

£FEDERAL REPUBLIC OF GERMANY

@The alleged ill-treatment of foreigners: a summary of concerns in the period June - December 1993

In the period June - December 1993 Amnesty International received further allegations that police officers had ill-treated foreigners in their custody.

The case of Abdulkerim Balikci

The information on this case is based on an interview with Abdulkerim Balikci, conducted by Amnesty International in the Federal Republic of Germany, on a complaint made by the victim's lawyer to the Berlin Ministry of Internal Affairs on 20 August 1993, and on a medical certificate. Abdulkerim Balikci is a Turkish citizen, married to a German national. He has been living in Germany for three years and hopes to apply for German citizenship.

In the early hours of the morning of 3 August 1993, Abdulkerim Balikci was on his way to visit a friend in the Charlottenburg district of Berlin. After arriving at his friend's flat he saw a large number of police officers and several police vehicles on the opposite side of the street in front of a bar. A man approached Abdulkerim Balikci, stating that he was a police officer and requesting to see the 25-year-old Turk's identity papers. Abdulkerim Balikci asked the man, who was wearing civilian clothes, for proof of his identity. He was told to shut his mouth ("*Halt' Dein Maul*") and again asked for his papers. Abdulkerim Balikci explained that he did not have his identification papers on him. Upon hearing this the man then pushed him against a wall and placed a handcuff on one wrist. As he tried to struggle free, Abdulkerim Balikci was pushed to the ground by the first man and by a second, uniformed, police officer. Abdulkerim Balikci alleges that a third officer who had arrived on the scene then began to strangle him with one hand. This lasted for one or two minutes. Abdulkerim Balikci screamed with pain and in fear, at which point one of the officers kicked him on the side of the head. He was then handcuffed, pushed into the back of a police vehicle and told to sit on the floor. According to Abdulkerim Balikci, one of the officers at the scene asked his colleague for a glove, climbed into the car and proceeded to strike him around the head and on the right shoulder. The officer then got out of the car. Approximately eight to 10 officers stood close by talking and laughing.

Abdulkerim Balikci was taken to Bismarck Street (*Bismarckstraße*) police station where he asked to be informed of the reason for his arrest. His inquiry met with the response "Shut your mouth" ("*Halt' die Schnauze*"). His personal belongings were taken from him and he was placed in a cell. Shortly afterwards his nose began to bleed heavily. He was given some paper tissues and asked if he needed a doctor. When he replied in the affirmative, he was told that

he should take care of it himself, as it could take several hours before a doctor could come to the police station.

After his personal details had been taken from a bank card he had been carrying, Abdulkerim Balikci's belongings were handed back to him and he was allowed to leave the station. He wandered through the streets, his clothes bloody, and arrived at his friend's place at approximately 9am in a confused state. Later the same day he visited his doctor who identified the following injuries: multiple bruising of the face, left elbow, both wrists, right knee, chest and lower back; multiple abrasions to the right cheek and eyebrow and to the right knee; and bruising caused by strangulation.

Abdulkerim Balikci has been informed by the Berlin police authorities that he is accused of attacking and physically injuring police officers in the course of an identity check and of resisting arrest.

In October 1993 Amnesty International wrote to the Berlin authorities seeking information about the investigation of Abdulkerim Balikci's complaint of ill-treatment and the complaint made against him by the officers concerned. The following month the organization was informed by the Ministry of Justice that the Berlin prosecuting authorities would bring charges against anyone found to have committed racially-motivated assaults, no matter who the culprits were.

Update to cases documented in *The Federal Republic of Germany: The alleged ill-treatment of foreigners - a summary of recent concerns*, AI Index: EUR 23/03/93.

The case of Ali Ajdadi

In May 1993 the Cologne prosecuting authorities rejected a complaint by Ali Ajdadi that the police response to a racist attack on him in October 1992 had been inadequate. Ali Ajdadi had alleged that police officers had failed to give chase to his attackers after they arrived on the scene following an assault on him by two men. He also alleged that he was not questioned about the attack, either at the scene or later on when he reported to a police station later that night. According to the investigation by the Cologne Public Procurator's Office (*Staatsanwaltschaft Köln*), two officers had arrived at the scene of the assault within minutes. However, when they questioned Ali Ajdadi he gave only hesitant and imprecise details about the assault on him. As soon as police reinforcements arrived they were informed what had happened by witnesses and gave chase on foot and by car. When Ali Ajdadi arrived at the police station to give more details about the assault, the officers on night duty did not believe it necessary to take a written statement at that time. In rejecting Ali Ajdadi's complaint the prosecuting authorities concluded

that the victim's understandable shock and feelings of horror following the assault on him had probably affected his perception of events. In August 1993 Amnesty International was informed by Dr Herbert Schnoor, Deputy Minister President and Minister of the Interior of North Rhine-Westphalia, that a man had been charged with assaulting Ali Ajdadi.

The case of Mohammed

In September 1993 Amnesty International was informed by the Berlin authorities that the investigation into Mohammed's¹ allegations that he was ill-treated by police officers in December 1992 had been discontinued due to lack of evidence.

The case of Amadeu Antonio Kiowa

In October 1993 Amnesty International wrote to the Minister of Justice of Brandenburg in order to express its concern that almost three years after the death of Amadeu Antonio Kiowa the trial of police officers accused of failing to intervene during the attack on him by a group of youths had still not taken place. The 28-year-old Angolan immigrant worker was kicked and beaten unconscious by a gang of right-wing extremists on the night of 25 November 1990 in Eberswalde, a town 45 kilometres north-east of Berlin. He died 11 days later as a result of the injuries he had sustained. In its letter to the Ministry of Justice Amnesty International noted that allegations about the actions of the three officers were first made in July 1991 and repeated in court during the trial of Amadeu Antonio Kiowa's attackers in July 1992. Three officers were charged in April 1993 with causing bodily harm to Amadeu Antonio Kiowa leading to his death as a result of their failure to intervene when he was attacked.

In December 1993 the Minister of Justice of Brandenburg informed Amnesty International that an investigation into the police operation that took place in Eberswalde on 25 November 1990 had been conducted as early as 1991. At that stage there was no evidence that officers had acted in breach of their duty or of the law. Such evidence did emerge, however, at the trial of Amadeu Antonio Kiowa's attackers in July 1992. As the result of the ensuing investigation by the prosecuting authorities, three officers were charged in April 1993. In his letter to Amnesty International the Minister concluded that no date had been fixed for the trial of the officers because the court responsible for examining the case had ordered further investigations to be conducted by the prosecuting authorities.

Update to other cases previously documented

¹ The victim has requested that his real name not be used by Amnesty International, as he has already been subjected to racist abuse and threats following media coverage given to his case.

The case of Mehmet S. (see Amnesty International Concerns in Europe: May-October 1992, AI Index: EUR 01/04/92).

In September 1993 Amnesty International was informed by the Bremen Ministry of Justice that the investigation into the alleged ill-treatment of Mehmet S. had been discontinued due to insufficient evidence. Mehmet S., a 14-year-old Turkish Kurd, had alleged that in an incident in March 1992 police officers had thrown him roughly to the ground and had bent his arms backwards causing him to cry out with pain. He later underwent an operation on a fracture to his arm.

According to the Ministry of Justice the prosecuting authorities rejected the complaint of ill-treatment made by Mehmet S. because they were unable "to reconcile various contradictions in the statements of [a] witness and of the complainant with the account of the incident given by both accused officers". The investigation into the alleged ill-treatment was therefore unable to establish "how the injury to the complainant had occurred or who had been responsible for it". Mehmet S. immediately appealed against the decision to discontinue the investigation. In November 1993 the Bremen Director of Public Prosecutions (*Generalstaatsanwalt*) granted the appeal and ordered that further investigations be carried out into the cause of the detainees's injury.