



Statement from ACAT Germany and FIACAT

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My name is Cécile Auriol and I represent ACAT Germany, a human rights organisation founded in 1985 that fights against torture and ill-treatment, and which is affiliated to FIACAT.

ACAT Germany carries out various advocacy and awareness-raising activities, supporting any action in favour of victims of torture and the death penalty, regardless of political regime, ideological or religious affiliation.

My intervention will focus on the issue of police violence in Germany.

During its 3rd Universal Periodic Review, Germany received two recommendations related to this topic from the Republic of Sudan and the Islamic Republic of Iran.

In 2021, videos capturing violent police responses towards protestors against Covid measures in Berlin prompted a dialogue between the former Special Rapporteur on torture, Nils Melzer and the German authorities. The German authorities indicated that there had only been 1 prosecution of a police officer for excessive violence in 2 years; and that not all the Länder (states) had statistics on this subject. As a response, M. Melzer concluded that that was a systemic failure in the handling of police violence in Germany and spoke about ongoing surveillance deficiencies in this regard.

Indeed, several cases of excessive use of force continue to be documented. The research project *Police use of excessive force* concluded in 2023 identified that more than 60% of over 5600 people surveyed in their study, said that they had experienced physical police violence. Several examples can be quoted.

In January 2023, 4440 complaints regarding excessive police violence have been lodged with the Aachen police after the evacuation of environment activists in Lützerath. Officially, 25 activists and 59 officers were hurt. We can also mention the case of a 15 year-old girl shot in the hand by the police after committing theft at Berlin's main train station in February 2023.

The racial hue of police interventions is blatant. In August 2022, a 16-year-old asylum seeker was shot six times under the pretence he had attacked the police with a knife. A month later a Syrian father, was thrown to the ground in front of his family with his hands bound together, solely for collecting an unpaid fine. Other cases continue to be regularly reported in the press.

However, we observed a lack of monitoring of cases of police violence and the absence of national statistics. Last February, after approaching each federal state's criminal investigation department and Ministry of the Interior, the online journal Die Zeit published a review regarding the deaths linked to police interventions, between 2012 and 2022. Of the 16 Länder, 7 were able to reply, the other 9 only provided a partial answer or indicated they did not collect statistics on the topic.

Issues related to prosecution and sentencing in cases of police violence have also been documented. To quote again the study from the research project *Police use of excessive force*, out of the 3 373 cases of police violence identified, only 13% of these had been investigated. This may be because not all victims chose to lodge a complaint, as it is assumed their efforts would be in

vain. Furthermore, of 2,216 investigations carried out by the public prosecutor in 2018, less than 2% of cases resulted in charges being brought against the police officers involved. Diverse reasons can be mooted including the fact that the prosecution might be unwilling to strain its relations with the police and the widespread assumption that assault charges raised against police officers in the course of their duties will be unsubstantiated.

Thus, in order to guarantee victims the right to an effective remedy, it is essential to set up an independent complaints mechanism against police violence. In Germany, this competence falls within the remit of the Länder, and those mechanisms are far from uniform or consistent. At present, only a few services can be considered truly independent. A few Länder only have either delegates, officers of the Land police, or an independent mediator, subordinated to the regional parliament. In the other Länder, the complaint and investigative mechanisms remain dependent on the Executive.

However; a first federal police ombudsman has just taken up his duties this summer.

In conclusion, FIACAT and ACAT Germany would recommend that 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.