹ According to the police report, 92 police officers were injured, 40 of whom were taken to the hospital and released. The doctor on duty at the time in the

Emergency Room was quoted in the media as saying that most of the police injuries were "entirely trivial", although one police officer is reported to have broken her back.

According to the police report and answers to Parliamentary questions, fifty-eight police officers subsequently took over 1,200 days sick leave.

⁴⁰ Among other things, the report clarifies that the orders to shoot were not given by the area leader but by the leaders of two police units: the leader of the Uro patrol and a leader of a uniformed platoon. The orders given were to fire "warning shots" which, according to police regulations, are to be fired "directly into the air".

⁴¹ This witness lived on Fælledvej and watched the events unfold from the glass doorway in the hallway of his building.

⁴² This statement was made in court by a journalist who was present during the demonstrations and testified during the trial.

⁴³ Amnesty International is aware that the DPP put many of these questions to the Copenhagen Police in November 1993, and as of the end of April 1994, had not yet received answers.

⁴⁴ Among others, Administration of Justice Act Section 758 and police regulations relating to the use of force and truncheons.

⁴⁵ Articles 7 and 10 of the ICCPR; Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention); Principle 6 of the UN Body of Principles; Articles 3, 5 and 6 of the UN Code of Conduct for Law Enforcement Officials, among others.

⁴⁶ The officer later testified that he had never seen Christian Andersen involved in any violence against police.

⁴⁷ When he went to the police station to recover his camera equipment, he found that some of his film had been exposed, some film was missing and the cameras were damaged.

⁴⁸ According to Police Regulation (*Kundgørelse*) II number 37, 21 January 1987), police may only use truncheons when the purpose cannot be obtained by less drastic means and only in the following circumstances: to carry out the arrest of a dangerous offender; to avert danger to the police or third persons; against a person who is forcibly trying to prevent the police in carrying out an official duty or if necessary to counter the resistance of a person interfering with the police carrying out the performance of an immediate and necessary order.

The regulations require police to use truncheons "sober-mindedly", in order not to cause more injury than necessary. Truncheons may be directed only against arms, legs, chests and backs. The use of a truncheon on the head, neck, kidneys, collar-bone, and crotch is forbidden.

⁴⁹ Christiania, which is still owned by the Ministry of Defence, covers 34 hectares of land. The current population of approximately 850 includes journalists, artists, artisans and some transients (including young people and tourists passing through). In 1989 the Danish Parliament passed the Christiania Law which, in effect, legalized the existence of this community. A democratic People's Council in Christiania has addressed various social problems over the years.

⁵⁰ It should be noted that during this time, the level of compensation paid to individuals was decreased by order of the DPP. The sum paid for a search in which nothing is found was reduced from 500 to 200 Danish Kroner (approximately £20). The sum paid for an unjustified arrest was reduced from 1,400 Danish Kroner to

500 Danish Kroner (approximately £50), where the duration of the detention is less than 10 minutes.

⁵¹ Police directives state that tear-gas grenades of the type thrown in this incident can clear an area of approximately 10 cubic metres. Manufacturer's instructions and medical opinion say that CS gas - the type used by the Danish authorities - can be harmful and even lethal if used in confined spaces or in massive quantities in occupied areas, and that infants and elderly people are particularly vulnerable.

It was reported that the Regional State Prosecutor decided not to bring criminal charges against the officer in this case because of the necessity of proving that the act was intentional; it is reported, however, that disciplinary proceedings will be brought and the parents of the children have filed a claim for compensation with the Minister of Justice.

⁵² Ministry of Defence personnel who were present in Christiania on 22 December 1993 reported to the Minister of Justice that "the behaviour of the police at Christiania has such a provocative effect that it stirs up the atmosphere for all parties involved".

⁵³ According to paragraph 758 of the Danish Administration of Justice Act, arrests must be made in as gentle a manner as possible. This provision prohibits all infringements of the personal freedom of the detained person, which are not required under the particular circumstances of the arrest.

While Danish Police regulations permit the use of handcuffs in the detention of people under conditions that may lead to escape, violence or suicide and when necessary to avert a threatened danger or intractability of an unruly person, they specifically prohibit the "preventative" use of handcuffs when there is no concrete, specified reason.

⁵⁴ These include:

Article 10 of the ICCPR which provides that "all persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person";

Article 7 of the ICCPR and Article 3 of the European Convention which guarantee that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, According to Article 4 of the ICCPR and Article 15 of the European Convention, no circumstance whatever may be invoked as justification for torture or other cruel, inhuman or degrading treatment or punishment; and

Article 3 of the UN Code of Conduct for Law Enforcement Officials, which provides that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty".

⁵⁵ The true name of this person is withheld upon request.

⁵⁶ In its report of July 1991, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), noted that none of the police stations it had visited in Copenhagen had any special arrangements for providing arrested people with food and drink. Although the ECPT specifically recommended in 1991 that "the Danish Authorities make arrangements to ensure that, when the circumstances so require, persons kept under arrest at police stations and in the transit areas of the airport can be given something appropriate to eat and drink", apparently no such arrangements had been made at this police station by 1993.

⁵⁷ Article 6 of the UN Code of Conduct for Law Enforcement Officials provides

that "Law Enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required". Principle 25 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that "A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge." Both the UN Standard Minimum Rules for the Treatment of Prisoners (par. 91) and the European Prison Rules (par. 98) require that all untried prisoners shall be given the opportunity to be visited or treated by their own doctor, if there is a reasonable ground for such a request.

According to Danish procedure, except in the case of intoxicated people, once a decision to detain a person is made, the person is transferred over to the custody of the Department of Prisons and Probation. Police regulations about medical examinations relate only to intoxicated people who are detained.

Under Danish regulations promulgated by the Department of Prisons and Probation (*Kriminalforsorgen*), upon reception of a person into a local prison or a penal institution, whether held on remand or in custody, the person shall be offered to speak with the doctor or nurse at the institution. During this conversation, the doctor or nurse is to determine whether the person ought to be offered a consultation with a doctor. These rules, however, do not apply to people who are detained for a "fairly short duration".

Thus, sober people detained and held in the custody of the police or Department of Prisons and Probation for short durations may not always be given access to a medical examination.

⁵⁸ Article 10 of the ICCPR.

⁵⁹ ICCPR Article 7; Article 3 of the European Convention.

⁶⁰ Article 3, UN Code of Conduct for Law Enforcement Officials.

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