

Burned Alive in Police Cell Number Five

The death of the asylum seeker Oury Jalloh in Dessau

A radio documentary by Margot Overath

On the 7th of January 2005, Oury Jalloh, a 37-year-old refugee from Sierra Leone, burned to death in police custody in Germany. He was drunk and had been shackled hand and foot on a fireproof mattress. Two years later, the trial of two on-duty police officers began at the Dessau Regional Court.

After a 59-day trial, the court found the defendants not guilty in December 2008.

"Despite the most intensive efforts," the court had been unable to explain the death, said the presiding judge.

The author tells the facts and the background that the judiciary should have known long ago. The radio documentary looks into this case with the help of internal observers and takes us to the place where it all happened.

"Burned Alive in Police Cell Number Five"

The death of the asylum seeker Oury Jalloh in Dessau

Radio documentary by Margot Overath

Narrator: Ms Bärbel Röhl

Opening and closing statements/announcer: Matthias Ponnier

Music: W. A. Mozart

Narrator:

26 March 2005. Dessau central cemetery, funeral chapel. Sunlight streams through the glass wall at the back of the large room. Most of the mourners are sitting on chairs; others are standing in front of the coffin made of light-brown wood. They are praying with open hands. About a hundred and fifty people from Dessau, Halle and Berlin, black- and white-skinned, have come to take their leave of Oury Jalloh. The pastor speaks. About living together in Dessau with its 78,000 inhabitants. About the people of different ethnicities and cultures, about integration instead of isolation ...

Original sound: Mouctar Bah:

He only talked about this town. How the town could be so good. How this town is so open. Then the people stood up and started criticizing him; they took the microphone away from him.

Narrator:

Mouctar Bah, a friend of Oury Jalloh's. – Then a man stood up.

Original sound: Thomas Veil:

I was at the Ministry of the Interior, the government ministry that's also responsible for the police. But I wasn't responsible for this region.

Narrator:

Thomas Veil, Head of Department at the Saxony-Anhalt Ministry of the Interior from 1991 to 2007.

Original sound: Thomas Veil:

I went forward and very briefly said two sentences. "I am here as the representative of the regional government. I would like you to know that we are here and we are with you, and we very much regret what has happened and would like to express our condolences."

Opening statement:

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Original sound: Thomas Veil:

Then I was just about to leave when I heard wood splintering and cracking. In other words, the crowds there, the people there were trying to open the coffin. In fact it seems they did open it. Then shouts could be heard.

Original sound: Mouctar Bah:

Everyone wanted to see. We thought if he really died within those few minutes, then you would at least be able to see his face. But he was ... charred: really very, very, very black. And completely charred.

Narrator:

The friends around the coffin were startled. The newspaper had said that Oury Jalloh died of heat shock a few minutes after the outbreak of fire.

Original sound: Thomas Veil:

As far as the opening of the coffin was concerned, I didn't ... No, I deliberately only saw it out of the corner of my eye; they were all standing around the coffin. There was a loud crack. A loud noise could be heard. It was definitely the people opening the coffin.

Original sound: Mouctar Bah:

Since that moment, really, I can't get it out of my head. I said, what's this? Is that Oury? Then all the people came. Everyone who looked started crying. Even the journalists, all the people who were standing there. The white people, too. They saw it, too. They were crying.

Music

Narrator:

Oury Jalloh, 1,71 tall, slim. Born in 1968 in Kabala, Sierra Leone. The land of the blood diamonds. Where people were maimed or killed for nothing. In the last, terrible phase of the civil war, he decided to flee to Conacry in Guinea. His parents were already living there. They sent their son Oury on to Europe. They put all their money together to do it. They were pleased when Oury rang them from Germany. He had made it. He will do well, they thought; he will save some money and then come back home.

Oury Jalloh filed an application in Germany to be recognized as an asylum seeker and was given a bed at Rosslau asylum-seekers' hostel in Saxony-Anhalt.

Music stops

Narrator:

Six years later, Oury Jalloh is dead

It was the seventh of January 2005.

What had happened? Jalloh came out of a discothèque drunk. He met some women from the city cleaning service who felt harassed by him. At eight in the morning police officers took him away, locked him up and tied him hand and foot. Four hours later the fire alarm went off. Fire! By the time they came to save him, it was too late. He had been burned alive in police custody, in cell number five in Dessau. He had set himself on fire, the police said.

"That is simply impossible. The whole thing makes absolutely no sense. Perhaps emotions played a role, who knows? A Dessau policeman explains to me. He doesn't want his real name mentioned. Let's call him Lutz, Lutz Becker.

Original sound: Mouctar Bah:

How is that possible? The Oury Jalloh that we know was always so afraid of pain. And for us, I mean, all of us in this community, everyone said that he was killed.

Music

Atmo: Tumult

Commotion in the courtroom and outside the courthouse after the acquittal is announced.

Narrator:

Two police officers were in court because of the death of Oury Jalloh in Dessau. The trial lasted twenty months. On the eighth of December 2008, they were acquitted by the presiding judge, Manfred Steinhoff. Police group leader Andreas S. was cleared of manslaughter. He had been responsible for Oury Jalloh's safety in the detention cell. Patrolman Hans-Ullrich M. was cleared of charges of manslaughter through culpable negligence. He had searched Oury Jalloh's clothes and is supposed to have overlooked a cigarette lighter.

Original sound: Kay Wendel:

There were tumultuous scenes when the judge announced the acquittal. The people jumped to their feet and started yelling. Somebody shouted: "This is a murder house." The police came in and dragged them out. It was an incredibly tumultuous situation.

Narrator:

Political scientist Kay Wendel from the Brandenburg Refugee Council. Member of an international group of court trial observers.

Original sound: Kay Wendel:

Steinhoff stayed very cool, very confident. He wanted to go out to the front of the building, where a demonstration was taking place. He even wanted to make a speech there. Wasn't possible. But he did, so to speak, persuade the people to wait a moment to hear what he had to say. ...

Narrator:

Riot police helped him reach the door of the courthouse. He stopped on the threshold in front of the glass door, in his robe, surrounded by a police cordon. At the foot of the stairs there were dozens of people waiting to hear his reasons for the acquittal.

Narrator:

Judge Manfred Steinhoff:

What has happened here was not the rule of law, and police officers, who had a special obligation to serve the rule of law, made it impossible to get to the truth. All these officers who have lied to us here are individual officers who have no right to be members of the police force in this country.

Original sound: Kay Wendel:

And many, many, many members of the public were very impressed by his oral justification of the verdict. Even the African man who had called out "That's racism!" on one of the first days of the trial applauded him. He was impressed by this judge.

Narrator:

The next day, the judge's oral justification of the verdict was in all the newspapers. But three months later, on 2 March 2009, Judge Manfred Steinhoff presented the written verdict.

The doubts expressed in the oral justification are no longer there.

Narrator:

The accused Andreas S. was acquitted for factual reasons. Not even intent to injure could be proven, which is necessary to substantiate the charge of manslaughter in office. Manslaughter through culpable negligence under section 222 of the Criminal Code has not been substantiated. It could not be established that Oury Jalloh's death

could objectively have been avoided.

Narrator:

Five years after the death of Oury Jalloh, on the seventh of January 2010, the Federal Supreme Court reversed the acquittal. The presiding judge, Ingeborg Tepperwien, told the journalists and friends of Oury Jalloh who were present in Karlsruhe that the grounds given for the acquittal were incomplete and the assessment of the evidence not logical.

Original sound: Mouctar Bah:

She showed us the sun. She gave us everything. I don't believe I will ever experience so much joy in my life as I did on that day. It was everything for me. And for my colleagues, too. I turned round, I saw these colleagues; everyone had tears in their eyes. My friends, I tell them, look: it can be done here in Germany after all.

Narrator:

There must be a full re-trial on the death of Oury Jalloh before the Magdeburg Regional Court. The evidence must be heard again; the witnesses must be questioned again; new experts must be heard.

Many people in Dessau give Mouctar Bah credit for the fact that it has come to the trial at all. A man had died once before in cell number five in 2002. The same group leader had locked him away; the same doctor had found him fit for custody. When they went to check him out five hours later, the man was dead. Fractured skull. The case never came to trial.

Mouctar Bah found out where Jalloh's parents live, phoned his father and flew to see his mother with a film crew. This made it possible for them to bring a civil action in addition to the criminal trial.

Music

Narrator:

I read about the case in the newspaper. The two different versions of the verdict made me curious. I travelled to Dessau; I wanted to talk to the judge and the public prosecutor, trial observers and friends of the victim.

I started my research at the Regional Court. And received my first refusal. In a written reply, press officer Frank Straube said he would not issue an evaluating statement on the proceedings. He *could* show me the courtroom; that could be arranged. And provide figures on the chronology of the trial. Duration of the main hearing, number of witnesses and experts, and so on.

He said he was the sole contact person for the media. I was already beginning to suspect that this research job was going to be difficult.

Atmo: Police station/control room

Knocking on door, office

Narrator:

Wolfgangstrasse police station in Dessau. Where it all happened. I have been given permission to visit the station and the detention cells.

In April 2010, more than five years after Oury Jalloh's death.

Original sound: policeman:

We are now in the control room of Dessau police station. This is where all operations are coordinated, where all emergency calls made in the town of Dessau-Rosslau come in. The two operations officers, the man in charge – the senior, on-duty operations officer – coordinates all operations together with his junior operations officer.

Atmo: Police station/control room

Narrator:

I am accompanied by the two spokespersons of the police commissioner, Doreen Wendland and Ralf Moritz, as well as several police officers and the current group leader.

Narrator:

The detention cells are in the basement, the control room is on the first floor of the building. This is where the disaster began.

O-Ton/Atmo: Police station/control room:

This room is also important, certainly. Because this is where the entire monitoring system for the detention cells is installed.

Author: But you weren't there at the time?

Policeman: No, no. None of those present today was involved on that day ...

Author: Can you tell me the sequence of events anyway?

Policeman: Well, basically what happened was that there was an incident outside which led to Oury Jalloh being identified; we had an emergency call, I think. Some women had been harassed, so that the police were deployed to clarify the matter on the ...

Narrator:

The seventh of January 2005 was a Friday. A mild morning, the temperature was already in double figures at seven o'clock. A little windy.

Oury Jalloh had spent the night in a discothèque. Alone. He had drunk a lot; he had a blood alcohol level of three parts per thousand. He was in a drunken stupor as it later turned out. Should he go back to Rosslau to his accommodation? He was too drunk to do that. He wanted to call someone.

Why was he arrested on that Friday morning in January 2005? The order given to the radio patrol at eight o'clock only said: "Drive to Turmstrasse; four women from the city cleaning service feel harassed by an African man."

Original sound: Mouctar Bah:

On Thursday he came to me and wanted to go to the disco. I told him I can't go with him now because I have to work longer. So he went. I said: I'll join you later. But I ended up working a long time ...

Narrator:

Mouctar Bah, born in Guinea. At that time he had a shop in the centre of Dessau. For Oury Jalloh, he was a friend, his "big brother".

Original sound: Mouctar Bah:

If I had gone with him on that day, I would probably have stayed with him all evening. Then we would have gone home together. I wouldn't have left him there on his own. It's funny. I think I still owe him for that.

Atmo outside/birds/Author in front of the asylum-seekers' hostel in Dessau-Rosslau

Original sound: Boubacar Djama:

The three windows here, these three windows were the room, where he lived. Hey,... Yes, everything's fine. You all right?

Narrator:

Boubacar Djama from Guinea shared a room with Oury Jalloh and other refugees from West Africa in the former hostel in the middle of Rosslau.

Atmo/quiet: original sound: street: Have a nice evening. Yes, you too!

Narrator:

Boubacar Djama believes that his friend Oury thought the women in Turmstrasse looked familiar because they were also wearing these working jackets like his girlfriend Tina when she was out on the streets working for the city cleaning service, picking up paper and rubbish.

Original sound: Boubacar Djama:

I can imagine he maybe asked the women if he could use a phone, whether they had a cell phone with credit or a contract. Because he only has a prepaid cell phone, I can imagine he wanted to call this woman before going home, to know whether the woman is at home. But maybe they misunderstood what he meant.

Narrator:

When the police patrol arrived and spoke to the city cleaning women, the alleged confrontation was apparently already over. Oury Jalloh was standing a few metres away, holding onto to the wall, the women told the court. The police went up to him. "Identity card". Jalloh grumbled. Then: "Passport, amigo." He didn't want to. They took him in a headlock. He started kicking. They dragged him to the car.

Boubacar believes his friend Oury wanted to call Tina.

Original sound: Policeman: Police station/control room

And because of the overall circumstances, his blood-alcohol level, the initial facts, they decided to take Oury Jalloh into custody. And that's how he came here to the police station.

Narrator:

The police radio patrol car arrived in Wolfgangstrasse at eight-thirty. Oury Jalloh was taken straight down into the basement. Upstairs in the control room, Andreas S. phoned the doctor-on-call, Dr. B.:

Narrator:

Police recording: Phone call between Andreas S. and doctor-on-call, Dr. B.

Police: "We need you."

Doctor: "What's up?"

Police: "A blood sample"

Doctor: "OK, I'll take care of it."

Police: "Yes, put a needle into a Black African."

Doctor: "Oh, shit."

Police: Laughter.

Doctor: "I can never find a vein on dark-skinned people."

Police: "Well, bring a special needle with you."

Doctor: "OK."

Narrator:

For two weeks I've been trying to reach the presiding judge, Manfred Steinhoff. The mayor is somehow never available either. Yesterday, I spent two hours waiting on a bench outside the town hall, even though I had an appointment.

Atmo: Police station/control room

Original sound: Press officer

Then I would suggest we go from here to the cell block, OK? That's the shortest way.

Atmo: Door opens

Narrator:

I want to look at the medical room and cell five two floors below. Our little group leaves the control room. Ralf Moritz, the chief of police's press officer, leads the way. Two flights of stone steps to the foyer, two flights of stone steps to the basement. We open the door to the detention wing. This was the route taken by Andreas S. when he went to save Oury Jalloh. It took us one minute. Without hurrying.

The public prosecutor calculated that on the seventh of January 2005, eleven minutes passed between when the fire alarm sounded and the cell door was opened.

Music

Original sound: Press officer: police station/detention wing

Policeman: Here in the front we have the medical room. (Steps)

Author: And the doctor is alerted.

Policeman: He is alerted, exactly.

Author: I suppose he's on call.

Policeman: Yes, there is a list showing who is on emergency call, that's right; otherwise we call the emergency service so that the doctor on emergency duty comes round.

Narrator:

In the medical room, Dr. B., took the blood sample. The result: the blood alcohol level shows three parts per thousand. Beforehand Oury Jalloh had been searched by two police officers. Udo S. frisked him down to the waist; radio patrolman Hans-Ullrich M. checked the lower part of his body. He found a few coins, a cell phone and some paper handkerchiefs. There was no cigarette lighter.

At nine thirty, three men carried Oury Jalloh to cell five and laid him on the mattress on the concrete pedestal. This is a safety mattress with an artificial leather cover, flame retardant. The whole cell is tiled; the concrete pedestal, too, is tiled. Four securely mounted metal handles on the side and at the foot end. They shackled his hands and feet to them with handcuffs. Allegedly to prevent him injuring himself. He is said to have banged his head against the wall.

Music

Narrator:

The two patrol officers who had brought him in drove away again. Someone went down into the detention wing more or less regularly. There didn't seem to be any rules: whoever had time went to check him out and made a note of the inspection in the custody book. Jalloh was monitored acoustically via an intercom system between the cell and control room; the hallway in front of the cells was monitored visually. Two cameras sent images upstairs.

Music stops

Narrator:

If everything was in order – an experienced officer was in charge of his safety, the monitoring system was working – why did he burn to death? And why was he restrained by handcuffs? What should we make of protective measures that lead to death?

I want to find answers to these questions.

Atmo/birds

Narrator:

In one of the town's large parks I meet Lutz Becker, my anonymous informant from the Dessau police. He says he has tried to discuss the same questions with colleagues himself. Restraint (i.e. tying a person up) is not normal practice, he says. Especially when a person is drunk; he could have vomited and choked to death. The colleagues should have either let him go or taken him to hospital.

In Lutz Becker's own words: "The whole thing makes no sense. And then there's the story with the cigarette lighter. They didn't find one when they searched the citizen. When was it found? Three days later. Isn't that strange?" he asks.

Original sound: Spokesperson/press officer/atmo: Police station/control room:

Author: And what is this book?

Policeman: This is the activity book. This is where we take brief notes on all emergency calls before they are subsequently entered in full into our records system (ends with atmo).

Music

Narrator:

Up until twelve o'clock the day apparently passed off more or less normally. Then the fire alarm went off. Fire in the detention wing? This much is certain: the responsible group leader Andreas S. pressed the signal away several times. Beate H., his colleague at the front desk in the office, heard Oury Jalloh calling for help on the intercom. Several minutes passed, then the cell-ventilation alarm also sounded. A loud splashing or splattering noise could be heard coming from the intercom – the sound of blazing flames. Despite the fire alarm, however, Andreas S. thought the noise was that of a burst water pipe. Beate H. asked him to go and check: "Go on, don't wait any longer, get going."

Atmo/Original sound: Police station/control room

Author: Can I listen to that, anywhere?

Policeman: No. That's not possible. It was an installed system and ... But as far as I'm concerned ... I don't think anyone could fail to hear it. You know, a real fire alarm. No, I'm just saying, the former system was quieter, but you could certainly hear it ...

Narrator:

You could certainly hear it!

Music:

Narrator:

According to the indictment, the first alarm sounded at twelve. At nine minutes past

twelve group leader Andreas S. went down with his colleague Gerhard M, who happened to be free at the time. Andreas S. says he also made a phone call from the lobby. At eleven minutes past twelve Gerhard M. opened the door to cell five. Jalloh was lying on the mattress, he was on fire. M. couldn't pull him out because he didn't have the keys to the handcuffs. Andreas S. says he ran back to fetch the keys. By the time he arrived, it was too late. Gerhard M. tried to smother the flames with a woollen blanket, but the rescue attempts had to be abandoned because the cell was already so full of smoke.

Atmo: police station

Original sound: Press officer:

It's the same again, these are all parts of the trial that is still ongoing, OK? The investigations are to be reopened, and for this reason we don't want to make any statements on this. But you can imagine one thing: that here in this control room it's not always as quiet as it is at the moment. Now there's no phone ringing, we have no radio messages coming in. That can change completely in the space of an hour, or even a minute, so that here you're subject to several influences. Yes, many acoustic influences that come together, particularly in this room.

Narrator:

What does that mean? Oury Jalloh burned alive because the responsible group leader had other things to do?

I asked my informant Lutz Becker. "One thing at a time," he says. "OK: was the group leader named in the book as the person responsible for the detention block?" He gives the answer himself: "That can't be the case, or if it is, then it must be documented somewhere."

There must therefore be an official instruction on this. The group leader is the superior police officer; he is supposed to 'lead' the shift, he has overall responsibility. Can he be responsible for the detention block at the same time? No, Becker says, that's impossible. I quote from the interview with him, which I have typed out in full: "If the citizen is brought in by a patrol, a colleague is specifically detailed. Put on guard

duty, so to speak. He is then the custody officer. From that moment on, he's responsible for him, and also signs a document to that effect. If no officer is free, one has to be called in. Try to find out who signed the custody book."

Good idea, if all the documents hadn't been confiscated. So let's return to the question: why can't the group leader keep an eye on the prisoner? In Lutz Becker's own words: "Perhaps it was quiet when the citizen came in. But that can change quickly if another situation crops up that keeps him tied up at the front desk. Such situations happen. All the phones ring at the same time, he has to give instructions to people by radio, or look something up on the computer; then he has to make notes on the sequence of events, and so on. How can he also be checking the detention block at the same time? Impossible. I mean, the whole sequence of events, the way it has been described, doesn't make sense to me."

Why didn't the group leader Andreas S. detail a custody officer for Oury Jalloh?

Music

Narrator:

I read in the records of the trial that Andreas S. didn't know where the fire extinguishers were. What do you say to that, I ask Lutz Becker. He believes it's possible. I'm confused. Don't they do a fire drill every few years in every school, every hospital, also in our radio station? But not at the police station of all places, in this high-security facility?

Atmo/Original sound: police

Policeman: This is the intercom system; you can recognize it optically here. Yes, and then the colleagues can reply.

Author: You can see which cell the person is speaking from.

Policeman: Exactly.

Author: And there is always an officer here?

Policeman: One senior on-duty operations officer and one junior operations officer are always in here all the time, 24 hours – alternating, of course.

Music

Narrator:

The fire brigade was fighting the fire from twelve-twenty until twelve thirty-five. At thirteen forty-five, the crime-scene group from Stendal Police Department were called to Dessau. The officers arrived at the station at fifteen thirty, had the situation explained to them and entered the detention wing with a video camera. Jalloh's body was still lying there. The man with the video camera spoke into the microphone while recording: "The prisoner in the cell is said to have set himself on fire." That was more than he could know. Then the body was released from the handcuffs with a pair of combination pliers. The tips of the fingers and toes had already been burned off. Later they will be found in fire debris that was swept up and collected in three bags to prepare for the examination in Stendal. The camera was there, recording everything.

Music stops

Narrator:

Police chief Karl-Heinz Willenberg is not available for an interview. Neither he nor any other representative of his authority, he writes to me. Not while the trial is ongoing. He will then decide which (quote) "follow-up measures are to be initiated in the light of any increase in knowledge." His predecessor in office, Brigitte Scherber-Schmidt, also refuses. She says she had not made any comment to the media before, and she wants to stick to this. The *Frankfurter Allgemeine Zeitung* wrote of the "police's cartel of silence," the *Frankfurter Rundschau* of the "wall of silence". I'm beginning to understand what they meant.

Atmo: A door slams, footsteps

Narrator:

We are going back down again. I want to know what the intercom sounds like. How good the sound quality is. Beforehand, the officers show me the indicator light that shows when the cell is occupied.

Original sound: Police:

P: Can you hear me?

P: Yes, I know, I pressed the 'cell occupied' button. Can you check again, please?

(...) Yes, and the 'cell occupied'...

Narrator:

The officers of the Stendal Police Department started their interrogations on the afternoon of the seventh of January. Beate H., who had noticed that the group leader had repeatedly turned the fire alarm off, became the most important witness. Beate H. also reported a noise about half an hour before the alarm went off, i.e. at about eleven-thirty. A rattling sound like a bunch of keys. She heard colleagues talking with Oury Jalloh, but couldn't say whose voices they were. After that, no one had come up to report an inspection in the custody book. She said that fifteen minutes later she had gone down to look, but there was no one there.

Atmo/Original sound: Police station/detention wing:

Author: Has it now been repaired, the cell?

Policeman: It's all been repaired, yes. All restored.

Author: It must have been quite smoky.

Policeman: It was all black, I assume, yes. I didn't see it myself. I'm sorry. I've only been here for one and a half months.

Author: Can I go in there?

Policeman: Of course. (Steps) ...

Narrator:

That wasn't all. Beate H. told the investigators of another strange observation. As early as eleven, and then at a quarter to twelve, she had seen a pool of clear liquid

on the floor of cell five. Two other colleagues also remember this during this phase of questioning. Maybe urine? Oury Jalloh was tied up; he couldn't go to the toilet. No, say all three independently, it wasn't urine. But none of them hit on the idea of collecting some of it and having it examined.

Atmo/Original sound: Police station/detention wing:

Author: It's impossible to imagine that there was a fire here, really. ...

Narrator:

Inside the fully tiled cell I ask the officer to show me the metal rings to which he was handcuffed.

Atmo/Original sound: Police station/detention wing:

Policeman: Well, I reckon, from the nature of the mountings, that these two – we still have two attached here – that these two are for the arms and these here, in exceptional cases, for the legs.

Narrator:

In exceptional cases. What made Oury Jalloh an exceptional case? Why were his feet chained? Policemen are still discussing this subject today on the web. The public prosecutor considered it unnecessary at the time to have the body x-rayed. The "intensively conducted investigations" had "clearly and unequivocally" revealed "not the slightest evidence of ill-treatment or that Oury Jalloh had any bone injuries," I read in the prosecution's press statement dated 24 March 2005. But the family didn't trust the results and sent their son's body in a zinc coffin to Frankfurt-am-Main University Hospital at their own expense. Oury Jalloh's friends collected money to make this possible. The body was scanned by a CT scanner. Professor Hansjürgen Bratzke found 'bone injuries' to the head, including a broken nose.

Did he break his nose when he hit his head against the wall? I asked Lutz Becker. He says: "If you hit your head against a wall, a broken nose is unlikely. You're more likely

to get a bruise on the forehead or an eye injury," he says. "Maybe he was hit on the nose," Becker concludes.

Music:

Narrator:

On 21 July 2009, the police searched Mouctar Bah's former shop. This was four days after a newspaper report that he was to be awarded the Carl von Ossietzky Medal. He is supposed to have been dealing in stolen goods. Someone had reported him to the police. Back in January. The allegation reads 'receiving stolen goods.'

Atmo: In front of the gatehouse of the Public Prosecutor's Office:

Doorman (quietly): He'll be down immediately.

Author: Thank you. Wonderful, thank you.

Original sound: Christian Preissner, Chief Public Prosecutor:

The search that then took place did not uncover any evidence. In other words, the clothing that was alleged to have been stolen from the fashion house was not found there. The investigations against Mr Bah were then abandoned.

Narrator:

I have two more questions: the fashion house had stated that no trousers had gone missing. So why was a search carried out for them nevertheless? And why only after six months?

Atmo/Original sound: Christian Preissner, Chief Public Prosecutor

Preissner: Get out, you're finished, there is no more ...

Atmo: Door lock, steps

Author: I still have a question on the subject.

Preissner: No, I have told you everything I have to say. Please turn it off, or I shall confiscate your equipment.

Author: You want to confiscate my equipment? Yes? ...

Preissner: If we don't end the interview now. The interview is over. Mr Blaschke, I have told the lady that the interview is over. I would like you to leave the building now.

Narrator:

Which I did, immediately. Shortly afterwards he phoned; he apologized. Are people's nerves on edge in Dessau?

Music

Narrator:

Oury Jalloh must have suffered terrible pain. He must have called out and screamed and rattled the handcuffs. He swallowed soot. The forensic doctor found soot in his lungs and stomach, also a lot of adrenaline. Evidence of panic, extreme agitation in a state of mortal fear.

Music stops

Atmo/Original sound: Police station/detention wing:

Author: So if he shouted for help here, it can't be heard through this, right?

Policeman: Oh yes it can. Apart from which, if we really assume now that a fire alarm goes off here, you can immediately turn on this intercom system from upstairs and listen into the cell, OK? If everything is technically in perfect condition – and we

check that regularly – when an alarm goes off you can then immediately make speech contact with here from upstairs, and ask what's happening...

Narrator:

How did that sound in the control room?

Atmo/Original sound: Police station/detention wing:

Policeman: Can you understand us?

Answer by intercom: "Loud and clear ..."

Narrator:

Loud and clear.

Atmo/Original sound: Police station/detention wing:

Policeman: Yes? So I don't even need to shout loudly, and I think anyone who wants to make himself understood from here will speak clearly, so that he will be understood upstairs. And that also came through clearly; I think good communication is ensured.

Narrator:

All the technical equipment was in order on the seventh of January 2005. That is what the Stendal Police investigation reports on 18 January 2005.

How is it possible that Oury Jalloh's cries for help weren't heard?

Atmo/Original sound: Police station/detention wing:

Press officer: Yes, in addition you can see from outside – anyone who is down here can see here that the cell is occupied. Yes, it's marked. And upstairs at the desk, a light now goes on – it's OK, we can leave it on – to show that this cell is occupied.

Then the person at his desk can immediately see, aha, is cell five is occupied. Right? You can switch it on and off. And in the same way, from out here I can connect a call into the cell.

Author: From outside, does that mean from upstairs?

Press officer: Also from outside the cell. Right? ...

Author: That means, there was a fire in here, the fire alarm goes off, the fire alarm makes the intercom ...

Press officer: The signal goes upstairs and the colleague can immediately talk with downstairs via an intercom system. That's the current technical condition of this cell.

Author: And that wasn't the situation at that time?

Press officer: That's part of the investigation.

Author: Really, that's still not yet...

Press officer: Yes, the technical things; the parameters are decisive, of course.

Author: You don't know either?

Policeman: I wasn't yet here, I'm afraid.

Narrator:

The fire brigade arrived in the Wolfgangstrasse police station courtyard at twelve-eighteen. At the same time two police officers had the following brief telephone conversation, which was automatically recorded.

Narrator:

Police recording after the fire broke out

P: Police Emergency Call Centre, Dessau.

A: Yes, listen, we can clear off.

P: No, you stay there, the fire brigade is already on its way.

A: I know, I can hear them.

P: Yes.

A: And otherwise we can clear off.

P: Yes, what do you want to do?

A: No, I'm saying it has nothing to do with us. No.

P: No, the detention block.

A: Did he hang himself or what?

P: No, there's a fire.

A: How come?

P: I don't know. They went down and everything was full of black smoke.

A: Yes, I almost said good. All right. Nice weekend. Ciao ciao.

Narrator:

After the fire had been put out, an officer from the Stendal crime-scene group films with a video camera. He films everything: the entrance to cell five, the body, the fire debris on the cell floor, the blackened walls, the small cell window. While he was filming, did he already notice the lighter which Oury Jalloh is supposed to have used to set fire to the mattress?

Original sound: Mouctar Bah:

The man who examined him himself. And who said himself, I didn't find a lighter on him.

Narrator:

The fire debris was swept up, collected in three bags and examined. No one noticed a lighter or the remains of a lighter. Kay Wendel was at the trial.

Original sound: Kay Wendel:

Several police units investigated that. There were also certain jurisdictional disputes. The unit that first examined it, they didn't find a lighter. And the second unit then

found the remains of a lighter in the debris.

Narrator:

The lighter was found three days later, on the tenth of January. Among the fire debris that was examined for fire accelerant in a special furnace. After the examination, the bag was emptied, and in the middle of the debris emerged a red plastic lighter.

The lighter was only charred, it hadn't exploded – even though the fire had reached eight hundred degrees. Even the brand name was still visible: Tokai.

Original sound: Kay Wendel:

Of course this raises doubts as to whether it might have been slipped in later. Who knows? Who knows? Like pretty well everything in this trial, everything remains vague.

Music

Narrator:

Shouldn't the lighter already have been discovered during the evaluation of the video film securing the evidence at the crime scene? A full hour of film had been shot. The first few minutes outside in the hallway and then the situation in cell five.

But the video track of the film is almost empty; only the first four minutes and eleven seconds of the recording can be seen. The film breaks off when the camera man turns to film in the cell.

More things were lost at the time. Even a list with the names of all the seventy people who were in the police station that morning. Such an important paper – stolen?

Atmo: Police station/detention wing

Sound of doors, locks and keys.

Door slams, keys

Narrator:

We entered the detention block hallway through the front door, but there are also doors at the end and at the sides. Were they used on the day Jalloh died? If so, by whom? What happened to the hallway-surveillance pictures that were transmitted up to the screen in the control room? They don't exist.

Is it conceivable that a bank or a gas station would not evaluate their security cameras after being robbed? How often does it happen that that specific piece of film is deleted or recorded over?

Atmo/Original sound: Police station/detention wing:

Policeman: Yes, but not from inside.

Author: Not from inside. Of course not.

Policeman: Yes, well.

Author: No, no, I'm just wondering now why it took so long. I mean, if there is only this bolt here, then anyone could have opened it.

Policeman: Yes, sure, if he ... (bolt slams) if that door over there is open, of course.

Author: It was open?

Policeman: I don't know whether it was closed, I can't say.

Other policeman: I think it would have to be closed as a rule.

Author: It has to be closed. Hm.

Other policeman: But, then again. In terms of what actually happened, we can't say now.

Policeman: I can't tell you, I wasn't there.

Author: Yes, I realize that. And the man who was here is not going to tell me.

O – Audio: Kay Wendel:

It has never been clarified who else had access to another door on this cell block. I think it was actually open. But then again and again you come up against the figure of the unknown. And the policemen who testified as witnesses at the trial or were accused, they all provided each other with an alibi. Because they all just happened to be somewhere else at the time.

Narrator:

The big question – whether there was an inspection at around eleven-thirty and, if so, who carried it out – has remained unanswered until now. If there was an "unknown third party", did he enter the detention block secretly by a different door?

Gabriele Heinecke, the lawyer representing Oury Jalloh's mother:

Original sound: Gabriele Heinecke:

Was there something that none of us cares to even imagine? Namely, was there an intent to kill a man? Was the waiting calculated? Was there a willingness to let someone die like a dog in there? These are all questions that have to be asked. And if you ask yourself whether the present defendant is the only one who should be sitting there, new doubts might arise during the trial.

Original sound: Mouctar Bah:

For God's sake, it's not in my character: I don't want blame someone who didn't commit this crime. I'm the last person who wants to send someone to jail. But I'm also the first person who will do anything to find out the truth.

Music

Narrator:

A pool of liquid in the cell, which was not examined.

An inspection that wasn't entered in the log.

A cigarette lighter that was only discovered three days later.

A video camera that stopped filming after four minutes.

Surveillance cameras whose pictures weren't secured.

Original sound: Mouctar Bah:

Why all these coincidences on that day, the seventh of January? That video material disappeared. That camera surveillance – not in the cell, but in that corridor – was gone. And all these coincidences on that one day.

Atmo/Original sound: Police station/control room

Press officer: Yes, that's all part of the trial. All that happened here on these premises is also still part of the investigation leading up to the trial that is to be held, and for this reason we are unable to make any statements at the moment. Apart from which, none of us was present here at the time.

Music:

Narrator:

Shortly after the death of Oury Jalloh, the main witness for the prosecution, Beate H., was transferred to a different office. There was a conversation between Beate H., Andreas S. and his defence lawyers. After that she withdrew her statement. Five weeks after the seventh of January, she took sick leave because of psychological problems and went into treatment. She had to take strong medication. A female colleague had seen her crying every day. She stayed away from work for over two months.

Similarly, the man with the video camera went on sick leave for two months. That

same afternoon straight after the inspection of the crime scene. He was suffering from an allergy.

Lutz Becker's explanation for Beate H.'s illness shocked me. "She probably heard Oury Jalloh's screams over the intercom," he believes. "You wouldn't forget something like that," he says. "That sticks in your mind. Forever."

Why didn't she go down herself, I ask. "Maybe she wanted to," he says, "but maybe someone stopped her. The question has to be asked."

In March 2005, what was called an 'objective' account of the events of the seventh of January appeared as an 'internal memo' of the police station. It was drawn up by a supervisor from the police station. He had edited and recompiled all statements. In his statement as a witness in the trial he says that he wanted all his officers to have the same level of knowledge.

Original sound: Marco Steckel:

When all this started, I said to myself: keep a cool head. It wasn't always easy.

Narrator:

Marco Steckel heads the counselling centre for victims of right-wing violence in Dessau, Wittenberg, and Anhalt-Bitterfeld. Together with his team he observed, took notes and posted reports on the internet for each of the days of the trial at Dessau Regional Court.

Marco Steckel:

I would never have believed how such an apparatus functions. Esprit de corps, hushing up, smokescreens, distractions, soothing words, downplaying, intimidation. This was happening all the time parallel to everything else, and I could never have imagined that an apparatus works like that.

Atmo: Regional Court:

Door opening.

Original sound: Mouctar Bah

Yes, I was here every day, every day of the trial I was here, even though I didn't believe in the court, but I was here nevertheless. I wanted to hear it, I always wanted to hear Oury's name, every day.

Narrator:

Like the police, the public prosecutor assumed that the young African had killed himself. The trial attracted a lot of attention. Journalists and human rights activists from several countries came to Dessau.

Original sound: Marco Steckel:

Right from the beginning I always had the feeling that there was a lot of stonewalling going on, and that they didn't like informing the public – only under pressure, so to speak.

Narrator:

No police witness could remember exactly what had happened on the seventh of January 2005. The original interrogation records were read out, but their memories didn't return. Their attempts to explain ranged from "it was written down wrongly" to "I was misunderstood" to "I didn't countercheck that."

Not until five weeks after the event did the police leadership admit that Oury Jalloh had been shackled and restrained.

Original sound: Marco Steckel:

Lots of things came to light piecemeal. And the more that came out – for example that a cigarette lighter played a role, that he had been restrained. Then that he was supposed to have set light to himself. Then the records of conversations showed up suggesting a racist attitude on the part of police officers. It makes you think you've

come to the wrong event. The wrong movie.

Music

Narrator:

I finally reach the presiding judge, Manfred Steinhoff, on the phone; he had been out of town. He says the written ruling states what happened. The oral justification ... was ... well, a product of the situation. Expressed in exaggerated terms. He wasn't allowed to say any more. The Minister of Justice didn't allow him to speak to the media. But by calling the Justice Ministry in Magdeburg I find out that there are no objections to his giving an interview. A woman press officer tells me that it was a self-imposed silence on the part of the Dessau people themselves. She refers me to the Dessau Regional Court. A little later Frank Straube, spokesman of the Dessau Regional Court, wrote to me saying that the judge would not grant me an interview because, quote: "Issuing information to the press is the responsibility of the Magdeburg Regional Court's press officer."

I look through the written verdict for the place where it mentions where the fire is supposed to have started. Or could have started. Experts tried to reconstruct the fire. But not one of the tests was successful. They first had to cut open the cover on the mattress – it had double seams – take out the foam core, and only then was it possible to set fire to the mattress. From this the judge concluded that Oury Jalloh had burned the seam of the imitation leather cover on the mattress with the lighter to get inside the cover. He had then pulled out the contents and set light to them. Or else he had discovered a damaged spot on the mattress, applied the flame to it, and in this way set fire to the foam through the imitation leather cover.

Original sound: Gabriele Heinecke:

If a judge tells me he believes that he did it in this way, then one would have to ask for the facts. The issue in court or in reaching a verdict is not to decorate a fantasy in such a way that you can get some idea of how it might have been. You need facts to back it up. Where the facts are missing, it's a fantasy and not appropriate as the justification of a verdict. Not even one of not guilty.

Narrator:

As far as lawyer Gabriele Heinecke is concerned, this attempt at an explanation is untenable.

Original sound: Gabriele Heinecke:

When you now look at the Regional Court's verdict and the justification it contains, you almost have to say that it could have been the continuation of an attempt to sweep something under the carpet.

Narrator:

Oury Jalloh's friends have a terrible suspicion. They believe that fire accelerant was used.

Original sound: Mouctar Bah:

You only need to look at this mattress that Oury Jalloh was lying on – how badly this mattress was burned.

Narrator:

No accelerant was found on the body or in the fire debris. However, the results are not certain. Nor can they be, bearing in mind this fire scenario with this amount of heat. So doubts remain.

Music

Narrator:

If Oury Jalloh was in a drunken stupor, was he capable of holding the lighter in one position for such a long time without burning his hand? Lutz Becker believes this question is important. The Federal Supreme Court judge also asked this question on the seventh of January 2010. A person who hurts himself will spontaneously throw the lighter away. It just happens, it's a reflex.

Apart from which, doesn't a flame always burn upwards? How can he set fire to a mattress if he is lying on it? Shackled. Is that even possible? Has anyone thought about it, asks Lutz Becker. It was a small plastic lighter, not a high-performance burner.

I ask him whether they had ever discussed this among colleagues. Well, yes, he ventures. But the conversation always stopped at that moment. Because – Lutz Becker is convinced – everyone thinks the same thing.

What, I ask.

They think that someone poured lighter fluid on it. That would be the end of the line. Then the focus of attention would have to be on a lot more people than just the group leader, he believes. He says, I quote: "Just imagine it came out now that person X helped things along a little, and that we could have known that years ago. Then the question would have to be asked, who messed up and why wasn't it checked. Then someone would have a lot of explaining to do. The damage would be immense, also internally; the entire hierarchy would begin to totter. That would be a disaster, certainly for Dessau."

Were the judges put under pressure?

There are photos of Oury Jalloh. On a bench in the town park, in front of the main station ... He looks sad. But as a person he was full of the joys of life. "Friendly, outgoing," his lawyer told me on the phone. He had once represented him in a drugs case. Nothing big, he says. The trial had been ongoing. He didn't have any previous convictions.

Mouctar Bah has risked a lot for his dead friend. Anonymous complaints to the police, slander, punches in the face, his whole economic existence. Yet he has never given up. In December 2009 the International League for Human Rights awarded him the Carl von Ossietzky Medal.

Three weeks later, on the seventh of January 2010, the Federal Court of Appeal overturned the Dessau verdict of 2008. Mouctar Bah fights on.

Narrator:

Oury Jalloh's mother had come to Dessau for the trial in the spring of 2007. Her travelling expenses were paid by a businessman from Georgsmarienhütte near Osnabrück. The father couldn't come. He is ill.

Atmo court/

Original sound: Mouctar Bah: Hm. And that's where his mum always sat. Oury Jalloh's mum. When she collapsed. And she always sat down out here and wept. She no longer wanted to be in the courtroom. So then I stayed with her. It was always full. And there were always the police, and the eye contact, sometimes I was the only black person in that courtroom. The others were the policemen and it was a bit of a disaster for me. You have to be really stable to endure all that, you know.

Atmo: Door closes/police station

Atmo/Original sound: Police station/detention wing

Author: And since Oury Jalloh died here, this block ... (door slams)

Policeman: It's no longer used, that's right. Because various procedural issues are still open, or at least are to be re-checked, and that's why this section is not being used for the time being.

Author: Until the end of the trial?

Policeman: Until the end of the trial.

Music

Closing announcement:

"Burned Alive in Police Cell Number Five" The death of asylum seeker Oury Jalloh in Dessau.

A radio documentary by Margot Overath.

Editor: Ulf Köhler

You heard the voices of: Bärbel Röhl and Matthias Ponnier

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