

QUAKER CONCERN FOR THE ABOLITION OF TORTURE

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UK detention of torture victims 'inhumane'

UN refugee chief says fast-track deportation system can see rape and trafficking victims detained as soon as they claim asylum
Alan Travis, home affairs editor - Guardian 23/02/12

The detention of victims of torture and trafficking by the UK Border Agency pending their "fast-track" deportation from Britain has been strongly criticised by the UN.

The United Nations high commissioner for refugees said inadequate screening processes meant that rape victims and torture survivors could find themselves being led off to a detention centre, sometimes in handcuffs, as soon as they arrived in Britain to claim asylum.

The high-level criticism comes as John Vine, the independent inspector of the UKBA, confirmed that there was "too great a risk" of survivors of torture or trafficking being immediately detained for their fast-track deportation because of the way initial screening is carried out.

The Vine report, published on Thursday, says that contrary to UKBA's own policy it found that 10 people out of a sample of 114 asylum-seekers who were detained for fast-track removal from January to April last year were later released because they proved to be victims of trafficking or survivors of torture.

A fast-track system for deciding asylum claims within three days and deporting those who were rejected was first introduced in 2003 at Oakington detention centre but has since grown with more than 2,570 people dealt with in this way in 2010.

Roland Shilling, UNHCR representative to Britain, said the UK set a worryingly negative precedent by detaining immigrants more than any other country in Europe: "Asylum-seekers who come to the UK have often experienced extremely distressing circumstances, which have caused them to flee.

"To be led off to a detention centre – sometimes in handcuffs – as soon as they arrive, is a far from humane way of being treated for persons who did nothing else than ask to be protected," said Shilling.

"There is a presumption by UKBA that most asylum claims can be decided quickly, but in UNHCR's view, the process of determining whether someone has a well-founded fear of persecution is not only very complex but an extremely important procedure, which should not be taken lightly."

Vine said that up to a third of the people originally selected for a fast-track ruling were released from detention at some stage: "While the agency does have safeguards in place, I am concerned at the continued risk faced by victims of torture or trafficking. In particular, the agency must address the lack of privacy at screening interviews and tailor its standard questions across the range of screening locations, if it is to reduce the risk."

The immigration minister, Damian Green, said the government was taking steps to screen out torture and trafficking victims. He said the detained fast-track system played a fundamental role in making sure asylum claims could be processed and decided as swiftly as possible:

"This helps those who are granted asylum quickly build lives within the country, while ensuring we can remove people who have no right to remain in the UK," he said. "We are taking action to improve the identification of vulnerable people who should not be detained while their claim is decided. We are extensively improving the interviewing process and additional training is being provided for immigration officers."

However, evidence from an asylum-seeker from Pakistan, who did not wish to be named and is currently detained on the fast-track system, implies there is still some way still to go.

He described his experience to the campaign group Detention Action: "When I claimed asylum, I was put into a cell in the airport for nearly two days. It was after 24 hours that they interviewed me but it was only a few basic questions so I could only briefly tell them what had happened, not show them any evidence.

"I didn't have a lawyer and I don't understand the asylum system at all, but I came to the UK for justice and protection but I was put in a prison-like place called Harmondsworth immigration removal centre. I didn't know what was going on or what was going to happen. I was given a solicitor after days of being locked up. I only had half an hour with them before a long interview. I was refused the next day."

Dr Juliet Cohen, of the group Freedom from Torture, said the people they saw routinely told them detention in the UK felt like torture all over again: "Clanging doors, footsteps in the corridor, the jangle of keys can all trigger a pounding heart and panic attack. Shouting and crying from surrounding rooms trigger intense recall of their torture experiences.

"Torture survivors suffer sleepless nights then face asylum interviews where they are expected to divulge to a uniformed official everything they suffered when they were detained in their own country," she said

Court Wary of Torture Cases (The Wall Street Journal – 28/02/12)

Conservative Justices Suggest Foreign Organizations Can't Be Sued in the U.S.

WASHINGTON—Torture victims faced skepticism on Tuesday at the Supreme Court, where justices questioned whether foreign organizations, including oil titan Royal Dutch Shell PLC and the Palestinian Authority, could be sued in U.S. courts for violating international law.

The Alien Tort Statute, adopted by the First Congress in 1789, permits foreigners to sue in federal court for violations of treaties or the "law of nations," which today is understood to prohibit torture, genocide and crimes against humanity. More than two centuries later, President George H.W. Bush signed the Torture Victim Protection Act, authorizing U.S. citizens and aliens alike to sue perpetrators of torture and "extrajudicial killing" overseas.

While individuals have been sued under both statutes, their language is at best ambiguous when it comes to organizations, and no U.S. or international-law precedents point to a definitive answer. That left some of the sharpest legal minds—including two Stanford law professors arguing opposite sides of the question—to wrestle with such elementary issues as the definition of the word "individual."...

Convenor: Chas Raws, 38 The Mount, Heswall, Wirral CH60 4RA chasraws@onetel.com