

38. To my recollection I was not asked to attend healthcare and from looking at the records with my lawyer, although the suicide attempt is recorded in a log of incidents, there was no formal report under rule 35(2) made of my suicide attempt or whether detention was affecting me in any way.<sup>21</sup>

Fourth period in CSU: 14 – 17 April 2017

39. I attended a protest in the D-Wing courtyard and I was removed from association under Rule 40. I understand from the disclosure from the Inquiry that this was at 20.30 on Friday, 14 April 2017.<sup>22</sup> According to the disclosure from the Inquiry, the use of force was ‘unplanned’, handcuffs were used on me from 23.05 – 23.15 and it is not recorded whether or not a camera was used.<sup>23</sup> I have reviewed the Use of Force reports with my lawyer and note the following entries from the officers involved:

- a. Statement from DCM Steve Dix<sup>24</sup>
- b. Statement from DCO Ben Shadbolt<sup>25</sup>
- c. Statement from DCO Sean Sayers<sup>26</sup>
- d. Statement from DCO Derek Murphy<sup>27</sup>

40. I also understand from the disclosure from the Inquiry that following the use of force I was reportedly seen by healthcare in CSU: ‘*Force was used to allocate him on CSU... states no injury, no bruises, states is fine*’.<sup>28</sup>

41. I clearly recall the events of that evening:

- a. The main instigator of the protest was another detainee man who wore glasses. All of us detainees agreed to participate in the protest by standing in the D-Wing

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<sup>21</sup> See document CJS002999\_0007 from the Brook House Inquiry Disclosure

<sup>22</sup> See document CJS000559\_0005-7 and CJS001655\_0002 from the Brook House Inquiry Disclosure

<sup>23</sup> See document CJS005614\_0001-20 from the Brook House Inquiry Disclosure

<sup>24</sup> See document CJS005614\_0007-10 from the Brook House Inquiry Disclosure

<sup>25</sup> See document CJS005614\_0011-13 from the Brook House Inquiry Disclosure

<sup>26</sup> See document CJS005614\_0014-17 from the Brook House Inquiry Disclosure

<sup>27</sup> See document CJS005614\_0018-20 from the Brook House Inquiry Disclosure

<sup>28</sup> See document CJS005614\_0021-23 and CJS002999\_0008 from the Brook House Inquiry Disclosure

courtyard and refusing to go inside at lock up because we were upset and believed the officers were treating us badly.

- b. I do not accept that myself, or any other detainees, charged or ran at staff.
- c. During the protest myself and many other detainees telephoned the police because we believed we were being treated unfairly and without human rights. While we were protesting we could see a police van arrive and the officers go to reception. I do not think the police officers were allowed to enter the centre and I am not sure what happened next.
- d. At around 2130 some detainees started heading back to the cells.
- e. At around 2300 myself and six or seven other detainees decided to go back into our cells, which left two men protesting on the courtyard.
- f. Shortly after I got back to my cell five or six officers appeared – I remember their faces but not their names. They were yelling and telling me I was going to ‘*the block*’ (the CSU) for being the main instigator of the protest. I denied it and said I would not go. They asked me if I would walk or if they would have to take me and I said they would have to take me. I remember one officer used a technique to get me lying on my stomach on the floor. I remember one officer had their hand on my head pushing my face into the floor, one officer had their hands around my neck and were squeezing really tight, one officer was squeezing my arms and hands behind my back, one officer was taking my legs and making them straight. Then all the officers lifted me up and carried me like a plank. I remember someone shouting ‘*keep your head down*’ and I remember there was still a hand on the back of my head to keep me looking down, and someone was holding my hands behind my back (I do not recall if handcuffs were used on me or not), someone was holding my belly and someone holding my legs and they carried me all the way to the CSU. My cellmate at the time (I cannot recall his name) witnessed this.
- g. After I arrived in the CSU I had red marks on my neck, my arms and hands. To this day my neck still clicks and I wonder if it is from this rough treatment.
- h. I was not asked to fill out a form where I could give my account of what happened. I understand that my healthcare records state that someone from healthcare came to check up on me for any injuries but I do not recall this. I also understand from my records that I was placed on constant watch but I do not recall this or why this happened.

42. I understand from the disclosure from the Inquiry that on Saturday, 15 April 2017, my stay in the CSU was extended for a further 24 hours until Sunday, 16 April 2017<sup>29</sup> followed by a further extension of 24 hours to Monday, 17 April 2021. I understand from my solicitors that it is unclear if my Rule 40 was properly authorised by the Home Office beyond that initial 24 hour extension as no Home Office official has signed the paperwork. I also understand that the following entries are recorded in my records:

- a. 15 April 2017: One note alleges I was making threats and records “intelligence” that I had been saying my father was in the Sensitive/irrelevant but that the officer thought this conflicted with my account that he was killed by the Sensitive/irrelevant
- b. 15 April 2017 at 1035: *‘Denied making threats to ?? – states he will transfer although doesn’t want to remain on Rule 40’*<sup>30</sup>
- c. 15 April 2017 at 1035: *‘Denied making any threats, being involved in assault incident last night. Advised transfer will be arranged ASAP to a different centre’*<sup>31</sup>
- d. 15 April 2017 at 2200: *‘[r]equested to have mobile, informed unable to open door at present’* and that the officers signature against this entry is redacted<sup>32</sup>
- e. 16 April 2017 at 1020: *‘Home Office visit. Refused to go to Colnbrook as his phone been misplaced. Stated he will go once phone is returned’*<sup>33</sup>
- f. 16 April 2017 at 2115: *alleging I used foul language*<sup>34</sup> This entry is signed by DCO Koslorule.
- g. 16 April 2017 at 2200: *‘Still bashing his door and continuously demanding healthcare and his mobile’*<sup>35</sup> Again this entry is signed by DCO Koslorule.
- h. 16 April 2017 at 22?: *‘still banging his door and ringing buzzer and being very abusive to all officers because he wants a sim card’*<sup>36</sup>

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<sup>29</sup> See document CJS001655\_0003 from the Brook House Inquiry Disclosure

<sup>30</sup> See document CJS001655\_0005 from the Brook House Inquiry Disclosure

<sup>31</sup> See document CJS001655\_0007 from the Brook House Inquiry Disclosure

<sup>32</sup> See document CJS001655\_0007 from the Brook House Inquiry Disclosure

<sup>33</sup> See document CJS001655\_0014 from the Brook House Inquiry Disclosure

<sup>34</sup> See document CJS001655\_0014 from the Brook House Inquiry Disclosure

<sup>35</sup> See document CJS001655\_0013 from the Brook House Inquiry Disclosure

<sup>36</sup> See document CJS001655\_0013 from the Brook House Inquiry Disclosure



- i. 17 April 2017 at 0025: 'Whilst checking **D523** throw [illegible] at the door and [illegible] abuse'<sup>37</sup>
- j. 17 April 2017 at 0910 'Asked for his blood pressure to be checked although he did not have any [illegible]'<sup>38</sup>
- k. 17 April 2017 at 1015: 'to be placed on Eden Wing pending transfer. He does not wish to make a complaint about his phone. **D523** to remain on CSU... abusive to staff throughout the night'<sup>39</sup>
- l. 17 April 2017 at 1145: 'removed from Rule 40'<sup>40</sup>
- m. 17 April 2017: 'came to reception to collect room clearance. Said the "fat irish officer took his phone and needs to watch his back because one day someone will hurt him" '<sup>41</sup>
- n. 17 April 2017: 'I have received a report that **D523** has made threats towards Derek MURPHY stating that he has taken his phone. Could you speak to him please'<sup>42</sup>

43. I clearly recall my time spent in the CSU following the protest and note the following:

- a. After arriving to the CSU, myself and the others in the CSU telephoned the police again – two or three times. The police told us all that they would look into it for us. I am not sure what, if anything, happened to that. I remember the Brook House officers being upset that we had telephoned the police.
- b. I do not accept that after I arrived in the CSU I made threats. I had no idea what a memorial poppy meant, so I do not accept I said anything about that. I do not recall saying my father was in the **Sensitive/irrelevant** and killed by the **Sensitive/irrelevant** though that is in fact accurate.
- c. On the morning after the protest (which I understand from my records to be Saturday, 15 April 2017), I remember being let out of my cell in the CSU to have a shower and when I returned my mobile phone was missing. I got riled up and asked the officers to give me my phone. I remember being told that the

<sup>37</sup> See document CJS001655\_0013 from the Brook House Inquiry Disclosure

<sup>38</sup> See document CJS001655\_0013 from the Brook House Inquiry Disclosure

<sup>39</sup> See document CJS001655\_0012 from the Brook House Inquiry Disclosure

<sup>40</sup> See document CJS001655\_0012 from the Brook House Inquiry Disclosure

<sup>41</sup> See document CJS005020\_0002, CJS000559\_009 and CJS0003549 from the Brook House Inquiry Disclosure

<sup>42</sup> See document CJS005020\_0005 from the Brook House Inquiry Disclosure

main block officer Derek Murphy knows where it is and that I would have to wait for him. I remember Derek Murphy being Irish, tall, overweight, bald, with a white beard and white frame glasses.

- d. I believe my mobile phone was taken from me because the officers were upset that I had telephoned the police and I believe they were punishing me for doing so and making sure I did not make any further calls to the police.
- e. I recall constantly asking the other officers for my phone and they kept saying that I would have to ask the block officer Derek Murphy. This was extremely distressing as it was my only way to contact anyone, including my legal representative. It made my time in CSU feel even more isolating and I was also not able to get legal advice on my situation.
- f. I remember being told that they were going to transfer me to Colnbrook IRC on Monday (17 April 2017). They told me to sign the paper and that they would post my phone. I did not believe them and said I would not travel without my phone.
- g. I recall that while I was in the CSU I was forced to spend a lot of time with the Derek Murphy and we had lots of arguments. I also remember that whenever I would be clearly upset at being locked in the room Derek would make faces at me (sticking his tongue out) and chant 'ha ha' and whistle at me and laugh at me. This made me feel even more frustrated and upset and like he was getting pleasure from my distress.
- h. At some point, I am not sure if it was that day or the following (Sunday, 16 April 2017), I recall banging the door and calling out to the officers to return my phone. I then remember Derek Murphy coming into my cell, putting his gloves on, grabbing me by my neck and saying he was going to kill me. I felt shocked and scared as I could not believe that an officer would do that to me. I wanted to complain but I thought no one would ever believe me. To this day that incident is still with me and I have flashbacks to it and sometimes I wake up and feel like someone is holding my throat and chest.
- i. I accept that while I was in the CSU I was upset and distressed with officers and I was swearing and banging my door but do not accept I used all of the language recorded in the notes. The main reasons for this were because my mobile phone had been taken from me and this was my only way to contact the outside world

and also because I really hated being in the CSU (especially with Derek Murphy as the main officer) and I felt trapped, isolated and anxious.

- j. On Monday, 17 April 2017, I was taken from the CSU to E-Wing. Before being taken to E-Wing I remember Derek Murphy gave me my mobile phone and said *'sorry I left your phone in my uniform and took it home by mistake'*. I did not believe him and thought he made it up. This made me feel angry and sad.
- k. On my way to the E-Wing, on 17 April 2017, I made a verbal complaint to the reception about the way Derek Murphy took my phone.<sup>43</sup> I accept that I was very angry and upset at Derek Murphy and that I told the reception staff that he was *'fat'* and that *'someone will hurt him'*. I regret using these words but at the time I was so upset and distressed by the way he had assaulted me, goaded and tormented me and stolen my phone.
- l. I do not recall if I made a formal complaint about the physical or mental abuse I suffered from Derek Murphy while in the CSU. Derek was very senior and so my guess would be that I did not make a formal complaint because I did not think anything would be done, and also there were no witnesses and no one would believe my word over the word of an officer.

44. I understand from my detention records that my ongoing detention was authorised on 21 April 2017, but I do not recall this incident.

45. I understand from the disclosure from the Inquiry that on Wednesday, 26 April 2017 force was used on me by Ian Macdonald DCM. I have reviewed DCM Ian Macdonald's staff statement with my lawyer and note that he reports to have grabbed me around the top half of my body and then held my left arm to stop me charging at a fellow Afghan detainee. I do not recall this incident.

#### Request to relocate: 28 April 2017

46. I understand from the disclosure from the Inquiry that on 27 or 28 April 2017 I requested to move to another IRC estate due to problems with another detainee from Afghanistan

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<sup>43</sup> See document CJS005020\_0002 and CJS005020\_0005 from the Brook House Inquiry Disclosure