



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):	D523		
Surname:			
Date of Birth:	DPA	HO reference number:	5859573
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.

This patient mentions at the age of 9 he was in Afghanistan in a town called [Sensitive/Irrelevant] he was living in [Sensitive/Irrelevant]. He claims the Taliban took his whole family as his father was a commander of Taliban and had defected against them. Pt mentions he was taken and separated from his brother and mother. He mentions his father was shot in front of him. The patient mentions his hand was cut and he was told if he was to make a noise he will be shot. He was told he should be with Taliban and was forced to join them. He mentions that his father didn't want to work with the Taliban due to a difference in ideas and this led to his family being captured.

This patient mentions he was kept for 3 years between ages 9-12, being trained with guns and then was helped by his uncle to escape. He was brought to the UK shortly afterwards where he claimed asylum. The patient mentions he wasn't believed regarding his account 10 years ago and his asylum was rejected.

The patient mentions not having contact with his mum in the last 10 years. He mentions he doesn't have anyone in Afghanistan who can help him. He has currently no family and has lost local knowledge, practices and language. He fears being targeted due to his father's connections and his own defection from Taliban and also due to his inability of adhesion and isolation into that society

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.

Patient mentions he has a scar on the arm, he showed me a round scar on the left middle of the arm 3 cm over the cubital fossa. The patient mentions this was the cut on the arm that the Taliban had done when they shot his father.

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 on-going 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.

The patients scar may be due to his account of what happened.
His story is consistent.

Section 7: Signature

Signed:.....

Printed name:.....

Position and qualifications:
.....

Date..... 10 Mar 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:
.....

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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