

German police killing of unemployed woman at job centre

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2 April 2012

On May 19, 2011, 39-year-old Christy Schwundek was shot and killed by a female police officer in an employment centre in the Gallus city quarter of Frankfurt am Main. Christy Schwundek came from Nigeria. She was the wife of Peter Schwundek and mother of a 12-year-old daughter from a previous relationship.

Christy lived in Frankfurt and was separated from her husband, but their relationship continued on a friendly basis. Having previously been employed as a cleaner and unskilled worker, she became unemployed and had to apply for Hartz IV welfare support. As she had been penniless for some days, she went to the job centre one morning, entering the agency at 8:30 a.m. She wanted to enquire about her unemployment benefits, hoping to receive a €10 (US\$13) cash advance.

The clerk refused to give her any money and told her to leave the premises. Christy refused to do so and remained seated in the employment office. She was determined to stay until she was given at least enough money to buy something to eat.

The clerk alerted the agency's security guard, but Christy still refused to go. The centre's deputy supervisor, who had also been summoned, offered her a food voucher. Christy refused to accept it. She remained quietly seated, according to witnesses' testimonies in the police protocol, as reported by *Spiegel Online* on March 22 this year.

In the meantime, a distress call was made to the police, claiming a woman was causing a disturbance at the job centre and refused to leave the building. Shortly after the arrival of the police (a male and a female officer), a pistol was fired at Christy Schwundek. She later died from the injuries sustained.

The first media reports alleged the female police officer had most likely fired in self-defence. Christy Schwundek was supposed to have threatened her with a knife.

Earlier this year, the Frankfurt public prosecutor responsible for investigating the case closed the preliminary investigation precisely on these grounds: The police officer who fired the fatal shot had reacted in self-defence.

The lawyers representing her husband and her brother have now filed an appeal of the prosecutor's decision to terminate proceedings against the police officer and prevent this case from coming to trial.

Objecting to the termination of proceedings, lawyers Thomas

Scherzberg and Michael Koch declared the prosecution had violated the "requirement of observing neutrality in the appraisal of the behaviour of the accused and the victim".

They justify their call for initiating proceedings by referring to numerous contradictions and inconsistencies in the case. "Only a judicial trial will fully explain why someone supposedly had to be killed, although several eyewitnesses refuse to confirm the version of the attack given by the police officer", said Koch.

The police record of witnesses' testimony shows that the policewoman's statement, claiming Christy Schwundek had moved towards her with the knife in her hand and thus caused her to fire her weapon, had not been confirmed by any of the witnesses present at the tragic scene.

When the two police officers entered the job centre shortly after 9 a.m., present in the room were the clerk, his supervisor, a security guard and Christy Schwundek. According to the police protocol, the policeman asked Schwundek to show him her ID card. She reached into her bag, but put it back on the table without showing any ID.

The officer then reached for the bag. At that moment, Schwundek stabbed the officer with a steak knife, injuring his forearm and—through his protective vest—his stomach. The female police officer standing nearby sprang back, and stood about eight feet away from Schwundek.

According to the policewoman's statement, Schwundek at that moment gave her the "look of a raving madwoman, full of aggression, hatred and anger". She said, "It was a really frightening look". She went on to state: "Just as the third warning was being given, Mrs. Schwundek began to move and she stepped towards me. That's when I fired the shot".

Schwundek collapsed and died from her severe injuries on admission to hospital shortly afterwards.

The lawyers appointed by Christy's husband and brother declared that no other witness of the incident, apart from the policewoman, was on record to confirm Christy had made a move in the direction of police officer.

Questioned the day after the incident, the injured policeman said he had been "injured in a stabbing, a knife wound to his arm" and had fled to a corner of the office. "My colleague shrank back into the hallway, pulling out her gun and

threatening the person with the weapon. When I was able to turn back towards the woman, I also drew my gun and aimed it at her. Then, before I could say anything, my colleague fired”.

The policewoman was said to have shouted: “Drop the knife or I’ll shoot!” Schwundek then turned towards the policewoman. “The woman continued waving the knife around in the air”, testified the male officer, “and at that moment the shot was fired”.

The policeman’s testimony says nothing about the unemployed woman taking a step toward the policewoman. It provides further evidence that Christy Schwundek’s attention was drawn to the female police officer, only after she (the officer) had addressed her loudly. This raises the question of whether one can speak of self-defence in this situation at all.

Other questions arise: Would it not have been possible for the job centre employees and the two police officers to deal in another, less violent way with a woman who was obviously in a desperate situation?

Senior public prosecutor Doris Möller-Scheu, who stopped the investigation against the police officer, told the press last week that a warning shot would not have been possible because the incident occurred in a “crowded office”. The use of a pepper spray was also not possible, since this would have “irritated the eyes” of uninvolved bystanders in the enclosed room.

These statements reveal an enormous contempt for the victim, an unemployed woman who—in a state of extreme distress—had insistently requested the welfare support to which she was entitled. Her refusal to leave the job centre empty-handed was to cost her her life.

The callous behaviour of the job centre clerk has been the rule rather than the exception, ever since the introduction of the Hartz IV laws. And it has to be said that the job centre employees themselves often work under great pressure due to the direction and close supervision imposed on them. Nevertheless, it would have been possible for them to act differently.

In an interview on the “Hessenschau” television programme shortly after the fatal shooting last May, Claudia Czernohorsky-Grüneberg, the director of Frankfurt’s four job centres, stated that payment of the withheld €10 certainly would have been possible.

The deadly act of police violence against Christy Schwundek is not an isolated case. We will mention here only a few of the many other such cases.

A 28-year-old student, obviously in a critical mental condition, was fatally shot by four policemen in the back courtyard of the Civic Hospital—also in Frankfurt am Main—in January 2010. Even after he had been thrown to the ground, he was kicked and bludgeoned because he allegedly continued resisting arrest.

Accompanied by his girlfriend, Maximilian Kurth had tried that night to get medical attention in the Civic Hospital. When

the man was denied admittance, an argument broke out between him and his girlfriend. The police summoned to the scene claimed he had threatened his girlfriend with a knife.

According to statements of the police officers involved, Kurth was a “troublemaker” who—“despite being requested to do so”—refused to stand still and, instead, threw himself at them with a “crazed, insane, determined look” and a “raised knife”. The incident therefore necessitated the “use of firearms”, according to the police report.

In the first radio message from the police following the fatal shooting, it was said that the victim had had “no knife in his hand”. But that is not the only inconsistency and unanswered question in this case. As in the case of Christy Schwundek, none of the police officers involved has been indicted to this day.

Another particularly tragic case is that of Berlin music student Tennessee Eisenberg, who was killed in his Regensburg home in April 2009 when two police officers fired a total of 12 bullets into his body. It was alleged that he had previously threatened a roommate and then the advancing police with a knife.

Following investigations, the prosecutor concluded in this case also that the student had threatened the officers with a 31-cm-long knife. The police had acted in self-defence. Investigations were terminated.

The student’s family could not believe the sequence of events, as recorded by the police. They arranged on their own for an expert medical report to be compiled, and this came to a conclusion different from that of the prosecutor. The family applied to the Higher Regional Court in Nuremberg to enforce lawsuit proceedings in the matter, but the appeal was rejected. Tennessee’s family is now appealing to the Federal Constitutional Court in an attempt to secure the indictment of the police officers involved.

The frequently fatal police violence perpetrated against the unemployed, the mentally ill, asylum-seekers and young people is an expression of mounting social tensions. Instead of providing citizens with assistance, social support is being continually reduced, while state repression is on the increase.

Anyone who tries to call to account the police officers involved in these cases, and those responsible in the background (state officials and politicians), has very little chance of success. More than 1,600 criminal charges against police officers are made every year in Germany. However, 95 to 98 percent of these proceedings are terminated or not even begun.



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