

(A copy will be sent to ICERD and ECRI)

Munich,

17<sup>th</sup> May 2012

## **Statement**

### **On the approval of appeal procedures of May 8<sup>th</sup> 2012: „Racial Profiling“ (Ref. 5 K 1026/11.KO, Administrative Court of Koblenz) by The Higher Administrative Court of Rheinland- Pfalz**

*The Pan-Africanism working group, welcomes the decision of the 7<sup>th</sup>. Senate of The Higher Administrative Court of Rheinland-Pfalz of May 8<sup>th</sup> 2012 and calls for the abolition of „Racial Profiling“.*

According to the press release of May 15<sup>th</sup> 2012 by the chambers of Sven Adam, the 7<sup>th</sup>. Senate of The Higher Administrative Court of Rheinland-Pfalz has approved its request for appeal proceedings. Consequently, the racist verdict of February 28<sup>th</sup> 2012 made by the Administrative Court of Koblenz would be repealed.

Incident: The plaintiff was controlled on the train of the Deutsche Bahn by federal police under the act of stop and search „without any given suspicion“ and had to identify himself.

This is a targeted control of people based on their skin colour and their appearance.

The plaintiff was the only person who was controlled on the train. As a result, the plaintiff instituted legal proceedings against this racist and illegal police control.

Instead of exercising neutral adjudication, the Administrative Court of Koblenz has declared skin colour as control criterion and as legitimate practice.

Thus the practice of Racial Profiling in the Federal Republic of Germany, which has been so far consistently disclaimed, and the right-wing ideologies which are still present in many minds, have now been judicially and officially confirmed. This legitimises the further erection of inhuman ideologies, discriminating and racist control procedures!

According to Ms. Joée Bakakoutela of the Pan-Africanism working group “There is no doubt that organised crime exists, however neither is every person who does not conform to a certain fictitious ideal always involved in it nor does one's appearance justify arbitrary controls by the police“

She emphasised further, that an internal policy as regards security whose

major task is the restriction and disregard of the right to freedom for people with a different skin colour based on regressive anthropological methods of differentiation is unacceptable and erroneous.

The practice of "Racial Profiling", does not only contradict the above mentioned AGG but the UN-Conventions of ICERD- The International Convention on the Elimination of All Forms of Racial Discrimination to which the Federal Republic of Germany is a signatory and therefore committed, pursuant to Art. 2, to eliminating any racist acts, racist laws and the dissemination of racist ideology by government and private sources by all available to it as a state.

The UN decision commits all contractory states to provide the UN-convention committee with measures implemented against racism biannually.

The Pan-Africanism working group demands that the Federal Republic of Germany as a UN signatory state fulfils its obligations towards the UN committee.

We demand the annulment of the verdict (5 K 1026/11.KO) of the Administrative Court of Koblenz and the abolition of "Racial Profiling".

Furthermore, we demand:

- Non-discriminating handling in all areas of society, in particular in the police.
- Measures for police officers and for all employees of the civil service, municipal authorities and administrative bodies such as trainings, sensitisation on diversity, preventive measures against exclusion, discrimination and conflict resolution.

Pan-Africanism working group Munich e.V.