



PROMETHEUS
FORENSIC SERVICES

Scientific Evidence
in
the fatal fire of Mr Oury Jalloh

Ms Nadine Saeed

Initiative in Gedenken an Oury Jalloh e.V.
Colbestr. 19
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18th November 2021

Mr Iain Peck

Bachelor of Science in Biological Sciences and a Master of Science in Forensic Science. Practising forensic scientist since April 1998, specialising in the investigation of fires and related incidents since January 2000. Received training in the area of Fire Investigation and undergone competency assessment against defined standards for reporting in this area. Formerly a Senior Scientist in the Fire Investigation Unit at the London Laboratory of the Forensic Science Service. Currently a Fire Investigator and Director at Prometheus Forensic Services. Investigated over 500 fire scenes and carried out laboratory examinations on items from many more fire-related cases. Holds Sweet and Maxwell Checked Expert Witness Status 2012, part of the National Crime Agency (NCA) Expert Advisor

Signature

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Database and was an assessor for the Council for the Registration of Forensic Practitioners (CRFP) until its demise in 2009. Technical advisor (Fire Investigation) for the United Kingdom Accreditation Service (UKAS). A Member of the Chartered Society of Forensic Sciences, UK Association of Fire Investigators and the International Association of Arson Investigators. Prometheus Forensic Services holds Home Office subcontractor approval for Fire Scene Investigation.

Declaration

I declare that:

1. I understand that my duty is to help the court to achieve the overriding objective by giving independent assistance by way of objective, unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. I understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with and will continue to comply with that duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way independent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.
4. I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issues on which I have given evidence.
5. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affect my answers to points 3 and 4 above.

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6. I have shown the sources of all information I have used.
7. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
8. I have endeavoured to include in my report those matters of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
9. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others including my instructing lawyers.
10. I will notify those instructing me immediately and confirm in writing if for any reason my existing report requires correction or qualification.
11. I understand that:
 - a. My report will form the evidence to be given under oath or affirmation;
 - b. The court may at any stage direct a discussion to take place between experts;
 - c. The court may direct that, following a discussion between the experts, a statement should be prepared showing those issues which are agreed and those issues which are not agreed, together with the reasons;
 - d. I may be required to attend court to be cross-examined on my report by a cross-examiner assisted by an expert.

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- e. I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
12. I have read Part 19 of the Criminal Procedure Rules and I have complied with its requirements.
13. I confirm that I have acted in accordance with the Code of Practice for Experts.

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Introduction

On the 7th of January 2005 Mr Oury Jalloh had been brought to Dessau Police Station after allegedly resisting arrest and causing criminal damage. He was placed in detention cell Number 5 and restrained as officers were apparently concerned about Mr Jalloh being under the influence of drugs and alcohol.

At approximately 12:05pm on the 7th January 2005 there was a fire in detention cell Number 5 at Dessau Police Station, Wolfgangstrasse 25, Dessau. Mr Oury Jalloh was present in the detention cell at the time of the fire and was found deceased.

Earlier this year I was contacted by the Initiative in Remembrance of Oury Jalloh, e.V., based in Germany and asked if I could assist them with a film project to recreate the burning damage seen in cell 5. This resulted in my attendance at a location in Frankfurt, Germany on the 17th/18th September and 1st/2nd October 2021 as the scientific advisor for the project. In order to recreate the conditions within cell 5 the available information was revisited.

The detention cell comprised of tiled walls and a tiled floor. A report by Dr. Portz indicated that the dimensions of the room were approximately 450 centimetres (cm) (length) by 240 cm (width) by 255 cm (height). An entrance door gave access to the cell; its dimensions were 209 cm (height) by 94 cm (width). There was a window in the cell which remained closed during the incident; its dimensions were 108 cm (height) by 90 cm (width) by 30 cm (depth). The platform was positioned against the left wall approximately 154 cm from the front wall. The platform dimensions were approximately 203 cm (length) by 90 cm (width) by 8 cm (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. There were no electrical sockets in the detention cell.

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Photographs (VTS_01_1.VOB.Standbild001-001-003 & 005) taken after the fire showed that Mr Jalloh had been lying on his back on a mattress that was slightly raised off the floor. Mr Jalloh was restrained at the wrists and ankles with metal shackles that were fixed to mounting points on the platform beneath the mattress and the wall. His right wrist was shackled to the wall, his left wrist and both ankles were shackled to the platform.

The lowest level of burning within the cell was located on and around the mattress on the left side of the room. Therefore, the patterns of burning indicated that the fire had started and been mainly confined to the mattress, Mr Jalloh's clothing and body. All the combustible items in the area had been burnt to some degree including the plastic shackle guards. The mattress was burnt across its entire surface.

Mr Jalloh was 170 cm tall and had a body mass of 55 kilograms (kg). His body was 100% covered with mostly fourth degree burns and a very isolated (back) area of third-degree burns. The burn damage on the right side of Mr Jalloh's body was more developed than on the left (Bratzke 2nd autopsy) which could indicate that the fire started on the right side. Dr Portz appeared to agree and indicated in his report that the fire started in the middle of the mattress near the cracked tile in the area where the wall and platform meet on the body's right side. There was burn induced amputation of the ends and middle segments of the fingers on the left hand. The autopsy images indicated that there were also circular marks on the left wrist of Mr Jalloh possibly where the shackle had been tightly fastened. Dr. Bohnert's report dated 1st December 2011 indicated that the burn damage on the corpse could be explained with a fire duration of an estimated half an hour.

In the video taken after the fire there was smoke staining evident on the corridor walls leading down onto the level where the detention cells were located. Smoke staining on the door at the end of the corridor off which spurred cell 5 (where Mr Jalloh was held) indicated that it had been open during the fire. The door to cell 5

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had smoke staining across the upper parts of the interior surface of the door and on the hinge side of the door surround. This smoke staining indicated that the door for cell 5 had been open for the majority of the fire's duration. In addition, the smoke staining on the cell door was a similar level to that in the corridor outside. However, the smoke staining inside cell 5 was only at floor level in the vicinity of the mattress.

In order to try and replicate the burning damage within cell 5 an accurate reconstruction of the cell was produced using the same dimensions, contents and materials as officially recorded.

Movement Test

A series of tests were carried out prior to the burning test. A person of a similar size and weight as Oury Jalloh was shackled to the wall and raised platform, by his wrists and ankles, in the reconstructed cell. The person had some limited movement and was able to sit up and put his right hand in his jeans pocket, but he was in pain performing the tasks. He was also able to slowly slide himself over towards the wall but was restricted by the shackled left wrist to the raised platform and the overhanging mattress.

On the 10th January 2005 the remains of a partially burnt red plastic "Tokai" gas lighter was found in exhibit 1.1 taken from beneath the body of Mr Jalloh. The lighter remains were approximately 8 centimetres (cm) in length by 2.5 cm in width. The plastic lighter body was partially melted and still attached to the metal shroud. Assuming that the lighter had been present throughout the fire then in my view 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.

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Considering the movement test and the remains of the lighter it is my view, that it is very unlikely that a lighter could have come to rest underneath the right side of the torso given the very limited movement Mr Jalloh would have been able to undertake when restrained.

Fire Tests

Cell 5 was accurately recreated using the available information regarding the dimensions and materials of the cell and its contents. Therefore, the room for the burning test comprised three tiled walls, a tiled floor, a raised platform and a mattress. As the project was being filmed the fourth wall across one side of the room was glazed.

In order to recreate the body of Mr Jalloh as accurately as possible a plastic skeleton was used as the basis of the mannequin. Then cuts of pig meat and offal were attached to the skeleton and thin sections of pig skin were sown together to cover the infrastructure. The dummy was then clothed in a t-shirt, corduroy trousers, socks and underwear. The dummy was shackled to the raised platform and the wall replicating the position the body of Mr Jalloh was found in.

A number of tests had been previously carried out that showed the burning damage in cell 5 could not be recreated without the addition of an ignitable liquid. Therefore, it was decided that 2.5 litres of petrol would be poured over the dummy. The floor to cell 5 did not show any damage which was consistent with a volatile ignitable liquid having been poured on it and ignited so the liquid petrol was only poured on the dummy and mattress. The petrol vapours were remotely ignited using a spark from an electronic ignitor. The door to the cell was kept open throughout the burning test which lasted for 30 minutes.

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The results of the test undertaken on the 1st/2nd October 2021 showed very similar and comparable amounts of fire damage with the fire that took place in cell Number 5 at Dessau Police Station. There was smoke deposition to similar levels on the tiled walls and there was also a smoke plume from the raised platform up the wall which indicated this area was the lowest level of burning and where the fire had started. This comparison can be seen in the images below:



Image showing fire damage from Detention cell 5, Dessau Police Station

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Image showing fire damage resulting from the burning test on the 1st/2nd October 2021.

There was also a similar level of burning to the mattress where the majority of it had been consumed around the dummy which was also seen in the image taken in cell 5 at Dessau Police Station. Finally, the damage to the body of Mr Jalloh and the dummy were also comparable even though the dummy's outer skin had to be stitched together. These comparisons can be seen in the images below:

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Image from detention cell 5, Dessau Police Station



Image from the burning test conducted on the 1st/2nd October 2021

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In my opinion the results obtained from the burning test on the 1st/2nd October 2021 show a strong resemblance to the images taken of the fire in detention cell 5, Dessau Police Station. In my view the burning test replicated the conditions within cell 5 as closely as possible within the constraints of the experiment. The constraints were that the burning test needed to be filmed and so a glass wall was used rather than a tiled wall, however in my view this was not an important factor in the replication of the conditions. The main variable was the use of a dummy rather than a human body. In my opinion the dummy produced, although not an exact replica of Mr Jalloh's body, was a very close representation in terms of his body shape and height. However, it must be noted that pig skin and human skin are not the same but efforts were made to make the pig skin as thin as possible. The final variable was that within cell 5 there was a ventilation system which sucked in air from outside the building and produced a negative pressure in the cell. I understand there were smoke detectors in the ventilation system which closed the ventilators at the time of the fire so in my view the ventilation system would have produced a negligible effect on the fire in the early stages with no effect on the fire from the point when the ventilation was shut off.

It is my view, taking into account this burning test and the previous tests carried out by other parties, that in order to replicate the damage seen in cell 5 on the 7th of January 2005 then the cell door must have been open for most, if not all, of the fire's duration and a quantity of ignitable liquid must have been used to assist the development of the fire. The amount of ignitable liquid that may have been used is unknown however the burning patterns indicated that the liquid was only poured over the mattress and Oury Jalloh and not the floor around the raised platform. The burning damage comparison between the test and that in cell 5 indicated that the fire must have been burning in cell 5 for at least 30 minutes prior to being extinguished.

Furthermore, after the burning test had been completed, the dummy was turned over and a strong odour of petrol was apparent. If it was the case that an ignitable liquid

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such as petrol was used to start the fire in cell 5 then I would expect residues of the ignitable liquid to remain, be noticeable by anyone examining the scene and to be detected by analysis.

Summary

I understand that the official theses of the Naumburg Prosecutor General's Office concerning the death of Oury Jalloh states that:

1. "An arson by third parties is impossible for the signatories with a probability bordering on certainty, so that the fire can only have been ignited by Oury Jalloh himself." (Audit opinion by OStA Gerhard Wetzel / LOStA Jörg Blank, 17.10.2018, p.43)
2. "In any case, it is almost certain that Oury Jalloh, after his fixation on the mattress, carried a red plastic lighter with him undetected." (p.16)

However, taking the variables and the results of the experiment into account, in my opinion, it is most likely that a quantity of a volatile ignitable liquid, such as petrol, was poured over Mr Jalloh and deliberately ignited on the 7th of January 2005.

These views and opinions are based on the information provided. I am willing to review them if additional material or different circumstances are brought to my attention.

Signed: 

Dated: 18th November 2021

Iain Peck

Signature 