

AI INDEX: EUR 45/02/95

14 JUNE 1995

UNITED KINGDOM: JOY GARDNER'S DEATH
MUST NOT BE SWEEPED UNDER THE CARPET

The UK Government must learn the lessons from the tragic death of Joy Gardner, since the acquittal of the police officers involved in the case has resulted in an apparent lack of responsibility for her death, Amnesty International said today.

The case highlights the need for an independent inquiry into the role and accountability of all agencies involved in the deportation process in the UK.

Following the acquittal today of the two remaining police officers facing trial in connection with the Gardner case, the human rights organization wants to stress the government's responsibility to ensure that deportations are carried out -- in accordance with international standards -- in a manner which respects the human rights of the deportees.

Joy Gardner collapsed, fell into a coma and died four days later as a result of being gagged, strapped into a body belt and having her legs bound during an attempted

deportation by police in July 1993. Three police officers have been tried for manslaughter; of the three officers facing trial in connection with the case, one was acquitted mid-way through the court hearing, and the remaining two were acquitted today.

Amnesty International investigated the death of Joy Gardner, as well as serious allegations made by other deportees about ill-treatment and the use of unauthorized methods of restraint. The organization made the following recommendations to the UK Government:

Given that private security firms are currently carrying out most forcible deportations:

- * all private security firms should be statutorily regulated
- * there should be independent monitoring of the training of personnel to ensure that such training is at least equivalent to that received by the police;
- * the Immigration Service should be accountable to an independent body;
- * private security firms should be accountable to an independent body;
- * an independent complaints procedure should exist to investigate complaints of misconduct by the immigration service and by private security guards.

Given that the Home Office is responsible for outlining the methods of restraint which could be authorized for use in exceptional circumstances,

- * the guidelines on which methods of restraint can be used and in what circumstances must be published and circulated widely;
- * the guidelines on who can authorize various methods of restraint must be published and circulated widely;
- * the medical advice on the dangers of some methods of restraint should be published;
- * the Home Office should now explain how the usage of the mouth gag was authorized in the case of Joy Gardner and in previous cases.

Background

At 7:40am on 28 July 1993, three police officers from the Alien Deportation Group, two police officers from a local police station and an immigration officer arrived unexpectedly at Joy Gardner's home to deport her and her five-year-old son that same day to Jamaica. She reacted by shouting. When she attempted to telephone her solicitor, a police officer unplugged the telephone.

A struggle ensued and, according to the police, she became so violent she needed to be restrained. At 7:45am she was thrown to the ground, placed in a bodybelt with her hands cuffed behind her back, and two leather straps were bound around her thighs and ankles. A police officer then wound more than 13 feet of adhesive tape seven times around her head, over the mouth and chin, as she lay face forward on the ground. Within five minutes, an officer noticed that she had gone limp; attempts at resuscitation were made.

Ms Gardner was in a coma in hospital for four days before she died. The Crown at the trial relied on the testimony of four pathologists who carried out extensive tests and stated that Joy Gardner died as a result of asphyxiation. Two other pathologists stated that death was caused by a head injury.

Officers from the Alien Deportation Group testified that mouth gags had been used on previous occasions by them and that body-belts, leather straps and surgical tape were part of their group's regular equipment. However, it became clear at the trial that mouth gags had not been used by police officers in any other circumstances. The trial has raised questions about the monitoring of the use of restraints and the authorization of such restraint usage.

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