

# DEFICIENCIES IN THE SYSTEM FOR DEALING WITH POLICE VIOLENCE



Intervention on behalf of FIACAT and ACAT Germany

*UPR pre-session 44*

*Cécile Auriol – ACAT Germany – 31 August 2023*



# ACAT GERMANY

## ACAT Germany :

- Created in 1985;
- Human rights organisation fighting against torture and ill-treatment;
- Support any action in favour of victims of torture and the death penalty regardless of political regime, ideological or religious affiliation;
- Affiliated to the International Federation of ACATs (FIACAT).

# RECOMMENDATIONS FROM THE 3RD CYCLE ON POLICE VIOLENCE

## THE ISLAMIC REPUBLIC OF IRAN

“

*155.126 Ensure independent, impartial and effective investigations and prosecutions in cases of alleged police violence (Islamic Republic of Iran);*

”

## SUDAN

“

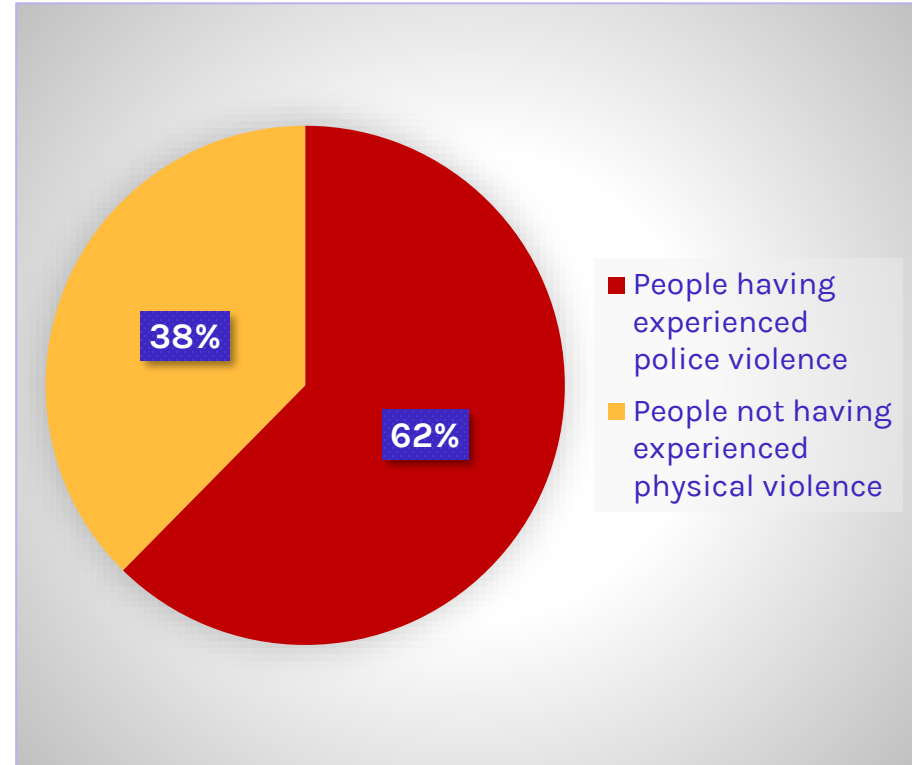
*155.122 Create an independent mechanism to investigate torture and abuse by the police (Sudan);*

”

# VICTIMS' PERSPECTIVES ON POLICE VIOLENCE<sup>1</sup>

1. Interim Report on the Police Use of Excessive Force (KviAPol) research project 2nd edition Ruhr-Universität Bochum, 26/10/2020  
<https://kviapol.rub.de>

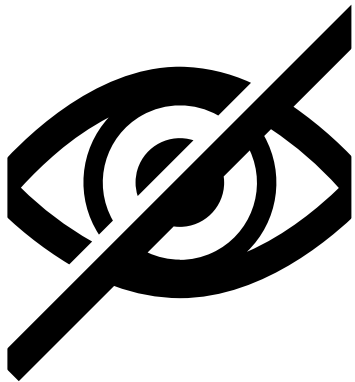
Out of 5677 persons interviewed, 3373 indicated having experienced physical police violence.



# DOCUMENTATION OF CASES OF POLICE VIOLENCE



- **2021** : Police violence towards protestors against covid measures in Berlin
  - *Reaction from the former Special Rapporteur on torture : denounced a systematic failure in the handling of police violence and ongoing surveillance deficiencies.*
- **2023**: 4.440 complaints for excessive and systematic police violence lodged with the Aachen Police .
- Racial bias during police intervention



Out of the 16 Länders  
only 7 were able to  
provide number on the  
number of death  
linked to police  
interventions.

**“DIE POLIZEI WEIß  
NICHT, WIE VIELE  
MENSCHEN SIE TÖTET”**

**\*\*\***

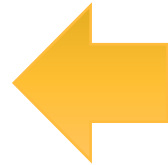
***“THE POLICE DON’T  
KNOW HOW MANY  
PEOPLE THEY KILL”***

**-**

***DIE ZEIT***

# THE LACK OF PROSECUTION AND SENTENCING

- Out of the 3 373 cases of police violence identified, only **13%** have been prosecuted
- In 2018 out of the 2 216 investigations carried by the public prosecutor, **1,98%** resulted in charges against the police officers.



- Lack of confidence from the victims
- Bias from the public prosecutor
- Assumption that cases against the police are unsubstantiated

# THE LACK OF UNIFIED INDEPENDENT COMPLAINT MECHANISMS



Länder, where

- Delegates, Police Officers, independent mediator are subordinated to the regional parliaments.
- Complaints Office exist, integrated to the regional Government.
- Investigation services external to the police come under the State Council of the Interior.
- There is not any independent complaints service.
- One independent complaint service is in the making





# RECOMMENDATIONS TO GERMANY



- Endows all federal states (Länder) with a fully independent complaints mechanism to receive complaints against law enforcement officers and guarantees the independence to the Federal police ombudsman just created allocates it sufficient resources;



- Investigates all allegations of police violence, prosecutes and sanctions offenders to penalties proportionate to the gravity of their acts;



- Records in every Land all deaths and injuries resulting from police intervention and makes all statistics on this subject public.



**THANK YOU FOR  
YOUR ATTENTION**

Cécile Auriol

ACAT Germany

31/08/2023