

**ILL-TREATMENT
IN A DUTCH DEPORTATION-PRISON**

Testimony of a former inmate

May 2004

Autonomo Centrum
Bilderdijkstraat 165-F
1053 KP Amsterdam
tel. 00 31 20 612 6172
fax. 00 31 20 616 8967
ac@autonomocentrum.nl
www.autonomocentrum.nl

CONTENTS

| | |
|--|----|
| Foreword | 5 |
| TESTIMONY OF A FORMER INMATE | 6 |
| - introduction | 6 |
| - solitary confinement before and after the delivery of a child | 6 |
| - unconscious | 9 |
| - abortion | 10 |
| - broken wrist treated only on the third day | 11 |
| - no right to appeal | 11 |
| - ill-treatment during deportation | 12 |
| - difficult cases turned into the street with the '24 hours rule' | 13 |
| - fire | 14 |
| Background information around deportation-prisons | 15 |
| - cellcapacity | 15 |
| - more prisons | 16 |
| - consequences of detention | 16 |
| - nurses | 18 |
| - stick inserted into trousers | 18 |
| - Jacqueline Muluta | 19 |
| - Foussini Baraya | 20 |
| - too big responsibilities for nurses | 22 |
| - deportation-prison Rotterdam | 22 |
| Some figures about the deportation-prisons in Amsterdam | 24 |
| - duration of detention | 24 |
| - country of origin | 24 |
| - age | 24 |

-

FOREWORD

The testimony of an ex-detained refugee is at the centre of this brochure on the detention of refugees and undocumented migrants. This man was detained in the deportation-prison (border-prison) 'Tafelbergweg' in Amsterdam for half a year from the end of 2002 on, because his asylum request was refused. This deportation-prison in Amsterdam south-east is one of the eight special deportation-prisons in the Netherlands where refugees and undocumented migrants are being detained.

Finally this man was thrown in the street from the prison out and could tell us his testimony and later write it down. He experienced much in his own case during his detention and he saw and heard a lot about others cases and about the entire prison situation. He thought it from great importance and he was so courageous to witness about these ill-treatments. His testimony speaks volumes about the ill-treatments taking place behind the prison walls and about the treatment as a kind of second-rate citizens, as if they were throw-away products that should be removed as soon as possible. This testimony fits in the series of the miscellaneous stories and publications about the ill-treatments in deportation-detention. This story only lifts a corner of the veil, for there are many stories that remain unheard.

Hereby the Autonomous Centre publishes his testimony. Let's cooperate to do everything to abolish deportation-detention! Freedom is a great thing, a right for everyone in the world!

TESTIMONY OF A FORMER INMATE

Introduction

Now you will find the story of a former inmate, what he has written himself in his own language and what we translated. All happenings described here took place in the last months of 2002 and the first months of 2003 in the special deportation-prison for undocumented people called 'grensgevangenis' (border-prison). The address of this prison is: Tafelbergweg 10, Amsterdam, Netherlands. The author describes what he has seen accidentally with his own eyes, or heard with his own ears, for example when he had to wait in the hall for a meeting with an officer. He also has written down the stories he heard from other inmates, mostly the people who witnessed it themselves. We already stay in contact for a long time with the author and we got to know him as a serious and very reliable source.

Where you see 'XX' markings, there should stay a name of a person, of a country/nationality or a date. The author of this text has the data on file and is willing to hand over this information to members of a human rights organisation in an confidential interview.

Solitary confinement before and after the delivery of a child

“On XX a married couple arrived in the deportation-prison. The woman was pregnant for more than 7.5 months. After a medical examination the physician advised the woman to go to the hospital for a more extensive survey. The couple did not object but asked if one request could be granted: that the husband could to be present at the examinations in the hospital. He wanted to support his wife, who was afraid. And probably he wanted to hear the heart of the child beating. This request was refused. Thus, the woman was not accompanied by her husband when she had to go to her first medical examination in the hospital. When the woman returned from her visit to the hospital by car, a car accident happened.

The woman suffered from a blow on her head. After this accident nobody checked the health of the woman and her baby. Her husband - after being informed about the accident by his wife - wanted very much to be present at the next examination. His request was granted

but on one condition; his hands had to be cuffed and he had to wear a trouser stick. The purpose of the stick in the trouser from his waist till his ankles was to obstruct the free movement of his legs. They told the man that his hands and legs would be freed after he arrived in the hospital. The man agreed with these measures.”

“When the day arrived that his wife had to go to the hospital for a follow-up examination, the man was ready to accompany her. His hands were cuffed and he wore a trouser stick. But at the last moment, the head of the prison department refused to let him go. Even with hand cuffs and a trouser stick he was not allowed to accompany his wife. Again she had to go alone to the medical check-up, much more afraid than the first time by the remembrance of the car accident and the bad reception after it. Her husband went back to his prison cell with tears in his eyes.”

“Three or four days after the second medical examination took place, the husband was called up by an IND officer (Dutch immigration office) for a discussion. He told him that his wife would be placed in a special prison hospital (*The special medical department of the prison in Scheveningen, in the neighbourhood of The Hague, with a very tough rule - AC*), fifteen days before the estimated time of childbirth. She had to stay there till ten days after the delivery. All that days she should be all alone in a prison cell; the man would not be allowed to accompany her.

When his wife heard about this plan, she got very afraid. She begged to be allowed to stay with her husband until the last three days before the estimated time of childbirth. But it didn't help. The couple then decided not to go to the prison hospital at all. A few days later the physician and a number of employees of the deportation-prison in Amsterdam talked at the woman. I have overheard this conversation myself. (*Accidentally the author had to wait in the hall for a visit at an officer - AC.*) They told her again that her husband would definitely not be allowed to stay with her, during her time of childbirth. They told her also they regretted this decision. They told her that if she was unwilling to cooperate, then she would be brought under compulsion. After hearing this message, the woman only could crying.”

“On the day in question the couple had to present themselves at the office of the physician. The husband told me later that he - at that time - was not allowed to go into the office, he had to stay outside with a guard and he had to wait. He could hear his wife talk and later on cry. Again and again she shouted ‘no’. He was hold fast by the employee of the prison. His wife was hold fast at her arms and she was dragged away by prison employees. The husband was told that he would be put in the isolation cell if he continued to protest.

All of this happened around 10-11 a.m. At the backside of the prison I saw ten or fifteen people gathered. I recognised IND-officials, department heads and the general manager of the prison. At the entrance at the backside of the prison, a van was situated. I did not understand why the crowd was present there. I saw the husband of the woman - who was accompanied by an employee of the prison - crying. Then I understood the situation. The woman had been taken from the office of the physician in an violent manner and she was put into the van by the entrance at the backside, so that no prisoner should see this.”

“A short while later the husband had to present himself at the office of an IND-officer. He was allowed to make a phone-call to his wife. His wife was crying. She had been handcuffed, all the way to the prison hospital in Scheveningen. She had to lay down in the van, with her hands on her belly. After the man heard this, he got very angry and threw the telephone against the wall. Afterwards, the man was informed that he could only call his wife for a maximum of fifteen minutes at a time. In reality he even didn’t get this fifteen minutes. Many times he could not get his wife on the telephone. The line should be busy, or there should be no connection. Only once every three or four days was he able to speak to his wife for about 5 minutes.”

“When finally the time arrived that the woman was going to give birth, the husband was handcuffed and he got a trouser stick. He was then driven to the hospital where his wife was in labor. One hour after the child had been born, the husband was brought back to the deportation-prison.

Afterwards I heard that this couple with their baby was turned into the street after being seven month in the deportation-prison. They got the instruction to leave the Netherlands within 24 hours.”

(A witness who knows the sickbay of the Scheveningen prison from the inner side, declared: "People from the deportation-prison are being detained in the sickbay of the Scheveningen prison together with criminal prisoners, and they are treated exactly the same as well. A pregnant woman is being transported to the sickbay of the Scheveningen prison just two weeks before she will give birth to a child; there she stays all the time alone in a cell. Only once a day she's allowed to take fresh air all alone. After the childbirth she has to stay in hospital for another minimum week. The loneliness, indifference of the staff (people in general doesn't stay a long time in the prison-hospital) and being along with criminals is very bad for the women.")

Unconscious

"The deportation-prison where I stayed, consist of four departments: A1, A2, B1 and B2. When I arrived at the prison in department B2 were only a few men and for the rest married couples. In department B1 were only women and children of all ages. The departments A1 and A2 were not used. At that time it was possible to move freely in the areas outside the prison buildings until nine o'clock in the evenings. The only time the prisoners had to be present inside the buildings was when meals were served.

In december 2002 unmarried male prisoners from other deportation-prisons were put in the departments A1 and A2. The time to go outside the prison buildings was halved. In the mornings the male prisoners of A1 and A2 were allowed to take a bit of fresh air. In the afternoons the inmates of B1 and B2 took their turn. In the evenings the A departments got one hour fresh air and after that the B departments one hour. It was forbidden for prisoners of the A and B departments to meet each other. The taking of fresh air was at different times and that times didn't overlap."

"In department B2 a brother and sister were detained. The management of the prison wanted to transfer the man to department A1. The man objected because in that case he should not be able to see or speak with his sister any more. When the man and his sister resisted the separation, all the prisoners were locked up in their prison cells. My cell had a window from which I could look out into

the courtyard. I saw men, dressed up as riot-police, with helmets, batons, and shields approaching our department. Although my cell was at a distance of about ten meter from the cell of the brother and sister, I still could hear them scream. This screaming lasted for approximately ten minutes. Afterwards I saw the brother and sister - who were unconscious - being transported by different policemen to special isolation cells. They were dragged by four policemen, one of them for every arm and leg. Their heads hung downwards, their faces were facing the ground.

The brother and sister had to stay for three days in isolation cells. After this period they were both placed in department A1. The woman had to stay in this department for a long time; she was the only women there.”

Abortion

“On XX a married couple entered the prison. These people were calm and compliant. After a while they were transferred to department A2, the men’s department. Ever since they always were dreary, the woman cried a lot. They stayed in their cells most of the time. At a time the man told me that his wife was pregnant. She often went to the physician. At a certain day I met her at the hall, leaning at another woman; she could barely walk. She came from the physician.

I heard that she had to endure an abortion, although she was already four months pregnant. She was depressed for a long time. Several times she lost consciousness.”

“The married couple had several problems. The heating system in their prison cell did not function well for a long time. The man got sick because of that; he developed a pain in his leg. After a certain while his whole leg had shrunk, from the knee until his ankle. The couple was transferred for a second time, back to the B2 department. It was very clear that the leg of the man had become too thin, but the physician only prescribed painkillers. I talked to the man and we decided to send the AMC-hospital a fax with the help of VVN (*a Dutch NGO for asylum seekers, with an office at the prison - AC*). After sending the fax, an employee of the hospital checked the leg of the man. The physician of the AMC-hospital told the man that he

had to be operated on his leg. The physician also told him that he had to stay for a long time in the hospital.

The man did not want to leave his wife behind in the prison, so he decided not to agree with the planned operation. After staying in the prison for seven months, they left. I later heard that they had received a temporary permit to stay because of mistakes that had been made in their asylum procedure.”

Broken wrist treated only on the third day

“In department A2 was a man XX from XX. One time I saw him with an expression on his face as if he was suffering a lot, walking in the direction of the office of the physician. He was holding his wrist. While playing volleyball, he had hurt his wrist. The wrist was swollen. An employee of the prison looked at his wrist and walked with him to the physicians office. The physician did not check his wrist thoroughly, but gave the man only painkillers and sent him away. After two days the wrist had really swollen and the pain had increased. Only the third day the physician acknowledged the seriousness of the case and sent the man to the hospital.

Although the wrist of the man was wounded, he still had to be handcuffed, while being transported to the hospital. He also got a trouser stick. After he returned from his visit at the hospital he wore a sling. In the hospital the physician diagnosed his wrist as being broken.”

No right to appeal

“When I arrived in the deportation-prison, (*in the end of 2002 - AC*) the decision to deport an undocumented was told him three to five days before. Later on in order to prevent an undocumented from using his right of appeal, he was informed about his deportation only at the last moment.

I myself have witnessed the fact that an asylum seeker from Sri Lanka had to leave within a period of fifteen minutes. Prison employees had gathered and packed all her stuff already. On the way out, the asylum seeker met a representative of the VVN, but she was not allowed to use her right to appeal and she simply was evicted.

When they should bring me to the airport for deportation for the third time, they didn't announce it beforehand. By coincidence I had seen on the bookkeeping records of the prison that my internal prison bank account was closed. Thinking about what had happened to the woman from Sri Lanka, I contacted my lawyer. He had already heard about my deportation-order and had been able to stop the procedure.”

Ill-treatment during deportation

“If you don't resist when you are being brought to the airport for the first time, you will join the other passengers in the plane in a normal way. If the deportation does not succeed - because for example you resist to your deportation in the airplane - then you will have to wait outside the airplane, the second time they try to deport you. Then you will be handcuffed and put in the plane when all passengers are already got in.

The third time they try to deport you is the most difficult. You will certainly be handcuffed and two policemen will accompany you in the plane, before any other passenger has got in.

A woman (XX year, cell number XX, she came in about February) returned after they had tried to deport her for the second time. She was in a bad way. She told me she was beaten and it sure looked bad. I could see several huge lumps on her head.”

“XX from XX from department B2, (later on A2) had been brought twice to the airport but both times he succeeded not being deported. After the second time, he was in such a bad way that he only could lie on his bed for four days. His wrists, neck and legs were bruised. His left hand began to puff up badly. The physician did not take this seriously. He even didn't examine the hand thoroughly. In fact there was no medical check at all.

The hand became more and more swollen and smarted the man a lot. In the end the man suffered terribly. For a week he begged to send him to the hospital. Only after pressure from prison employees, finally the physician decided to send him to the hospital. The brother of this man informed me by telephone that the injured hand immediately was operated in the hospital and that after the operation the infection and the swelling of his hand became less.”

Difficult cases turned into the street with the ‘24 hours rule’

“In the deportation-prison was a woman of around 45-50 years old, together with her fifteen years old daughter. When she was yet in the asylum procedure, she told the IND bureaucrats that she wanted to end this procedure on one condition; that the IND would not give her asylum files to the authorities of her home country. She told the IND that she personally had no problems in her country, but that she had asked for asylum because of the difficulties of her two sons. The woman and her daughter had to stay in the deportation-prison till they could be send back to their own country. The IND bureaucrats promised the woman and her daughter that they would not have to stay for a long time in the deportation-prison.

Every day this woman accosted IND bureaucrats, informing them that she wanted to leave as soon as possible. Only after fifty days she could go to the consulate for a temporary travel document. An IND bureaucrat had instructed the woman what to say at the consulate.

While being en route to the consulate, she saw an IND bureaucrat carrying a voluminous dossier. She asked about the content of the dossier and did not want to go to the consulate anymore when he took the dossier along with him. When she insisted a lot, the IND bureaucrat phoned someone and the dossier was left in the car.

The woman went the consulate and made her statement, just like the IND had advised her. After her declaration the bureaucrat of the consulate informed her that he was in tough with her asylum request and that it would be better for her to look for a good lawyer. He even showed her the dossier about her asylum request.

After the woman had returned to the deportation-prison, she complained at an IND bureaucrat that his department had given her dossier to the consulate. The IND bureaucrat admitted that this had happened and excused himself. Later on he told the woman that he did not know anything about this case.

The woman found a lawyer, with help from her brother in Sweden. When she informed the IND about her plan to start a legal procedure against the IND, she was released from prison straight away. The IND bureaucrats charged her to leave the country within 24 hours.

So, although this woman had been willing to return to her country, she still was returned into the street with the ‘24 hours rule’. The IND parted with the woman to prevent her from starting a legal

procedure against them. The IND does this more often to get rid of a difficult case.”

“Whenever a minor disturbance occurs in the deportation-prison, automatically every undocumented will be locked up in his prison cell. That was a huge problem for this woman because she was claustrophobic. Also at night time everybody is locked up, from half past nine in the evenings till half past seven in the mornings. Although the woman had told about her problem her cell door had to be closed by all means. Only the very small control window was allowed to stay open.”)

“At the end of March someone tried to commit suicide (by hanging). First the prison management locked up everyone in his cell. Then this person was put in a isolation cell. After release from this cell, immediately he was turned into the street with the 24 hours rule.”

“A XX woman who was pregnant, arrived at the prison at XX. After she had given birth to her child in an other place, she returned with the child to the deportation-prison. When the baby was one month old, the baby got ill. The baby had to vomit and cried the whole night. The next day they found out that the baby-food had past its best before date. The woman got new foodstuffs for her baby but nobody did check her child to see if anything was seriously wrong. Immediately after this occurrence, the woman was turned into the street with ‘24 hours’.”

“An African woman who was more than fifty years old suffered from high blood pressure. Prison employees urged the physician to give her a medical check-up. He gave her medicines, but it turned out that the medicines were of the wrong kind. She became very ill and got in coma.

Ten days later this woman also was turned into the street with ‘24 hours’.”

Fire

“An employee of the deportation-prison informed me that in case of fire, the personnel have to lock up everyone in his own prison cell.”

BACKGROUND INFORMATION AROUND DEPORTATION-PRISONS

The Autonomous Centre (AC) in Amsterdam, the Netherlands, visited, as one of her activities, for years refugees and undocumented migrants in deportation-detentioncentres. She did this work since the first deportation-prison was put into use in 1992 in Amsterdam. The AC also visited people in other deportation-prisons, most recently in Deportation-centre Airport Rotterdam. We researched and published the ill-treatments that we heard from prisoners. In this way we tried to give them a voice to the outside world. Also many people, dumped in the street after deportation-detention (illegalized by the government), tell us their stories and experiences from the prison. That's why we know a little bit, but not even half of how many suffering takes place behind the prisonwalls.

Freedom of movement, to go and stay wherever you want, is a basic right of every worldcitizen. That's to say, it should be like that... also the Netherlands violates human rights. The Dutch constitutional state, that has the principle of freedom high in the banner, just imprisons unguilty refugees and migrants without permission to stay. Deprivation of liberty is the last means of coercion, the 'ultimum remedium', used by a constitutional state in case citizens are suspected of or judged because of committing crimes. In case of refugees and undocumented migrants, this same constitutional state uses this form of detention immediately, already at the entrance of the country when asylumrequests have been refused. And also after one gets the label 'illegal' and has to be deported. This deportation-detention in first place takes place without juridical process - a kind of administrative custody - and there's no maximum length of time to this deportation-detention.

Cellcapacity

For this deportation-detention the state has 1493 places available in different prisons, excluded are the many (foreign-)policecells all over the Netherlands. It is about the Deportation-lodges Amsterdam, Penitentiary Institution Willem II Tilburg, Ter Apel, Zeist/Soesterberg (90 woman) and Noordsingel Rotterdam (96

places). In these prisons around 6.000 people are detained at annual's base. If we count with this the 300 cells in the two most new prisons, the Deportation-centres at the Airports of Rotterdam and Amsterdam, a number that the Justice Department wants to extend to 600 in 2006, then the Netherlands in a few years counts more than 2000 places for deportation-detention. In these cells at annual's base more than 10.000 unguilty people can be detained, not because they are condemned but because they came to the West to look for freedom, safety and chances of survival. The world upside down...

More prisons

Detention of people just knocking at Europe's door looking for help is a crime that should be punished... deprivation of liberty of unguilty people doesn't belong to a constitutional state. The selfsatisfied, itself democracy and constitutional state calling Netherlands indeed should be ashamed deeply... but the contrary is reality: imprisonment is an every day reality and the cellcapacity is extending more and more. The Memorial 'Illegals/Undocumented' of minister Verdonk from Foreigners Affairs and Integration from April 24th 2004, discussed about in the parliament end of April, pleads for extending cellcapacity for deportation-detention, more policecapacity for tracing undocumented migrants and a harder approach to undocumented, higher penalties for employers that employ illegals (from 800 to 3.500 euro per traced undocumented worker) and approach of letters that sublet to illegals, they can even loose their houses.

Consequences of detention

The detention produces much stress. Most people are detained for the first time in their live, captured between four walls of a cell, though one was hoping to meet freedom, safety and some chances of survival here. Many are traumatised by the forced escape, by leaving everything and everyone behind, while the perspective on the future is very unsure. Actually the perspective is the 'view on deportation', back to the misery that one was escaping from. Anxiety overrules

then. Deportation-detention and aliendetention don't have a maximum term, reason why many people are detained for longtime. The detainee is totally dependant from and at the mercy of the ministry of Justice. People grow lonely, most of them don't know anybody in the Netherlands that comes to visit them and realize that politicians and society don't care about their detention. This hopeless situation and disappointment makes people sick.

Many (medical) complaints concern headache, sleeplessness, absence of appetite, stress and nervousness, pain all over the body, tiredness, depression and psychical complaints by growing lonely, lack of perspective, missing family and friends and so on. Many complaints are psycho-somatic, direct consequences of the detention itself.

Many times a complaint in first place is being dispatched with a tablet of paracetamol. No start is being made with a medical treatment, unless there's a medical urgency. The ministry of Justice after all wants to deport the detainee. Sometimes the advice is being given to take a 'rest'. But where in these kind of circumstances you can find rest? The detention just brings along with itself the unrest. The Medical Service in the prison also sometimes advices 'fresh air'... how cynically, in a cell or a courtyard both behind the four prisonwalls. The most important question 'why I'm detained here?' is not being answered by anybody, other than 'it is dictated by our Alien Act'. If someone doesn't obey the rules, or rightly comes up for his/her rights, or makes demands and also at the least or smallest protest, soon the punitive measure isolation cell follows. Extraproportional. All repressive means in a system like this have been born from fear, fear that one comes up for his freedom rights. The refugee or undocumented person should be reduced to a bar code, a number in for example cell B01. And: away is away. Living in such a climate is very degrading and gnaws to the (psychological) health of every prisoner. One is mostly detained for longtime and a great appeal is done to someone's resilience. Some are being disorientated. If someone finally gets his liberty back, the processing is something one has to find out by himself.

Nurses

A psychologist or psychiatrist is involved to a prison in general, but not in permanent service, while many complaints are psychosomatic. A district psychiatrist can be called at doctor's advice. Specific help, like a dentist's or optician's help, is being called for with great reserve, again under the argumentation that no start is being made with a treatment, unless the problem is medically urgent. So complaints are getting worse and just accumulates. Finally this means a bigger instead of smaller pressure on medical services.

Stick inserted into trousers

When refugees are transported, a stick is inserted in their trousers to prevent them from running away. When finally a specialistic hospital treatment has become necessary, and at other transports, the refugee will be handcuffed. Another possibility is that the prison staff will insert a stick in his trousers, to prevent the refugee from escaping. These means of coercion have a very humiliating and degrading effect on the refugees.

A young man who suffered from malaria was transported - with a stick inserted in his trousers - to the 'Academisch Medisch Centrum' in Amsterdam. He was very ill; because of a staff shortage during the Christmas Holidays, his illness had not been discovered. Only at the last moment the prison staff was able to discover his illness: it was just in time. Instructions were given to the prison staff that they had to pay extra attention to this young man, to prevent him from escaping. In the hospital his veins were connected to a medicine pump although the 'normal' patients are treated by a mobile blood transfusion device so that they can walk around. He was even put in a quarantine room, where visitors first should pass a disinfection room. Questions about this situation to the nurse about these proceedings were answered as follows: the patient was said to be a maximum security prisoner so they wanted to prevent him from escaping so they had made it difficult for him to move around. After he was released from the AMC, he was brought back to the deportation-prison. From this prison he was released a few days later.

Dutch rules state that refugees in principle have a right to receive a second opinion, by a physician whom they can choose themselves. In situations in which the Autonomous Centre was mediating in this for some refugees in the 1990's the Medical Service of the deportation-prison was not pleased with that. But still, refugees with a headache got the needed glasses, and refugees who had been hit and wounded during the failed deportation after which they came back in the prison, got a medical examination.

Jacqueline Muluta

Just barely after the deportation-prison had been opened in 1992 - three weeks after to be more precise - the first refugee died, who had been locked up in this prison, the refugee woman who was in her late pregnancy, Jacqueline Muluta. Mrs Muluta had already been ill when she arrived at Schiphol; where her whole family had to stay for several days in the transit-room. The Dutch military police, called the 'marechaussee', did not notice the fact that she was seriously ill. Mrs Muluta and her family were placed in the deportation-prison where her illness continuously became worse. Everybody could see that. But her complaints were not noticed seriously and she did not receive the adequate help she needed from the medical staff. Mrs Muluta and her family were forced to leave the prison and go to a shelter far away, a long trip too heavy for Mrs. Muluta. The next day a physician met her, and put her in a hospital where she and her baby died. Her husband and three children stayed behind. The widower - together with people from the Autonoom Centrum - set up a support group that researched the long lasting procedure of this family. This group has opposed the detainment of refugees in Holland and has done research into the effects of detainment on the wellbeing of detainees. The Special Investigative Branch of the Dutch Police called 'Rijksrecherche', also investigated into the cause of her death. This investigation was restricted to her stay in the transit room in Schiphol Airport. The Medical Inspection Committee (Geneeskundige Inspectie), also sent a staff member to investigate the Medical Service in the deportation-prison. The Medical Inspection Committee found out that Mrs Muluta died from the consequences of a serious anaemia. Officers from the Medical

Inspection Committee stated that Mrs Muluta's disease had become worse for several weeks and should have been recognized by the medical staff of the deportation-prison. Anaemia is in general not a cause for death in the Netherlands. The Medical Inspection Committee stated that work-rules between nurses and physicians must be improved: they must be more formalised. Certain physicians from the deportation-prison that period were brought to a special trial called the 'Medisch Tuchtrect'. Years later the case was closed and the family of Mrs Muluta received compensation and an official residence permit.

Another example of a deceased man is the story of a man from Rwanda. He died in december 2000. "This man was very ill forced to leave the deportation-prison. Passer-by's helped this man get on a train, he was barely able to walk. In the 'Academisch Medisch Ziekenhuis' (Academical Medical Hospital) in Nijmegen physicians discovered that this man had a malignant tumour in his back. His disease was beyond treatment. The deportation-prison staff had not found out in the weeks before that the man suffered from cancer." (newspaper *de Volkskrant*, 5 August 2003). The man was only prescribed paracetamol and to take 'fresh air'. The man had asked for a second opinion, but his request was denied. The State Medical Inspection Committee (Inspectie voor de Gezondheidszorg, IGZ) found out - after investigating this matter - that the nurse in the deportation-prison had failed. The IGZ stated that the man from Rwanda should have been allowed a second opinion from another physician. According to the Dutch Refugee Council (Vluchtelingenwerk) the IGZ also concluded that it had been very unclear where exactly are laying the responsibilities in the prison's Medical Service. The IGZ also published a number of recommendations. One example is: the responsibilities of the Medical Service must be clearly prescribed. The Medical Staff should also clearly define her tasks. (source: *de Volkskrant*, 5 augustus '03)

Foussini Baraya

On January 14th 2003 Foussini Baraya died in the Bijlmer deportation-prison in Amsterdam. The State Medical Inspection

Committee (Inspectie voor de Gezondheidszorg, IGZ) concluded - after a period of intensive research - that the apparatus of health care in the deportation-prison “did not comply with legal standards of sufficient and adequate health care”, as these standards are prescribed by the Dutch law on human health care. According to the IGZ it was clear “that after office hours no adequate health nursery and care was available in the deportation-prison. (...) For Mr Baraya - who was in dire need of help, there was no possibility to get care and adequate treatment. Both the nurses and the physicians wanted to transfer Mr Baraya (to another hospital - redaction AC) but they did not succeed further than only an attempt for transfer. The deportation-prison does not have a sickbay with educated staff. Although this, no attempts were made to organize care for the night, or transfer to elsewhere. They leave the care for this incontinent, very weak and apathetic man in the hands of not medical educated prison guards.”

The different departments and officials don't cooperate to each other. Although several e-mails from guards the official in charge of the prison seems not to have called for a physician. About the contacts between the nurses and the physician the IGZ states: “Also the extremely worsening situation of mister A (= Mr Baraya - redaction AC) and his weakness on Monday January 13th didn't conclude in calling a doctor immediately, but they waited for the evening consulting hour.”

When Mr Baraya was almost dying finally a guard alarmed the prison management. Because of several communication-problems it lasted 42 minutes before the medical staff of an ambulance was present in the room of Mr Baraya. Although Mr Baraya at that time was still alive, it appeared to be too late to reanimate him.

The IGZ stated that the physician and several nurses have not performed well. “Mr D. (the physician of the deportation-prison - redaction AC)) has not investigated thoroughly into the symptoms and causes of Mr A's (= Mr Baraya - redaction AC) disease. He wrongfully based his diagnosis on psychological or psychiatric assumptions. (..) Although deviations in the blood picture of Mr Baraya were found, they have not been evaluated further.” About the nurses the IGZ stated: “Although it was known that he was in a very

bad physical condition none of the nurses on duty went to this man to check if he was in need of help. No start was made with his reanimation and they left the patient alone when waiting for the ambulance.”

Too big responsibilities for nurses

At the beginning of 2004 a refugee, who had arrived on Schiphol Airport - and who was very confused - was transferred to the deportation-prison, although some advices against it. This man was interviewed by IND-staff although there had been contra-indications and advice with the notion to leave him alone. Not soon after his interview, this man committed suicide.

In the deportation-prisons - as in any normal prison - the general manager is primarily responsible for the Medical Service of the institution. The medical staff have to report to him. A physician has only a part time job. He can be called upon immediately but it still takes him longer than 15 minutes before he can arrive. The physician receives patients during his consulting hour but - because he only has a part time job - many times the nurses themselves have to decide if the help of a physician is necessary. This means that these nurses get too much responsibility. The same is true for guards - who outside office hours often have to decide themselves whether a physician should be called when a refugee is ill. It is clear that a refugee is completely dependent on of the staff of the particular prison. The budget for health care in normal prisons is already not adequate. The consequences are: sober medical provisions for inmates. The same is true for the detainment of refugees. Refugee-detainees are treated even worse because the Dutch government uses the following guideline: physicians are not allowed to start a medical treatment if the refugee is not in acute pain or if there are no acute symptoms.

Deportation-prison Rotterdam

At the beginning of april 2004 the Committee for Health Care (IGZ) wrote a damning report, this time about the special prison in

Rotterdam for people who will be forced to leave the Netherlands. The IGZ stated that the standards of health care in this prison are below normal: these standards are not adequate. The first medical check up on arrival is being performed by a staff member who is not an educated physician or nurse. The prisoncells of the special prison are located in a hangar, there is no fresh air or daylight in this prison. Its difficult for refugees to go directly to a physician. The IGZ is seriously concerned about the health care during the weekends, and the night and evening shifts. The IGZ states that: because of the sober accommodations and the special characteristics of the target group it is possible that members of this group will develop mental problems. The Dutch newspaper *de Volkskrant* states that "there is no care whatsoever concerning the mental problems of refugees. Also: basic rules about medical health care have not been written down. In this special prison young children and pregnant women have been locked up too. A non specialized nurse - mostly an employee of an employment agency - is responsible for usually 120 refugees in the hangar located next to the airport of Rotterdam. After five o'clock in the afternoon the employee cannot enter the prisoncells any more. If a guard presumes that a refugee is ill, he can alert the nurse, who then has to decide if a physician needs to be called. The IGZ states that it was not possible to detect if the physicians hired by the special prison are general practitioners with normal qualifications or unqualified physicians. Several companies have got contracts to deliver health care for the special prison and it is unclear how the exact responsibilities have been divided.

The Department of Justice (ultimately responsible for all the deportation-prisons in the Netherlands) has not learned from previous situations. It is clear that too many innocent refugees have already suffered a lot: some of them have even died while being detained in the Dutch prison-system for refugees.

SOME FIGURES ABOUT THE DEPORTATION-PRISONS IN AMSTERDAM*)

Duration of detention

= more than 70% of the detainees is being held for a period lasting longer than one month.

= almost half of them are held longer than two months

= more than 30 % longer than 3 months

= 6% longer than 6 months.

On average people are detained for a period of 75 days, (more than two months)

Country of Origin

| country | | region | |
|------------|-----|-----------------------------------|-----|
| 1. India | 12% | 1. Asia | 39% |
| 2. China | 11% | 2. Africa (south of the Sahara) | 28% |
| 3. Nepal | 7% | 3. 'none' (= stateless, ie mostly | |
| 4. 'none' | 7% | Palestine) and Middle East | 12% |
| 5. Liberia | 7% | In total: 50 nationalities | |

Age

Almost half of the detained refugees are in their twenties. Twenty percent of them are teenagers. Twenty percent of them are in their thirties. There are 3 baby's, there are 5 toddlers, 3 14-years old, 5 15-years old, 12 16-years old, 10 17-years old. The young people aged 14-17 (30 - 9 of them living in the 'Toren') all seem to be unaccompanied.

11% of the prison population is female.

*) Snapshot end of March 2004. There are two deportation-prisons located in Amsterdam:

1. Grenshospitium 'de Weg', also called 'de Toren', because this deportation-prison is located in one of the towers of the 'Bijlmer jail'. Around 140 detainees live in the Toren: 90 of them are asylum seekers who did not get a residence permit, 50 of them are so called 'Illegals'. They are all men.

2. Grenshospitium 'Tafelbergweg', In this deportation-prison around 120 men, women, and children are detained. They are asylum seekers or people without a residence permit. .

**ILL-TREATMENT IN A DUTCH
DEPORTATION-PRISON**

Testimony of a former inmate

Autonomo Centrum Amsterdam

May 2004

Autonom Centrum
Bilderdijkstraat 165-F
1053 KP Amsterdam
tel. 00 31 20 612 6172
fax. 00 31 20 616 8967
ac@autonomcentrum.nl
www.autonomcentrum.nl