

# The Concerned Nigerians

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**Germany Reg. No. 85 VR 4942**

22. February 2012

### The Concerned Nigerians e.V. Kassel Response To The Prosecutions Decision

We would not be human if we are not disappointed by the decision recently made by the prosecution department not to prosecute the Police officer who shot and killed Christy Schwundeck.

We had wished that the suspect (the Police officer) who shot and killed Christy Schwundeck nee Omorodion on 19<sup>th</sup> May 2011 at Job Centre in Frankfurt would have been brought to trial.

However, she has been found to be acting in self defence by the prosecution. Their reason is that after examination of the witness statement, there is no sufficient evidence to establish a criminal act. They argued that the suspect acted in self defence accordingly with the provision of the law. The alleged self defence was as a result of Christy's uncontrollable handling of the knife and refusal of putting the knife down as ordered by the suspect, and that the action of the suspect was in proportion to the danger she faced.

Concerned Nigerians believe that the prosecution got the law wrong in its decision that there is no case to answer. They failed to address the issue of applying reasonable force. It has not been proven that the suspect had no time to release a warning gunshot, aim her leg or arm, use her police batten or use a pepper-spray against Christy Schwundeck. Also there was evidence that before the shooting there were two police officers, two internal security personnel and at least one staff of the Job Centre present at the scene. There is a concern as to their inability to disarm a lady with knife.

We found this decision to be a ridicule of the Rule of law, a fundamental tenet of any true democracy.

Our question is: Why no prosecution? is there really a self defence issue? was the police officer (the suspect) innocent? Was it because the police and prosecution never did their job properly? Did police get away with killing Christy because she was black.....and the suspect white? Or is it because the police and prosecution departments are institutionally racist?

Institutional racism was defined as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin”. The failure of police and prosecution satisfies this definition. Therefore we unequivocally pronounce the police and prosecution to be institutionally racist.

The police and the justice system in Germany failed Christy Schwundeck, her family members, African community and other victims of brutal police killings. We believe that this

racist attitude is found not just in Christy's case, many Africans continue to endure racism on the streets of Germany on daily basis at the hands of the police and justice system.

The States refusal to prosecute this serious crime is just one more indication of how little importance authorities give to the right to life and safety of the minority Africans. Police across Germany will be celebrating the fact that killing of an African won't get you prosecuted, not to talk of punishing you. The result of this decision will increase the evil act being carried out by the police against Africans. Until police know that they face possibility of prison, we are not going to get a proper deterrent.

The suspect was found to be acting in self defence over the shooting of Christy after eight months of investigation. We can find no clear distinction of responsibility between the police involved in the incident and the investigating police department. This will require further examination.

We are painfully aware that in 21<sup>st</sup> century Germany, the fight for the most basic right of Africans, the right not to be killed or brutalised by the police is a task for our generation and that responsibility forms the basic principle and ideology of Concerned Nigerians and other African organisations. However, the prosecutor has put obstacle and obstruction in the path of this course to seek justice for Christy right from day one.

We would like to refer to our earlier report on the death of Christy where we cited the statement made by a senior state prosecutor in Frankfurt, Thomas Bechtel, who stated that it looks like the officer involved acted in self defence. See Bild of 20<sup>th</sup> May 2011. After eight months his initial statement was affirmed by the decision of the prosecution.

We also believe that the press has never been fair to our course as they have always helped to cover up the evil acts of the police, investigatory and critical journalism was lacking. There is also concern about the silence of those in authority, up till now not even the Mayor of Frankfurt, Hessen Minister President or the Hessen police chief have come out to address the public about the killing of Christy. The gravest aspect of it is the inaction of the African diplomats and their own government when Africans are subjected to all sorts of abuse.

As long as the government and its agencies refuse to take action against police brutality that results to deaths of Africans, we will continue to speak out, condemn it, and where necessary demonstrate and follow the rule of law to see that justice will prevail.

We would like to restate what this course has been all about- ensuring that the circumstances surrounding Christy's death were put in front of a judge and this we must achieve by expanding the partnership of the Christy Schwundeck initiative.

Concerned Nigerians would like to commend the effort and progress made so far by the Christy Schwundeck initiative Frankfurt and the African community Kassel. We remain committed in working with the initiative. We call on good people of Africa and supporters of Africa to unite behind the Christy Schwundeck initiative in order to improve on the progress already made. Christy's death was another statistic in the record of Africans killed by German police without facing prosecution. It is however, the responsibility of us, the living, to seek justice and say NEVER AGAIN.

Oury Jalloh was another victim of police killing. The campaign for justice on his behalf championed by his friends and Voice refugee forum has been a real inspiration to Concerned

Nigerians. Although in the seven long years of Oury Jalloh campaign justice has not been obtained but they have exposed the truth about institutional racism to the general public.

However, the Concerned Nigerians want to assure everyone that with your support, relentless effort and campaign we will force the prosecution to make a u-turn.

We have to remember that promoting our safety and fundamental human rights is the responsibility of all of us. The objective of this course is all about the child of Christy, her family members and assuring Africans that we must be protected by the law like others.

We conclude by describing the prosecution as behaving "irrationally" failing to address the relevant elements of law of self defence and adopting an approach that is baffling and primitive in nature. We condemn it, reject it and will fight against it with every resource within our reach until the suspect is brought to justice. We urge you to support us and join this course.

Signed  
Concerned Nigerians e.V.