

# £FEDERAL REPUBLIC OF GERMANY

## @The alleged ill-treatment of foreigners: a summary of recent concerns

During the period September 1992 - May 1993 Amnesty International received a number of fresh allegations that foreigners had been the victims of ill-treatment by police officers or that officers had failed to intervene during racist attacks. The organization had already detailed a number of similar allegations in its bulletin *Concerns in Europe*, published in December 1992 (AI Index: EUR 01/04/92). In some of the new cases described below, the alleged ill-treatment by police officers appears to have been racially motivated. This paper summarizes these concerns and Amnesty International's response to them; it also updates two cases featured in the *Concerns in Europe* bulletin referred to above.

### ***The alleged ill-treatment of residents of Gränitz refugee hostel***

In September 1992 Amnesty International wrote to the authorities in the eastern German state of Saxony regarding allegations that asylum-seekers were punched, kicked or struck with batons during a police raid on a refugee hostel in Gränitz earlier in the year.

According to statements made by nine asylum-seekers following the raid in the early hours of Thursday 11 June 1992, the police officers, many of whom were dressed in special combat gear and carried batons, forced their way into the hostel, waking the sleeping occupants with shouts of "Out!" ("Raus!"). Some of the asylum-seekers were slow to open their doors as they at first feared an attack by neo-Nazis. This led the police to break open some doors. In a statement made after the raid, one resident alleged that a police officer pulled him out of the top bunk of the bed he was occupying and that he injured his foot as he fell. One officer punched him in the back and another slapped him on the head. Another resident, a Syrian national, alleged that he was struck on the back of the head and lost consciousness. A witness reported seeing the Syrian being struck with a pistol butt. Another resident, a Moldovan national, alleged that he was hit in the face and struck on the back with a baton. Amnesty International has a photograph of him which shows a large abrasion to his right shoulder. Two other residents alleged that they were kicked or hit about the head.

Several residents allege that they witnessed the ill-treatment of their fellow asylum-seekers. Two reported seeing another asylum-seeker hit in the face by one officer and struck on the back by other officers with their batons as a result of which he lost consciousness.

Amnesty International has photographs which show abrasions to the man's left shoulder, his left cheek and across his lower back.

The organization was informed by the Saxony Ministry of Justice in January that a judicial investigation into the allegations had been launched and that Amnesty International would be informed of the outcome. In a separate letter to the organization in the same month, the Interior Ministry of Saxony stated that during the raid on the asylum hostel one man had been struck by a police baton when he obstructed an officer from carrying out his duty of searching the hostel for stolen goods and of checking the residents' papers. No other people, the Ministry said, had been hit, kicked or struck with batons.

The judicial investigation into the allegations of ill-treatment was believed to be still continuing at the end of April.

### ***The alleged inadequacy of the police response to a racist attack on Ali Ajdadi***

Twenty-eight year old Ali Ajdadi was granted asylum in Germany in June 1991 after fleeing from his native Iran where he had been imprisoned and tortured for his political activities. On the evening of Sunday, 4 October 1992 at approximately 8pm, Ali Ajdadi was accompanying his girlfriend to Porz railway station on the outskirts of Cologne when he was approached by two young German men. One of the men asked him whether he was Turkish, to which Ali Ajdadi replied "no, Persian" and carried on walking. The two men followed the couple, shouting abuse and racist insults. One of the men challenged Ali Ajdadi to a fight. He declined and asked his girlfriend to go to a nearby public house and to call the police.

After his girlfriend had disappeared, Ali Ajdadi was set upon by the two men, one of whom held him while the other punched him in the face until he fell to the ground. The two men then continued to punch him and to kick him in the face. Medical certificates issued on the evening of the attack and four days later showed that Ali Ajdadi had suffered a cut nose, bruising to his left eye, abrasions to his right eye and bruising and swelling to the left side of his face.

Ali Ajdadi's attackers ran off when customers from the public house arrived on the scene, followed shortly afterwards by the police. According to Ali Ajdadi's complaint, which he made through his lawyer on 8 October 1992 to the Chief Public Procurator of Cologne, the police officers made no effort to give chase to the attackers who were still less than 100 metres away. They did not ask Ali Ajdadi or his girlfriend for details of the attack, questioning only the on-lookers about what had happened.

After undergoing treatment at Porz Hospital, Ali Ajdadi went to Porz police station with a friend in order to lodge a complaint about the attack. At the station he was informed that a

complaint had already been filed and that he would hear more about the matter in two weeks' time. He was not questioned about the attack itself or about the nature or extent of the injuries he had suffered.

In December 1992 Amnesty International asked the authorities of North Rhine-Westphalia to be informed of the outcome of the judicial investigation into Ali Ajdadi's allegations that the police response to the attack on him was inadequate: specifically, that no attempt was made to pursue the attackers, despite the fact that they were still near the scene of the attack when the police officers arrived, and that Ali Ajdadi was not questioned about the attack, either at the scene or later on when he reported to the police station. The organization also asked whether any disciplinary inquiry had been launched into the behaviour of the officers concerned and requested information on the progress that had been made in investigating Ali Ajdadi's complaint about the racist attack on him.

In a reply to the organization from the Interior Minister of North Rhine-Westphalia in March, Amnesty International was informed that when the police arrived at the scene of the assault on Ali Ajdadi his attackers had already fled. Ali Ajdadi was himself questioned about the incident in detail on 12 October 1992. In his letter the Minister added that the identity of the attacker had been established during the course of police investigations into the attack; he was unable to say, however, whether charges against the person in question had been brought. Finally, the Minister stated that an examination of the police officers' actions by the Chief Constable of Cologne had not revealed any irregularities.

A judicial investigation into the alleged inadequacy of the police response was still continuing at the end of April.

### ***The death in prison of Ibrahim Bayraktar***

In January Amnesty International wrote to the Bavarian Minister of Justice in order to express its concern at reports the organization had received regarding the death of Ibrahim Bayraktar.

According to these reports, Ibrahim Bayraktar became involved in a fight with prison guards during his transfer to a segregation cell on 29 August 1989, shortly after his arrival at Stadelheim prison in Munich. During the fight several rounds of tear gas were fired, some by the prisoner himself on the way to the segregation cell after he had managed to snatch an officer's pistol, and some by prison officers directly into the cell where he was eventually placed. It was alleged that Ibrahim Bayraktar was then left in his cell for three and a half days and that during this time he received no, or only minimal, assistance from prison staff. It is also alleged that while he was in the segregation cell he was beaten by prison officers, although this was reportedly denied by the officers concerned who maintained that any injuries suffered by Ibrahim Bayraktar were self-inflicted.

Ibrahim Bayraktar was eventually transferred to Haar hospital in Munich on 2 August 1989 and later to Harlaching clinic where he lapsed into a coma and died on 31 August 1989 as a result of kidney failure. On 17 August 1989 the Munich Public Procurator opened a judicial inquiry into the actions of 13 members of the prison staff suspected of causing bodily harm to Ibrahim Bayraktar resulting in his death, and of failing to render him assistance.

In its letter to the Bavarian authorities, Amnesty International expressed its concern that almost three and a half years later the inquiry had still not been concluded. In February the Bavarian Ministry of Justice replied that two of the reports by medical and legal experts into the cause of Ibrahim Bayraktar's death had come to such divergent conclusions that a third report had had to be commissioned. The results of this report were now being considered by both legal parties to the criminal complaint. The Ministry of Justice informed Amnesty International that the organization would be told of the outcome of the judicial investigation in due course.

In May Amnesty International replied to the Bavarian authorities welcoming the investigations into Ibrahim Bayraktar's death but repeating its concern that it had taken over three and a half years for the three reports to be concluded. In its letter Amnesty International asked whether any disciplinary measures had been taken, or changes to institutional procedures introduced, as a result of the events surrounding the death of Ibrahim Bayraktar.

### ***Allegations of ill-treatment by the Berlin police***

In April Amnesty International received a number of reports that police officers in Berlin had ill-treated foreigners in their custody. In some cases the ill-treatment appeared to be racially motivated. The organization is writing to the Berlin authorities about three specific cases in which the victims of ill-treatment have lodged criminal complaints, asking to be informed about the outcome of judicial investigations into the allegations.

The information on these cases is based on statements made by the victims, on medical evidence and, in one case, on an account by an eye-witness.

#### **The case of Thiyagarajah P.**

At 5.20pm on the evening of 14 July 1992, Sri Lankan Tamil Thiyagarajah P. was cycling to work when he was stopped by two plainclothes police officers in the Tiergarten district of Berlin. One of the officers examined Thiyagarajah P.'s bicycle in order to check the number on the frame. Unable to locate the number in the accustomed place, the officer accused the 25-year-old asylum-seeker of theft. Thiyagarajah P. denied this, and was able to show the officer the receipt he had been given upon purchasing the bike. The officer reacted by screwing up the receipt while his colleague handcuffed Thiyagarajah P. The handcuffs were placed on Thiyagarajah P. with such violence that he immediately felt intense pain in his left arm.

After confirming his identity by radio, the two officers began to verbally abuse Thiyagarajah P., saying that it was only foreigners who committed such acts of theft. Thiyagarajah P. was then taken to a nearby police station and was questioned in front of several other officers about the alleged theft. At one point the officer who had handcuffed him in the street raised his hand as if to strike him, and was only prevented from so doing by a colleague. Shortly afterwards the two officers who had arrested Thiyagarajah P. took him to another police station. There the handcuffs were removed and he was placed in a cell. At approximately 8pm he was allowed to leave the station.

Thiyagarajah P. alleges that during the time he spent in police custody the injury to his now swollen hand was not noted, nor was he permitted to ring his employer to explain his absence from work.

Because of the pain he was still experiencing in his left arm, Thiyagarajah P. consulted his family doctor the next day. It was diagnosed that he had suffered a fracture to his left wrist. On 28 July 1992 Thiyagarajah P.'s lawyer made a written complaint to the Chief Constable of Berlin, alleging that his client had been ill-treated.

#### **The case of Mohammed<sup>1</sup>**

At approximately 4pm on 5 December 1992, Mohammed was on his way to an exhibition in the Kaiser-Wilhelm Memorial Church in the Charlottenburg district of Berlin when he was suddenly jumped upon from behind by a man wearing civilian clothes. Mohammed's assailant proceeded to place handcuffs on the 27-year-old Sri Lankan Tamil and beat him when the handcuffs, which were several sizes too big, slipped off his wrists. Mohammed was then taken behind the church where he was beaten again. When he protested he was called a "*Scheiß-Kanacke*" ("bloody wog"). Shortly afterwards a police van arrived and he was pushed into it. Mohammed alleges that when he asked what he had done wrong, the officer who had arrested him struck his head against a table in the back of the van several times with one hand while hitting him with the other. Mohammed, who was granted refugee status by the German authorities in 1990, states that he had never been more frightened in his whole life.

After arriving at police station 31 in Charlottenburg, Mohammed was pushed into a dark room where the officer who had arrested him continued to insult him and to beat him. He was then left alone in the cell. His requests to call his wife or a lawyer were refused and his cries for water and aspirin ignored.

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<sup>1</sup> 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.

Several hours later Mohammed was taken in a police van to another station (police station 33 in Perleberger Street in the Moabit district of Berlin). There he spent one or two hours alone in a cell before being taken into another room where he was confronted by three police officers. Mohammed alleges that one of the officers said to him: "You bloody wog, you've stolen a bag. What do you want in Germany anyway - go back to your own country". (*"Du Scheiß-Kanacke, du hast eine Tasche gestohlen. Was willst du überhaupt in Deutschland - geh' doch zurück in deine Heimat."*) He was then asked to sign a piece of paper, the text of which he was not allowed to read. At first he refused to sign anything without a lawyer. Eventually he agreed, however, when he was told that he would not be able to leave the station until he had signed. Instead of signing his name he wrote in Tamil "I've stolen nothing, it's all a lie" (*"Ich habe nichts gestohlen, alles ist Lüge"*). After being fingerprinted and photographed he was allowed to leave. It was approximately 11.30pm.

On 7 December 1992 Mohammed was examined by his family doctor who diagnosed the following injuries: a sprained shoulder, bruising to the muscles of the shoulder, bruised buttocks, strained and scratched wrists. On 17 December 1992 Mohammed submitted a written complaint of ill-treatment to the Berlin Public Procurator.

#### **The case of Habib J.**

On 24 December 1992 at approximately 3.45pm the number 227 bus arrived at its destination in the Moabit district of Berlin. Its last passenger - 32-year-old Iranian student Habib J. - had remained on the bus, having fallen asleep during the journey. Suddenly Habib J. was awakened by blows to his face and body accompanied by shouts of "Bloody polack, I'll kill you! Why didn't you get off the bus?" (*"Scheißpolacke, ich bringe dich um! Warum bist du nicht ausgestiegen?"*) His assailant - the driver of the bus - continued to verbally abuse him (this time calling him a "*Saujude*" or "Jewish bastard") and to hit him. Habib J., who had collapsed onto the floor of the bus, then heard the driver inform the police by radio that he had been attacked by a passenger. Shortly afterwards two or three police officers arrived and spoke to the driver out of Habib J.'s earshot. The Iranian student was then pulled roughly out of the bus, despite protesting that it was he who had been the victim of an assault, and was thrown into a police van with such force that his head banged against the van.

Habib J. alleges that after arriving at police station 33 in Perleberger Street in the Moabit district of Berlin, he was again racially abused by several officers, one of whom asked him why he didn't go back to Israel. Habib J. explained that he was not Jewish but Iranian, a remark which prompted the officers to shout out "Allah, Allah" and to make jokes about Islam. Habib J. further alleges that when he asked about the assault on him by the driver, he was hit several times in the face by an officer. Furthermore, when he tried to make a formal complaint about this assault, he was merely handed an information sheet and was then violently thrown out into

the street. Medical examinations conducted on 24 and 25 December revealed that Habib J. had suffered impaired vision and bruising to the face.

In a separate statement made to television reporters, a woman confirmed that she had seen the driver of the bus assault Habib J. According to her eye-witness account, she had seen the driver go to the back of the bus where Habib J. was sleeping, take the man's head in both hands and strike it against the window of the bus until the whole bus shook. The woman also witnessed the arrival of the police, expecting that everything would be sorted out. Instead, the police brutally took hold of Habib J. and "chucked him into the back of the van...like a piece of meat" ("*sie*] *schmissen den Mann in den Kombi 'rein, wie ein Stück Vieh*"). The witness, who remained anonymous throughout the television interview, later found the victim's wallet together with his student identification card.

Habib J., who was granted political asylum by the German authorities in 1988, has made an official complaint about the assault on him by the bus driver and about his ill-treatment by the police. Complaints have also been brought against Habib J. by the police for "resisting state authority" (*Widerstand gegen die Staatsgewalt*) and by the bus driver.

### ***Update to cases first reported on in Concerns in Europe, May 1992 - October 1992*** **(AI Index: EUR 01/04/92)**

#### **The racist attacks on a hostel for asylum-seekers in Rostock**

In February Amnesty International wrote again to the authorities in the federal state of Mecklenburg-West Pomerania regarding the actions of the police during the racist attacks on a hostel for asylum-seekers in Rostock-Lichtenhagen in August 1992. At the height of the riots the police had withdrawn their forces for over an hour, leaving over 100 Vietnamese workers housed next to the hostel unprotected. In January allegations were made during the course of a parliamentary inquiry into the riots that the police had been aware of the danger the Vietnamese workers had been in but had withdrawn following negotiations with the rioters. In its letter to the authorities Amnesty International expressed its concern that police officials may have failed in their duty to offer the fullest protection to the Vietnamese workers. The organization urged that a thorough and speedy judicial investigation into the actions of the police be conducted. In March Amnesty International was informed by the Ministry of Justice of Mecklenburg-West Pomerania that the organization's previous letter had been forwarded to the Chief Public Procurator of Rostock who was leading the investigations into the riots.

**The case of Amadeu Antonio Kiowa**

In April it was reported that three police officers had been charged with causing bodily harm to Amadeu Antonio Kiowa leading to his death as a result of their failure to intervene during a racist attack on him. 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 45km. north-east of Berlin. He died 11 days later as a result of the injuries he had sustained. During the trial of his attackers it was alleged that police officers had shadowed the gang, but had failed to come to the rescue of Amadeu Antonio Kiowa as he was being kicked and beaten to death.