

NGO PRESS STATEMENT ON THE DEATH OF MAMADOU KAMARA IN DETENTION SERVICE CUSTODY ON JUNE 30

1st July 2012

Press Statement (full NGO Statement below)

Appalled and saddened by the tragic death of Mamadou Kamara in Detention Service (DS) custody on June 30, 2012 we the undersigned NGOs unequivocally condemn this act of violence and call upon the Government to take all the steps necessary to ensure that his death, not the first to occur in such circumstances, is the last.

According to press reports, Mamadou attempted to escape from detention on Friday afternoon. He was captured by DS officers, who took him to Paola polyclinic in the early hours of Saturday June 30, in line with established standard operating procedures. He was found to be dead on arrival, having sustained various injuries to his groin and lower back, presumably as a result of being severely beaten.

“We believe that these and other violent incidents that have occurred over the years demonstrate that Malta’s initial reception system has repeatedly failed and that the costs of the mandatory detention policy far outweigh the potential benefits for all concerned,” Dr. Katrine Camilleri, JRS Malta Director.

We are also concerned that political discourse on the part of the Government and the main opposition has contributed to the dehumanization of asylum seekers. The consequences of this are nothing less than horrific.

Malta’s human rights obligations demand that the individual officers involved in the incident are called to account for their actions, yet we believe that this alone is insufficient. “Malta is duty-bound to ensure that all persons deprived of their personal liberty – for whatever reasons – are effectively protected from torture or cruel, inhuman or degrading treatment or punishment. Their right to life must be safeguarded and any alleged violations must be investigated and perpetrators brought to justice. Importantly, any institutional failures should be addressed in order to prevent future violations,” Dr. Neil Falzon, aditus foundation Director.

We therefore call upon the Office of the Prime Minister to demonstrate its true commitment to ensure that all persons are treated with the equal respect and dignity by:

- ▶ Ensuring that the present inquiry is truly independent and effective, and that its findings, recommendations and any consequential actions are made public;
- ▶ Conducting a comprehensive and inclusive review of Malta’s policy of mandatory detention, including implementing non-custodial alternatives for asylum seekers and migrants in an irregular situation for whom there is little or no prospect of removal;
- ▶ Acting speedily and decisively to implement recommendations made following inquiries into such incidents;
- ▶ Strengthening the mandate and capacity of the Detention Visitors Board, the body established by law to monitor conditions in detention, to fulfil the onerous task with which it has been entrusted, not least by making its recommendations binding on the Commander of the Detention Service.

Non-governmental Organisations

aditus foundation, Jesuit Refugee Service (Malta), SOS Malta, Integra Foundation, Migrants Network for Equality, Emigrants' Commission, GetUpStandUp, Organisation for Friendship in Diversity, KOPIN, Foundation for Shelter and Support to Migrants.

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Background

Appalled and saddened by the tragic death of Mamadou Kamara in Detention Service (DS) custody on June 30, 2012 we the undersigned NGOs unequivocally condemn this act of violence and call upon the Government to take all the steps necessary to ensure that his death, not the first to occur in such circumstances, is the last.

According to press reports, Mamadou attempted to escape from detention on Friday afternoon. He was captured by DS officers, who took him to Paola polyclinic in the early hours of Saturday June 30, in line with established standard operating procedures. He was found to be dead on arrival, having sustained various injuries to his groin and lower back, presumably as a result of being severely beaten.

We also recall that in April last year a Nigerian man, Ifeanye Nwokoye, died in detention hours after he was recaptured by DS officers, following his escape from detention. In August of the same year, a government inquiry set up to look into the events leading to his death issued an interim report, however a summary was only made public the following October. The inquiry could not be concluded as the autopsy results were not yet finalised, however the inquiry found that procedures had not been correctly observed and that there were grounds for disciplinary action to be taken against a number of DS officers.

It also made a number of recommendations, including: training for DS officers in first aid procedures and the handling of complex situations, and installation of CCTV cameras in all detention centres so as to ensure increased transparency and monitoring. We are not aware whether the findings and recommendations were actually ever implemented. If they were, then this fact has not been made public.

We believe that these and other violent incidents that have occurred over the years demonstrate that Malta's initial reception system has repeatedly failed and that the costs of the mandatory detention policy far outweigh the potential benefits for all concerned.

Human Rights Obligations

This latest incident should serve as a shocking wake-up call, an urgent appeal to the competent authorities to undertake a comprehensive review of national law, policy and practice with a view to bringing them in line with our international and regional obligations. We further underline the relevant judgement of the European Court of Human Rights, as also an extensive list of human rights reports by reputable agencies expressing serious concerns with Malta's detention policy and practice. An institutional insistence on ignoring this system collapse would do nothing towards dignifying Malta's migration and asylum management mechanisms.

Malta's human rights obligations demand that the individual officers involved in the incident are called to account for their actions, yet we believe that this alone is insufficient. Malta is duty-bound to ensure that all persons deprived of their personal liberty – for whatever reasons – are effectively protected from torture or cruel, inhuman or degrading treatment or punishment. Their right to life must be safeguarded and any alleged violations must be investigated and perpetrators brought to justice. Importantly, any institutional failures should be addressed in order to prevent future violations.

We therefore hope that the inquiry will be a thorough, effective and a truly independent one. Only in this way can the competent authorities, particularly the Office of the Prime-Minister as responsible for Home Affairs, understand why such incidents occur, take the necessary action to ensure that future incidents are prevented, and take the required action against persons found to be responsible.

Moreover, as every death in custody is a matter of public interest, both the inquiry findings and any action taken or not taken as a result of such findings, should be made public.

Finally, it is essential to ensure the existence of a strong mechanism to monitor conditions in detention on an on-going basis, as regular monitoring is the most effective way to prevent abuse and ill treatment in detention. We stress that these are in fact Malta's human rights obligations under several international and regional instruments.

Recommendations

We therefore call upon the Office of the Prime Minister to demonstrate its true commitment to ensure that all persons are treated with the equal respect and dignity by:

- ▶ Ensuring that the present inquiry is truly independent and effective, and that its findings, recommendations and any consequential actions are made public;
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