

Civil Society reaction to today's riot at Lyster Barracks Press Statement

The inquiry report on a protest by detainees at Lyster Barracks and its handling by the security forces is heavily skewed in favour of the authorities concerned and leaves key questions unanswered.

In a press release issued today, ten local NGOs insisted that transparency and accountability can only be ensured by a truly independent investigation. It is a basic principle of justice that no one should be judge in his own cause, otherwise an inquiry cannot be truly impartial.

On Friday, a board made up exclusively of members employed by the ministry responsible for the Detention Service (DS) and the Police accepted almost without question the institutional version of events on 25 February, when these two corps intervened to control a detainee protest.

The board, which was set up by Home Affairs Minister Manuel Mallia, concluded that the police did not use excessive force in spite of the fact that at least two out of the three detainees interviewed claimed they were beaten. The report neglects to ascertain whether all the detainees involved were examined by a doctor, and whether any force was used after they were handcuffed and restrained.

In reaching its conclusions, the board only interviewed three detainees, although some 28 or 30 people were involved and according to the report at least five received medical treatment after the incident. Instead, it appears to have relied heavily on evidence from other witnesses, who were either interested parties (DS and Police) or not present during the incidents (UNHCR and JRS).

The need for an independent inquiry into the conduct of security forces, when there are allegations of ill-treatment or abuse, cannot be over-stated. Indeed it is the only way to redress human rights violations and to tackle impunity and possible abuse of power. This is even more so within detention centres, which are by their very nature hidden from public scrutiny.

It is a matter of grave concern that, in recent years, the conduct of the security forces in such contexts has only rarely been subjected to independent scrutiny. Even where it is, as with the inquiry conducted by Judge Geoffrey Valenzia into the facts surrounding the death of Mamadou Kamara in June 2012, the reports are rarely if ever made public.

We call upon the government to conduct a truly independent inquiry into the incidents of 25 February and to set up a mechanism to ensure that all such incidents are subjected to independent scrutiny in a systematic and timely manner.

While we welcome the recommendation that conditions and services in detention be improved, this cannot be a substitute for bringing our law and policy on detention in line with international human rights standards, so we reiterate our call for a comprehensive review of this policy.

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