

## **Report (11)**

# **Unannounced visit to the Men's Removal Center (MRC)**

**24-25 May 2016**

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## Executive Summary

The Prisoners and Detainees Rights Commission (PDRC) was established in Kingdom of Bahrain by royal decree No.61 of 2013 as part of the pioneering measures to promote respect for human rights in the Kingdom, where it's the first of its kind in the region. It exercises its functions freely, impartially, transparently and in a completely independent manner within a well-developed vision of dealing with prisoners and detainees, in order to ascertain their status and the treatment they receive to ensure that they are not subjected to torture, inhuman or degrading treatment.

In order to execute PDRC's mandate and legal responsibilities, PDRC made an unannounced inspection visit to Men Removal Center (MRC) under the General Directorate of Nationality, Passports and Residence Affairs (NPRA) on 24-25 May 2016. Main findings by the PDRC as following:

- MRC is not overcrowded, with a capacity of 450 detainees, and total number of population at the time of the visit was 106 detainees. By using random sample method, the number of detainees interviewed is 20, representing 19% of the total population in MRC.
- Staff did not receive training on how to deal with detainees in need of special care, such as the elderly and the sick.
- Detainees are allowed to have visits twice a week in a private room, but there were no written procedures to organize such visits in the centre. Detainees are allowed to have their personal mobile phones with them at all times.
- PDRC noted that MRC was not equipped with surveillance cameras. Moreover, safety equipment and emergency exits were available. Emergency evacuation drills are regularly performed.
- The main hallways, corridors, wings, cells and toilets and shower areas are clean, and accessible to detainees, and they were provided with mattresses and sheets, and detainees are able to receive personal hygiene items, and have access to the external area 4 times a day.
- A number of detainees complained about the length of their stay in detention without follow-up or informing them of the procedures for their deportation. PDRC team noted that Most detainees are held for a short period, few were held for prolonged detention, because of lost official documents, nationality,

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- or judicial process, which was found to be beyond the administrative control. As stated in MRC administration response most detainees are deported within a short period, three detainees were held for 13 months, because of a travel ban based on a flimsy case. The three detainees have been deported.
- PDRC found the legality of detention was based on proper procedures. Detainees had knowledge about the place of detention to be able to inform their relatives about their whereabouts.
- Detainees have access to healthcare services at external health centers. Whilst, no medical records for the detainees; instead, medical documents are kept in detainees file.

PDRC presented a draft of inspection visit report to the General Directorate of Nationality, Passports and Residence at MOI, under Article (10) of the royal decree established the PDRC, which states: “The Commission shall prepare a report following each visit it conducts to prisons, jails and other places referred to in Article (1) thereof. PDRC report shall include recommendations in relation to the conditions of inmates and detainees, and preventive measures designed to improve their conditions. The draft report shall be presented to the authorities concerned, which will be required to respond to its contents within a reasonable time period to be agreed upon between the Commission and the concerned authority”.

The General Directorate of Nationality, Passports and Residence at MOI responded to the draft of this report and they have sent their observations as it shown in the attachment in this report, where it includes the recent procedures were implemented or taken into consideration after the visit.

## Section 1: Introduction

In order to fulfil the tasks entrusted to PDRC and its effort to support and promote human rights in visiting reformation and rehabilitation centers like prisons and detention centers, and in line with its competence and authorities stipulated in Decree No.61 for the year 2013, PDRC has made an unannounced inspection visit to Men Removal Center (MRC) which is under the General Directorate of Nationality, Passports and Residence Affairs (NPRA), to observe the conditions of the place, circumstances, and health conditions of the detainees in addition to the guarantees and rights granted to them. PDRC procedures were adopted and followed to ensure issuing recommendations to raise the standards to be in par with human rights guidelines, taking into account the special nature of MRC as it is considered as an administrative center for foreign men deportation, not a penal institution or a reformation and rehabilitation center, where judicial decisions is issued.

## Background and Methods

### Overview:

MRC is affiliated to the General Directorate of Nationality, passports and Residence Affairs (NPRA) – Ministry of Interior (MOI) is the only Removal facility for men, where it is located in Southern Governorate. An inspection was conducted on Tuesday- Wednesday (24 – 25 May 2016), and included interviewing randomly selected detainees- listed on detainees records- who were transferred from Jau Rehabilitation and Reformation Center (JRRC), Public Prosecution (PP), or detained through enforcement campaigns carried out by the security administration along with the respective authorities. A private hall was allocated to PDRC team during the inspection to ensure the full independency. Following the visit, PDRC team issued a report using a professional methodology agreed upon by the members and drawing on field visit reports by similar international institutions. The PDRC team greatly benefited from the wealth of experience it has accumulated from its past inspection visits to the reformation and rehabilitation and detention centers.

## **Evidence Gathering:**

### **(i) Interview Detainees**

PDRC team met 20 detainees out of 106 detainees, representing approximately 19% of MRC population, by implementing the random sample method. The detainees were selected by the PDRC team without any interference from MRC staff.

The random selection through determining names in specific sequence from the total detainee's names records to ensure good representation of MRC detainees including age, nationalities, detention period and reason.

PDRC held a question and answer session with the selected population. Answers, comments, views and complaints expressed were noted.

Meetings with detainees were held independently of MRC staff and in groups. The detainees were briefed on PDRC team's role as well as the purpose of the interviews, ensuring them of privacy and confidentiality. All answers by detainees were taken into account, the team listened carefully and accurately to all the detainees who were interviewed.

### **(ii) MRC Management**

PDRC team met MRC administrative team, the staff provided a presentation on the conditions of the premises that included data and statistics related to detainees and staff.

During the meeting with the management, and throughout the inspection period, questions, comments and allegations raised by detainees were discussed. Or what was observed by the visit team obtained from their taken notes during their direct preview to the place and they followed working mechanism, the management showed cooperation with the team in all stages of the visit. Moreover, the management replied on all questions and inquiries as well as commenting on the taken notes by the PDRC team.

### **(iii) Inspecting documents**

PDRC had access to documents needed to complete the inspection, such as, information regarding the legality of detention process, and administrative

documents that includes statistics of detention period and reason, As well as their allocation.

PDRC team reviewed documents related to health care, safety and maintenance work as well as food catering.

### **(iv) Direct observation**

During inspections and it is conducted according to a work plan that ensures proper distribution of tasks and the selection of all indicators to be verified. These included physical observation of MRC conditions, such as description of the place, and interaction between staff and detainees and vice versa.

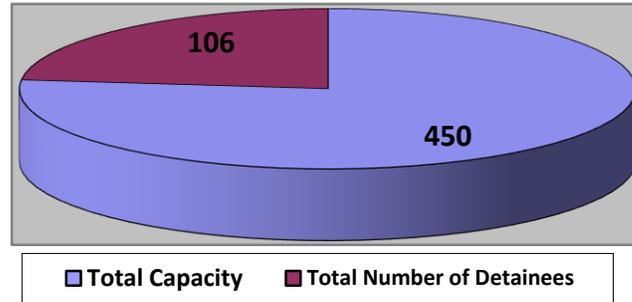
Observations about MRC were documented immediately using the following two methods:

- A. Observations found by PDRC team.
- B. Comments of detainees and MRC staff.

In both instances, whenever necessary, PDRC verifies the observations with staff and detainees.

## Section 2: Basic Data and Statistics

Capacity	Number of Detainees	Overcrowding
450	106	0



**Premises description:** There are Six wings in total, two on the ground floor and four on the first floor (each floor has shared toilets). Each wing has two solitary confinement cells, two dining areas each with a TV, two stores, a mosque, and an external courtyard.

The number of police staff in the center is 48, divided into guards and shifts (four shifts, each shift has between 6 to 7 staff members) beside representatives for patients, receiving detainees, deportation, inquiry, and follow-up.

### Section 3: Humane treatment and Conditions

- The team noted that staff did not receive training on how to deal with detainees in need of special care, such as the elderly and the sick. There are no written procedure in relation to detainees' inspection.
- Detainees are allowed to have visits twice a week. The visit are held in a private room, but there are no written procedure to arrange such visit. Detainees are allowed to have mobile phones at all time and contact their embassy, lawyer, and family, but such procedures are either disorganized or not written.
- PDRC team noticed in relation to safety procedures that MRC is not covered by surveillance cameras, whilst, safety equipment and emergency exits were available. Emergency evacuation drills are regularly performed, and the last drill was commenced on 7 January 2016 as recorded. Safety measures are available at the external courtyard area, such as fire extinguisher and emergency evacuation gathering point. Staff office is located within the wing and cell doors are kept open at all times, where detainees could call on staff whenever needed.
- The team noted that staff did not receive necessary training on the legal use of force in the center we needed. Besides, there is no documentation in case the legal use of force was required. However the police station is notified with the incident.
- Detainees complained about the variety and quality of meals. Staff justified that meals are provided by a catering company contracted with the Ministry. Some detainees complained that drinking water is not available on the ground floor. The team looked into the allegations and confirmed that there were two water distillation systems, one on the ground floor and another on the first floor, but the water distillation system on the ground was under maintenance.

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However, the second water distillation system was working in good condition and accessible to the detainees at all times.

- The main hallways, corridors, wings, cells, toilets and shower areas are clean and are accessible to detainees. Despite the availability of appropriate air conditioning and natural lighting, they lack ventilation in some areas.
- The team noted that detainees were provided with mattresses and sheets. Beside receiving personal hygiene items, and have access to the external area four times a day.
- The team noted that detainees are transported in safe and clean vehicles, and are allowed to carry documents and personal belongings while being transported. However, the process has no recorded log.  
A number of detainees complained about the long period of detention without any follow-up regarding their deportation process. The management said that detainees are notified upon arrival of the procedures, requirements, specified documents of deportation to facilitate their travel (passport, tickets, fees, judicial procedures, etc...) The management continually follow-up the finalization of the deportation process.
- The team noticed that in general, most detainees are held for a short period however, some stay longer beyond the administrative control due to losing official documents, nationality or judicial process. MRC states that most detainees are deported within a short period (2-5) days. Three detainees were held for 13months, because of a travel ban based of a finical case, where they are deported after clearing their cases. A government fund was allocated to purchase tickets through MOI for those unable to depart. Moreover, a decision was issued to exempt all deportees from all charges for humane reasons in order to facilitate their deportation.

#### Section 4: Rights and Guarantees

The PDRC team noted that the legality of detention was based on proper procedures. The team noted that detainees had knowledge about the place of detention and are able to inform their relatives about their whereabouts. Posters and leaflets regarding the detainees Legal Rights were not available. The team noticed the availability of complaints boxes, but there was no specific written complaints procedure nor a system to notify the detainee that complaint has been received, or the outcome of investigation.

## Section 5: Healthcare

PDRC team noted there were no medical records for each detainee; instead medical documents are kept in the detainee's administrative file. The detainees have access to medical care through external health centers as there is no clinic in the facility. There is no approved procedure to provide and dispose medicines in the place. The team noted a medical room was available in the place but not in operation and the administration said that it will be functional once medical staff is appointed and administrative process completed. The team noted that there is no first aid box, and when asked about the first aid training courses, team got to know that these training skills are not part of the periodic training.

## Section 6: Recommendations

1. Stipulate written procedures that specify the path of the detainees upon arrival to MRC and departure. The path should be completely monitored by surveillance cameras.
2. Introduce special and well-organized documented procedures for the legal use of force in the facility with proper staff training. Recording any use of force incident at the detainees file.
3. Train staff on dealing with Detainees in need of medical care, special needs, and elderly.
4. Handing out legal rights and guarantees leaflet to detainees In an understandable language.
5. Set up specific system that organize visits that the detainee receives during his stay at the facility, and establish written procedure for detainee's inspection and to train staff on it.
6. Written procedure to specify methods and processes of submitting complaints, how to deal with them, and to notify the complainants with the outcomes.
7. Provide a variety of healthy meals to detainees.
8. Following and speeding up the process of the centers clinic opening, and putting a mechanism for maintaining, dispensing and removing essential medicine and first aid kits should be introduced. In addition, staff training on first aid skills should be provided.

## Section 7: References

- The Constitution of the Kingdom of Bahrain.
- The National Action Charter.
- The Penal Code and its amendments.
- The Code of Criminal Procedure and its amendments
- The Law of the Reformation and Rehabilitation Directorate.
- The Law of the Public Security and its amendments.
- Decree No.61 for the 2013 on the formation and functions of the Commission for the Rights of Prisoners and Detainees.
- The Universal Declaration of Human Rights.
- The International Covenant on Civil and Political Rights.
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.
- The International Convention on the Elimination of All Forms of Racial Discrimination.
- The Convention on the Elimination of All Forms of Discrimination against Women.
- The United Nations Convention on the Rights of the Child.
- Convention on the Rights of Persons with Disabilities.
- The Charter of the United Nations.
- The Arab Charter on Human Rights.
- Standard Minimum Rules for the Treatment of Prisoners (The Geneva Rules, 1955).
- The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules).
- Inspection Standards of Her Majesty's Inspectorate of Prisons in the United Kingdom.
- The Ombudsman's standards in visiting prisons and places of detention (September 2013).

## Standard 1: Treatment and Conditions

- Conditions of the Premises.
- Prisoner's Care.
- Food and Drink.
- Respect
- Safety.
- Legal use of Force.
- Rehabilitation.
- Learning, work and skills activities.
- Outdoor Exercise, Reading Materials, Visits and Calls.

## Standard 2: Rights and Guarantees

- Legal Rights.
- Complaints.
- Legal Procedures Related to Imprisonment.
- Assistance to non-Arabic speaking prisoners.

## Standard 3: Health Care

- Health Services.
- Patient Care.
- Dispense of medical Prisoners prescription and treatment.
- Psychological Health.

## National Directorate of Nationality, Passports and Residence (MOI) Response on MRC Report

- As for the written procedures defining detainee's inspection, there are written and administrative instructions for all officers and members regulating the detainee's inspection process upon arrival.
- Concerning the absence of written procedures regulating visits, criminal justice system (Najm) activated at the center 24/7 in all shifting hours to facilitate the detainee's procedures, including visits permits procedures, where all the procedures has been documented and archived electronically. In addition, written administrative instructions was given for officers and members to regulate the process of detainee's visits.
- Regarding that MRC not covered with surveillance cameras, MRC has installed (23) cameras covering the offices, corridors and detainees gathering places such as (television room, the mosque and the main hall).
- In regards to staff training on legal use of force, the training department at the ministry was addressed) on how to deal with detainees and the regulations that controls the legal use of force and the risk management and liability
- In relation to any complaints raised about the variety and quality of food provided to detainees, MRC administration will directly contact logistic department in MOI and will take the necessary action against any issue taking into consideration the provision of meals suitable for people having (Hypertension, diabetes, etc.). In relation to the lack of drinking water on the ground floor, necessary action were made in this regard to provide drinking water; beside, the main water tank has been changed to a new and larger tank.

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- In relation to inadequate ventilation in some places ventilation added to the required areas.
- In relation to detainee's movements and the absence of a special registry for it, there is a special record in the common criminal justice system (Najm) during detainee's referral process.
- In concern to the availability of detainees Legal Rights leaflets, MRC has addressed the Legal Affairs Department in MOI on the same matter. In addition, regarding the absence of a dedicated complaints box, MRC has provided a special complaints box to detainees and allow them to raise their complaints, and MRC has established a mechanism for complaints to transfer them directly to the administration and taking the necessary action to it.
- In regards to the absence of a medical record for each detainee, all the detainees are checked up before placed in the center, and there is a health record for each detainee has been treated in health and social affairs department (Public Security Hospital), MRC provided for each patient detainee a plastic box used for his medication and it is recorded in a special registry by MRC staff. Regarding the absence of medical staff at MRC clinic, we have addressed the relevant body in this regard to arrange medical staff at the clinic, also MRC has provided a first aid box for emergencies, furthermore, police staff has been given training on first aid skills and still ongoing.

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