

Out of Control:

The case for a complete overhaul of enforced removals by private contractors

A briefing by Amnesty International UK

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Overview and main findings/recommendations

Amnesty International has documented allegations of excessive use of force by Private Security Contractors during the enforced removals process over a number of years. Contractors have reportedly employed dangerous and improper use of control and restraint techniques which, in at least one case, appear to have resulted in the death of an individual, Jimmy Mubenga, in October 2010. Amnesty has received numerous other allegations of abuse during enforced removals from the UK.

Reports of similar cases alleging improper treatment by private contractors have continued despite two critical government reports - one produced by Baroness O'Loan in March 2010 and the other by the HM Inspectorate of Prisons in August 2009 - which highlighted deficiencies over the accountability, training and techniques employed by these contractors. This suggests that widespread and fundamental problems remain regarding the use of Private Security Companies in the enforced removals process.

Sources with direct working experience of enforced removals have told Amnesty about serious failings in the training of private contractors conducting forced removals. Staff are trained in control and restraint techniques that are unsuitable for use on aircraft; there is no mandatory training in the safe use of handcuffs and restraints; and there is no watertight system in place to ensure that those accredited to conduct removals have received the required level of training. The reportedly widespread use of sub-contractors to fill staff shortages also raises further serious concerns about training and accountability.

A complete and radical overhaul and reform of the current system is now required to enable the UK Government to meet its legal obligations to protect people against human rights abuses. Reforms must drastically improve the training, monitoring, accountability, and techniques employed during enforced removals.

Given long-standing concerns over the accountability and conduct of private security companies, the Government should review experience in other EU countries, most notably in Germany, where the state uses its own law enforcement personnel to undertake enforced returns. The German experience suggests that allegations of harm during the removals process are dramatically reduced when state law enforcement personnel are used and independent monitoring is allowed.

Where private contractors are used, training must be significantly improved and the awarding of contracts should be dependent upon the suitability and robustness of the training, accountability and compliance mechanisms put in place. Any contractor using mechanical restraints such as handcuffs must be trained to use them safely.

All removals should be independently monitored by a competent independent body which accompanies, monitors and reports on all stages of the removal process.

Prior to the publication of this briefing Amnesty International put its finding to the Home Office, Group 4 Securicor (G4S) and Reliance Secure Task Management Ltd (Reliance). The G4S statement is printed in full at the end of this briefing. Reliance's Managing Director Seb Stewart issued the following short statement in response to the briefing: "You will be aware that the Home Office sets policy in this area and at this stage I do not wish to comment".

Cases of harm on removal

On 12 October 2010, following numerous documented allegations of harm during the enforced removal process, an Angolan national Jimmy Mubenga died during an attempt to deport him to Angola on a British Airways flight. Eye witnesses told the Guardian newspaper how the 46 year old man was heavily restrained by security guards and that Mr Mubenga had complained of difficulties in breathing prior to his collapse.

On 15 October 2010, Scotland Yard's homicide unit took over the investigation into the death of Jimmy Mubenga and MPs called for a wide-ranging and independent inquiry into the UK's removals system. The three security guards from G4S were bailed without charge initially until December 2010 and continued on bail during the writing of this briefing, pending further enquiries. Mr Mubenga's death and many other serious allegations of excessive force have led to calls for G4S to be fully investigated. At the time of writing, the three security guards from G4S are on police bail awaiting a decision on whether they will face manslaughter charges.

Information sent recently to Amnesty International demonstrates that the allegations of ill-treatment during the enforced removal process continue:

- A Moroccan national claims that he was restrained by his arms and legs and was dropped down the stairs of the airplane. His arm was broken.
- A Cameroonian national claims he was struck on the neck, handcuffed and his ear was injured.
- A Zambian national claims to have been strangled.
- A national from the Democratic Republic of the Congo claims to have been beaten and that his head was banged on the floor.
- A Cameroonian national claims to have been assaulted and had a suspected fracture but was not taken to hospital for x-ray.

During the past year there have been a number of specific allegations of ill-treatment during enforced removals that have been reported, including:

A 37 year old Colombian was hospitalised on 6 October 2010 after G4S guards escorted him onto a BA flight. He claimed he was mistreated in the stairwell outside the aircraft where there were no cameras.¹ After he was refused asylum in the UK there were five attempts to remove him and Amnesty International has learned he was finally sent to Colombia on 14 January 2011.

An asylum seeker from the Democratic Republic of Congo (DRC) claimed he struggled to breathe when security staff restrained him at a Heathrow boarding gate, and feared he was "going to die".² He alleged that escorts put a knee on his chest and sat on him as he resisted efforts to enforce his removal on a Kenya Airways flight to Nairobi in January 2011. He had been in the UK for eight year and had claimed asylum as he is an opponent of the Government and feared return to the DRC.

Two students from London University's School of Oriental and African Studies were taken off of a Virgin Atlantic flight to Nairobi on 5 January 2010 when a man nearby was

¹ <http://www.guardian.co.uk/uk/2010/oct/21/g4s-jose-gutierrez-deportee-alleged-mistreatment>

² Guardian 23 January 2011

being forcibly removed from the UK.³ They said that the man was handcuffed and in pain as he was being violently restrained. Other passengers on the plane seated nearby were reported to be looking at each other in disbelief as a fellow passenger was crying out for help and was clearly in considerable distress and pain.

The two students claim the man screamed as he was restrained by three guards who were pinning him in his seat. The students demanded to see the captain, a request which was denied, and they were offered seats at the front of the plane so that they would not hear the man screaming. When they continued to voice concerns, the plane taxied back to the terminal where according to them armed police were waiting for them. They were taken off and one of the students said he was questioned under anti-terrorism powers for several hours before being escorted to the underground station at Heathrow.

A refused asylum seeker from Cameroon whose removal on Kenya Airways took place on 9 April 2010 with 14 other refused asylum seekers.⁴ The Independent reported that he was accompanied by a male and a female escort officer plus a male medical escort. All three were provided by the private security company Group 4 Securicor (G4S).

He relates in the article that his wrists and legs were handcuffed for the whole flight and that his lip was cut and his wrist and chest were bruised. He was allowed to go to the toilet only with the door open and four guards standing outside.

G4S wishes to make it clear that all of these cases were subject to their own internal investigations procedures and overseen by the UK Border Agency Professional Standards Unit, and in none of these cases were complaints upheld. Amnesty wishes to point out that these cases were investigated by the company accused of the mistreatment and the Government department responsible for contracting them. This system is neither independent nor impartial.

³ “Witnesses ‘thrown off plane’ during deportation flight. Guardian 31 October 2010 Matthew Taylor and Paul Lewis”

⁴ Independent 15 July 2010

Use of force and “Control and Restraint” techniques

In October 2010 The Times newspaper reported on a secret internal G4S document that it had obtained, revealing the control and restraint techniques used during forced removals.⁵

The escorts from the private security companies were allowed to use techniques which, the Government’s advice warns, can lead to skull fractures, blindness and asphyxia.

The document shows that escorts are permitted deliberately to inflict pain by applying pressure to joints, to use handcuffs normally associated with specialist police units, and to use “nose control” or “nose distraction”. Nose distraction, when properly applied should involve placing two fingers under the nasal septum and applying short sharp upward pressure, but has become widely corrupted and used improperly to essentially become a karate chop to the nose. Nose distraction should never be used against people who are seated.

The report stated that the Prison Service is to phase out nose control techniques as a way of restraining inmates in jails in England and Wales because it is considered to be too risky. Its use in juvenile detention centres has already been banned after an inquiry into the death of Adam Rickwood, 14, who hanged himself hours after his face was bloodied by the technique. Nose control is not used by police officers.

The Home Office has said that the use of force was a matter of last resort if someone became disruptive or refused to comply, or to prevent the returnee from harming themselves. Handcuffs and, in exceptional cases, leg restraints can be used.⁶

The Home Office does not publish documentation on the “control and restraint” methods used to effect a removal and the UKBA operating standards state that “When the application of force is deemed necessary no more force than necessary will be applied and any such force must be reasonable”.⁷ The power for Detainee Custody Officers (DCO's) to use force is enshrined in Section 2 (4) of Schedule 11 of the Immigration and Asylum Act 1999, however it should be noted that such power is only to be used in preventing escape from “lawful custody”⁸

Documents obtained by the Independent newspaper reveal the “control and restraint” techniques used by private detention and escorting officers. These include: Rigid bar, chain link and double-locked handcuffs as well as leg restraints.

David Banks, Managing Director of G4S Care & Justice Services and Stephen Small, Managing Director of Detention and Escorting gave evidence to the Home Affairs Committee on 2 November 2010.⁹ The Committee was looking at the rules and protocols employed by G4S during enforced removal from the UK prompted by the death, 20 days before, of Jimmy Mubenga who died while being escorted by G4S escorts.

⁵ The Times “control and restraint” techniques used during forced removals

⁶ Guardian 14 October 2010

⁷ Independent 5 July 2010

⁸ <http://www.legislation.gov.uk/ukpga/1999/33/schedule/11>. Note: The Immigration and Asylum Act 1999 appears to only apply to UK jurisdictions, so it is not clear what legal powers DCO's have to use force on non-UK territory whilst escorting detainees overseas.

⁹ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/uc563-i/563i.htm>

Mr Banks said that his officers were empowered under legislation to use control and restraint techniques when appropriate. The techniques used were those that were developed by the Prison Service and approved by UKBA and that the risks associated with positional asphyxia were a major part of the training programme. Mr Banks denied any of G4S's approved techniques involved pushing detainees' heads between their legs, saying the only technique used involved "lifting their head up".

However, three months later it was reported that following Jimmy Mubenga's death, whistleblowers from G4S had given testimony which contradicted the evidence given by the G4S managers regarding a banned restraint technique known as "carpet karaoke".¹⁰ Carpet Karaoke was so named, because it involved forcing an individual's face down towards the carpet with such force that they were only able to scream inarticulately like a bad karaoke singer. This revealed that G4S managers were repeatedly alerted that refused asylum seekers who became disruptive on flights were being "forced into submission" with their heads placed between their legs. The technique, which is strictly prohibited because it could result in a form of suffocation known as positional asphyxia, was nicknamed "carpet karaoke" by G4S guards. Whistleblowers had repeatedly warned that "potentially lethal force" was being used during the removal process. This evidence had been submitted to the Home Affairs Select Committee following Jimmy Mubenga's death.

Mr Banks told the committee that UKBA wanted to review the use of control and restraint. Immediately following the death of Mr Mubenga, he added, they did withdraw the ability of escorts to use control and restraint but, after a short period of consideration, those powers were reinstated in full.

A member of the committee referred to allegations of behaviour which had been considered inappropriate concerning a detainee's arm being held too tightly, restraint by using an inappropriate neck hold and being left too long in handcuffs.

Reference was made to the Ministry of Justice's Physical Control in Care Training Manual, amended in July 2010¹¹, which identified a number of risk factors associated with the control and restraint procedures. They explained that there were two holds that were discontinued following this publication and that the guidance to G4S employees had subsequently been changed. The two holds were the seated double embrace and the double basket hold. Mr Banks further explained that there was a distraction technique, commonly called the nose distraction technique, which involved "a very short chop to the nose", that was discontinued.¹²

¹⁰ Guardian article G4S security firm was warned of lethal risk to refused asylum seekers 8 February 2011

¹¹ <http://www.justice.gov.uk/physical-control-in-care-training-manual-2010.pdf>

¹² The nose distraction technique was suspended by the Ministry of Justice in December 2007, <http://www.publications.parliament.uk/pa/jt200708/jtselect/jtrights/65/6505.htm>

Insufficient training

For the purposes of this report, Amnesty International interviewed a number of people with direct working experience within the detainee escorting sector and the enforced removals process¹³. Amnesty also received extensive supporting documentation detailing longstanding concerns about the use of force, training, accountability and oversight within a number of companies contracted by the UK Border Agency to undertake enforced removals. Such testimony and documentary evidence demonstrates that serious problems were documented on numerous occasions over many years, including to the UK Border Agency.

It is important to stress that a robust and transparent training and accountability regime is important not only to protect the rights of those being removed but also the escorting guards responsible for conducting the removals. An adequate system would protect all parties from risk of injury and allegations of ill treatment.

For example, direct concerns were raised over training standards and the use of banned techniques known to risk death by positional asphyxia.¹⁴ Any techniques likely to cause positional asphyxia are expressly prohibited in Prison Service Control and Restraint training manuals that are supposed to form the basis of overseas escorts' basic use of force training.¹⁵

There are serious concerns about the levels of training currently given to Detainee Custody Officers (DCOs) employed to work as overseas escorts. Following a Home Office audit in 2008, Amnesty understands that training and accreditation procedures were tightened to ensure that all new staff employed directly for the company were trained to the required standard, but prior to this date, sources told Amnesty that formal accreditation was reportedly given without adequate checks that the required standard had been met. As these private companies are contracted on behalf of the UK government to undertake law enforcement activities, Amnesty believes it is the responsibility of the UK Home Office to ensure that all companies and individuals employed under its contracts are meeting the necessary mandatory standards to lawfully undertake enforced removals. There are still ongoing concerns that the Home Office has no reliable method to check and authenticate the accreditation of each and every person undertaking forced removals.

The UK Home Office clearly states that all DCO's must have Control and Restraint (C&R) and First Aid training, in order to be accredited. Handcuff training is optional, but desirable.¹⁶ C&R training is a mandatory five day course and an annual one day refresher course. First Aid training is a four day course and a two day refresher course every three years.¹⁷ First Aid at work training must be of Red Cross or St John's Ambulance standard. Sources told Amnesty that prior to 2008, many of the DCOs had not received this minimum level of training, yet had been accredited and that the Home Office had not verified nor authenticated actual training records to ensure that all staff employed had been trained to the correct standard. If this is the case, at least prior to 2008, DCOs were involved in removals of thousands of detainees when they had not received the

¹³ Interviews, testimony and supporting documentations supplied to Amnesty International and on file.

¹⁴ Positional Asphyxia is defined as restraint techniques that compromised a person's airway or lungs, including undue pressure applied to the neck, restriction of the chest wall or impairments to the diaphragm.

¹⁵ Manuals include the Prison Service Use of Force and the Physical Control in Care training manuals

¹⁶ See Chapter 58.5 of UK Border Agency's Enforcement Instructions and Guidance, available at <http://www.ukba.homeoffice.gov.uk/policyandlaw/guidance/enforcement/>

¹⁷ Home Office letter, on file, dated 23 August 2007

mandatory levels of training to support their accreditation. Amnesty considers that there may be legal implications for the UK Government to examine regarding this issue.

Moreover, in Amnesty's view it is unacceptable that training in the use of mechanical restraints, such as rigid bar handcuffs or leg restraints, is not also considered as a mandatory element of the accreditation process. No officer should apply any form of mechanical restraints without being fully trained in their use as there is a risk of injury if they are not used properly. The Home Office told Amnesty International that all use of handcuffs are now reported to the UK Border Agency for review but Amnesty's central concern is that the use of mechanical restraints including handcuff and leg restraints are not mandatory for accreditation.¹⁸

Amnesty recommends that the Home Office makes handcuff and other mechanical restraint training a mandatory requirement for the DCO accreditation process with immediate effect. We also recommend that Private companies should not be eligible for running in-house training in mandatory elements required for Accreditation. Whilst the Home Office states and approves the contents of the training, Amnesty believes that this is very different from overseeing, running and approving accreditations.¹⁹ Government trainers and Red Cross or St John's ambulance trainers should be used. As within the Prison Service, Training Log Books should be used as matter of routine, so that authenticated training records and First Aid Certificates could be maintained and carried by each DCO and that these can also be verified and authenticated by UKBA employees prior to departure from the UK.

According to witnesses, the use of sub-contracting in order to fill staff shortages is now a widespread feature of the current removals process, particularly for specific charter flights where a large number of detainees are on a single flight. Sub-contracting also raises serious concerns about the levels of training, accountability and accreditation of DCOs. There are already concerns about directly-employed escorting staff not meeting the required training and accreditation standard: these concerns are clearly dramatically increased when the primary contracting company then sub-contracts to third companies. It is also understood that other staff employed in different parts of the company, known as "In Country" staff, who may not have been trained to the same standards or even in the same techniques, are also used during removals to make up shortfalls. Issues regarding accountability are also compounded by the use of sub-contractors. Amnesty recommends that the practice of sub-contracting is stopped with immediate effect. Only accredited staff from the primary contracted company authorised to undertake enforced removals should be used.

Amnesty also questions the suitability of Prison Service training for the escorting of detainees outside a prison environment. According to Prison Service rules, holds and control and restraint techniques used in the planned movement of detainees require a minimum of three trained officers, two at the sides of the detainee protecting the arms, hands and legs and one at the front to hold the head to prevent injury. For some techniques four or five are required. These safe holds are almost impossible to carry out in the tight confines of aircraft, aircraft steps or coaches. Overseas removals should consist of a minimum of three DCOs and one medical officer, as well as a dedicated driver for removal from detention centres.

Amnesty has seen copies of Prison Service control and restraint manuals that are supposed to form the basis of C&R training used by overseas escorts. These training manuals clearly specify the need to conduct scenario-based training specific to the situations likely to be encountered

¹⁸ Letter from Damian Green MP, Minister for Immigration to Amnesty International dated 27 June 2011

¹⁹ *ibid*

during removals of detainees. In 2008, The National Tactical Response Group (NTRG) of the Prison Service recommended the development of: realistic training scenarios replicating aircraft situations; safe restraint techniques for use in a seated position and for less than three officers; and prescribed techniques for the use of leg restraints, handcuffs and other mechanical restraints are developed.²⁰ As far as Amnesty is aware, there is still no specific scenario-based training, nor specific restraint and hold techniques, developed for operations on board aircraft, where the situation is wholly different from escorting detainees within the prison service. This is totally unacceptable. Three years on, the Home Office told us that they are now undertaking a fundamental review of techniques used on aircraft. Whilst we welcome any improvements to the system they have contracted private security companies to carry out this work for 20 years.²¹

According to eye witness testimonies from multiple sources, mechanical restraints were frequently misused by escorting officers. Rigid bar handcuffs were routinely used by escorting staff not trained in their use, who were using them improperly. Rigid bar handcuffs were often used for prolonged periods on detainees, or used in ways that caused excessive strain on wrist joints by over-tightening or by dragging detainees by the wrists.²²

Amnesty International has learned that the Prison Service use specially designed escorting cuffs which are less prone to cause injury. It is not clear, when more humane forms of hand-cuff are available and issued as standard within the Prison service, why rigid bar handcuffs are used in enforced removals, given long standing concerns over their misuse²³. It would also appear that the misuse of rigid bar handcuffs in aircraft seats dramatically increases the risk of positional asphyxia in cases when a person's arms and legs are tightly restrained by over-tightening seat-belts and the head is forced down, pushing handcuffs tightly into the abdomen, a life threatening technique that witnesses told us were routinely used during removals.

There is also no authorised training in the use of Leg restraints of any kind, yet these are also routinely used by escorting officers. Amnesty also received testimony of the use on non-approved restraints, including those likely to cause injury such as child aircraft seat belts, crude body straps purchased online or even trouser belts.²⁴

²⁰ National Tactical Response Group (NTRG), report on Restraint on Aeroplanes, 3rd July 2008

²¹ Letter from Damian Green MP, Minister for Immigration to Amnesty International dated 27 June 2011

²² Interviews on file with Amnesty International

²³ Op cit NTRG report, 3rd July 2008, which also recommended a re-assessment of the current types of hand-cuffs used.

²⁴ Images on file with Amnesty International.

A pattern improper treatment documented over years

In June 2005, Amnesty International published “*United Kingdom: Seeking Asylum is not a Crime: detention of people who have sought asylum*”. The report included claims by some of the interviewees that during attempts to enforce return to their country of origin from the UK they were ill-treated by escort staff and that in some cases excessive force was used.

In 2005 following a BBC documentary which reported on vicious behaviour towards those being returned from the UK by private security escorts during the journey from the Immigration Removal Centre to the aircraft, the Prison and Probation Ombudsman conducted a special investigation. The Ombudsman stated that it was “on escorts – in particular, on escorts to aircraft prior to removal – that the potential for abuse of their legitimate authority by staff (and of misbehaviour on the part of detainees) is the greatest”.²⁵

Also in 2005 the Medical Foundation for the Care of Victims of Torture released a report “*Excessive force during removal of Immigration detainees*”.²⁶ The report found that the use of force against immigration detainees during attempts to expel them from the UK must be limited to that which is strictly necessary and proportionate under the circumstances, using accepted methods of restraint designed to minimise injury risk to all concerned. The report cited fourteen cases after failed removal attempts, where there were allegations that excessive force had been employed.

In 2008 Birnberg Peirce and Partners, Medical Justice and the National Coalition of Anti-deportation Campaigns (2008) published its report “*Outsourcing Abuse: The use and misuse of state sanctioned force during the detention and removal of asylum seekers*”.²⁷ The report found “an alarming and unacceptable number of injuries had been sustained by those subject to forced removals”. The report presented findings from their dossier of nearly three hundred cases of alleged assault and 48 detailed case studies. Allegations of assault were made by people originating from over 41 countries.

Baroness Nuala O’Loan was appointed by the then Home Secretary to independently review the allegations and she presented her report in March 2010. In her Executive Summary she said that the use of force by detention Custody Officers and Escort Officers takes two principal forms: the use of handcuffs and the use of control and restraint techniques.

Baroness O’Loan said in her conclusions that examination of the complaint files in the earlier cases indicated confusion as to responsibilities, some lack of training and of understanding of the complaints procedures which applied, and management deficiencies in identifying these problems and addressing them. That situation had, she stated, now improved, as had the procedures and policy guidance. However there was scope for further development of policies and she made recommendations to address these issues.

²⁵ <http://www.ppo.gov.uk/docs/special-oakington-irc-05.pdf> page 3

²⁶ <http://www.torturecare.org.uk/resources/publications/2103>

²⁷ <http://www.medicaljustice.org.uk/content/view/787/89/>

Baroness O'Loan concluded that during the period of her examination from 2002 to 2008 there was inadequate management of the use of force by the private sector companies. She had concerns in relation to the guidance, management and training, for the use of handcuffs. Her recommendations on the Use of Force included:

- a review of the training provided for the use of force and of the annual retraining, to ensure that, in any case in which force is used, officers are trained to consider constantly the legality, necessity and proportionality of that use of force;
- On all occasions on which force is used, officers should be required to justify that use of force by reference to the necessity, proportionality and legality of the particular use of force;
- There should be a review of the control and restraint techniques and of the guidance used to determine what improvements could be made.

In August 2009 the HM Inspectorate of Prisons conducted a thematic review on detainee escorts and removals.²⁸ In her introduction to the report Anne Owers, the former HM Chief Inspector of Prisons, noted that : “The behaviour of immigration escort staff involved in removing detainees, particularly those resisting removal, has been a focus of concern for some time.....”. She stated that it was essential that there were built-in safeguards to minimise the possibility of over-enthusiastic use of force, or abusive behaviour, and to ensure that those being escorted had the fullest opportunity to complain if they believed that they had been ill-treated. The review found that there were considerable gaps and weaknesses in the systems for monitoring, investigating and complaining about incidents where force had been used, or where abuse was alleged.

²⁸

http://www.justice.gov.uk/inspectors/hmi-prisons/docs/Detainee_escorts_and_removals_2009_rps.pdf

Award of the removals contract to Reliance

Until the end of April 2011 and for the past five years it has been primarily one company, G4S, which has provided escort services to people being forcibly removed from the UK. On 29 October 2010 the UK Border Agency (UKBA) announced that it had awarded a new contract for escorting people detained by the UK Border Agency to Reliance Secure Task Management Ltd²⁹. The four year contract would start in May 2011 and the company would be responsible for escorting detainees, both when in the UK and also on removal flights to home countries. It is understood that Reliance underbid G4S for provision of these services.

Amnesty International has been told that current G4S staff responsible for escorting detainees would move to Reliance. However it is up to individual staff members as to whether they change employers.

On 9 November 2010 Lin Homer, former Chief Executive of UKBA, gave evidence to the Home Affairs committee.³⁰ She was questioned about the award of the contract to the private company Reliance and asked if she was aware of any previous complaints about the way in which Reliance dealt with people in custody. Ms Homer replied that they looked at the quality of all the major providers as one of the aspects of award, and expected them all to have a complaints system and to be able to show that it was accessible and operated fully and fairly.

The Independent Police Complaints Commission (IPCC) completed its investigation into the case of 41 year old Gary Reynolds, who became unconscious while in police custody in Brighton, Sussex. Brighton Custody Suite is run by Reliance, whose staff are not subject to IPCC or Sussex police disciplinary recommendations, despite the IPCC's highly critical findings.³¹ The IPCC statement continued that if any part of the criminal justice system was to be run by private companies it was vital that they are held fully publicly accountable for their actions and omissions.

Gary Reynolds' long term prognosis is not known but he has suffered life changing injuries and is currently paralysed on his left side and suffering from significant cognitive impairment. Hickman and Rose, Gary Reynolds' solicitors, reported on 31 January 2010 that he was paralysed down the left hand side of his body and suffers from a permanent brain injury after being found in a coma in his cell in Brighton police station on 2nd March 2008.³² Gary Reynolds called for a public inquiry on receiving the report of an investigation by the Independent Police Complaints Commission (IPCC), which highlighted systemic failures by custody staff at Brighton Police Station, who were responsible for Gary's care on 2nd March 2008. The IPCC found a failure "to provide Gary Reynolds with an adequate level of care", which "contributed to Gary Reynolds remaining in a coma longer than he should". The IPCC also found there was a collective failure to carry out a range of highly significant duties required by the Police and Criminal Evidence Act for the care of detainees.

²⁹ <http://www.homeoffice.gov.uk/media-centre/news/escort-detainees>

³⁰ <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/587/10110901.htm>

³¹ <http://www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html>

³² <http://www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html>

A better model? Enforced removals in Germany

In Germany private security companies are not involved in escorting a person to the aircraft during the enforced removals process. This practice is carried out by the German Federal Police. In general the police are the responsibility of the regional governments, but this is not the case at the airport, stations or at the borders.

An effective monitoring system was introduced in 2001 in Germany first at Düsseldorf Airport. Frankfurt Airport followed in 2006 and Hamburg in 2010. The tried and tested monitoring system comprises two components:

- monitoring of people who are present for forced returns at the airports in Düsseldorf, Frankfurt and Hamburg airports
- airport forums were established which are responsible for installing the monitors and to which these monitors must regularly report.

The forums consist of representatives of governmental and non-governmental organisations as well as churches. They receive the reports of the monitors and discuss any incidents or problems that have arisen. The forums do not have any legal or official supervisory competences. They see themselves as discussion forums in which problematic situations and matters can be reviewed and clarified.

Confidentiality is an important feature of the forums' work. On the one hand the protection of personal data has to be ensured in all governmental activities. Data on individual incidents and other sensitive information is only discussed among the forum members and not made available to third parties. The forums can voice criticism and demand improvements, for example, concerning the protection of the human rights of persons about to be removed.

The work of those monitoring removal operations and of the airport forums has led to an ongoing discussion and exchange between representatives of non-governmental organisations and the churches with governmental agencies. The goal of this process is transparency in a sector previously inaccessible to the public.

Independent monitoring of forced returns also protects the rights of everyone involved in such procedures. This is true for people facing removal whose fundamental rights may be violated when means of restraint are used, and it is also true for police officials, since the presence of neutral monitors safeguards them against unjustified attacks and accusations.

In response to Amnesty International's concerns regarding independent monitoring, the Home Office states that CCTV is now fitted in escorting vans and records are kept for 120 days; also that Independent Monitoring Boards work in all Immigration Removal Centres and a number of short-term holding facilities including Heathrow Airport.

Amnesty International understands that most allegations of improper treatment occur airside away from CCTV monitoring. The monitoring that does take place is neither independent nor comprehensive and certainly does not cover the entirety of the removals process.³³

³³ Letter from Damian Green MP, Minister for Immigration to Amnesty International dated 27 June 2011

Amnesty International Recommendations

Recommendations for the UK Border Agency:

The roles played by Private Security Companies that have been contracted by States, raise specific and challenging accountability issues for the protection of human rights and international law. Given long standing concerns over the accountability and conduct of private security companies contracted to undertake law enforcement or related security operations, the Government should review experience in other EU countries, most notably in Germany, where the state uses its own law enforcement personnel to undertake enforced returns. Their experience suggests that allegations of harm during the removals process are dramatically reduced when state law enforcement personnel are used and independent monitoring is allowed.

The following recommendations are what Amnesty International considers to be the core elements of a robust, effective, accountable and safe system for enforced removals. Amnesty International recognises that elements of these recommendations may already be incorporated within the operational policies and procedures of those contracted to undertake this work but this falls short of the systematic and comprehensive measures that should be in place.

Where private companies are contracted by the UK government for enforced removals, contracts must only be awarded, overseen and monitored subject to:

- Explicit acknowledgement that private companies exercising public law enforcement operations, including the use of force on the authority of the state, are explicitly bound by the Human Rights Act and other relevant human rights legislation or standards related to law enforcement operations including detention, enforced removals and the use of force.
- Economic incentive, cost or other commercial and/or operational requirements must not be a basis for awarding or operating contracts dealing with the humane and lawful treatment of individuals during the removals process.
- Contracts must be dependent upon suitability and robustness of the training and accountability and compliance mechanisms, including risk assessment, contingency planning procedures, reporting, monitoring and evaluation processes to ensure compliance with internationally recognised human rights standards. They should be subject to rigorous external and regular compliance audits and monitoring. The UK government should not allocate contracts to private companies which have been implicated in instances involving the excessive use of force, harm on removal or any act of torture or other cruel, inhuman or degrading treatment. The practice of sub-contracting to third party companies to fulfil staff shortages should be prohibited under the terms of the contract and only accredited employees of the contracting company should be authorised to undertake enforced removals.
- To ensure a better standard of training, Home Office accreditation for Detainee Custody Officers working as overseas escorts must also include mandatory handcuff and other mechanical restraint training. Accreditation should be dependent on all escorts being verifiably trained to sufficient standards, including mandated follow-up refresher training, in Control and Restraint, First Aid and the use of handcuffs and mechanical restraints. Training Log books Books detailing authenticated records of

training and accreditation should be carried by each DCO and verified by UKBA staff prior to any departure from the UK. Private companies should not be eligible to offer in-house training for mandatory elements of accreditation.

- To ensure greater public confidence in the removals process, all allegations of harm on removal must be subject, where necessary, to independent investigation by a competent body acting with integrity, impartiality and independent from company, government or the complainant's influence.
- To increase transparency and accountability and to mitigate against harm, all removals must be independently monitored by a competent independent body who should accompany, monitor and report on all stages of the removal process, including transport from the place of detention, escorting through airports and on-board aircraft.

In these instances, the UK government retains the legal obligation to protect individuals against human rights abuse caused by Private Security Companies as well as ensuring the right to judicial remedies.

Recommendations for Private Security Companies

- No person or company can undertake enforced removals without adequate training and annual certification. Training methods should be subject to continuous review, assessment, learning and development based on evaluation of operational experience and should be subject to regular auditing by the UK Border Agency. All training must be geared to help reduce the use of excessive force and must include:
 - all relevant human rights and international legal obligations, human rights legislation and related standards on use of force including the lawful use of control and restraint techniques.
 - modules on dealing with potentially vulnerable groups, ethnic, cultural, religious, age or gender related sensitivities,
 - medical assistance, including the medical and psychological implications associated with the use of different devices and restraints, with particular focus on the differential impacts it may have on different population groups.
 - scenarios based on likely issues faced during enforced removals, such as different types of transportation, escorting, different categories of individuals being removed and training on board aircraft.
 - training on verbal techniques/de-escalation techniques.
- Private Security Companies should have a clear use of force policy in place to which they can be held publicly to account. The policy should list prohibited techniques and practices, and state its commitment to relevant human rights and international legal obligations, human rights legislation and related standards on use of force including the lawful use of control and restraint techniques.
- There should be an absolute prohibition on any control and restraint techniques that are likely to impair breathing. Strikes to the head and face, which can seriously risk human life, cause serious injury or constitute cruel and degrading treatment, should also be prohibited.

- All uses of force, including use of restraints, should be reported immediately, monitored and evaluated. Use of Force reports should be thorough and detailed to allow for meaningful assessment to ascertain if each use of force was strictly necessary and proportionate at the time of its application. It must be clearly specified in training and operational procedures that every individual authorised to use force is accountable for each and every application of force and must be able to justify each and every use of such force.
- All use of force must be reported and investigated through robust internal compliance procedures allowing for continual assessment, learning and evaluation, including appropriate disciplinary or other remedial procedures. There must be recourse to external investigation by a competent independent body free from company or government influence. Private Security Companies should not, in any way, prevent or hinder an external investigation into use of force allegations.
- The use of manual restraints should be avoided unless strictly necessary to prevent imminent threats of serious injury or escape and must not be applied for any longer time than is strictly necessary. There should be mandatory training in their use, which should form a mandatory element of the Home office accreditation process. No individuals should apply restraints of any kind unless they have been authorised and trained in the use of manual restraints. Only approved restraint equipment and techniques may be used and, within this, preference should be given to less injurious restraints such as soft restraints made from fabric. The use of manual restraints must never be used as a tool of pain compliance, or used in ways that are likely cause unnecessary pain or suffering or heighten risk of injury such as, for example, by placing excessive stress on wrist joints, or by over-tightening. Rigid bar handcuffs and hinged cuffs should not be used, given their history of abuse.
- The use of leg restraints should be avoided in all but the most extreme cases which cannot be dealt with using more humane alternative forms of restraint, and must never be applied for prolonged periods. Fabric (soft) leg restraints should be used; metal leg restraints should not.
- All enforced removals should include a designated compliance officer who is qualified as a senior trainer with a supervisory role, a certified medical officer and a certified social and welfare officer.
- The enforced removals process should be subject to a detailed risk management methodology and contingency planning prior to each and every removal to help reduce the use of excessive force or other human rights abuses. To reduce the likelihood of abuse, contingency planning should ensure:
 - adequate resources and capacity are allocated to each removal depending on the likely nature of incidents to be faced
 - a minimum number of trained and authorised personnel necessary to deal with anticipated situations.

International Standards

Key relevant international standards on the use of force, applicable to any officer acting under the authority of the state.³⁴

- No person acting under the authority of the state for any law enforcement operations can inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment and has a duty to disobey orders to carry out such acts.
- All law enforcement should apply non-violent means as far as possible before resorting to the use of force. All use of force must be strictly necessary, proportional to the threat faced and designed to cause the minimum of pain and suffering necessary to meet its lawful objective. They may use force only if other means remain ineffective or without any promise of achieving the necessary lawful objective. Force, including the use of restraints, must not be applied for any longer time than is strictly necessary.
- Special attention should be given to the protection of human rights of members of potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups. Law enforcement personnel should pay particular regard to factors of race, color, gender, sexual orientation, age, language, religion, nationality, political or other opinion, disability, ethnic or social origin when carrying out their duty.
- Law enforcement personnel must ensure that all possible assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.

All violations of human rights by law enforcement personnel, including any breaches of these Basic Standards, should be investigated fully, promptly and independently. All law enforcement personnel must report every use of force incident, including the use of restraints, promptly to their supervisors, who should ensure that proper investigations of all such incidents are carried out.

³⁴ For more details see, [10 Basic Human Rights Standards for Law Enforcement Officials](#) (1998). AI Index: POL 30/004/1998.

Statement issued by G4S on 5 July 2011

“Between 2005 and April 2011, (at which point the contract to operate detention and escorting services transferred to another organisation) G4S employees provided security, care and welfare to immigration detainees on over one million occasions. Over that time our employees frequently worked in very challenging circumstances, dealing with distressed detainees who on some occasions resisted deportation.

“Over the years we have been involved in custodial and immigration services, our training programmes have increasingly placed a large emphasis on de-escalation techniques and well-developed interpersonal skills: control and restraint techniques are only used as a last resort. As a contractor, our employees were trained only in, and authorised to use, Home Office-approved techniques: we could not legally deviate from this guidance or training method unless approved by the Home Office. On the rare occasions “use of force” was required, this was recorded and reported to UKBA within 24 hours and would be subject to review by external monitors to ensure it has been reasonable, proportionate, justified and necessary.

“We have always operated to the highest possible standards of safety and welfare for those people in our care - while our contracts are strictly monitored by Home Office, our own internal auditors as well as independent third parties such as Independent Monitoring Boards and Her Majesty’s Inspector of Prisons. Our employees are required to pass rigorous screening and vetting procedures and training programmes which are agreed and approved by the Home Office before working in immigration services. Any complaint against our employees or regarding the standard of our service is investigated thoroughly by both us and UKBA. On the very rare occasion where an employee is found to have acted inappropriately or outside of the guidelines, appropriate disciplinary action is taken.

“The tragic death of Jimmy Mubenga in October was the first death in custody experienced by our immigration escorting business and resulted in the immediate suspension of the three custody officers involved. The officers involved transferred to the new service provider at the end of April and are no longer employed by G4S. As this issue is currently the subject of a police investigation we are unable to comment any further on the details at this time.

“We welcome the National Offender Management Service review into this area and remain committed to ensuring the safety of all detainees held in our care on behalf of the Home Office”.

ENDS

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