

THE BROOK HOUSE INQUIRY

WITNESS STATEMENT OF D801 (D801)

1. I am making this statement to help the Brook House Inquiry. I will focus on the time that I was detained at Brook House Immigration Removal Centre (“IRC”), but I also cover other events which are relevant to the circumstances in which I was detained there to give the Inquiry background as to what happened to me.

Introduction

2. I was detained at Brook House on two occasions, the first time was from 9 April to 21 May 2015 and then from 1 March to 3 April 2017. I understand that the Inquiry is focused on the situation in Brook House from 1 April to 31 August 2017 but I think my first experience at Brook House is relevant to explaining how detention at Brook House during the second period affected me.
3. I would like to say at the beginning of this statement that from my perspective, I feel that my treatment in detention during both periods was terrible and I was and continue to be badly affected by it. Speaking as someone who has been detained twice in Brook House, with a gap of two years between the first and second period of detention, I cannot say that my treatment in detention during the second period was any worse than the first. Rather I feel, based on my direct experience, the problems were there all along.
4. I also want to explain at the beginning that it has been really difficult to put things down in writing in this statement. My lawyers have spoken to me on several occasions over Zoom because restrictions during the Covid-19 Pandemic have prevented us from being able to meet in person. Each time after discussing the facts and experience set out in this statement with my lawyers, I have had suffered repeated distressing thought and nightmares about what happened to me in the detention centre. It just becomes too much when the memories come back, like when I was seeing a movie, the memories would come back. I know that my lawyers were trying their best to be sensitive to my experience and they were asking questions of me in a careful way. I trust that they understand my situation because they have worked with me for some years and have a good understanding of what happened to me. But even then, I cannot help it. It brings back all the memories that I would rather erase.

5. My lawyers arranged for me to see Dr Sen, who is a psychiatrist I saw when I was pursuing my claim for damages against the Home Office. He was concerned about my mental health when I saw him in July 2018 and felt that it was going to take a long time for me to get well. When I saw him again in February 2021, I told him I felt a bit better. I think in reality I was just really trying not to think about what has happened to me in the past in Sri Lanka and in the UK before I got my refugee status. If I think too much about my past, including my experiences in detention, I just feel unwell, can't sleep and have nightmares. So on the one hand, I do feel better but that's because I just try not to think about what happened. That's how I cope.
6. My lawyers have told me that relevant documents obtained from the Home Office and from the detention centre during the course of previous proceedings against the Home Office have been provided to the Inquiry. I will refer to some of the documents in my statement.
7. My previous immigration solicitors obtained expert reports from Dr. Lawrence which my solicitors tell me have also been provided to the Inquiry, as have the reports of Dr. Mason, a doctor with Freedom from Torture, and Dr. Sen.
8. My solicitors have told me that to assist the Inquiry, they have prepared summaries of the key findings in the expert reports, a chronology of events referenced to the documents provided to the Inquiry, and a list of key issues arising from my experience at Brook House that would be of particular use to the Inquiry. I am happy for them to put these documents together to assist the Inquiry. I also want to draw the Inquiry's attention to the Particulars of Claim that were settled on my behalf for my civil claim for compensation against the Home Office arising from my two periods of detention in Brook House. That also sets out a detailed chronology of events and cross refers to Home Office and IRC medical records which my solicitors have provided to the Inquiry.
9. I would ask that the Inquiry consider this statement in conjunction with the chronology prepared by my lawyers, the Particulars of Claim and the summaries of the expert reports which, I hope, will help the Inquiry understand more fully my experience at Brook House IRC.
10. This statement was prepared following meetings with my lawyers over zoom. I read over the statement myself because I find it difficult hearing it read to me.

About me

11. I am a Tamil and from Sri Lanka. I am a survivor of torture. I now have refugee status.
12. I had to leave Sri Lanka because I was detained and tortured by state security forces. I spoke about my experiences in Sri Lanka to Dr Mason, a doctor from Freedom from Torture, who completed a report in October 2017 not long after I was released from detention at Brook House. I cannot bear to recount what happened to me there again in my own words now. I would therefore ask the Inquiry to consider the following extract from Dr Mason's report setting out some of the key details of my experience in Sri Lanka and the basis on which I had to seek asylum in the UK:

[§11] After the 2004 Tsunami [D801] family helped with clean-up efforts.

[§12] In 2005 LTTE members came to the house. He cannot recall exactly what happened although said that he was separated from his father and elder brother. After this he distributed leaflets for the LTTE and the family provided accommodation for LTTE members.

[§13] On Heroes Day, 27th November 2007 the LTTE required a large group of boys from [D801] school to attend a demonstration. The boys were stopped by police as they travelled home afterwards and detained for a few days at an army camp. Soldiers wearing dark green military uniform carried "brown handled long guns" with which they threatened the boys. [D801] was beaten with a gun butt.

[§14] The boys were detained in a "dark hole" in separate pens so they could see each other through the bars. They were pushed, punched and slapped. They slept on the cement floor and were repeatedly wakened from sleep to be asked questions. They were given rice and water. [D801] murmured "we were screaming...we were forced" but it was not clear what this referred to.

[§15] He was released without charge after intervention by the school principal.

[§16] In 2008, [D801] was detained again. He was with a woman who was transporting weapons for the LTTE, posing as her son. They were in a vehicle with two drivers. All were detained and he does not know what became of the others. (No exact dates for this

detention were obtained from [D801] although he subsequently referred to this detention being for seven months).

[§17] During this detention he was questioned repeatedly. He was asked the same questions repeatedly but had no information to give...

[§18] The cell he was in was tiny and dark “toilet sized”. There was no light or window in the cell the only light coming through a small crack under the door. The guards checked on him through a flap in the door. He was given food (rice) although not every day and water in a bowl.

[§19] When [D801] was taken from the cell all his clothes were removed. He was beaten all over including his genitals...

[§20] [D801] was beaten with guns, bound, and his head covered with bags (he was not able to describe the latter fully as even saying this much caused him to weep). When he was beaten he said he “wouldn’t last long” and he lost consciousness “many times”.

[§21] [D801] was held in a locked position with a rod behind his back...or with a rod behind his knees and his arms tied to his ankles so that he could not move...

[§22] Still tied to a rod, and naked, [D801] was put onto a table or desk where he was sexually assaulted...

[...]

[§26] [D801] father “paid someone” to help him escape. A guard came in early hours of the morning and told [D801] to go out of a particular door and that the guard would look away whilst he did this. [D801] father was waiting for him, and [D801] went to [DPA] to hide.

[§27] [D801] was being looked for and his parents were being harassed. His father was beaten twice...

13. Dr. Sen’s first report, prepared in July 2018 for my civil claim for compensation against the Home Office, also provides some detail about my past experiences. Dr Sen concluded

that I was suffering from severe PTSD and major depressive disorder (‘[redacted] Dr Sen report – for civil claim 2018’ provided to the Inquiry on 28 May 2021). Some extracts from the reports of Dr Sen and Dr Lawrence are included later in this statement. I would ask that the Inquiry consider these reports in full and other documents which set out what happened to me in the past in conjunction with this statement.

14. I first came to the UK in January 2009. I had a student visa. My visa was extended in January 2010 until 16 April 2012. A month after my student visa expired, I made a claim for asylum. This was refused and I was not initially successful in my appeal.

My first detention at Brook House from 9 April to 21 May 2015

15. I was detained for the first time by the Home Office from 9 April to 21 May 2015. I was taken to Brook House IRC. It was a really shocking experience and brought back all of the memories of what happened to me in Sri Lanka. Before being detained on this occasion, I had felt all right. What I mean is that I was trying to get on with my life and trying to avoid thinking about what happened to me, and for the most part I managed to do that. But after going into detention, as I explained to Dr. Sen in July 2018, the sound of the doors closing, the sound of key chains, the smell, the noises of people screaming about their detention and asking to be let out – all of this brought me right back to the worst of my memories of my detention in Sri Lanka.
16. I was really scared during this first period of detention. The Home Office had told me that they wanted to remove me back to Sri Lanka. The thought of being sent back was terrifying. I experienced regular nightmares about people screaming. I couldn’t sleep well. I had no appetite. I felt tired all the time. I felt hopeless and I had frequent thoughts that life was not worth living anymore.
17. I remember trying to get help in detention because my mental health was really suffering and I couldn’t cope with all of the thoughts and nightmares of my past experiences coming back; they felt really real. But I didn’t get any help, not even sleeping pills to help me at night.
18. My immigration solicitors at the time made representations to support a fresh claim for asylum. These representations were however refused by the Home Office who continued to say that they wanted to send me back to Sri Lanka. The removal directions were cancelled after my immigration solicitors challenged the Home Office in court.

19. I was released from Brook House in May 2015 because the immigration tribunal gave me bail. Two friends agreed to stand as surety for me. I was told that I had to report weekly. The tribunal also required that I have a tag put on my leg and I was required to stay in the accommodation from 7 pm until the next morning, I think either 7 am or 8 am. I cannot remember now.
20. I am quite small framed. The tag was large, heavy and very uncomfortable. The tag felt like a snake wrapped around my leg. Sometimes at night, I would wake up thinking that something was wrapped around my leg. Every time I looked at the tag, I got flashbacks to my torture in Sri Lanka. The tag made me feel like there was someone always watching me. It was suffocating. I can't describe this. I don't like to be reminded of how that feels.

My situation post-release after 1st detention

21. I was really not well at all when I got out of Brook House the first time. My mental health got so much worse when I was detained. I could not sleep well and every night I would have nightmares. This was really bad for my friend and his family. They were so kind to take me in. My friend had two small children and the children would come and ask me why I was screaming in the night.
22. During this time I had two epileptic fits. I had not had this previously. This worried my friend who was hosting me at his house. The GP that I saw also was worried about my mental health and referred me for a mental health assessment.
23. I felt so desperate and despairing that I took an overdose in early August 2015. My medical records say it was on 5 August 2015. I was taken to Crawley Urgent Treatment Centre but was told that I could not get psychological treatment because I was not stable enough. I was referred back to my GP to progress an urgent assessment. My GP referred me to mental health services and the Assessment and Treatment Service gave me a 'priority assessment' on 25 August 2015 according to my records. The notes made at this assessment (enclosed with 'MK sols letter 10/3/17' provided to the Inquiry 28 May 2021) state:

Presenting factors

- *experiencing PTSD symptoms*
- *O/D few days ago*
- *negative social factors*
- *tagged by HO and this appears to be distressing him*
- *struggling to sleep, reports experiencing nightmares*

Plan

- psychiatric assessment with a doctor to be arranged ASAP to confirm diagnosis and start treatment

24. Toward the end of August 2015, I can't remember when, I moved house. The Home Office knew this and approved it. I asked the Home Office to remove my electronic tag. I had been complying with reporting conditions for several months. I heard nothing back from the Home Office. I was later told by my lawyers during my case against the Home Office about my detention that apparently someone high up in the Home Office had decided to agree to my request to have my tag removed in November 2015 but no one told me. I continued to report every week for two years until I was re-detained in March 2017.
25. Throughout that whole time, no one from the Home Office told me that I didn't have to be tagged anymore. This is even though the tag stopped working after I moved house because the Home Office didn't go and install the right equipment in my new accommodation so that the tag would work. This meant that I continued to have to deal with having this tag wrapped around my ankle until it was removed when I was detained again. This was awful and humiliating. In the summer months, when the weather was hot, there was no way to hide that I was wearing a tag. I would have people ask me why I was wearing a tag.
26. My immigration solicitors at the time got me to see a consultant psychiatrist, Dr. Robin Lawrence. I met with him on 31 October 2015. At the time I was in a really bad state. I don't remember much about that assessment. The following is an extract from Dr Lawrence's report describing his examination of my mental state and his conclusions:

[p11] This man was not able to look at me at all throughout the assessment...he was very distressed by any questions about his history...there was evidence of...pseudo hallucinations (in that he was looking around to see the source of a sound which was not present) but he did not appear to be deluded. He has signs of psychomotor retardation (slowed speech and reaction time typical of depression); he was unwilling to speak about his life but he was interested in being seen.

...It is clear that he is suffering from some form of psychosis...[p12] He found it impossible to give me a coherent account of his life or the period of detention that he told me that he had suffered except to say that he had been detained, beaten and raped by his captors.

...He was subjectively depressed and objectively blunted (a lack of reactivity of mood very classically seen in the survivors of severe trauma, but which is also seen in major psychosis such as schizophrenia). He became distressed (when he spoke of being detained and sexually abused). So the physical signs of Post Traumatic Stress Disorder were present...

He complained of nightmares and difficulty getting off to sleep, and flashbacks all of which are quite typical of Post Traumatic Stress Disorder. He also complained of being woken from sleep with the feeling that he is being attacked and suffocated.

[p13]...This man does have the symptoms of a major depressive disorder and of post traumatic stress disorder. He has some form of psychotic disorder. Before the treatment of PTSD can be successfully addressed he will need treatment for his psychosis and it is my expert opinion that he needs the supervision of the local CMHT.

It is extremely difficult to make a certain diagnosis of post traumatic stress disorder in the presence of psychosis, but in this particular case I am convinced that he has post traumatic stress disorder. This is almost certainly as a result of his period of detention in Sri Lanka – the most convincing piece of evidence for this was his experience in my room that he could smell the smell of the room in which he was detained in Sri Lanka; an unusual and convincing symptom.

[p14]...His depression is severe and is almost certainly secondary to the PTSD.

*[p18] **D801** says that he would kill himself if he had the chance. His current level of risk [of suicide] is not so high because he is flat, unmotivated and unable to carry through with any intention. Unfortunately even the process of treatment can increase the risk of suicide (as his motivation increases) and this risk will definitely be increased if he is returned to the source of the threat or if he is detained in this country because of re-stimulation.*

27. My immigration solicitors at the time did try to make more submissions to support another asylum claim in December 2015, and submitted Dr. Lawrence's report to support that claim. But this was not successful. The Home Office rejected it in July 2016.

28. I can't really go back to that time and explain what happened in my own words. It is too hard to have to remember that time in my life. My lawyers explained to me that the medical records note that in September 2016, I was admitted to Newham University Hospital after the police found me hanging onto the railings near the side of the road. The following is an extract from a letter sent to my GP by the Rapid Assessment Interface & Discharge psychiatric liaison team at the hospital after this admission:

D801 *was referred to the RAID team after he had earlier presented to ED via the police. He was found in East Ham by the police, hanging onto some railings near the side of the road. He was confused, disorientated and did not know where he was or how he came to be there. He was brought to ED and was seen by the medical team before being medically cleared and referred to the mental health team...*

...Denied any plans to harm himself but reports on-going suicidal ideation...

...He is having on going suicidal thoughts as a result of the uncertainty of his asylum application which is exacerbated by his symptoms of PTSD. It would appear that he entered a disassociated state and ended up in Newham; he has no recollection of how he came to be here. He is currently receiving mental health support but is not able to advise on who is helping him. He reported that he is not finding counselling helpful as this is making him go over the problems he has experienced and feels the treatment is repetitive.

29. My immigration solicitors at the time wrote to the Home Office to ask them to stop requiring me to report because I was really unwell. I am told that the Home Office were informed in that letter that I had been found by the police looking really confused and had been taken to the Newham University Hospital for treatment. The Home Office in October 2016 agreed to postpone reporting for a month. I then reported in November 2016, according to the Home Office records, but according to Home Office records, I did not report in December 2016; my immigration solicitors at the time explained I was really unwell so I couldn't.
30. In December 2016, the Home Office notified me that they wanted to remove me. My immigration solicitors made more representations to explain that I was mentally in a poor state, that seeking my removal would increase the risks of my repeating suicide attempts. I

am told that those representations are included in the bundle of documents disclosed to the Inquiry.

31. In January 2017, I made another attempted suicide, overdosing on antidepressants (ambulance service records enclosed with 'MK sols letter 10/3/17' provided to the Inquiry on 28 May 2021).
32. After this suicide attempt, my immigration solicitors arranged for me to see Dr. Lawrence again on 7 January 2017. Dr. Lawrence said in his report that:

It was almost impossible to interview this man. He said few words in English to me although his English was good. He was wringing his hands, he was unshaven. He looked down. The words he said were, 'I can't handle it, I can't take this anymore.'

33. Dr Lawrence concluded in this second report:

I am very concerned about this man's mental health. He is deteriorating, he is paranoid and has developed a psychotic depression as a consequence of his PTSD which has been retriggered by his period of detention [in the UK].

My Second Detention at Brook House from 1 March to 3 April 2017

Decision to Detain

34. The Home Office caseworker made the following submissions to the Detention Gatekeeper to seek authorisation to detain me, as set out in the Particulars of Claim submitted for my damages claim against the Home Office:

1. *He was an absconder and had failed to report since 2 November 2016.*
2. *It was unlikely that [D801] would be in a position to present new evidence in support of prospective further submissions, to be lodged on 30 March 2017, thus those submissions, when made, could be dealt with in detention.*
3. *The only barrier to removal was the FSU appointment, which could be expedited in detention.*
4. *There were no compassionate circumstances present to render detention unsuitable.*

35. The submissions to the Detention Gatekeeper made no reference to the mental health concerns that my solicitors Maliks & Khan had drawn to their attention. Nor did it make

any reference to the psychiatric evidence that had been submitted or the letters setting out the concerns about my mental health, which were all in the Home Office's possession.

36. The Detention Gatekeeper considered me to be an Adult at Risk with Level 2 evidence of risk apparently only on the basis of the prescription of antidepressants. It nevertheless authorised my detention on the basis of the partial information provided by the caseworker, and noted that although I had a prescription for [Sensitive/Irrelevant] this was a common antidepressant which I would be able to obtain in detention (HOM025265).
37. At the time I was re-detained on 1 March 2017, my immigration solicitors had arranged for me to attend the Home Office in Liverpool to submit further representations in support of a fresh asylum claim. They had tried to submit the further report from Dr. Lawrence but the Home Office had told them that an appointment needed to be made with the Further Submissions Unit in Liverpool. The appointment was scheduled for 30 March 2017; that was the appointment date that the Home Office gave me.

Immigration Enforcement Dawn Raid

38. I was asleep at the time a large number of immigration officers came to my friend's house to detain me. It was early morning, I think around 6 am. It was a shock. My friend's family and I were all woken up.
39. The immigration officers who came to my friend's house for me accused me of having missed a reporting appointment with the Home Office. I tried to explain that the appointment had been rescheduled for the following month. They accused me of lying. They also said that because I was wearing a tag I must have done something really bad. I was taken away. I was taken to Brook House again.
40. I told the immigration officers that I was on antidepressants and showed them medical appointment letters (HOM028540) concerning my mental health. I was nevertheless detained under immigration powers.
41. I remember thinking that I couldn't really believe that I was being taken back to Brook House. I was terrified of being back there. It felt unreal and I didn't understand why this was happening because my solicitors had made me an appointment to go submit more evidence to support my asylum claim. The Home Office should have known this because it was the Home Office who gave me the rescheduled appointment. They also had been told

previously about how unwell I was after the last period of detention. I couldn't understand why I was detained, why none of this mattered and why no one was willing to listen to me or what my lawyers had said to them about my mental health.

Deterioration in my Mental Health and Continued Detention

42. The following section is an extract from the Particulars of Claim that was submitted for my damages claim against the Home Office, detailing the medical care I received at Brook House during this second detention, and the response of the Home Office to my medical needs. I wouldn't have known what the Home Office said at the time because their decision-making is not communicated to me and my solicitors had to make requests for the records to be disclosed. It is very difficult for me to think about my time at Brook House. As I have previously approved the Particulars of Claim, I am happy for this extract to be included in my statement rather than going through the details in my own words again now. The document references used by the Inquiry have been added to the extract by my solicitors. My solicitors say that the chronology of key events that they have prepared will also detail some of the key medical entries as well as the Home Office records.

[§49] An admission health screening [HOM032191] carried out on his arrival noted that the Claimant suffered PTSD as a result of being a victim of torture, that he experienced flashbacks at night in the dark and that he had overdosed twice on medication since his release from the previous period of immigration detention. The IRC healthcare unit was sufficiently concerned about the increased risks of self-harm that it opened an ACDT (Assessment and Care in Detention and Treatment) [HOM032192_0002]. Hourly observations were conducted of the Claimant. This arrangement was informed to the Defendant by way of an IS91 RA Part C ['IS 91 and associated documents' provided to the Inquiry on 28 May 2021].

[§50] A referral was made for the Claimant to have a GP appointment and mental health assessment but he was not informed of this and thus did not attend. No Rule 34 medical examination was therefore carried out in accordance with the requirements of the Detention Centre Rules 2001 within 24 hours of his being detained at Brook House IRC. No Rule 35(3) assessment as to the Claimant's disclosure of torture was carried out either within the first 24 hours or at all throughout his whole detention...

[§51] On 2 March 2017, the Claimant was seen by a mental health nurse who notes that he presented as anxious and vulnerable [HOM032191_003]. Later that day, Dr. Belda,

a psychiatrist saw the Claimant with the same mental health nurse and the deputy director for adult services at the Sussex Partnership NHS Foundation Trust [HOM032191_0003]. They recorded the Claimant's disclosure of being severely tortures in Sri Lanka. He had reported consistently in line with his immigration bail conditions but had to default because he was physically ill. He experienced flashbacks, overwhelming anxiety, high emotional arousal, insomnia, nightmares and severely low startled reaction. He had made two suicide attempts and was very distressed...

[§52] Dr. Belda recommended that the Claimant be transferred to hospital under section 48 of the Mental Health Act 1983 for treatment. She completed a report as required under that provision [HOM032192_0003]. As a psychiatrist, Dr. Belda was not a 'medical practitioner' within the meaning of Rule 33 of the Detention Centre Rules 2001 and therefore could not complete a Rule 34 medical examination or a Rule 35 report. No steps were taken to arrange for a Rule 35(1) or Rule 35(3) report to be completed by a medical practitioner under the Rules in view of the concerns raised at the meeting.

[§53] On 3 March 2017, Dr. Chaudary, a GP, completed the second required report under s.48 of the same act (HOM032192_0006).

[§54] Pending the application for a s. 48 hospital transfer, the Claimant was moved to the E-Wing of Brook House IRC [...]

[§55] On 2 March 2017, Maliks & Khan [Solicitors] wrote to the Defendant asking for the Claimant's release ['Fax from M&K Solicitors' provided to the Inquiry on 28 May 2021]. They highlighted the Claimant's severe mental health issues and suicidal ideations, and that he was unsuitable for detention in the circumstances. They pointed out that the Defendant had itself referred him to West Sussex social services out of concerns for his mental health [...]

[§56] On 6 March 2017, the Claimant was seen by another mental health nurse who also noted his anxious presentation. The Claimant was able to speak briefly about his experience of torture but became distressed and could not discuss this further. The nurse used relaxation techniques to settle him before he was returned to the E-Wing, and recommended daily mental health nursing support. No steps were taken to refer the Claimant to a medical practitioner for a Rule 35(1) or Rule 35(3) report.

[§57] On 7 March 2017, the Claimant was seen by two nurses from Langley Green Hospital who decided that he was unsuitable for in-patient admission at that unit [HOM032191_0005].

[§58] That same day, the Defendant reviewed the Claimant's detention and decided to maintain it [HOM029012_0004] [...] Whilst it was noted that the Claimant suffered from depression and an ACDT was open due to his risk of self-harm whilst in detention, he was said only to be an Adult at Risk with Level 2 evidence and it was also said that there were no exceptional circumstances or risk indicators that would render him unsuitable for detention. Again, there was no reference to the available medical evidence from Dr. Lawrence and other medical professionals, no reference was made either to the concerns raised by the IRC healthcare that the Claimant required in-patient psychiatric treatment or that he was subject to monitoring of his risks of self-harm and suicide under the ACDT process. No inquiries were otherwise made with the IRC healthcare unit as to the Claimant's mental health state and the impact of detention on him.

[...]

[§60] On 9 March 2017, a psychiatric review of the Claimant was carried out by Dr. Belda [HOM032191_0005]. The Claimant presented as upset and anxious; he told Dr. Belda he could not sleep, felt desperate, and resorted to self-harming by scratching his arm. In the absence of a suitable hospital transfer, Dr. Belda recommended sessions with the mental health nurse and added [Sensitive/irrelevant] an anti-psychotic, to his medication with a view to helping him sleep.

[§61] On 10 March, during an ACDT review carried out by a nurse [HOM032191_0005/6], it was noted that the Claimant had superficial cuts to his hands. He would not speak about them. He told the nurse that his suicidal thoughts and self-harm came and went. He also told the nurse that a doctor from Medical Justice, a medical charity working with immigration detainees, had seen him that morning and that they would be contacting his solicitors urgently about their concerns about him.

[...]

[§63] On 11 March 2017, the IRC healthcare unit advised detention staff to remove plastic cutlery from the room when the Claimant finished eating to reduce the risk of self-harm [HOM032191_0006]. On 13 March 2017, by an IS91 RA Part C [HOM028624_0035], the healthcare unit informed the Defendant that they remained of the view that the Claimant was an Adult at Risk “Level 2/3”.

[...]

[§65] On 15 March 2017, the Defendant again maintained the Claimant’s detention [HOM029012_0004] [...] Whilst the Claimant was noted to be a Level 2 Adult at Risk, it was said that there were no risk indicators or evidence of unsuitability for detention. It is averred that once again no regard was had to the available medical evidence and concerns raised by the IRC healthcare unit.

[§66] On 16 March 2017, Maliks & Khan wrote to the Defendant requesting the Claimant’s release. The request was supported by a report from Dr. Iona Steen of Medical Justice dated 14 March 2017 and medical records. [...] Dr. Steen noted that the Claimant was too distressed to be able to provide an account of his torture in Sri Lanka. She expressed concerns that the Claimant had florid psychotic symptoms (that is loss of contact with reality, characterised by delusions and hallucinations). The Claimant presented with psychomotor agitation (unintentional movement associated with emotional distress), shakiness, auditory hallucinations and increased risk of self-harm. He was acutely psychotic. This required ongoing monitoring with frequent input from a psychiatrist. The level of care the Claimant required was normally provided in-patient or in the community but not in a detention centre, which was not a suitable and safe environment.

[§67] The Defendant rejected the request for the Claimant’s release in a letter dated 17 March 2017 [‘HO response to request for release 17/3/17’ provided to the Inquiry on 28 May 2021] but did not address Dr. Steen’s report.

[§68] That same day, a psychiatric review was carried out by Dr. Belda [HOM032191_0007] which described detention as a less than ideal placement for the Claimant as he required intensive trauma therapy which was not available in the detention centre.

[§69] On 19 March 2017, the Claimant made a failed suicide attempt [HOM032191_0008]. He was found by Brook House staff to have used a shoelace as a ligature around his neck. A plastic knife was also found. The Claimant was placed on constant watch under ACDT. This was informed to the Defendant by way of an IS91 RA Part C.

[§70] On 23 March 2017, after a psychiatric review (HOM032191_0009), Dr. Belda concluded the Claimant required Eye Movement Desensitisation and Reprocessing (EMDR – a specialist form of treatment for PTSD) plus trauma therapy which could not be applied at Brook House.

[§71] On 29 March 2017, the Defendant maintained detention further to a review (HOM024825), again without any consideration of all the medical evidence available to it. The Defendant stated that the Claimant’s removability was then three to four weeks.

[§72] On 31 March 2017, further to a psychiatric review (HOM032191_0010), Dr. Belda raised an ID91 RA Part C (HOM029010) with the Defendant, stating that the Claimant required specific trauma therapy which could not be provided within Brook House IRC. Dr. Belda recommended that the Claimant be released on health grounds and confirmed that the IRC healthcare unit considered the Claimant to be an Adult at Risk.

[§73] A GCID record made that day noted that the Claimant’s detention was no longer justified [‘GCID records for relevant period in 2017’ provided to Inquiry on 18 May 2021]. A note was made to contact West Sussex Social Services to notify them of the Claimant’s mental health and risks of harm.

[§74] On 3 April 2017, a Rule 35(1) report was completed by Dr. Chowdhury, a GP [HOM028619]. This again confirmed a diagnosis of PTSD and stated that detention was resulting in “continued deterioration in mental health without appropriate management”. Dr. Chowdhury stated that the resources at Brook House were exhausted and the psychiatrist was unable to offer any further help. The risks to the Claimant’s health were likely to become serious within “possibly weeks” and if released, “specialist treatment can be offered outside in the community.” He also noted that the Claimant was not engaging fully and was withdrawn. He had previously engaged in the past “so this may be highlighting a deterioration.”

[§75] A CID record of the same date noted that the Claimant was now treated as a Level 3 Adult at Risk with mental health difficulties and severe PTSD [‘GCID records for relevant period in 2017’ provided to Inquiry on 18 May 2021].

[§76] The Claimant was released that same day with monthly reporting conditions [...]

Induction

43. When I arrived at Brook House on this occasion, I was not given any kind of induction. The first time I was taken to Brook House on 9 April 2015 I remember being taken on a sort of tour with around twenty other people who had just arrived. We were taken to see different parts of the IRC like the chapel and the IT room. I don’t remember being given any other information, we just followed around on the tour. We were not invited to ask questions, the situation did not make me feel comfortable to do so, and anyway I don’t think we would have known what to ask.
44. The second time I was detained, there was no tour or any other kind of induction. The only thing that happened when I arrived was that the electronic monitoring tag was cut off my leg and I was put in what I would describe as a cell. I don’t remember whether I was given any information or paperwork. I was feeling very overwhelmed that day.
45. At some point early in this second detention I was asked whether I needed an interpreter, but I said no because I was confident communicating in English. I don’t know if this was on the first day or some time later.
46. During this detention, I spoke on the phone a few times with my friend who I had been staying with before I was detained. He kept asking why I had been taken, all I could say was I didn’t know, they had brought me to Brook House for nothing. I think he was also scared by the experience of the immigration officers coming to his house to take me away. I thought about contacting other friends in the UK, but in the end I didn’t because I had no idea what was going on or why I was in detention, and the idea of having that conversation with more people was too difficult.
47. I was aware of the chapel at Brook House because I was taken to see it on the tour at the beginning of my first detention, and also because I was sharing a room with another man who would go there. I went to the chapel quite a lot during my first detention but not at all during my second detention because I was too unwell and could not leave my room.

Legal advice

48. I was already represented by my immigration solicitors, Maliks & Khan, before I was detained. I did not have practical difficulties keeping in contact with them as such; I was able to speak to my solicitor on the phone. However this was frustrating because my solicitor was also unable to understand why I was at Brook House. He told me I should not have been detained. If I had known about any other professionals or organisations I could contact to get help with my situation I would have tried to do so but I did not know who else I could speak to.

Removal from Association

49. My solicitors tell me that Home Office records (HOM032190) suggest I may have been held on B Wing for the first night of this detention and my medical records show that a request was made by a doctor for me to be moved to E Wing on 2 March 2017. The records state that a psychiatrist had recommended that I needed treatment in hospital under section 48 Mental Health Act, and a decision was made to move me whilst there was an assessment about this. I don't remember being told anything about this decision at the time.
50. The relevant entry made in my medical records (HOM032191_0003) reads:

D801 *is experiencing flashbacks, overwhelming anxiety and high emotional arousal, insomnia, nightmares and severely low startled reaction. He has also experienced psychogenic fugues (on one occasion he was supposed to go to the report centre in Crawley but he ended up waking up 3 days later at Newham hospital he went to Victoria and was found by the police in the middle of the road, but he does not remember how it happened).*

He is residing in Crawley with his gu[ar]dians but they have small children and he was waking them up by shouting through the night. He was told to sleep in a summer house in the garden. He reports that he is so scared to go to the house at night time to use the toilet that he is urinating in his bed. (But it could be the case that he is urine incontinent due to the nightmares).

He is under the mental health services and was assessed by Dr [K]han who diagn[os]ed him with PTSD. After having been supported at Ifield for a while he was transferred to the MHLP at Saxonbrook Surgery.

He is on Sensitive/Irrelevant.

He has had 2 suicide attempts (he tried to disguise the intentions and did not admit that he took 2 overdoses with suicidal intention; he was admitted to ESH and received treatment).

He is currently very distressed.

Diagnosis: PTSD...

Plan: Section 48 to transfer to LGH.

Sensitive/Irrelevant

In the meantime a request has been made to transfer to E Wing.

51. I am not sure of the dates from memory but I remember that I was moved to E Wing at some time early on, and I stayed there for the remainder of my detention. I did not share a room with anybody else throughout this period of detention. For the reasons set out above, I don't want to describe in detail my experiences there because it was so awful, but I understand from my lawyers that when you are removed from association with the general population in a detention centre there are procedures to follow that were not followed in E Wing at Brook House in 2017. I can say that I was not aware of anything called Rule 40, and I was not aware at the time that there were any processes that should be followed when you are removed from association. I was never told that I was being removed from association.

ACDT

52. During my second detention at Brook House, I was placed on something called 'ACDT'. I was called to the office one day and an officer told me that the IRC staff had a file on me which they had to keep updating every hour. They also said they were going to remove any cutlery from my room. I asked why and I was told it was because I had harmed myself the night before with something sharp. I never saw the files that the IRC staff kept on me and didn't know what was said in them.
53. My solicitors have told me that the medical records indicate my ACDT observation levels were changed on 10 March 2017, from every three hours to every two hours and hourly at night, after I reported ongoing thoughts of suicide and self-harm and "[s]everal superficial cuts" were seen on my hands which I declined to speak about (HOM0321_0006). They

also tell me there is a reference in the medical records to cutlery being removed from my room on 11 March 2017 (HOM032191_0006). It appears that the conversation when I was told about ACDT may have happened around this time, but I cannot remember the dates as it is a long time ago.

54. I am told that according to Home Office records I was actually placed on ACDT on the first day of this detention (HOM032192_0002). I was not aware of this at the time. An entry in my medical notes made at 13.29 on 1 March 2017 reads:

“States he has been diagnosed with PTSD as a result of being a victim of torture in Sri Lanka when he was 16/17 (school age). Polite but reluctant to divulge details of torture. Experiences flashbacks, especially at night in the dark. Previously detained at Brook House 2 years ago. States he was prescribed [Sensitive/Irrelevant] by Saxon Brook GP after release. Since his release he has overdosed twice on medication. See notes from Crawley Urgent treatment centre. ACDT opened due to increased risk of self-harm. Hourly observations initially.”

55. During the time I was aware that I was placed on ACDT, I remember the officers coming to check on me a lot. They would knock on the door and ask if I was ok, and I would say ‘yes I’m ok’. They did not ask any follow-up questions or have conversations with me. I remember feeling irritated by the fact that they kept coming to ask if I was ok. For some of the time while I was at Brook House I could not even bring myself to eat, and there would also be officers coming and telling me to go and eat. I would ask them to leave me alone.
56. I would like to explain to the Inquiry that while looking back, I can see these officers may have been trying to help, at the time they felt like the biggest threat to me. I was not aware of the difference between G4S and the Home Office, or between G4S and Home Office members of staff. I did not see them as different parties. Every time I saw detention officers, people from the Home Office or any type of government official, I saw them like the Sri Lankan authorities and I saw the way they treated me. When I was in detention and I saw people with the same attitude, the same aggression, wearing uniforms, with the locked doors, the keys, and the whole detention environment, I experienced that situation as if I was in Sri Lankan detention, that’s how it felt to me. Every time I saw officers, I felt threatened, I felt they were not my friends and I should just stay away from them so that’s what I tried to do as much as possible. I felt I would be in danger if I left the cell I was in so I would not even go out to get food. Sometimes officers would bring me a meal.

Otherwise I just went without food until eventually I physically had to eat. I went without a shower for around a week at one point. A lot of the time I just lay in bed for three or four days at a time.

57. For me, going without food at Brook House was not a protest, it was because I did not feel able to eat and because I did not feel able to leave my room. I did not feel there would have been any point in protesting as I felt nobody at Brook House had listened to a single word I said since the moment I was picked up by the immigration officers on 1 March 2017. The IRC staff were not helpful, whatever I said to them they would say I was lying. I did not feel I was taken seriously when I spoke to them.
58. Again I know that I explained my experiences during my second period of detention at Brook House to Dr Sen. My memory of what happened was a lot clearer then than it is now because it is some time ago now and because I really don't like thinking about or talking about that time in my life. My experiences of this detention are recorded in Dr Sen's 2018 report as follows:

He again found it extremely difficult, as this was his second time in detention . He could not eat and was throwing up all the time. He just stayed inside his room and did not want to socialise with anybody. The food tasted to him as if he was 'eating a pair of glasses, like it was burning.' He did not wish to explain anything to the authorities and just stayed away from food. The whole experience felt to him 'like walking on fire.' Every single day felt as if it was biting on his skin and he physically felt the pain. Luckily, he was given some tablets which helped for a while and helped to distract him. He had a nurse visit him in detention daily and a mental health nurse visited every other day. Some days, he did not get his medication. He started shaking his head at this point of the interview, saying 'no way, no way, I would rather die.' At night, when he was locked up, he banged on the door asking for help, but he was ignored. At one point, he decided to kill himself. There was a long silence in the interview as he looked down at his palms. He eventually said that he could not find anything with which to kill himself. He was eventually given some medication, as at one stage he thought they had cancelled the medication and he thought he would be 'just left there.'

Healthcare

59. Probably the one difference from the first time I was in detention at Brook House was that I do remember the second time around, being able to see doctors and nurses. I remember

telling them that really bad things happened to me in Sri Lanka and that I felt really unwell. I remember being visited by two nurses from Langley Green Hospital who said they could take me out of Brook House to hospital and give me better treatment. I did not hear anything further about going to hospital after that visit. My solicitors tell me that the medical records state these nurses decided I was “*unsuitable for an inpatient admission*” (HOM032191_0005) but this was never communicated to me. There was one healthcare person who I did find very helpful. She kept telling me to be strong and she gave me some medication which did help me sleep and switch off. But this didn’t change the fact that I was in detention and I still felt extremely unwell.

Complaints

60. I have been asked whether I made any complaints while I was detained at Brook House. There was one night when nobody brought me my medication and I attempted suicide. My solicitors tell me that from the records this was 19 March 2017. The next day I told one of the officers, nobody brought my medication last night and it caused me to have suicidal thoughts, so please could they make sure I have my medication every night. I remember the officer responded with words to the effect of ‘Okay, we will try our best’. Other than that I did not make any complaints. I would not have known how to make a formal complaint. I was not aware of the Professional Standards Unit or the Prisons and Probation Ombudsman. I don’t remember being aware of the Gatwick Detainees Welfare Group.

Other Matters

61. There are some other issues about my treatment at Brook House that I do think the Inquiry should take into account.
62. Firstly my solicitors tell me that there is no evidence that in the decision to detain me in 2017 that proper consideration was given to my mental health. Given how badly detention had affected me before and given what the Home Office knew about my mental ill health during the period between the first and the second detention (including having possession of Dr. Lawrence’s report), I can’t understand this. I am told that Home Office policy at the time requires consideration of this so I don’t understand why my illness does not appear to have been taken into account before I was detained.
63. Even after I was detained, I am told that the detention reviews did not mention reports about my health that the Home Office were in possession of before my detention, including Dr Lawrence’s report.

64. I also believe I had outstanding representations with the Home Office at the time I was detained in March 2017 and so could not be removed at that point. My solicitors tell me that there is a record of Maliks & Khan making submissions on 21 December 2016 on my behalf raising human rights concerns that removing me would put me at suicide risks. These had not been responded to by the Home Office when they detained me on 1 March 2017. My solicitors also had made an appointment for me to attend the Further Submissions Unit on 30 March 2017 to submit further representations in support of a fresh asylum claim. I am told by my solicitors that the Home Office was aware of this when they made the decision to detain me.

Rule 35

65. Once I was detained, I understand that there is a way that the detention centre healthcare department should report to the Home Office on those, like me, whose health might be badly affected by detention through a 'Rule 35' report.
66. Despite the Home Office having lots of information about my poor mental health and the risks that I might hurt myself, no Rule 35 was completed in my case until 3 April 2017, the day that I was released. I remember a doctor coming to see me on the last day of my detention and I think he said words to the effect of I was going to be released so he needed to do a Rule 35. I think I was aware that the Rule 35 process existed from my first period in detention, although I did not understand how to get a Rule 35 or that I could ask for one. My solicitors have explained that it appears from the Home Office records that the decision to release me from detention had already been made before the Rule 35 report was completed on 3 April 2017 (HOM032191_0003).
67. I am told by my solicitors that the detention centre did report concerns about me on what are called 'IS91 RA Part C' forms but that these weren't taken into account when reviewing my detention. I don't know what a Part C form is and I don't remember being given a copy of it or being told that it was sent. The medical record entries during this time mentioned how poor my mental health was, and recorded my difficulties with sleeping, thoughts of self-harm and suicide, and that I needed psychiatric input, but the detention centre could not give me the treatment I needed.
68. Because I was held in the detention centre, I don't think I received the treatment I needed for my mental health problems. The fact I needed trauma therapy that was not available in Brook House was, I am told, recognised by health care at Brook House for example on 17

March 2017 when my notes said that I should be bailed to receive treatment in the community. It doesn't seem to me that the Home Office took notice of this at all because they continued to detain me at Brook House even though it was making my illness worse. I am told that there are processes which should be triggered to ensure that my mental health and treatment needs were taken into account but I was never told what those processes were, how I could access them, and in any event, in my case, they were not triggered.

69. My solicitors tell me that some documents have been disclosed which imply that I was at Brook House later than 3 April 2017 (CJS001324 & CJS001274). I believe the references to me in these documents must be a mistake as I was released on 3 April 2017.

Impact of Detention

70. In Dr. Sen's report, he considered that my immigration detention was a re-traumatisation, and my trauma symptoms were exacerbated particularly by the second period of detention at Brook House. Dr Sen said in his report dated 23 July 2018:

[§5.6] With regards to my views on [D801] long term prognosis, he was quite young when he suffered the traumatic experiences in Sri Lanka of detention and torture. His symptoms, particularly after detention in the UK, are thus particularly severe, and exacerbated further by the second detention [...]

[§5.7] [D801] would be categorised in the severe range for post traumatic stress disorder...[D801] was quite high functioning prior to his experiences of trauma in Sri Lanka...He was also engaged with a course after he came to the UK and it felt like he had achieved a sense of safety. However, his detention in the UK acted as a re-traumatisation experience and the symptoms of PTSD that he has suffered since then have led to a state where he is confined to the home, feels unable to go out of the house or socialise, finds it difficult to engage with treatment services and has had to move out of the house of his guardian and live in the garden shed, as his shouting at night in response to nightmares disturbs the family. He cannot even go out of the house without his guardian accompanying him... [D801] is nowhere near functioning at anything approaching the pre-trauma level and all attempts...to engage him with treatment have produced only limited results so far.

After Brook House

71. For a long time after my second detention at Brook House, I struggled. Some nights, I would feel like everything is now okay. Other nights, I would be all over the place. I tried my best to keep going because at least I was not being locked up.
72. At the beginning, little things would trigger bad memories about detention. For example, I went to Croydon Home Office to report, and some police officers came my way. Next thing I knew I was in the hospital. I couldn't even remember what happened. This happened to me again a few days before I saw Dr. Sen for the first report.
73. I was prescribed anti-depressants. I was also referred to the mental health team. But I found it really difficult to engage. My friend who hosted me was so worried about me that he or someone in the family would accompany me if I went out. Otherwise I didn't.
74. In November 2019, I was finally granted refugee status. I felt for the first time that it was possible to feel safe and to have some security.
75. I continued to get support from the adult mental health team in the community, and I got some psychological therapy once every couple of months throughout 2019. That stopped after the end of 2019.
76. I still get a fortnightly prescription of Sensitive/Irrelevant and Sensitive/Irrelevant from my GP. This carried on until the Covid-19 Pandemic started. When the Pandemic started, it was not possible to see the GP regularly. I stopped taking the medication. It was very hard at first, especially to get to sleep at night, but I think it has got a little better now.
77. I have also started to work. I got a job at a petrol station in April 2020. I work about 30 to 40 hours a week and work extra hours when I am offered it. It keeps me busy and keeps my mind off thinking about the past, which I am worried comes back if I am not occupied.
78. I am still scared when I see police officers. I don't trust that they won't come and get me again. That experience of my second detention, of being taken away early in the morning is something I never want repeated.
79. Dr Sen recorded some of the impacts on me of my detention in his report dated 23 July 2018:

[§5.3] **D801** has been exposed to the traumatic experience of captivity at the hands of the Sri Lankan army, accused of being a member of the LTTE, detained under inhumane conditions and severely tortured. He has been threatened with being killed. He now reexperiences this traumatic event in the form of reliving memories constantly in the form of flashbacks, where he hears the voices of the perpetrators of the abuse, he has nightmares almost every night, he gets extremely emotionally distressed at exposure to reminders like the sight of the police and particularly following detention, which to him appeared to replicate his previous experience of detention in Sri Lanka. He avoids trauma related stimuli like avoiding watching news items about Sri Lanka and avoids socialising with people. He has virtually no interest in activities like cricket in which he had an interest before, feels totally isolated from people and feels detached from his surroundings, all of which are avoidance symptoms. He also experiences hyper arousal symptoms like being excessively watchful of his surroundings, has significant difficulties with concentration and severe problems with sleep. He has also been involved in risky and destructive behaviour like attempts to harm himself by cutting or taking overdoses.

80. Dr. Sen provided an updated report on 1 March 2021. In that report he states:

[§ 5.1] **D801** continues to suffer from post-traumatic stress disorder (PTSD). This is linked to his traumatic experience of captivity at the hands of the Sri Lankan army, subsequently triggered following his immigration detention, which acted as a re-traumatisation experience. The severity of his condition is less now and he is able to function far better on a day-to-day basis. He is able to hold down a job and prior to the pandemic, was also going out and meeting friends. He does not suffer from a major depressive episode anymore. However, he continues to get triggered by cue reminders of his past experiences like the conversation with the barrister to the Brook House Inquiry discussing his time in detention triggering re-living symptoms like nightmares and flashbacks for him. Other triggers are watching something on television; wearing masks during the pandemic was also another trigger for him. He continues to be startled by the smallest of noises. His eating continues to be a problem and sometimes if he is eating something related to blood, that can be a trigger too and he has to stop eating. He is still eating only one meal a day. Thus, the trauma he experienced through his experience of captivity and subsequent detention acting as a re-traumatising experience is a recognised psychiatric disorder, for which he needs treatment.

[§ 5.2] [D801] has now stopped his medication, in the form of the antidepressant [Sensitive/Irrelevant] daily and the antipsychotic [Sensitive/Irrelevant]. [Sensitive/Irrelevant] He has also stopped psychological treatment. In my opinion, he would still benefit considerably from trauma focussed psychological therapy, either in the form of cognitive behavioural therapy (CBT), eye movement desensitisation and reprocessing (EDMR) therapy or narrative exposure therapy (NET). I would estimate the duration of such therapy to be six months of weekly sessions for him to fully recover from his condition.

[§5.3] With regards to my view on [Sensitive/Irrelevant] prognosis, I would be quite optimistic about his long-term prognosis. He has now come off all medication and has not suffered a significant relapse. He has been able to reconnect with friends. He is holding down a job. He had previously responded well to medication and the involvement of the mental health team. For all these reasons, I would be optimistic about his long-term prognosis. The risk of suicide for [Sensitive/Irrelevant] is low currently, what might increase this risk is if he suffered another significant re-traumatisation experience like captivity or detention, or a re-kindling in his mind of any prospect of a return to Sri Lanka.

My wishes about my involvement with the Brook House Inquiry

81. I understand from my solicitors that the Inquiry already knows that I had brought a claim for compensation from the Home Office for the two periods that I was detained at Brook House. The Home Office didn't file any court document to explain why they did what they did to me. They did not defend their actions but agreed to pay me compensation in a confidential settlement. But they did that without apologising or accepting that they did anything wrong. I don't even know if they even raised this with anybody responsible for the decisions about me and if anybody knew about how harmful this was for me. My lawyers say that the Home Office sometimes settles claims for compensation this way.
82. When I found out about the Brook House Inquiry and what its purpose is, I wanted to help the Inquiry to understand my experience and why the way I was treated made me feel not like a human being and the environment of detention was a constant reminder of what happened to me in Sri Lanka making me feel so ill.
83. I told Dr. Sen when I saw him in late February 2021 that I got nightmares the night I spoke to my lawyers. There was nothing I could do to stop that. I also felt that way after meeting with Dr. Sen.

84. I feel safer now that I have refugee status. But still, being asked to go back to my past, including my detention in Brook House, is dark for me. This is because the detention centre itself reminded me so much of what happened to me in Sri Lanka. To me it was a prison, it was frightening and intimidating. I did not feel safe and I do not think it was the right place for someone with my mental health problems. They just locked me away and I was in the room alone for many hours where I had no escape from my bad thoughts and memories and was in constant fear of being sent back to torture in Sri-Lanka.
85. If the Inquiry has questions for me, if possible, I would like to have that provided to me through my solicitors in writing so that I have time to consider them and provide answers through my lawyers. I would however like to stress again that it is extremely difficult for me to think about my detention at Brook House. I have tried to give as much detail as possible over several zoom meetings with my solicitors. There are some topics I was asked about by the Inquiry that I have not commented on in this statement because it is just too difficult for me to think about or discuss.
86. 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.

Signed

Signature

Dated: 26.01.2022

D801