

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 42/002/2002 (Public)

News Service No: 91

Embargo Date: 30 May 2002 00:01 GMT

Seven years on: no accountability for Osmo Vallo's death in police custody

Today, on the seventh anniversary of Osmo Vallo's disputed death in police custody, Amnesty International reiterates its concern that no one has been held accountable for his treatment. In a statement to the organization on the eve of the anniversary of his death, Signe Modén, Osmo Vallo's mother, said:

I have been partially vindicated by the authorities' admission that the actions by the police, the public prosecutors and the medical examiners were wrong. But I will never be fully compensated until those responsible for my son's death have been punished, and proper changes in law are enacted so as to prevent other mothers' sons being killed and stop the authorities from obstructing justice. I would not wish anybody to experience what I have been through during these seven years.

Signe Modén was referring to the findings of the recently published report by the Osmo Vallo Commission. On 14 December 2000 the Swedish authorities established a special commission charged with "conducting a comprehensive and overall review of the procedure of the crime investigation in connection with the death of Osmo Vallo". The Osmo Vallo Commission reported on its findings in late April 2002. (see footnote 1)

The Summary of the Commission's report reiterates and confirms the many serious concerns that Amnesty International and others had previously identified in connection with Osmo Vallo's death and with the subsequent severely flawed investigation by the Swedish authorities into all the facts surrounding his death.

Osmo Vallo died shortly after his arrest on 30 May 1995 -- he was ill-treated by police officers and bitten by a police dog, and he was stamped on his back by a police officer as he lay face down on the ground. No attempts were made to assist or resuscitate him. Instead, the police officers transported him still handcuffed to the hospital.

The police investigation into the death of Osmo Vallo was not carried out thoroughly and impartially. The first post-mortem examination was not carried out properly: it failed to take account of eyewitness statements and thus examine the body thoroughly. The regional

prosecutor failed to question the discrepancies between the eyewitness statements and the post-mortem examination; and failed to bring prosecutions based on the many eyewitness statements concerning the police officers' treatment of Osmo Vallo, which were consistent with the 39 wounds and bruises found on his body. The National Board of Forensic Medicine (Rättsmedicinalverket) failed to review properly the post-mortem examination. Pathologists carrying out subsequent post-mortem examinations disagreed on whether the police violence and/or positional asphyxia contributed to his death.

In its catalogue of failures and inadequacies, the Summary of the Commission's report identifies, *inter alia*, the following:

- the two arresting police officers used excessive force which resulted in unnecessary violence and were not aware of the risks involved in the way in which they restrained Osmo Vallo;
- not sufficient respect was attached to the fact that a human being actually died in conjunction with the police intervention;
- the attitude of those conducting the investigation into Osmo Vallo's death was influenced by the image that the Karlstad police service had of him prior to his death, namely of someone at the margins of society and a troublemaker;
- in the aftermath of the death, the police focused on the risk that their own conduct might be challenged;
- the measures taken to investigate the cause of Osmo Vallo's death were insufficient;
- the crime scene was neither inspected nor sealed;
- no forensic testing of the scene of arrest was carried out because the police initiated the cleaning of the site almost immediately;
- eyewitnesses of the police's actions were not heard in conjunction with the event;
- despite the fact that the case clearly called for an advanced forensic autopsy, a decision was taken to conduct, instead, a "simple" forensic autopsy;
- despite there being explicit rules about immediate transferrals, there was a delay of approximately one and a half days in transferring the case to a prosecutor -- a crucial initial delay that can be reasonably assumed to have prejudiced the outcome of the investigation;
- the prosecutor was "*not active as a preliminary investigation leader*". He did not participate personally in the questioning of witnesses and suspects, which is all the more troubling since suspicions had been raised against police officers. He failed to maintain direct and personal contact with the forensic pathologist until very late in the investigation and to order a reconstruction of the crime scene;
- the inadequacy of the first post-mortem examination meant that it was impossible to determine in absolute terms whether Osmo Vallo had sustained a number of rib injuries at the time of his death;
- the erroneous issuance by the National Board of Forensic Medicine of a new "cause of death" certificate in the aftermath of the first forensic investigation despite the fact that no new material circumstances had come to light;
- the same forensic pathologist who reviewed the first forensic examination inappropriately took part in the second examination; and
- the questionable legal grounds for the Prosecutor General's decisions to reopen and discontinue the preliminary investigation into Osmo Vallo's death several times between 1996 and 2000.

In conclusion, Amnesty International welcomes the main thrust of the factual findings of the Osmo Vallo Commission. However, the organization is examining whether the Commission's proposals are adequate in light of recent judgments of the European Court of Human Rights in relation to Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which enshrines the right to life.

1 *Osmo Vallo - Investigation of an Investigation*, Statens Offentliga Utredningar, Stockholm, April 2000, SOU 2002:37, Summary. The full report of the Commission is referenced as the Osmo Vallo Commission Official Government Report - SOU 2002:37 and is available on the world-wide web at http://justitie.regeringen.se/propositionermm/sou/pdf/sou2002_37.pdf This public statement is based on the translation into English of the 16-page Summary of the report that was provided to Amnesty International by the Ministry of Justice in May of this year.

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