

# Germany: Turkish youth dies in police custody

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On March 5, Adem Özdamar from Hagen in North Rhine Westphalia, Germany, died from injuries he received while in police custody on February 17. The manner of his death raises many questions, which have so far not been answered by the police officers involved and the public prosecutor's office.

At the police station in Hagen, the 26-year-old man fell into a coma, from which he never awoke, after officers tied him to a stretcher. His brother, Salih Özdamar, told the press, "My brother was seriously mistreated... He lost his life as a result of the actions of the police."

According to press reports, Adem Özdamar had called the police on the night of February 17 because he felt he was being followed. The police came to his apartment, which they searched, but found nobody there. The officers then took Adem Özdamar to the police station, declaring that he appeared psychologically confused and was under the influence of cocaine, a claim that is stressed in most of the subsequent statements made by the police. They assert that Özdamar went on a rampage at the police station, and violently resisted five police officers who sought to "restrain" him.

According to Reinhard Rolfes, the senior public prosecutor responsible for the case, there are no indications of any dereliction of duty on the part of the police. With reference to the signs of physical abuse on the body of the victim, he admitted, "His resistance was unusually great." This is why "he later exhibited haematomas and grazes all over his body." Tied down on a stretcher, Özdamar suffered heart failure.

Statements by physicians and witnesses reported by the *Frankfurter Rundschau* newspaper in an article dated March 11 strengthen doubts about the claims made by the Hagen public prosecutor's office and the police that there were "no signs of any external use of force," which led to the death of the victim.

The Dortmund forensic doctor, E.H. Schmidt, found

"Haematomas over the left eyebrow as well on the right upper eyelid [which are an] expression of the use of an external blunt force."

The police have tried to present Özdamar's heart failure as a consequence of cocaine use, but no concrete evidence has been presented showing whether Özdamar had taken drugs at all. There are some indications that his heart failure could have been the result of his being tied down in a prone position followed by abuse from the police officers.

When the emergency doctor, Kathrin Hoffmann, attended Adem Özdamar, who was bound to a stretcher, she could not feel a pulse.

According to documents and witness testimony, it is clear that the officers had tightened the straps on his hands and feet unusually firmly. Medics took three minutes to cut open the plastic ties before they could begin resuscitation. It was a further 23 minutes before Özdamar's heart started beating again. Photos from the hospital's emergency admissions department show red wheals on his wrist, and the right hand is swollen. The pictures also show a hand-sized haematoma on the neck and forehead, as well as bloodstains and grazes over the entire body.

The emergency doctor recorded that "the patient's head had possibly been struck against a wall." She also queries whether someone had sat on his chest.

In the meantime, Özdamar's family arranged a second analysis of the x-rays of his head. This second radiological investigation shows a "fracture in the area of the nasal bone." The family lawyer, Adam Rosenberg, said, "The broken nose is clearly a bodily injury and cannot be explained by the actions of the emergency service personnel.... The police officers must now answer for fatal bodily harm and negligent killing."

The immediate cause of Özdamar's death could be the result of his being bound in the prone position, as

described above. Amnesty International describes this method of being “hogtied” as “dangerous and potentially life-threatening” and as a “method of torture.” People constrained in this position are at risk of suffering acute oxygen deficiency. What is particularly cruel is that “the death throes of someone lying [in this position] can easily be interpreted by officers as resistance, which frequently leads to the restraints being pulled even tighter.”

The danger of this kind of restraint is now largely well known, and it has been prohibited in countries such as the US for 20 years, after it had caused numerous deaths.

The tragic fate of Adem Özdamar recalls two similar deaths through police violence in recent years. Stephan Neisius from Cologne, in May 2002, fell into a coma after being seriously mistreated by police officers. He died a few weeks later as a result of the injuries he suffered. African asylum-seeker Aamir Ageeb suffocated after being held down by police officers while being deported.

Frankfurt physician Klaus Metz, who was also involved in the trial against the border guards who were directly responsible for Ageeb’s death, said about the case in Hagen: “I assume Adem Özdamar suffocated.” If people are seriously agitated, they need approximately 20 times the normal quantity of oxygen, he said. “In the prone position, the thorax does not have the strength to open and the patient suffocates.” A few minutes later, the heart stops. A later effect can be a brain edema, as was also found in the case of Özdamar.

Despite all the available indications that serious abuse on the part of the police led to the tragic death of Adem Özdamar, the Hagen public prosecutor’s office continues to attribute his death to cocaine consumption.

As the *Frankfurter Rundschau* reported on March 12, Adem Özdamar was far from being a “broken down junkie.” He was “sporty, went regularly to the gym and had been employed for eight years at a plastics factory. In January, he had worked many extra shifts, clocking up 260 hours” a month.

This implies that his condition on the night of February 17 could have been due to overwork and physical exhaustion. If he had actually consumed cocaine, this might have been linked to his difficult working and living conditions.

Whatever the case, nothing justifies the brutal police actions that led to his death.

For the family attorney, Adam Rosenberg, the question arises why Adem Özdamar was taken to the police station at all. “Even if someone feels threatened, he or she cannot simply be taken to the police station. This kind of

‘protective custody’ is forbidden,” he said.

The treatment of the family’s first lawyer has also raised concerns. According to the *Frankfurter Rundschau*, “From the outset, the police rejected any critical questions. When the family’s first lawyer, Jürgen Klenk from Hagen, told a local newspaper that the presentation [of the case] given by the public prosecutor’s office did not agree with the documents, he promptly received a call from them. He should keep his mouth shut, he was told, otherwise there would be no guarantee how Turks in the city might react.”

The Hagen incident occurred only two weeks after the tragic fire in Ludwigshafen, which claimed the lives of five Turkish children and four adults. In view of the preceding xenophobic state election campaign by the CDU in Hesse, it is entirely plausible that right-wing extremists had felt encouraged to mount attacks on foreigners.

The situation in Hagen is also strained. On March 8, a funeral procession with approximately 800 participants paused briefly outside the police station in Hagen and laid a wreath after it became known that Adem Özdamar had died as a result of his injuries.

The Turkish media have seized on the Özdamar case, and there have also been queries from Turkey to Germany’s Parliamentary Human Rights Commissioner, Herta Däubler Gmelin. The *Frankfurter Rundschau* quotes her with the words: “I am annoyed that I still have not been given a final report by the public prosecutor’s office.”

The lawyer Adam Rosenberg is also critical about the course of the investigation. “There is great silence within the police apparatus,” he said.



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