



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: ARDS/IIEM/AM/KK/ip

3 August 2023

Subject: Mouhamed Lamine Dramé

Excellency,

We have the honour to address you in our capacity as the United Nations International Independent Expert Mechanism mandated to advance racial justice and equality in the context of law enforcement, established pursuant to operative paragraph 10 of Human Rights Council resolution 47/21.

We write in the spirit of dialogue, to initiate contact with your Excellency's Government regarding the case of Mouhamed Lamine Dramé.

According to available information, on 8 August 2022, Mouhamed Lamine Dramé, a 16-year-old Senegalese refugee teenager experiencing a mental health crisis, was killed by police in Dortmund, Germany.

Mouhamed was born and raised in Ndiaffate, Senegal and spoke Wolof and French. He left his home country and passed through Mali, Mauritania, Spain, and France before arriving in Germany at the age of 16. He was placed in a foster home in Dortmund, Germany, where the staff did not speak his native languages. Mouhamed needed urgent professional mental health support at his young age, mainly due to the traumatic experiences he encountered during his journey as an asylum seeker.

On 6 August 2022, Mouhamed experienced a depressive episode and left the foster home. He later sought help at a nearby police station, indicating a suicidal crisis. Mouhamed was briefly admitted to a psychiatric hospital (LWL) but was apparently released the following day having not received adequate medical or psychological support.

On 8 August 2022, the day after his release from the psychiatric hospital, Mouhamed was found in the inner courtyard of the foster home holding a kitchen knife to his abdomen. The leading social worker of the foster home called the police to report the suicidal crisis, as this was the alleged standard procedure when handling such situations.

Police arrived 7 minutes after the emergency call, with a total of 12 officers present: 4 of them in plainclothes. The officers then surrounded Mouhamed from various angles, including inside the courtyard and behind a metal fence. Police officers tried to communicate with Mouhamed in German and Spanish, even though, they had been informed during the emergency call that he only spoke Wolof and French.

Thereafter, without reasonable warning, the leading police officer instructed the use pepper spray on Mouhamed, spraying his face with a full canister of expired pepper spray within a short period. Mouhamed stood up and turned towards the police officer while still holding the knife. In response, two officers deployed tasers against him. Instantly after, an officer opened fire against Mouhamed with a submachine gun, shooting six times. Four bullets hit Mohammed in his face, arm, shoulder, and stomach.

After the shooting, police officers handcuffed Mouhamed without providing him immediate first aid. The handcuffs were only removed when the paramedics arrived. Mouhamed died in a nearby hospital shortly after the incident.

While fighting for his life in hospital, Mouhamed was charged with attacking a police officer. It is reported that the police officers did not have their bodycams switched on during the incident because bodycams were not generally used in the presence of persons in suicidal crises.

Reportedly, five police officers involved in the incident were indicted. The officer who opened fire was charged with “manslaughter”, while the superior officer was charged with “incitement to dangerous bodily harm”. The other three officers were charged with “dangerous bodily harm”¹.

We would like to express utmost concern, and stress that in this case, the use of force and less lethal weapons against an unarmed minor and appears to have violated international norms protecting the right to life and prohibiting torture or other cruel, inhuman or degrading treatment or punishment. These actions also violate the standards regulating the use of force by law enforcement officials, such as the United Nations Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-lethal Weapons in Law Enforcement.

These standards require that force should be used as a last resort, only when strictly necessary, and that officers must apply only the minimum amount of force necessary to obtain a lawful objective. They also provide that all use of force and harm expected must be proportionate to the threat posed and conducted to avoid unwarranted pain or injury.

We take this opportunity to recall that Germany is bound by several international human rights law provisions, notably those contained in the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Human Rights Committee and the Committee on the Elimination of All Forms of Racial Discrimination -which monitor the implementation of these treaties- have made recommendations regarding the rights to life and the use of force by law enforcement officials against people of African descent and related obligations of investigations and prosecutions. The Human Rights Committee has clarified that States parties are expected to take all necessary measures to prevent arbitrary deprivation of life by their law enforcement officials as well as, to take special measures of protection for persons in vulnerable situations-including children- especially unaccompanied migrant children². Further, the Committee on the Rights of the Child has made recommendations on

¹ [5 German police officers charged over Senegal teen's death | The Star](#)

[Criminal charges against five police officers of the police station Nord in Dortmund! – #justice4mouhamed](#)

² General comment No. 36 on Article 6: right to life (CCPR/C/GC/36), paras 13, 23, 60 and 61.



non-discrimination including based on race and the availability of primary healthcare with special attention given to mental health.³

Considering these international human rights obligations, and in order to make further findings and recommendations regarding concrete steps to ensure racial justice and equality for Africans and people of African descent in the context of law enforcement, we would be grateful if the Government of Germany could provide us with further information on Mouhamed's case.

While we acknowledge steps being taken to address the matter, we would welcome the following information:

- Details and circumstances of the incident concerning Mouhamed Lamine Dramé.
- Details of all ongoing investigations and related proceedings, whether internal, independent, administrative or criminal, including on the use of force, and the authorities in charge of the investigations; information on whether such investigations comply with international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016); and information on results achieved in terms of accountability, including disciplinary or prosecutorial action, of any person responsible, including superior officers, as well as with regard to victims' right to effective remedies, including compensation.
- Detailed reports on the use of force by the various law enforcement agencies and officers involved, including at least: the number of law enforcement officers deployed and involved; law enforcement agencies and groups involved; type and manner of force used; type and amount of weapons used, including lethal and less lethal weapons and type and amount of ammunition; type and amount of protective equipment that was available to law enforcement officers; measures taken to avoid the use of force and de-escalate the situation; other measures taken to reduce the risk of injury and death.
- Local legislation and/or manuals or protocols regulating the use of force by the Dortmund police, including the type of lethal and less lethal weapons and protective equipment authorized, as well as protocols for the use of less lethal weapons available.
- Information in law, policy, and practice, on the management of mental health crises and related protocols, including the respective roles if any, of mental health evaluation teams and law enforcement officials in such situations.
- Measures being taken to ensure racial justice and equality for Africans and people of African descent in Germany, and measures of non-recurrence being taken.
- Other information deemed necessary for the purposes of the mandate.

³ General comment No. 4 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child (CRC/GC/2003/4), paras 2, 37 (a)



Given the seriousness of the matter, we would appreciate a response to these points at your earliest convenience and no later than 60 days after receipt of this letter. Please note that we may decide to make our views and concerns public in the coming days, and that such public statement will reflect that we have raised our concerns with your Excellency's Government. Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

Dr. Tracie Keesee

Prof. Juan Méndez

Members of the International Independent Expert Mechanism to Advance Racial Justice and
Equality in the Context of Law Enforcement