

BROOK HOUSE INQUIRY

First Witness Statement of **D668**

I provide this statement in response to requests under Rule 9 of the Inquiry Rules 2006 dated 5 March 2021 and 9 September 2021.

I, **D668** of **DPA** will say as follows:

Introduction

1. I make this statement not as a core participant but as a witness to assist the Brook House Inquiry.
2. I have prepared this statement with the help of my representatives at Duncan Lewis Solicitors over a number of sessions. This witness statement is based on (i) my witness statement signed on 12 October 2017 (ii) handwritten notes that I made when I was detained in Brook House and (iii) my recollections of events. I have at times found it difficult to prepare this statement as I have struggled to recall some events and I find recalling some things triggers my symptoms of post-traumatic stress disorder. This statement is what I can remember to the best of my knowledge.

Background

3. I am an asylum-seeker from the Ivory Coast. I was tortured and mistreated by **Sensitive/Irrelevant**
Sensitive/Irrelevant Although my asylum claims have been refused and elements of my claim were not believed, the Home Office has always accepted, since determining my claim on 31 March 2009 that I was a member of the opposition **Sensitive/Irrelevant** and that I was arrested and detained on a number of occasions between 2002 and 2006 (paragraph 36 of the decision)
4. The first time I was detained was in a military camp at the Presidential Palace in **DPA** between **Sensitive/Irrelevant**. I describe the conditions of detention in the medico-legal report dated 9 January 2019 [paras 10-51]. I was kept in a small windowless room measuring approximately four square metres in size, which I shared with other prisoners. The room smelled of sweat, blood, urine and faeces. I vomited when I entered the cell. I was severely beaten by guards. Another man who

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had been tortured died in the cell with me. The second time I was detained and tortured was in November 2006 for three days in the [DPA] I was detained twice in 2007, at the [DPA]

5. I left the Ivory Coast on 6 February 2009 and arrived in the UK the following day. I claimed asylum on 9 February 2009. The Home Office refused my claim on 31 March 2009 and my appeal was dismissed on 12 June 2009. I made further submissions on asylum and human rights grounds, which were again refused by the Home Office on 9 July 2010 and dismissed at appeal on 23 August 2010. The Home Office decision letter dated 8 July 2010 acknowledged the evidence that I was then suffering from PTSD, depression, anxiety, poor sleep, flashbacks, loss of appetite, isolation and separation anxiety [paras 44 - 45].
6. I made further unsuccessful applications to the Home Office between 2012 and 2015. I was not removed from the UK and on 14 October 2019 I made a fresh claim for asylum based on risks of persecution arising from my political activities in the UK supported by an expert report. I also made a claim for Article 3 ECHR protection against removal based on the consequences for my mental health of being removed. This claim was based on on clinical diagnoses and expert medical evidence (including from Dr James Brockbank through the Helen Bamber Foundation) of continued mental health problems including Post-Traumatic Stress Disorder and Major Depressive Disorder. Dr Brockbank's report contains an account of the medical mistreatment I experienced in Brook House. The Home Office refused my further submissions on 23 June 2021. It accepted it was a fresh claim under para 353 of the Immigration Rules, meaning that I was granted an in-country right of appeal. I filed an appeal on 6 July 2021 which the First-tier Tribunal accepted on 6 October 2021. My appeal is pending.
7. Since I left the Ivory Coast, I have struggled to cope with my memories of the torture and trauma that I suffered. I was given appointments with the NHS mental health for asylum seekers in [DPA] in 2009 / 2010. I was diagnosed with Post-Traumatic Stress Disorder (PTSD) and depression. I received talking therapy for six months, which stopped because the hospital was too busy. I did not get further professional mental health support until 2018. Before I was detained, my mental health was slowly improving and I felt that I was able to cope day to day. I was politically active in the UK and I was an active member of my church. I was taking part in charity work.
8. On 17 May 2017 I attended a marriage interview with my partner of the time, [Name Irrelevant] a Belgian national. The Home Office decided that my relationship with [Name Irrelevant] was a 'sham' [GCID records page 58]. Immediately after

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my interview, I was arrested and detained under immigration powers. I was detained until 4 October 2017.

Detention

9. I was detained on the evening of 17 May 2017 [GCID records page 58]. The Home Office was aware of and had in 2009 accepted my history of being detained in the Ivory Coast, but I am told that there is no indication that consideration was given to that history when deciding to detain me. I am told that no entry was made in medical records concerning this history. In my induction to Brook House on 18 May 2017 [at 04:17], I visited the nurse for a health screening. I told the nurse that I had been assaulted by police on two separate occasions when I was on a protest rally in the Ivory Coast [IRC medical records, page 1]. I understand that this disclosure should have resulted in a Rule 35 appointment being booked with a doctor, however this did not happen.
10. During the health screening, I also disclosed to the nurse that I had previously self-harmed '*self harmed in 2009 -injured left hand -punched a wall*' [IRC medical records, page 2]. I signed a medical consent form, which agreed to the Home Office accessing my health records in detention [IRC medical records, page 49].
11. I understand that I should have been seen by a doctor within 24 hours of being detained as that is required by Rule 34 of the Detention Centre Rules. I do not recall seeing a doctor and there is no evidence in the records that I did.
12. I stayed at Brook House for one day, then I was transferred to the Verne IRC. I was inducted at the Verne on 21 May 2017 [page 173 of the GCID records].
13. I understand that my IRC medical records from the Verne state that on 23 May 2021, Dr Fowler noted that I was a '*phx of torture according to patient report (although states has had torture report in the past which HO doesn't accept... requires full Rule 35 assessment completion in view of pt history*' [page 5 of the medical records]. I do not know whether a Rule 35 referral was made.
14. On 1 June 2017 I had an appointment with Dr Margit Szel at the Verne. My medical records state:

Clinical examination (XB001) - On 6/2/2009 in Ivory Cost he was confronted by the police after finishing a political meeting for his party named [redacted] He managed not to be arrested by the help of party members. Police did not hit or beat him.

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Plan (XaLVg - Discussed, this is not a torture and he expressed that needs time to collect his memories what happened earlier when he thinks has been tortured and will come back to us.

15. This record is not consistent with my recollection of events. When I was in the Verne IRC, I remember receiving a slip of paper stating that I had an appointment with a doctor. When I went to the appointment, the doctor asked me if I was a victim of torture and I replied 'yes'. I started speaking about what happened to me and the doctor interrupted me to ask 'what was the date?' I replied that I did not remember the date. She told me to book another appointment when I could remember all the dates. I do not know why I did not book another appointment. Nobody explained to me that it was Rule 35 assessment and why it was important.
16. I stayed at the Verne until 28 June 2021, when I was transferred back to Brook House because I had removal directions. During my induction to Brook House on 28 June 2021, I disclosed to a mental health nurse that I was a victim of torture by the police '*Victim of torture (XaLQe) - said he was tortured by the police between 2004-2009*' [IRC medical records, page 6]. Again, a referral for a Rule 35 assessment was not made. I do not recall being seen by a doctor within 24 hours of arrival in Brook House.
17. When I returned to Brook House IRC, I stayed in the B Wing (induction) for a couple of days and the D Wing after that; I shared both rooms with one other person. I described the cell conditions and lock-in regime in my witness statement dated 12 October 2017 [paras 11-13], which I repeat here. This is consistent with my recollection.
18. In the B Wing and the D Wing, there was no form of separation such as a curtain or panel between the toilet and the rest of the room. One of the beds was right next to the toilet and the other bed was opposite the toilet. The toilet was filthy; it was completely brown on the inside. As far as I am aware, it was never cleaned. There were no cleaning brushes or products provided to clean it myself. The window in the room could not be opened so there was no ventilation. The smell of the toilet made me feel nauseous and I vomited many times. We asked them if we could open the window but they said that we could not.
19. The staff locked us into our rooms three times a day, sometimes in order to do their headcounts. These occurred at 12.00, 17.00 and 21.00 – 8:00. We were expected to be in our rooms 15 minutes before each lock-in time. The first two lock-ins lasted from 30 to 60 minutes and the final lock-in at 21:00 lasted eleven hours.

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20. The lock-ins made me feel depressed because they triggered flashbacks. I referred to this in my Rule 35 assessment on 24 July 2021 (page 12 of the IRC medical records):

'Also Stated that being held here in detention reminds him of when he had been arrested by the military and tortured especially at night when he is locked in his room and he can hear doors opening with keys.'

21. I felt like I could not breathe when I was locked in the room. The terrible smell and lack of fresh air made it worse. I felt very anxious and I used to cry. I had to count down the hours because my roommate was sleeping.

22. Having the toilet in front of my roommate during a lock-in made me feel humiliated and disgusted. Sometimes I had to wait for my roommate to go to sleep until I used the toilet. I used to vomit from the smell.

23. I found out about Rule 35 from my brother, who lives in the UK. I was having a difficult time in detention, suffering from stress, depression and flashbacks. My brother called me and said that he had contacted the MP for Lambeth, who had written to the Home Office about my case. He said that I should go to Healthcare and request a Rule 35 assessment so that they could record my account of torture and mental health issues. I visited Healthcare and requested a Rule 35 assessment on 17 July 2017 [page 9 of the IRC medical records].

24. When I went to the nurse to book an appointment for a Rule 35 report, the nurse (who I understand to be Carol Reed) responded 'what is that?' I had to explain what it was. Then she said that she would speak to the doctor and asked me to come back in a couple of hours. When I came back two hours later, she scheduled the appointment about one week later.

25. I was given a Rule 35(3) assessment with Dr Chaudhary on 24 July 2017 [page 9 medical records]. During my Rule 35 assessment, the doctor did not make me feel comfortable. He kept saying that he only had 15 / 20 minutes for the assessment and that I had to speak very quickly because people were waiting. This made me feel intimidated and like he did not care about what I had to say. He did not seem to appreciate that it is very difficult to talk about being tortured. He made no attempt to make me feel safe.

26. When I received my Rule 35 report, I noticed that two sections had not been completed (1) the body map and (2) whether detention was having a particularly injurious effect. This was noted by my solicitor, who asked me to go back to the

doctor to ask him to complete the sections. I returned to the doctor and I asked him to complete it, but he refused. He explained that the Home Office had told doctors not to fill in these sections. It seemed to me that he had told me this accidentally. In relation to the psychological findings, Dr Chaudhary told me 'you know that you can cope'.

27. I do not want to comment on the accuracy of the recording of my account of torture (Section 4 of the report) because it might trigger symptoms of PTSD.

28. On 28 July 2021 Dr Chaudhary prescribed me Sensitive/Irrelevant because I was feeling depressed and suffering from nightmares [page 10 of the IRC medical records]:

History: Pt mentions depression and sleeping problem an dalso has nightmeres, woul dlike to start Sensitive/Irrelevant had thsi before, explained will start and to revie if no timproyng.

Sensitive/Irrelevant

29. On 29 July 2017 I asked to see a mental health nurse because I was experiencing flashbacks [page 10 of the IRC medical records]:

For more than 2 weeks unable to sleep has flashback of being tortured back home by police started Sensitive/Irrelevant sic] this norming and has appointment with relaxation group informed to keep appointments. Plan: Would like to see Dr appointment booked booked to to see mental health nurse informed informed medication needs time to work

30. On 6 August 2017 I complained again of anxiety and flashbacks to a mental health nurse [page 11 of the IRC medical records]:

Informs me that his problem of feeling stressed and anxious has started again now that he has been held here in detention. States this brings back memories of when he was arrested and held in prison by the military police in his own country of the Ivory Coast in West Africa. He also says this is causing him to have Flashbacks which disturb his sleep at night.

31. When a security guard told me on 6 August 2017 that I had removal directions on 7 August, I told him that I wanted to end my life. He took some notes, but nothing happened. I was never put on suicide watch and as far as I am aware, an Assessment Care in Detention and Teamwork (ACDT) was not opened. I was not referred to the doctor and no Rule 35 report was prepared.

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32. On 14 August 2017 I started attending an emotional health group for stress management, which was led by an occupational therapist [page 13 of the IRC medical records].

33. On 21 August 2017 I discussed my flashbacks of torture with the occupational therapist as part of the emotional health group [page 14 of the IRC medical records]:

Said that he experienced flashbacks during the day. That his nighttime medication helped him to sleep but when he woke up in the cell he experienced [sic] flashbacks related to when he was imprisoned and tortured. He copes with this by leaving his cell during the day and spending time in the central areas. Took part in the breathing exercise. Plan: To continue with group

34. I experienced suicidal ideation in Brook House IRC. I saw a mental health nurse every week for 4-5 weeks, starting in August. I told the nurse that I would end my life if I was returned to the Ivory Coast; I understand that the nurse did not record this in my medical records. The nurse told me that my friends and family needed me and I should think about the people who needed me. The nurse recorded in my medical records on 12 August 2017 that 'states he sometimes has fleeting thoughts of ending his life but does not have any plan and thoughts pass' [page 13 of the medical records].

35. In September 2017, my suicidal ideation got worse. I bought a can of condensed milk from the IRC shop. Security opened it for me and left the lid slightly on. I kept the can in my cell under my bed; I planned to use it if I was given removal directions. I took the top of a metal can containing milk with the intention of cutting my wrists, but I did not action the ideation [para 76 of the medico-legal report by Dr Brockbank].

36. On 6 September 2017 Dr Chadhary increased the dosage of Sensitive/Irrelevant 'pt mentions has been helped by the medicatons but recently plateaued' (page 15 of the IRC medical records).

37. Sometimes, the antidepressants made the lock-ins easier because when I took my medication and I just went to sleep by 22.00. I sometimes woke up early because I had sleeping problems and when this happened there was nothing to do and I just had to sit on the bed. I just counted down the hours until they opened the door at 8.00. I could not even put the television on because my roommate was sleeping.

38. On 30 September 2017 I spoke to a mental health nurse about the lock-in regime (page 18 of the IRC medical records)

seen in clinic spoke about feeling anxious especially at night when the rooms are locked, spoke about stomach issues and waking when he hears the noise outside anxiety

Overview notes (Y0028) – noted he is prescribed [Sensitive/Irrelevant], suggested his issues could be anxiety related to being locked, suggested that he could consider asking for a transfer to to tinsley house as the rooms are not locked there at night, review in clinic in one week

Use of force

39. On 27 September 2017 there was a charter flight to Nigeria and Ghana. That day, I noticed that different security guards were coming into the detention centre, who were very big men. My friend, [DX], was a Nigerian national. In the evening, a security guard came to tell [DX] that he had a ticket for his removal.

[DX] replied that he had a pending judicial review and his solicitor had not told him that it was over. [DX] and I walked up the stairs towards our cells at around 20:30 before the lock-in. [DX] went into his room, which was opposite mine. As soon our cell doors locked, I heard people coming up the stairs. I looked through the crack of my door, which allowed me to see into [DX] cell. Two security guards entered his cell. They said to [DX] ‘pack your stuff, we are coming back in 30 minutes’. He said ‘why do I have to pack my stuff?’ and they replied ‘you have a flight’. The guards returned after 30 minutes. [DX] refused to pack his stuff. They came back again 30 minutes later, at around 21.30. There were four men wearing what looked like riot gear, with helmets covering their entire face with slits for their eyes. They told [DX] roommate to leave the room and go to the ground floor. One of the guards entered the room and [DX] shouted ‘don’t touch me’. Then I heard fighting and everything in the room being broken. [DX] was shouting ‘you broke my hand’. A guard left the room and said that [DX] had bitten him on the hand. The nurse dressed the hand of the security guard, while the other three guards entered the room.

40. The other guards beat [DX] very badly. He was calling his mother’s name, like he thought he was going to die. It felt like they were taking revenge for [DX] biting their colleague. I shouted from my room ‘why are you doing that, you are criminal!’ Many other people were shouting and bashing on their doors.

41. The nurse, called Nanan, was crying, but she had to stay there to dress the injuries. [DX] suddenly was quiet. The nurse entered the room with a mask for gas to

put him to sleep. When the nurse left the room she was still crying. The security guards carried [DX] out of the room by his arms and legs and put him on a stretcher. He was completely naked. It looked like he was dead.

42. I made a note of this incident while I was in detention, I do not remember when I wrote it, stating the following [Exhibit D668]

Wednesday 27 Sept at 9:35PM, in my own eyes I saw four (04) G4S staff from my door dressed as Anti-terror police brutalised and violence with excessive force that they [illegible] handcuffed and feetcuffed then carried him from his feet through his back and neck like someone badly injured from a awful car accident. At 22.04PM G4S normal staff came back to pick up this detainee belongings in his Room then they went back out my sight to reach the Exit. NB: His top was naked.
[DPA] door D 104.

43. The next morning, two detainees came into my room and we all discussed what we had seen. When I saw [DX] roommate, we cried together.
44. I spoke to a therapist about this experience on 2 October 2017 (page 18 of the IRC medical records):

Emotional Health Group
Expressed his distress at watching his friend being restrained and handcuffed. He said he heard him scream and this had resulted in him experiencing flashbacks since the events. He was reassured that his friend was safe. The explanation that preceedures [sic] would have to be followed in these circumstances seemed to alleviate his stress. He took part in the relaxation exercise and appeared to benefit.

45. I no longer have contact with [DX] I understand he is living in Nigeria.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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I am content for this witness statement to form part of the evidence before the Brook House Inquiry and to be published on the Inquiry's website.

Name	D668
Signature	Signature
Date	22-11-2021

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