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The Netherlands: Concerns about Schiphol fire need urgent follow up

Amnesty International welcomes the release today, 21 September 2006, of the report of the independent Dutch Safety Board (DSB, *Onderzoeksraad voor Veiligheid*) on the fire at the temporary detention centre at Amsterdam's Schiphol airport during the night of 26-27 October 2005. Eleven irregular migrants were killed, and fifteen other people injured, as a result of the fire.

The report of the DSB confirms earlier reports about unsafe detention conditions; inadequate implementation of safety recommendations; insufficient training on the part of the guards and their inadequate intervention upon discovery of the fire. The DSB concludes that:

"it is likely that there would have been fewer or no casualties if fire safety was taken more seriously by the government authorities responsible".

The DSB found that there was inadequate registration of those detainees who were evacuated from the building. Some of them were randomly taken to other detention centres that were either unsuitable or not prepared to receive them. The provision of medical attention, in particular to those affected by respiratory problems, was lacking. Those detainees who, following the evacuation, had been transferred to other detention establishments had difficulty in communicating with the outside world, including with their lawyers and members of their families. As a result of the chaos which ensued in the aftermath of the evacuation, the whereabouts of many was unknown. Subsequently, people were released but the medical attention in a special relocation facility was very meagre, and psychiatrists complained that the ongoing sense of insecurity at that time with respect to the possibility of being expelled hampered proper treatment.

The reconstruction and evaluation of the evacuation of the detainees make it clear that evacuation was hampered by the lack of a plan for such a large-scale evacuation, and by the panic that broke out among the detainees.

Regarding the after care given to the survivors, their trauma recovery after the fire was impeded, among others things, by a lack of information about the relocation of detainees and inadequate follow up plans for treatment.

The conclusions of three separate independent inspection bodies -- also issued today -- indicate shortcomings in fire prevention in five similar detention facilities, and, in particular, regarding construction aspects and staff competencies to handle calamities.

The DSB concludes that the lack of fire safety awareness is not an incident but a structural safety deficit.

Amnesty International is alarmed by the conclusions of the report, and calls upon the Dutch government, and in particular the Penitentiary Facilities Service (*Dienst Justitiële Inrichtingen*), the Governmental Building Department (*Rijksgebouwendienst*) and the municipality of Haarlemmermeer, to:

immediately follow up on the conclusions and recommendations of the DSB; and
provide adequate compensation to the survivors of the fire, including those who were forcibly expelled, and to the relatives of the deceased, irrespective of their legal status.

Background

In the night of 27 October 2005, 11 irregular migrants perished in a fire that broke out in the removal facility at Schiphol Oost, 15 others (including guards) were injured. Migrants were detained in the affected wings J and K 43 on the night of the fire.

In two public statements on 8 and 11 November 2005, Amnesty International welcomed the announcement of independent investigations, but called upon the Dutch government to release the survivors of the fire and provide them with suitable alternative shelter and medical treatment.

In addition, the organization called for the suspension of expulsions of the survivors pending the investigations. Despite these and similar request by, among others, the DSB, dozens of irregular migrants were expelled from the Netherlands, some within days of the fire. Months after the fire, the majority of the irregular migrants were released from detention. Several of them indicated to Amnesty International that they had received little or no medical attention for their ongoing medical complaints.

On 31 August 2006, the Minister for Immigration Affairs and Integration announced that 39 survivors of the fire still present in The Netherlands would be entitled to a residence permit as a result of "humanitarian considerations due to the exceptional nature of the Schiphol fire". Of the 222 people present in the whole detention facility, 44 migrants were forcibly expelled, some of whom it is known were injured during the fire. In this connection, however, the DSB considered that it was possible that people were expelled before medical symptoms had manifested themselves.

Detention of migrants, whatever their legal status, should be justified in each individual case as a necessary and proportionate measure that conforms with international law, and should be subject to periodic judicial review.

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