



Oury Jalloh, a Sierra-Leonean asylum seeker was shackled with hands and feet to a mattress of low inflammability in a Police detention cell and burnt...

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Berlin, 27th of October 2015

Press information

opinions of an international team of experts in the legal case of Oury Jalloh, presented within the scope of a press conference on October 27th 2015

Hypothesis of the public prosecution that Oury Jalloh led the fire to himself is finally disproved

International team of experts assesses third party involvement with the ignition of the fire in detention cell no. 5 as more likely

In April 2014 the Initiative in Remembrance of Oury Jalloh has assigned an international team of forensic fire experts, toxicology and forensic pathology as to establish further conclusive evidence on the fatal course of fire that killed Oury Jalloh.

Today, October 27th 2015 we are proudly presenting to you the results of these experts Mr. Ian Peck, Mrs. Emma Jane Williams, Mr. Michael Scott-Ham and Mr. Alfredo Walker.

Iain Peck

**„Scientific Evidence in the fatal fire of Mr. Oury Jalloh“
London, 15th of June 2015**

Michael Scott – Ham

**“Forensic Toxicology Report concerning the death of Oury Jalloh“
London, 18 of June 2015**

Dr Alfredo E Walker

**„Report of Medicolegal Opinion on the Death of Oury Jalloh“
Ottawa, 23rd of October 2015**

The experts listed above established intensive reviews of the investigation reports and experts opinions on the course of the death of Oury Jalloh available so far which is still unsolved. The expert's opinions at hand are based on the content of various medical reports and fire tests, testimonies, court files as well as videos and photographs which are all part of the court's records of the trial against the supervising police officer in charge Mr. Andreas Schubert for negligent homicide and of the investigative procedure into the suspicion of a third party involvement against unknown perpetrators (§ 211 Criminal Law) respectively.

General Tenor of Opinion:

“Given the information made available to me it is my view, that it is more likely that a third party ignited the fire. Whether that was by the destruction and ignition of the mattress directly in multiple areas or with the addition of an ignitable liquid.”¹

Mr. Ian Peck (Forensic Fire Investigator)

As follows you may find the summary of the opinions most important conclusions and statements:

1. The Lighter ..	2
2. Emergence of Fire and “Flash Fire”	3
3. Possible Use of Combustive	4
4. Review of foregone Fire and Ability of Movement Tests	5
5. Criticism to the Investigatory Management	
including Missing Reports on alleged Evidence	6

1. The Lighter

„Assuming the lighter had been present throughout the fire the in my fiew for a large amount of the plastic body to survive the lighter must have been afforded some protection from the fire by Mr Jalloh`s body. Considering the patterns of burning to the body this would mean that the lighter was under the right side of the body. When plastics are heated they melt and soften. In the case of the plastic lighter body when affected by heat, it is my experience that it would have become adhered to the item(s) it was in contact with.“²

„If the lighter had been in the cell then I would have expected some DNA to have survived on it given the degree of protection apparently afforded to it from Mr Jalloh`s body.“³

„The lighter found in exhibit 1.1 may have been present in the cell however the evidence from Officer Schubert that Mr Jalloh was correctly searched prior to being placed in detention cell 5, that the lighter was not seen at the time of evidence collection when other smaller itmes were, that there was no DNA from Mr Jalloh associated with the lighter and the lighter was relatively undamaged indicated that it was more likely that this lighter had not been in the cell at the time of the incident.“⁴

¹ Peck, Iain, „Scientific Evidence in the fatal fire of Mr. Oury Jalloh“, London, 15.06.2015, p.16, point 64.

² Peck, p.7, point 20.

³ Peck, p.8, point 22.

⁴ Peck, p.16, point 58.

2. Cause of fire and „flash fire“

„The timings information available indicates that the fire was not initiated by a smouldering ignition source such as a lit cigarette. The burning time between when the smoke detector activated (12:05 pm – according to Officer Höpfner) and when Herr Schubert entered cell 5 appears to be short – a matter of minutes. It takes at least 20 minutes for a smouldering fire to undergo a transition between a smouldering fire and a flaming fire and normally there has to be a change in the condition in the room such as increased inhalation. [...]

Therefor the maximum time the fire was burning for was around 30 minutes. If the fire had smouldered for the entirety of its duration then I would expect to see a localised area of burning not the widespread damage seen across the mattress.“⁵

„Taking into account the patterns of burning, the items present in the detention cell at the time of the fire and the available timings information the only plausible and reasonable conclusion regarding the cause of the fire was that it was started by a flame.“⁶

„In my opinion, the fire at Dessau police station in detention cell 5 at 12:05pm on the 7th of January 2005 started on or around the mattress and was a result of a flame ignition.“⁷

„The absence of COHb and cyanide in the serum sample analysed by Professor Kleiber is likely to be the most relevant evidential result for the case, since the sample had been taken on the day of death. This result is entirely consistent with the negative result for COHb and shows that Oury Jalloh had not ingested a significant amount of smoke/fire fumes before he died.“⁸

„However, if Oury Jalloh had been exposed to smoke/fire fumes for more than a few minutes in a confined space, such a cell, I would have expected carboxyhaemoglobin to have been detected, perhaps on a significant level but depending on time of exposure.“⁹

„No carbon monoxide (carboxyhemoglobin - COHb) or cyanide (CN) was detected on the toxicological analyses of the blood sample taken at the first post mortem examination.“¹⁰

„Flash fires can be associated with low COHb levels.“¹¹

„The detection of low concentrations of COHb and cyanide in the serosanguinous fluid squeezed from the liver at the second post mortem examination some month after the initial examination cannot be interpreted as toxicologically valid results due to the nature of the specimen. [...]

In this regard, I agree that the only useful evidential results were obtained from analysis of the post mortem sample taken on the day of the autopsy.“¹²

„The pathological features of the burn injuries cannot definitively assist in the determination as to whether or not an accelerant was used but the severity of the burns for the apparent short duration of burning, when coupled with the non – detection of COHb and CN, points towards a flash fire type of scenario and therefore invokes the possibility that an accelerant was used.“¹³

⁵ Peck, p.12, point 40.

⁶ Peck, p.12f., point 42.

⁷ Peck, p.15, point 5.

⁸ Scott – Ham, Michael, „Forensic Toxicology Report concerning the death of Oury Jalloh“ London, 18.06.2015, p.12.

⁹ Scott – Ham, p.10.

¹⁰ Walker, Alfredo, „Report of Medicolegal Opinion on the Death of Oury Jalloh“, Ottawa, 23rd of October 2015, p.20, point.

¹¹ Walker, p.25, point 25.

¹² Walker, p.20, point 9.

¹³ Walker, p.27, point 35.

3. Use of accelerants

„The investigation group of LKA (Landeskriminalamt) took 9 samples from the detention cell on the 7th of January 2005. [...] Items 1.1 and 1.2 were analysed but no ignitable liquids residues were found. The other exhibits were not analysed for ignitable liquids at this time.“¹⁴

„The analysis undertaken on exhibits 1.1 and 1.2 in 2005 to determine if an ignitable liquid had been used to assist the development of the fire was negative however that does not necessarily mean that one was not used as any residues could have been consumed by the fire.“¹⁵

„To a greater or lesser extent all flammable liquids are volatile and the residues of such liquids can be lost through evaporation. Whether such liquids are subsequently detected during laboratory analysis will depend upon a number of factors including the quantity originally present, the nature of the ignitable liquid, the time delay before packaging and the effectiveness of the recovery method. Therefore, given the numerous analysis and opening of the packaging over last 9 years I would not expect any such ignitable residues to remain. Therefore no conclusions regarding whether or not a ignitable liquid could have been used to assist the development of the fire in detention cell 5 can be drawn from this analysis.“¹⁶

„Three post mortems have been conducted on Mr Oury Jalloh's body. The first was by Dr Kleiber at the Institute for Pathology at the Martin Luther University in Halle – Wittenberg on the 7th of January 2005. There were no details in Dr Kleiber's report which indicated that any analyses was carried out on the lung for the detection of ignitable liquids.

The second post mortem was carried out by Dr Bratzke in Frankfurt am Main on 31st of March 2005. Mr Jalloh had been frozen as had his organs which were presented in green plastic bags. A headspace analysis of the lungs and brain were carried out but no 'fire accelerants' were found.

The third post mortem was carried out by Dr Kauert of the institute for forensic toxicology.

Ignitable liquid analysis of lung tissue did not detect an 'fire accelerants or fire starting substances'.

In my opinion no interpretation can be made from the ignitable liquid analyses carried out in 2nd and 3rd autopsies as it appears that the lungs were not kept in packaging suitable for retaining ignitable liquids as they were presented to Dr Bratzke in green plastic bags. As such any such residues which may have been present could have evaporated from the lung tissue prior to the 2nd post mortem.“¹⁷

„Although no ignitable liquids have been found an absence of evidence is not evidence of absence. As such, in my view, there are a number of plausible explanations for the absence of ignitable liquids residues on the items analysed after the incident and therefore in my opinion it is entirely possible that an ignitable liquid could be used to assist the development of the fire in detention cell 5 on the 7th of January 2005.“¹⁸

„The available information indicates that Oury Jalloh was alive when fire started and succumbed to the effects of fire. The extent of the burns to the body is not outside what would be expected in fire death without accelerants but in such scenario, it would be more commonly encountered in building/residential fires.“¹⁹

¹⁴ Peck, p.6, point 17.

¹⁵ Peck, p.13, point 43.

¹⁶ Peck, p.8f., point 27.

¹⁷ Peck, p.13, points 44f..

¹⁸ Peck, p.16, point 63.

¹⁹ Walker, p.27, point 34.

4. Analyses of the conducted fire investigation and ability of movement tests

„The opinion given by Dr Ryll regarding the flammability of the mattress seems at odds with the fire tests carried out by the Fire Brigade Institute 2008 and his own ignitability tests.“²⁰

„Fire Inspector Steinbach did not use any ignitable liquids in his tests. The fire tests without using ignitable liquids carried out by Mr Smirnou and Fire Inspector Steinbach`s fire tests did not replicate the extent of the damage which resulted from the fire in detention cell 5 on the 7th of January 2005.“²¹

„Taking into account all the variables attributed to the fire tests carried out by Mr Smirnou it would however appear that the test using 2 litres of petrol most closely matched the damage in cell 5 on the 7th of January 2005.“²²

„The platform dimensions were approximately 203 cm (length) by 90 (width) by 8th (height). The mattress on the platform had the dimensions 200 cm (length) by 100 cm (width) by 9.4 cm (height) so the mattress would have been overhanging the side of the platform.“²³

„As the mattress did not have any tears or rips in it then the assumption made by Fire Inspector Steinbach was that the foam had been exposed by the mattress cover seam being unpicked. As the fire started by the side of the mattress against the wall one presumes that the hypothesis would follow that this was the seam that was unpicked by Mr Jalloh. Given that Mr Jalloh`s right hand was shackled and raised above the mattress it is difficult to know how much mobility he would have had to unpick the mattress seam. There were protected areas around the wrists of Mr Jalloh which indicated that the cuffs had been tightly applied, thus potentially restricting his hand movement.“²⁴

„Fire Inspector Steinbach indicated that the mattress could be ignited and continued to burn if the foam was exposed with an opening greater than 6-8 cm². Fire Inspector Steinbach was of the opinion that the mattress could only be ignited if there were foam surfaces because of the behaviour of the cover in a fire. Fire Inspector Steinbach also ignited clothing on the mattress however this did not ignite the mattress. Therefore the experiments performed by Fire Inspector Steinbach indicated that if the mattress was intact, without any exposed foam, a fire resulting from the ignition of clothing would not destroy the mattress and cause the fire damage seen in detention cell 5. Additionally for the fire to start and then spread across the mattress there must be areas of exposed foam. Therefore considering a fire started by Mr Jalloh with a flame, he would first have to make a hole in the mattress cover in excess of 6-8 cm² and then apply a flame to it and then proceed to further rip the mattress to expose more foam to allow the fire to spread.

It would be unlikely that Mr Jalloh would be able to cause this much damage to the mattress considering his hands were shackled and a guard was checking on him every 30 minutes. There was no mention of his guards noticing the mattress being damaged by Mr Jalloh.“²⁵

²⁰ Peck, p.9, point 30.

²¹ Peck, p.16, point 59.

²² Peck, p.16, point 61.

²³ Peck, p.6, point 15.

²⁴ Peck, p.14, point 49.

²⁵ Peck, p.14, point 50.

5. Critics on investigation in case of Oury Jalloh and absence of image documentation

„There were no images, made available to me, of the cell and mattress after Mr Jalloh`s body had been removed or of the cell after the examination of the fire had taken place. Additionally there was no documented record made available to me, that detailed the fire investigation carried out in cell 5.“²⁶

„I understand that a forensic examination of detention cell 5 was not undertaken. No documentation or photographs were made available to me that detailed a logical and thorough examination of the area of burning whilst Mr Jalloh was in situ or after he had been removed from the cell.“²⁷

„If there had been a detailed examination of the scene then I would have expected, given the size of the object and the remaining red plastic, the lighter to have been identified when exhibited 1.1 was taken. Added to that it seems unlikely that smaller items such as a button, metal rivets and zipper comprising exhibit 1.5 would be identified at the time of seizure, but the lighter missed.“²⁸

„No images of the back of the body or of the mattress after the body had been removed from the mattress were provided for review.“²⁹

„I was initially provided with 29 colour images of body in PDF format which had been taken at the first post mortem examination. These images mostly depicted the external aspects of the body in various views (inclusive the back of the body) with the only internal images being of the oropharynx/laryngeal inlet and opened esophagus. **There were no images of the opened larynx, trachea or tracheobronchial tree.** The opened esophagus exhibited a few flecks of black material only.“³⁰

„Subsequent to the above, I was provided with a set of 16 coloured images of the post mortem examination (jpeg format) in 2015 revealed the following : [...]

- 4) The laryngeal inlet (beginning of the voice box) exhibited soot. The voice box is connected with the trachea (windpipe) but there were no images of the opened trachea to confirm soot within its lumen as described at point 41 of in the report on the first post mortem examination.
- 5) There were no images of the opened trachea and bronchial tree.“³¹

„Soot was also present at the laryngeal inlet but there were no images of the opened windpipe (larynx and trachea) to confirm the presence of luminal soot as described at poin 41 of the original post mortem examination report. The described reddening of the mucous membrane could not be confirmed. Also, there was no image of the opened main bronchi of the lungs to confirm the description of „heavy reddening of the mucous membrane and phlegm of soot“.

²⁶ Peck, p.4, point 10.

²⁷ Peck, p.6, point 16.

²⁸ Peck, p.7, point 18.

²⁹ Walker, p.21, point 10.

³⁰ Walker, p.11.

³¹ Walker, p.11f..

As such, I cannot confirm the gross finding that inhalation of soot into respiratory system had occurred. The finding of soot throughout the respiratory tree would be conclusive evidence that Oury Jalloh had been alive and breathing at the start of the fire.

It is standard forensic pathology practice internationally to photographically document all positive macroscopic finding, especially in the context of the death, would have been so documented. I am unaware if no such photograph was taken or it had been taken and just not disclosed for review.³²

„The histology sections were also not available for review to determine whether or not soot had been inhaled. I was informed that difficulties were encountered by the Initiative for the Remembrance of Oury Jalloh, e.V., Germany, in obtaining these slides which had been requested for review.“³³

„Soot was also present at the laryngeal inlet but there were no images of the opened windpipe to confirm the presence of soot within it is described at point 41 of the original post mortem examination report. As such, I cannot confirm that inhalation of soot into the respiratory system had occurred.“³⁴

We hereby present detailed experts opinions disproving the hypothesis of the public prosecutors office Oury Jalloh has caused the emerge of the fire himself.

Oury Jalloh – That was Murder!

Initiative in Remembrance of Oury Jalloh, e.V.

³² Walker, p.22, point 14.

³³ Walker, p.23, point 15.

³⁴ Walker, p.20, point 9.