



Human rights in focus

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Belgian police who shot dead two-year-old 'want to justify' tragedy, says lawyer

Solicitor acting for parents of Mawda Shawri raises questions over shifting nature of official response to fatal shooting

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Police in [Belgium](#) who have admitted that one of their officers was responsible for firing the shot that killed a two-year-old Iraqi Kurd girl last week have been accused of mishandling the investigation into her death.

A day after the officer responsible for the shooting appeared before an investigating judge, and with more details about the incident emerging, the solicitor acting for the grieving parents of Mawda Shawri told the Guardian he had grave concerns over how the case was being handled.

Mawda was shot in the face as she sat on her mother's lap in the front seat of a Peugeot boxer van carrying 26 adults and 4 children. The vehicle was being driven by a suspected people smuggler in what prosecutor general Ignacio De la Serna described as "a dangerous high-speed chase over 60 kilometres [37 miles]".

It was revealed on Wednesday that the officer had shot into the van while it was travelling at 90kmph. Guardian sources said the smuggler was delivering his cargo of migrants - who would have paid around £5000 each - to a lorry park in Belgium, where they were to be helped to attempt to board trucks destined for the UK.

Lawyer Olivier Stein said the family faced continued uncertainty and called for the Belgian external police complaints body, Comité P, to re-examine the case, which police initially dismissed as being an accidental death.

"I'm working with the family to make funeral arrangements and to help them with the investigation, which has been poorly handled by the police and investigators," said Stein.

"So far we have been told three different version of events from the prosecutor, each trying to put forward an objective explanation of the facts, none of which explain why Mawda was shot or why the police shot at the van. They seem to want to justify the shooting.





Police officers tried to treat Mawda after she was shot. Photograph: Handout

“I am told that immediately after the shooting some of the officers contacted Comité P, the department responsible for investigating police matters when they go wrong. By then, they had already arrested the occupants of the van. Comité P intervened and reviewed the shooting, stating that there was no case to answer.

“I’m not aware of how many, if any, of the migrants were interviewed, as they had difficulties finding interpreters and so it seems that they simply released everyone - including the driver, as there has been no mention of him. In the past, where there have been incidents involving police, they have detained migrants beyond 48 hours in order for the investigation to be completed.”

Stein said that, as far as he was aware, the van driver had been released by police.

“They seem to be blaming the occupants of the van rather than investigating for themselves. They could have identified the driver of the van by contacting the foreign office when the migrants were in detention, and extending their detention until they had made identification, interviewed everyone and completed the initial investigation - but this was not done.

“At the moment it seems that the investigation is focused on blaming the smuggler-driver for not stopping in order to hide the responsibility of the police. They need to take responsibility for the death of Mawda.”

Earlier this week Mawda’s parents, Shamdine and Ako, who also have a three-year-old son, gave an emotional account of the events. They said the van was chased by four police vehicles - one on either side and two behind - and that the shot came from the police car to the left of the van, the bullet hitting Mawda in the cheek.

Although officers tried to treat the child at the scene, it was some time before she was taken to hospital. The family were not allowed in the ambulance and Ako Shawri said she was not told of her daughter’s death until some hours later, as they sat in police cells.

On Tuesday the couple were shown the post mortem report, confirming Mawda

died as a result of a single gunshot wound. "The officer who opened fire is overcome and disconsolate. He neither wanted nor could have imagined this," said De la Serna.



The mother of Mawda Shawri and her son with a picture of the deceased two-year-old. Photograph: Thierry Roge/AFP/Getty Images

Mawda is the sixth refugee to die trying to cross from the continental coast into the UK since December. The family had already have had asylum applications refused and been deported from several European countries, including Britain and Germany, where Mawda was born.

Migrants like the Shawri family often face danger from the outset, in their homeland - in this case Ranya in Iraqi Kurdistan, a country ravaged by conflict and the tyranny of Islamic State. Having sold their belongings, they travelled by car, bus and truck through Turkey on the "Balkan route".

They were facilitated along the way by people smugglers, who typically show little regard for safety, but collect substantial sums of money via a labyrinth of banking accounts and platforms, or hawala systems.

If they arrive in Europe, they face a complex, politically-driven and asylum system.

In France and Belgium, small mafias of smugglers control the routes to Britain. Refugees congregate in communities near the border, from where channel crossings are made by rail, road or by boat. They sleep in tents on open wasteland

and stay warm with campfires. The smugglers harass them for money, and police regularly destroy their tents and belongings in an effort to make them move on. Support comes from charities and volunteers who provide food, clothing and medical care.

The smugglers plan crossings with military precision, acquiring an assortment of vehicles from cars to vans, into which they cram their valuable cargo.

After dark the smugglers traverse French and Belgium motorways, dodging police patrols and anti-smuggling operations. The police recognise the potential signs of migrants in transit: heavily laden vehicles, erratic driving and foreign or false number plates.

It is a nightly game of cat and mouse. Some migrants are intercepted by police, detained and released, while the driver is charged with people smuggling, briefly jailed and then deported. Others make it onboard trucks, with or without the drivers being complicit; they then face being crushed or exposed to extreme temperatures in freezer lorries, or detection by sniffer dogs and border security.

Smugglers will usually insist young children are drugged to ensure they make no noise.



The Peugeot boxer van in which two-year-old Mawda was shot dead by police

For those who cannot afford the £5,000 a person price tag, the smugglers offer a second class service. For £2,000, migrants are driven to strategic points along the railway, points where the train slows from 186mph to 60mph. Here they are

railway, points where the train slows from 100mph to 60mph. Here they are instructed to jump from bridges on to the roof of the moving train, risking decapitation as the train enters a tunnel. The Guardian has spoken to migrants who have strapped their children to their backs and attempted this dangerous feat, in desperation for a better life for their children.

The value of the migrants to the criminal gangs who control people smuggling is potentially £33.5m at any given time. A recent survey by the Help Refugees organisation reported that the Calais camp contained 5,497 residents, including 651 children, of whom 423 were unaccompanied. An estimated 1,200 people were at a site in Dunkirk's Grande-Synthe. The activities in France form part of the wider estimated \$35bn (£26bn) a year made from global people smuggling.

Mawda's family's have not yet been allowed to hold the little girl's funeral. Charles Michel, the Belgian prime minister, who met the family earlier this week has promised an independent investigation and said Mawda's family may be allowed to remain legally in Belgium.

"There is a possibility for victims of traffickers or smugglers to stay in the country. The family can use this legal instrument," he said.

However there have been calls for "calm" and "restraint" in Belgium after a furious debate in parliament yesterday heard politicians accusing each other of "polarising" the debate.

Bart De Wever leader of the New Flemish Alliance (N-VA), was accused of being "inhuman" after he questioned the issue of responsibility saying: "However tragic the death of a child may be, you have to dare to put the responsibility of the parents in the picture here. Just speaking about these people as victims does not seem right to me."

Green party chair Meyrem Almaci accused him of "an inappropriate and disrespectful" comment aimed at "triggering reactions in order to polarize further."

Almaci said casting blame over Mawda's death "even before she is buried" was "inappropriate? Yes. Respectless? Certainly."

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