

Death by “drowning”

## Germany: another African immigrant dies in police custody

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Once again, an African immigrant has died in Germany following the forcible use of an emetic, a medicinal substance used by police to induce vomiting by those accused of ingesting evidence, such as illegal drugs. The use of emetics by the police is widely considered inhuman, medically dangerous and unnecessary as a means of securing evidence. Although this practice has already led to two deaths, the authorities in the German city of Bremen have announced their determination to continue doing it.

The latest victim—Laye Kondé, a 35-year-old man from Sierra Leone—was stopped by police in Bremen on December 27 on suspicion of drug dealing. The police allege Kondé swallowed pellets containing cocaine when they confronted him. He was then taken to police headquarters where an on-duty physician attempted to administer an emetic. When the victim resisted, he was bound and a hose was forcibly pushed into his nose to administer the drug.

There are very different accounts of what then took place. The least plausible are the ones made by the police and local interior minister, given that the authorities concealed what had happened for days and revealed limited information only after news of Kondé’s death became public.

According to a police press release, the African immigrant is said to have “feigned unconsciousness.” Nevertheless, an emergency doctor was called in when he “suddenly no longer responded when spoken to.” An examination by the emergency doctor, the police claim, showed Kondé still had normal vital signs. As the emetic began to work, the police allege the young man bit one of the pellets he had regurgitated and swallowed its contents.

Only after swallowing the contents of the pellet was there a “genuine worsening” of the condition of the victim, the police claim. The doctor then attempted to resuscitate him. The victim—who at the time of the press release lay in coma and had been declared brain-dead—was therefore accused by the police of bringing about his own death.

The director of the Bremen medical institute, Michael Birkholz, whose co-worker had administered the emetic on orders of the police, contradicted the official version, although initial press reports stated he had heard the patient died by inhaling his own vomit.

The emergency doctor, who had been consulted following the forcible use of the emetic, accused the officials and the physician involved. According to his account, the suspect was basically drowned when the police physician pumped emetic and water by hose into the victim’s stomach. “Diagnosis drowning” is the term used in the memorandum drawn up by the emergency doctor.

He wrote to the public prosecutor’s office that “the patient had suffered substantial, probably fatal brain damage due to oxygen deficiency, which resulted from water penetrating into the lungs....” The victim, who was bound and unable to resist, was forced to swallow litres of water, the emergency doctor reported, adding, “The colleague as well as the two police officers give the impression that this was a completely usual standard procedure.”

After each spasm of vomiting, the stomach hose was refilled with water and reinserted. After about 20 minutes, the young man had virtually stopped breathing. Artificial respiration succeeded only “after a relatively long time” since “enormous amounts of

water” spilled from the mouth and bronchial tubes, filling the throat with the liquid.

Kondé lay in a coma for several days before the Bremen public prosecutor’s office announced his death.

The lawyer for the emergency doctor denounced the actions of the police as an “unusually brutal method...a kind of punishment or torture.”

The authorities cannot claim they knew nothing about the dangers of the emetic—which is derived from the Mexican Ipecacuanha root. Even when administered in a less brutal fashion, the medicine can cause severe physical damage and even death. Numerous side effects and complications include ruptures of the stomach and oesophagus, and uncontrollable vomiting that can lead to heart attacks and death.

The forcible administration of emetic can be particularly lethal, as the hose pushed down the victim’s nose can damage the bronchial tube or oesophagus. Likewise, there is the danger the victim can inhale his own vomit.

Three years ago, 19-year-old Achidi John from Cameroon suffered cardiac arrest in Hamburg, after police administered Ipecacuanha syrup against his will. John, who suffered from a heart condition, desperately sought to resist the brutal treatment, crying out, “I will die!”

The police doctor in that case refused to carry out even a preliminary investigation. This was later justified on the grounds that the young man had resisted the police. John collapsed after the emetic was administered but was not treated immediately, the authorities claimed, because the doctor and attending police officers assumed he was “playing dead.” Attempts to resuscitate John began only after cardiac arrest had already led to brain death.

The killing of the young African provoked public criticism of the forcible administration of emetics, leading the senate in Berlin to ban the practice. But authorities in Bremen—which in 1991 was the first state in the Federal Republic to use emetics against presumed drug dealers and makes the most frequent use of the method in Germany—and in Hamburg continue to use the method.

In many other German states, the police merely wait until stomach contents are naturally eliminated or employ conventional emetics.

In 1996, the Frankfurt regional court (OLG) declared the forcible administration of emetics as an inadmissible means of obtaining evidence because it is not covered by the code of criminal procedure and violates “the obligation to protect human dignity and the general individual rights of the accused.” For their part, the respective courts in Bremen and Düsseldorf failed to identify any constitutional problems with the practice.

Even after the recent death of Laye Kondé, Bremen Senator for the Interior Thomas Röwekamp (CDU) continued to defend this degrading and cruel method. Such forcible methods are “indispensable” and had proved their worth, he cynically explained. Röwekamp expressed his contempt and disregard for the victim, showing not the slightest trace of regret or compassion. Indeed, the senator declared in an interview with radio Bremen that the use of the emetic was justified—after all, the presumed drug dealer did not have to swallow the pellets, he said.

Röwekamp defended the practice as a deterrent against crime. “Major criminals,” he said in a television broadcast on radio Bremen, would have to reckon with “physical consequences.” With this statement, Röwekamp joins a number of other prominent German politicians and civil and military authorities who advocate the legitimacy of such methods, which amount to nothing less than police torture.



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