

## Special Report: **THE OURY JALLOH STORY**

# African Community Vows to Fight On

It was in the early morning of 7 January 2005 in the eastern German town of Dessau. According to the accounts of the police, an African man was arrested for drunken behaviour and taken to the police station. There, Oury Jalloh, then an asylum-seeker from Sierra Leone, was searched and a blood sample taken from him. He was then locked up in a single cell with his feet and hands tied to the bed.

About midday, the fire alarm in the cell went off twice and cries for help were heard coming from the cell, which were all ignored by the policemen on duty. By the time a policeman finally went into the cell, it was the charcoaled body of Oury Jalloh that he met; he had supposedly set his fireproof mattress on fire with a cigarette lighter although his hands and feet were shackled to the bed.

The accounts of the police were vehemently rejected by human rights activists and African community groups. After numerous protest actions, the public prosecutor was forced to put the two policemen on duty on the fateful day to trial for culpability in the death of the African.

A court in Dessau delivered verdict on the case on 8 December 2008. After a 22-month trial, the judge discharged both the policemen and absolved them of culpability for the death of the then 21-year-old man. The acquittal has provoked a storm of protest, with many campaign groups linked to the case vowing to continue the struggle for justice for Oury Jalloh.



After the court verdict on 8 December, protesters carried out demonstrations in Dessau against what they perceive as miscarriage of justice in the Oury Jalloh case and the general police violence and harassment against migrants, especially Africans. Inset: the late Oury Jalloh

Following the acquittal of the two police officers accused of criminal negligence, leading organisations representing Africans and foreigners in Germany are calling for an independent enquiry into how a shackled Sierra Leonean asylum-seeker, Oury Jalloh, was burnt to death in a police cell in January 2005.

The state court had ruled that it could

## A CASE TRAIL

**"Judge never entertained the possibility that Oury Jalloh might not have set himself on fire"**

A chronology of arrest, death, court process and police acquittal

### Friday, 7 January 2005

**2am:** Oury Jalloh visits a discotheque in Dessau.

**7am:** Leaves, apparently alone. He had been drinking heavily, later confirmed by a police doctor's blood test.

**7:30am:** Out on the street, he approaches two women cleaning. Reportedly asks to borrow a mobile telephone to call a friend. According to the public prosecutor, the women "felt he was bothering them, more of less". They call the police, there is "an argument and light bodily contact", Jalloh is taken into custody because he could not be identified. In the police van he resists

"hands and feet" fixing.

**8am:** Police say to protect Jalloh "from injuring himself" he is searched and put in a basement cell, his hands and feet chained down to the wall and bed.

**8:00-11:45am:** Regular police controls of his cell. Oury Jalloh is "the entire time agitated", say police.

**11:45am:** Oury Jalloh last seen alive, say police.

**11:45-12:00:** Sound-monitoring system to a control room is turned down because of rattling sound from Jalloh's cell.

**12:05 approx.:** Fire alarm from Jalloh's cell sounds in control room. Police officer turns alarm off. Second alarm goes off. Officer



**Mamadou Saliou Jalloh, brother of Oury Jalloh (middle), and Mouctar Bah (left), who has led the Oury Jalloh campaign since 2005 (left), addressing a press conference outside the court after the judge's verdict**

not be proved that the two police officers on duty bore any blame for his death. Dessau district judge Manfred Steinhoff said he had rejected the charges because police witnesses had lied to the court preventing him from unravelling the truth of how Oury Jalloh, then 21, died on 7 January 2005. The work of the investigators had been "slovenly" and "inconsistent", he added. "Now go home and think what you want," he said in conclusion after reconvening the court following an adjournment because of loud protest over the acquittals. The judge has yet to issue a written explanation for his judgement in the case, which began on 27 March 2007.

One of the accused police officers was charged with ignoring a fire alarm when the fire first broke out in Oury Jalloh's cell. When the officer finally did investigate the fire and smoke alarms, bellowing smoke from the basement cell fire prevented him from saving Jalloh.

The second officer was accused of failing to remove a cigarette lighter when he searched Oury Jalloh before putting him into

the cell in Dessau, a city in eastern Germany, where there is widespread anti-foreigner sentiment. The lighter was allegedly used by Oury Jalloh to ignite a foam-filled mattress with a fireproof covering, although his feet and hands were attached by handcuffs and clasps to the wall and bed frame.

A cell cleaner told the court that the fireproof cover of the mattress was not damaged when she cleaned the cell before Oury Jalloh was brought in and chained down.

Oury Jalloh had been taken into custody after leaving a discotheque early in the morning of 7 January 2005. A city street-cleaner had reported him to the police for molestation after he had approached her to make a call on her mobile telephone. He was apparently heavily intoxicated, a fact confirmed by a blood test taken at the time.

Lawyer Regina Goetz, representing Jalloh's mother, accused the police of a cover-up "with so many concealments and blunders that the truth can never be discovered."

"We want an independent commission to investigate how Oury Jalloh died," said

Osaren Igbino of The Voice African Forum, a coalition of organisations representing African refugees and Africans in Germany. "We will be inviting people from other continents to join this. We've been shown in this case that they do not want to investigate how Oury Jalloh died."

Igbino said that the public prosecutor had deliberately framed the charges to support the police contention that Oury Jalloh had set himself on fire. The assumption was groundless. "It took us two years to get this court hearing in Dessau. We will continue our protest until we get an independent commission to investigate the case."

Yufani Mbolo, a member of the Oury Jalloh Initiative, a group founded to press for justice in the case, elaborated: "The prosecution charges were based on the least likely assumption that Oury Jalloh had killed himself. Everyone knows this is a falsehood. He could not have got into the cell with a lighter on him. It would also have been very difficult to use a lighter with his hands and feet were tied. This would have been even less likely because he was drunk."

Many observers of the case have openly expressed the suspicion that Oury Jalloh might have been beaten to death at the station and that the police had set his corpse on fire to cover up their crime. That suspicion might have been provoked by an autopsy which revealed that Oury Jalloh's nose was broken and one of his eardrums burst. Signs, many say, that he must have been badly beaten by the police.

Ulrich von Klüggräff, a lawyer who represented Oury Jalloh's father, said he supported the call for an independent enquiry. "I understand this and I think it is right. The accused should have been found guilty. Much of what we heard in court sounded absolutely untrue and questionable. Many of the police witnesses lied." ■

See next page for interview with Mouctar Bah

turns alarm off again. A smoke alarm goes off. Officer leaves control room to investigate Jalloh's basement cell.

12:15: Officer and colleague reach Jalloh's cell. Smoke is coming from under the door. The fire service is called.

12:35: Fire service extinguishes fire, discovering the charcoaled body of Oury Jalloh.

#### 7 January-May 2005

African refugee organisations, led by The VOICE, allege Dessau police are responsible for the death of Oury Jalloh; campaign for "truth and justice". Their campaign is a "symbol for the fight against the persecution of refugees and migrants in Germany".

#### 28 May 2005

State public prosecutor brings negligence charges against two Dessau police officers – allegedly for ignoring a fire warning and failing to confiscate a cigarette lighter when Oury Jalloh was arrested.

#### 27 October 2005

The Dessau District Court refuses to take up the case, ordering further investigations. The VOICE and supporters continue struggle for trial.

#### 2 January 2007

The Dessau Court finally agrees to hear charges against the same two police officers

for criminal injury resulting in death. Later charges modified by contributing to death by negligence.

#### 27 March 2007

Trial opens in Dessau against the officers, one for not reacting to the first fire alarm, the other for failing to find a cigarette lighter when he searched Oury Jalloh. Judge Manfred Steinhoff says the trial could take four days. Trial continues for 59 sessions, finally ending with the acquittal of the two police officers on 8 December 2008, 22 months later.



## THE OURY JALLOH STORY

## "Our goal is for the truth to be revealed"

- Mouctar Bah

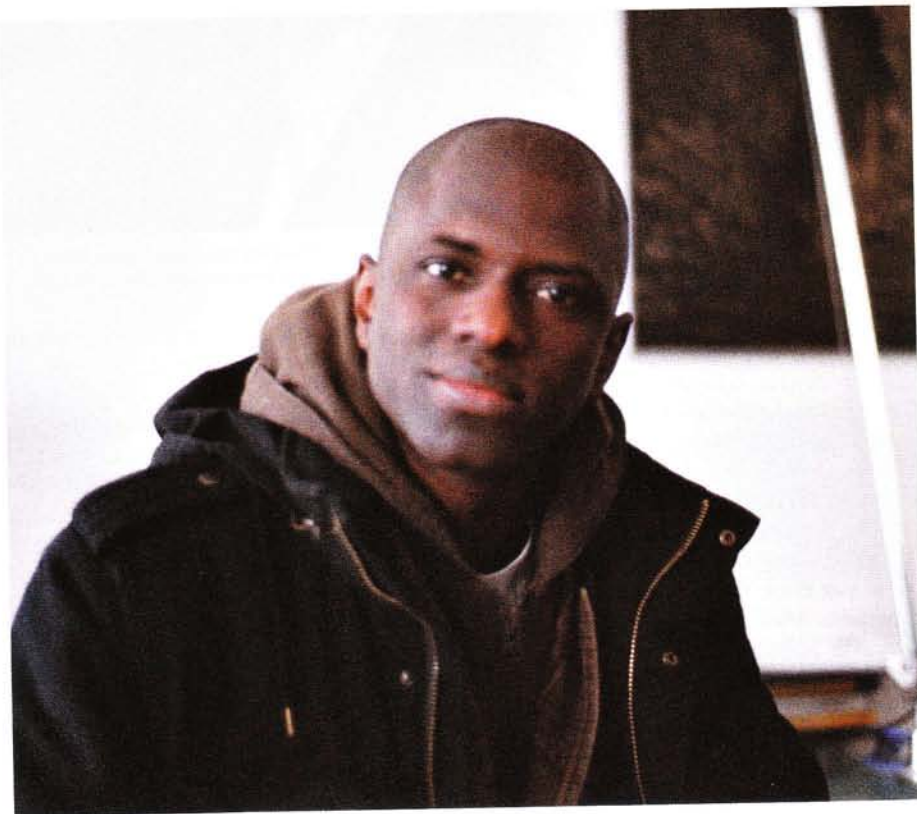
With the acquittal of the two police officers accused of negligence which contributed to the death of Oury Jalloh, a member of the German African community tells why he is continuing the fight for truth and justice.

The Dessau police constructed a wall concealing the truth of what really happened on the morning of 7 January 2005, says Mouctar Bah, the head of the Oury Jalloh Initiative, a group founded by activists to ensure justice was done in the case.

Mouctar Bah, who has led the Oury Jalloh campaign since 2005, says he has been criminalized, frustrated and persecuted by the authorities in Dessau until he finally left the town and moved to Berlin. On 7 February 2008, the local authorities closed Bah's Telecafé and accused him of harbouring people who sell drugs in his business premises.

In an exclusive interview with *The African Courier*, Bah talks about Oury Jalloh, whom he knew personally, what he thinks of the trial and court verdict, and why he'll continue his fight for justice.

**TAC:** You knew Oury Jalloh before his tragic death. Could you ever have imagined the young man deliberately set-



Mouctar Bah has tirelessly led the Oury Jalloh campaign since 2005. He says he was criminalized, frustrated and persecuted by the authorities in Dessau, forcing him to close down his business in the town and relocate to Berlin

#### ting himself ablaze?

Mouctar Bah: Such a person would never have committed suicide. I knew him from my work caring for the refugees in Dessau. We met from time to time, not regularly, but

over a period of one and a half years. He came to Dessau from Rosslau where he was living in an asylum home. He was not depressive or ill. He was a 21-year-old friendly and intelligent young man. He could speak Ger-

## » WHAT THE CRITICS SAY

### The Charges

The Dessau police put forward the thesis that Oury Jalloh set himself on fire. This was adopted by the public prosecutor in framing his charges. It blocked any "investigation into how Oury Jalloh died," say activists.

### The Judge

Judge Manfred Steinhoff showed bias in favour of the police. He is remembered for his

outburst in court that Germany was not a "banana republic". He focussed his attention on the six and a half minute time frame after the fire allegedly broke out, showing he never entertained the possibility that Oury Jalloh might not have set himself on fire.

### The Evidence

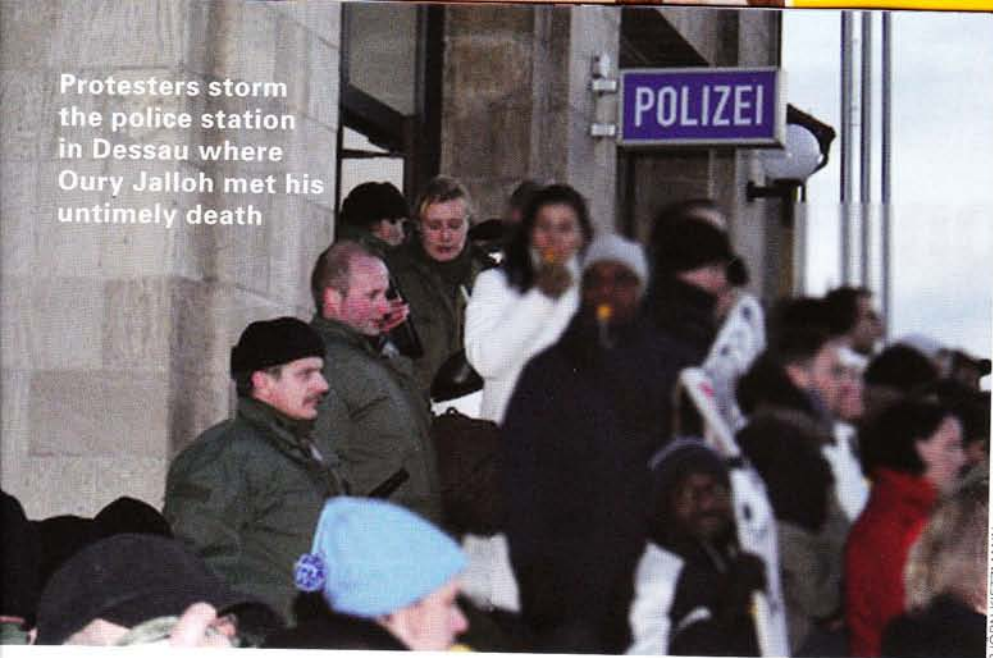
It was shown to have been collected in unsystematic, haphazard way and put in bags after the fire. An officer claimed he saw a largely-intact lighter under the burned body of Oury Jalloh. But the lighter was not listed in the original inventory of evidence on the day of the fire. One fire-damaged lighter was delivered in a bag two days later. A fire ex-

pert at the trial said the two items could not be the same. Several items of evidence disappeared: handcuffs, a video and a book of notes. The caretaker was said to have sawn a handcuff off after the fire and thrown it away. This might have shown whether Oury Jalloh could have reached into his pocket for a lighter.

### Witnesses

Many witnesses were not immediately questioned after the fire – including some in the police station at the time of the fire. Some were only questioned a year into the trial. Many gave conflicting evidence.

Protesters storm the police station in Dessau where Oury Jalloh met his untimely death



man, Spanish, Portuguese, French and English. He was politically engaged about the situation in Africa. He wanted to build a future for himself. During the weekends, he went out and enjoyed himself. Why should such a person ever want to end his own life in such a manner?

**You followed the Dessau trial and attended some of the first hearings before boycotting them in protest. What questions are left unanswered by the trial?**

There are just so many. The truth never came out in the Dessau court. The court never investigated what really happened. First, how could Oury Jalloh have had a cigarette lighter on him with which, they say, he started the fire? This was never explained in court. A police officer said he checked Jalloh thoroughly before putting him in the cell. He searched him from top to bottom, checked his trousers, everything. He only found a handkerchief, a mobile telephone and a box of matches. Nothing else. And these items were then taken away from Jalloh. It has never been explained how a cigarette lighter found its way into the cell. That's the most

**Autopsy**

A second, independent autopsy conducted at the request of the lawyers representing Oury Jalloh's family at the trial reveal that Oury Jalloh had a broken nose and damaged middle ear. This was not revealed in the first autopsy.

**What next?**

"The whole Dessau police station should be put on trial. A police cell is the most secure place in Germany. In Dessau, there were more than 40 police officers on duty at the time of Oury Jalloh's death," said Yufanyi Mbolo of The VOICE. ■

important unanswered question. Why did the police lie about this?

**Why did they put Oury Jalloh in the cell and chain him down?**

The police say that they put him in the cell because he was so aggressive. He was arrested after leaving a discotheque at 7:30 am. He had been there since 2 am. On the street, he asked two women working for the city cleaning department whether he could use their mobile phone to call a friend. They reported him to the police on charges of molestation. He was drunk. At the police station, after they searched him, he was put on a mattress and his hands and feet were shackled down.

**Where was the cigarette lighter said to be at this time?**

In Jalloh's trousers' pocket. That's the police version. They made a video showing that he could have still reached into his pocket and taken out the lighter and set himself ablaze. But that's impossible. One hand (the right one) was handcuffed to the wall. The other hand was also handcuffed (to the side of the bed). How, then, could Jalloh reach into his trousers' pocket to take out the lighter? The handcuff with its chain was too short to allow such an action.

**Could the lawyers for the family Jalloh prove this in court?**

The right handcuff used to bind him has disappeared. The police threw it away after the fire.

**So a crucially important piece of evidence – the right handcuff and the chain – has gone missing. What was it that caused such an intense fire?**

MB: It was the foam inside the mattress. That was really inflammable. The entire mattress went up in flames. But the mattress had a fireproof leather cover. How was

it possible for a man to strip this away when his hands and feet were bound? They have never explained this. Even on the international delegation that we had, a South African lawyer said he had never heard of a man with bound hands and feet setting himself alight in a police cell on a fireproof mattress.

**Did the authorities demonstrate how the foam might have burned?**

Yes. They showed how it would burn in seven minutes. This was the time they alleged had passed from the moment the fire broke out to the moment when Oury Jalloh actually died. I have here the pictures that they took of this reconstruction of the fire. You can see here in one picture taken on 22 June last year that within seven minutes, the time between the first fire alarm and moment when the officer opened the door of the cell, only one hand and one arm of the dummy that they used burned. The fire reached only this limited corner. The remainder of the dummy's body is untouched by fire. But on the day Oury Jalloh died, his entire body was covered in burns. The entire mattress was engulfed in flames. Why doesn't anyone talk about this?

**You have spoken of a disappeared handcuff. Did any other crucially important evidence go missing?**

Yes. After the fire, investigators filmed the scene of the fire. They had been told that a Black asylum-seeker had set himself ablaze in the cell. The judge in Dessau asked for this video material to be produced. He was told that the videotape was blank, except for a coverage of four minutes. One hour of video material has simply vanished!

**In spite of all your grave criticisms of the Dessau court, is there something that was revealed in court that was particularly important?**

There was a second, independent autopsy. X-rays were taken of Oury Jalloh's corpse by a forensic professor in Frankfurt. They showed that Oury Jalloh had a broken nose and a damaged ear. This was not revealed in the original police autopsy.

**What can you do now?**

People don't want to believe that what took place could actually happen in Germany. The police constructed a wall around their claim that Oury Jalloh set himself on fire. Our goal is for the truth to be revealed and for justice. We are calling for an independent commission to look into, and investigate, all aspects of the case again. We are calling on the African community in Germany and all members of the African diplomatic community to make this a reality. ■