



DETENTION SERVICES ORDER 9/2016 – DETENTION CENTRE RULE 35

Rule 35(3) report – concerns that a detainee may have been a victim of torture

Section 1: Detainee's details

Forename(s):	D2442		
Surname:	D2442		
Date of Birth:	DPA	HO reference number:	12146319
Immigration Removal Centre:	Gatwick Immigration Removal Centre		

Section 2: Detainee's authority to release medical information

The detainee named above has authorised the release of the medical information in this report in line with the guidance in DSO 1/2016 – The Protection, Use and Sharing of Medical Information Relating to People Detained Under Immigration Powers.

Section 3: Medical practitioner's report
(Please read the notes at the end of this form)

I have examined the detainee named above in my capacity as an immigration removal centre medical practitioner and hereby report that I have concerns that the detainee may have been a victim of torture. This is a factual report rather than a medico-legal one.

I understand that torture in this context means:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

I also understand that it includes such acts carried out by terrorist groups exploiting instability and civil war to hold territory.

Section 4: Detainee's account

Please provide details of the account given to you by the detainee of the alleged torture. In particular, please provide:

- as much detail as possible about the detainee's explanation for the cause of each injury, scar or symptom (physical or psychological).
- details of when, where, how, over what timeframe and why the torture is said to have happened, if possible.

Arabic .

- ID P0036566
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- Rule 35
- He claims to have been tortured on 1/08/2016 until 15/09/2016 in Kuwait by the the national security. He was taken from home by 4-5 officers and he was expected to become an informant and disclose names of people involved in the demonstrations. He is unsure where he was kept. He was beaten with batons and clubs and burnt him on the face and head. He was burnt using cigarettes. He would be beaten up once day. This continued until he agreed to cooperate with the Security services. After release he left the country. He arrived on the 24 February 2017.
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- He has a large scar on the posterior scalp and on the left ear.
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- He has recently been started on Sensitive and Irrelevant due to low mood and thoughts of ending life. He is under the care of the mental health team. 2 days ago he says that he tried to hang himself,
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- He has not previously disclosed this to anyone. He says he mentioned this at the airport when he arrived.

Section 5: Relevant clinical observations and findings

Please provide details of your objective clinical observations and findings. This should include:

- details of all scarring or other physical marks, psychological symptoms, physical disability or impairment.
- details of any medical or professional treatment/support that the detainee has received (including outside the UK) or is receiving and from whom.
- any information in respect of previous or current physical or mental health problems which may be a result of having been tortured.

See above:

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- 2 visible scars
- Thoughts of ending life recently since being in detention
- He appears anxious about his case.
- At consultation, no evidence of severe mental health issues.

Section 6: Assessment

Please set out your reasoned assessment of why, on the basis of the detainee's account together with your own examination and clinical findings, you are concerned that the detainee may have been a victim of torture. This should include your assessment of:

- the consistency of any physical (eg scars) and/or psychological findings with the detainee's allegations, including any evidence to the contrary
- whether there might be other plausible causes for the findings
- the impact detention is having on the detainee and why, including the likely impact of ongoing detention

If there are no physical or psychological findings to support the detainee's account, you must state why, in your professional assessment, you nevertheless have objective grounds for your concern.

He may be a victim of torture. His scars are consistent with the account given.

Section 7: Signature

Signed:.....

Printed name:.....

Position and qualifications:
.....

Date..... 11 Apr 2017.....

If other healthcare professionals have supported you in examining the detainee and/or in producing this report their details must be given below:

Signed:.....

Printed name:.....

Position and qualifications:
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Date.....

Signed:.....

Printed name:.....

Position and qualifications:
.....

Date.....

Signed:.....

Printed name:.....

Position and qualifications:
.....

Date.....

NOTES – for the medical practitioner

The requirement to report need only be triggered by you having a concern that the detainee may have been a victim of torture. However, you should not make a report where the detainee's experience of harm or mistreatment does not meet the definition of torture given in section 3 above, or where you do not have clinical concerns that the detainee may have been a victim of torture, including instances where there is no basis for concern other than an unsupported claim by the detainee to have been a victim of torture.

Your report must be completed legibly, with all questions being completed fully. Consideration of the report will be delayed if Home Office officials have to return the report to seek clarification.

If the Home Office request clarification of any point in this report, this must be provided promptly.

Once completed this report must be faxed to the Home Office IRC Team.

A signed copy of this report must be placed on the detainee's medical record and another signed copy provided to the detainee free of charge.

The Home Office response must on receipt be reviewed by the medical practitioner. If it is considered to unsatisfactorily address the original concerns, it must be escalated to the Home Office IRC Team.

NOTES – for the Home Office caseworker

You must consider and respond to this report in line with the guidance and instructions in:

Chapter 55b Enforcement Instructions and Guidance – Adults at Risk in Immigration Detention

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