

**WITNESS STATEMENT OF D1914**

**BROOK HOUSE INQUIRY**

**RESPONSE TO RULE 9 REQUEST**

I, D1914, date of birth is [DPA] make this statement in response to request under Rule 9 of the Inquiry Rules 2006, dated 23 September 2021. I declare that the contents are true to the best of my knowledge and belief. I wish to state as follows:

**Introduction**

1. My name is D1914. I do not have any other aliases.
2. I am a Romanian national and I am [Sensitive/irrelevant]
3. I have prepared this statement with the help of my representatives at Duncan Lewis Solicitors (DL) over two in-person appointments and a number of telephone appointments. I was homeless during the period I was giving evidence, including a period of rough sleeping. This made attending appointments regularly very difficult for me. My health issues, described in detail below, also made attending and speaking at appointments challenging for me. I find the sessions very tiring and my persistent cough (linked to my COPD) makes speaking for long periods of time hard. I also find remembering my experiences at Brook House, especially my attempted suicide, very distressing.
4. I arrived as an EU citizen in the United Kingdom in 2009. Until September 2019, I had a long term partner in the UK. I was also in regular contact with my ex-wife and two children who live in Romania.
5. I have suffered from serious ill-health due to a heart condition since 2016. I have suffered from heart attacks and undergone two coronary artery bypass grafts surgeries

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on 23 November 2016.<sup>1</sup> I was detained at High Wycombe Police Station on 28 March 2017 and moved to Brook House IRC on 29 March 2017.<sup>2</sup> Based on my records, the Home Office and Brook House healthcare were aware or should have been aware of my heart condition, history of heart attacks and surgery from at least the date of my detention at Brook House. It is noted in my Brook House medical records on admission:<sup>3</sup>

*"29 Mar 2017 23:21 ...*

*History: new admission from high Wycombe.*

*CABG in November 2016, 3 X MI before that*

*Has another operation date 7<sup>th</sup> august 2017 for another CABG*

*...*

*29 Mar 2017 23:30 ...*

*History: came in with*

**Sensitive/Irrelevant**

**Sensitive/Irrelevant**

**Sensitive/Irrelevant**

**Sensitive/Irrelevant**

**Sensitive/Irrelevant**

**Sensitive/Irrelevant**

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<sup>1</sup> See 20180914 Letter at Annex 1 which confirms the dates of my CABG appointment and diagnosis of heart disease.

<sup>2</sup> HOM007093.

<sup>3</sup> CJS000990\_0001.

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6. While in detention, the Home Office issued a Deportation Order on 11 April 2017, on the basis of my convictions abroad.<sup>4</sup> I have not been convicted of any crimes in the UK. I successfully appealed this Deportation Order,<sup>5</sup> confirmed in a letter from the Home Office letter on 13 June 2018:

*“A person who would otherwise be entitled to reside under the Immigration (European Economic Area) Regulations 2006 may be removed from the United Kingdom if the Secretary of State decides that the person’s removal is justified on grounds of public policy or public security in accordance with regulation 21 of those Regulations...*

*The Secretary of State has given consideration to your successful appeal against deportation and has decided to take no further action on this occasion”* (see Annex 1 20180613 DO appeal).

7. I am currently seeking to regularise my immigration status, as I did not apply to the EU settlement scheme. A referral has been made to St Mungo’s Street Legal team to assist with my immigration application and I had an initial consultation appointment with a lawyer from Seraphus on 13 January 2022.
8. I was released from detention on 8 August 2017 following the completion of a Rule 35(1) report by the IRC healthcare GP almost three weeks earlier, on 17 July 2017.<sup>6</sup> It was my understanding at the time that the Home Office only released me because I had my heart surgery booked in for 17 August 2017, which had been known from the outset of my detention. The report found that I was a level 3 Adult At Risk as a result of my heart condition. It expressed concerns that continued detention could have a detrimental effect on my health, in particular that the stress related to detention could trigger another cardiac event. Nobody has ever explained to me why I had to be detained for almost four months before the GP at Brook House issued a report that

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<sup>4</sup> HOM010920\_002.

<sup>5</sup> See 20180530 FTT Decision, Annex 1.

<sup>6</sup> CJS001024.

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detention could worsen my heart condition. This should have been known (on the basis of the paperwork available to the Home Office and Healthcare) from the outset.

9. My experience of Book House was very stressful for me. I was admitted to hospital three times during my detention as a result of my physical ill health:<sup>7</sup>

a. First admission (East Surrey Hospital): 18 April 2017, discharged 19 April 2017:

*“Reason for admission and presenting complaints: central crushing chest pain. Clinical details: [DPA] year old gentleman was brought in from Gatwick Immigration with complaints of central chest pain, crushing in nature, radiating to left arm, started at 05:00pm and resolved by GTN within 30 minutes of onset. Patient reported feeling sick and lightheaded on admission...The patient was reviewed by the consultant cardiologist. Currently the patient is pain free and comfortable, reports of chest wall tenderness, on examination tenderness present on palpitation of the precordium...”*

b. Second admission (Crawley Hospital): 17 May 2017, discharged same day and recalled again on 18 May 2017 for related investigations:

*“received a phone call from Dr. Ikoton at Crawley hospital stating that his blood result was abnormal that he has Ddimer of 600 and to go to hospital ASAP”*

c. Third admission (East Surrey Hospital): 10 July 2017, discharged same day:

*“Admitted: 10/7/17, discharge: 10/7/17*

*Currently in custody. Presented with chest pain which lasted for 50 minutes – cardiac history noted. ECG. T wave inversion V1-2, no dynamic changes. Troponin T initially, 6 hour level was 9.”*

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<sup>7</sup> CJS000990\_0091 (18 April 2017), CJS000990\_0012, CJS001111\_0001, \_0005, (17/18 May 2017), HOM010912 (10 July 2017).

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10. Whilst I was in Brook House my symptoms of chest pain worsened. I was constantly worried that I would have another heart attack as a result of conditions in detention, or any attempts to remove me. I felt the healthcare staff at Brook House ignored my repeated requests for investigations into my heart condition.
11. One of the most stressful events at Brook House occurred on 27 May 2017, where officers violently forced me from my room to E-wing in preparation for my removal the next day. I have seen the BBC Panorama footage which I know has already been viewed in the course of the opening statement of counsel to the Inquiry. It shows officers were pumped and prepared to hit me with the shield if necessary, and did not care if they killed me by moving me. It shows that officers felt that the production of a letter on 25 May 2017 by Doctor Husein Oozeerally saying I was “fit to fly” provided them with protection should anything happen to me as a result of my heart condition during the restraint. The letter from Dr Oozeerally states:

*“The above detainee is fit to fly and fit for detention. He will need a medical escort due to the nature of his medical condition. I am happy for reasonable force to be used(C and R)in order to facilitate the removal.”*<sup>8</sup>

12. During the briefing before the use of force against me, DCM Steve Dix commented on this letter, stating: *“We have liaised closely with our onsite Healthcare and in particular Dr Hussain [sic] who has stated and written a letter confirming D1914 is fit to be detained, fit to fly and fit to have force used on him. We will have healthcare present throughout and also the medical evac chair, this will purely be for if D1914 becomes compliant and requires medical assistance by way of the chair to Eden Wing”*.<sup>9</sup> Prior to the use of force, officers discussed the letter (own emphasis added):

*“694 Callum Tulley: Just worried about this guy.  
695 Dave Webb: It doesn’t matter.*

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<sup>8</sup> CJS001160.

<sup>9</sup> TRN000087, KENCOV1025, V2017052700020.

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696 Callum Tulley: *What if he dies?*

**697-699 Dave Webb: “No, we’ve got that disclaimer. So what we’ll do is in the morning I’ll grab that of Knobby [Steve Loughton]. I’ll take a couple of copies before all the paperwork gets tucked away. And I’ll give you one.**

700 Callum Tulley: *Cool*

**701 Dave Webb: So then in that way, if everything happens later on... You’ve actually got a fucking copy of the doctor’s letter.”<sup>10</sup>**

13. It is difficult to put into words what seeing those comments made me feel. I cannot believe officers would say that about me, a sick man. I discuss my response to these comments in further detail below.
14. My time at Brook House affected me mentally and physically – it caused me distress, stress and anxiety which I believe in turn worsened my heart condition. I was taken to hospital on 5 July 2017 after I attempted suicide by cutting open my wrists and neck and swallowing all of my heart medication after I was refused bail.<sup>11</sup> I set this out further at paragraphs 187 to 204 below. Although I am now glad that I did not end my life, at the time I was so distressed by the decision and the fact I had to remain at Brook House and was still at risk of returning to Romania, that I wanted to die. The actions were with the sole intention to kill myself.
15. I also enclose at the end of this statement specific responses to the questions posed by the Inquiry, where they are not addressed in this witness statement.

### **Background to Heart Issues**

#### ***Health in 2016***

16. I started suffering from heart issues in 2016.

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<sup>10</sup> TRN0000087, KENCOV1025, V2017052700014.

<sup>11</sup> CJS001168.

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17. In early September 2016, I started to experience chest pain, palpitations, nausea, and I developed a cough. The pain grew in intensity over a few weeks and so I went to A&E. These symptoms are set out in Letter 20160912 at Annex 1 – I was experiencing “*chest pains and palpitations....an associated cough productive of yellow sputum....nausea and sweats*” and I felt “*as though I was going to die*”.
18. I was admitted to Stoke Mandeville hospital on 20 September 2016 and diagnosed with atrial flutter-rate related troponin rise; which I understand relates to a heart attack. As set out in a discharge summary of 20 September 2016, Letter 20160912 at Annex 1, I was “*tachycardic with a HR od 150 on admission. His ECG showed atrial flutter with 2:1 block.*” The doctors also provided me with the following medication – Sensitive/irrelevant
- Sensitive/irrelevant**
19. As a result of this, I was subsequently diagnosed with coronary disease, as set out in Letter 20161006 in Annex 1 – “*diagnosis: coronary disease – left main stem. Coronary disease – circumflex. Coronary disease – left anterior descending artery*”.
20. I had a heart attack on 5 November 2016. I was admitted to Stoke Mandeville hospital overnight, where I received treatment. As set out in a discharge summary of 6 November 2016, found in Letter 20161106 at Annex 1, I had “*severe central chest pain...the pain radiated to the jaw and was associated with sweating...had been experiencing dull aching chest pain daily over the past few months*”. I was diagnosed with “*NTSEMP*”, meaning a non-ST segment elevation myocardial infarction, which is a type of heart attack. That discharge summary also confirms my previous diagnosis of “*acute myocardial infarction [sic]/heart attack*”. In this instance, they provided me with the following medication – **Sensitive/irrelevant**
- Sensitive/irrelevant**
21. On 22 November 2016, I attended an appointment at Wycombe hospital. Cardiologist Dr Davies wrote me a letter after this appointment advising further investigations - “*at times, your heart went into an abnormal rhythm and indeed an arrhythmia described*

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*as supra-ventricular tachycardia*”, finding “*it is reasonable to pursue specific specialist investigations and treatment options*” (see Letter 20161122 at Annex 1).

22. I had an operation at Harefield hospital on 23 November 2016 – two coronary artery bypass grafts (“CABG”) – to treat my heart issues, as documented in Letter 20161205 of Annex 1 which sets out “*CABG x2 (LIMA to LAD, RIMA to OMI on 23/11/2016*”. I was discharged on 30 November 2016. I experienced a lot of pain after the operation, and I had to take a lot of medication to manage my condition.

23. I was readmitted to hospital on 30 November 2016, the same day I was discharged from hospital following the CABG operation. This was because I had chest pain and a fast heart rate. As set out in Letter 20161205 of Annex 1, I was diagnosed with “*supraventricular tachycardia*”. The doctors provided me with **Sensitive/Irrelevant** and **Sensitive/Irrelevant** and I remained in hospital until 5 December 2016. I was discharged with the following medication – **Sensitive/Irrelevant** **Sensitive/Irrelevant** (see Letter 20161205 of Annex 1).

### ***Health in 2017***

24. Following this operation, I was having regular check-ups with my consultant. I was also diagnosed with a “*pleural effusion*” in January 2017 (see Letter 20180914 in Annex 1).

25. In January 2017, I attended an outpatient clinic at Harefield hospital, where the doctor concluded that my wounds from this operation had healed, and confirmed I was on **Sensitive/Irrelevant**. I was discharged back to the cardiologist team at High Wycombe hospital – see Letter 20170124 at Annex 1.

26. I was still suffering from episodes of irregular heart rate, known as SVT. These episodes were serious enough that my doctors decided that I should have another operation, a cardiac catheter ablation, to manage my heart rate, as explained in Letter 20170320 in Annex 1 – “*he has a few years history of palpitations and has had recent*

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*admissions to the CSRU with SVTs – short RP tachycardia with pseudo r prime in V1, suggestive of AVNRT being the underlying mechanism...he has also had ambulatory ECG monitoring, and is this [sic] actually showed 11 episodes of SVT...there was T wave inversion in V1-V3 which represents his underlying coronary artery disease”.*

This was booked on 17 August 2017, and evidence of this appointment is set out in Letter 20170222 at Annex 1.

27. I was so ill following my heart attack and subsequent medical treatment that I was deemed unfit to work for eight months, from 30 September 2016 to 30 April 2017. On 16 December 2015, I was assessed as unfit to work from 30 September 2016 to 28 February 2017 as a result of “CHD and coronary bypass surgery”. This assessment was extended to 30 April 2017 in a subsequent assessment – see 20161215 Statement of Fitness for Work in Annex 1.

28. Before I was detained, my partner at the time, [Name Irrelevant] was looking after me due to my ill health. For example, she would do the cooking for me, washing, and cleaning, because my heart condition prevented me from doing these things. She looked after me when I was in hospital too, and attended medical appointments to act as an interpreter. I needed her help with these everyday tasks because of my chest pains.

### ***Current health***

29. I continue to suffer from severe ill health – I have a diagnosis of ischaemic heart disease, and COPD (Letter 20181230 at Annex 1). I still take regular medication for my chronic conditions, including [Sensitive/Irrelevant] [Sensitive/Irrelevant] and I have two inhalers for my COPD. I also recently underwent surgery - I went to hospital on 5 December 2021 due to stomach pain. I was diagnosed with an [Sensitive/Irrelevant] which was repaired with surgery. I am

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currently living in temporary accommodation provided by St Mungo's. The temporary nature of this accommodation continues to cause me stress.

### **Immigration Background and Events Leading to Detention**

#### ***Arrival in the UK and family background***

30. I first travelled to the UK on 1 April 2009. Prior to this, I had been living with my family in Italy. We had moved from Romania to Italy in 2007, and after briefly returning to Romania, I went to the UK.
31. The reason I came to the UK was to look for work. I worked in a carwash for just over two years after my arrival in the UK. Then I worked in the construction industry for around five years.
32. I came to the UK alone. I was married to a Romanian woman called [Name Irrelevant]. [Name Irrelevant] We separated in 2009; [Name Irrelevant] and I have two children together – [Name Irrelevant] and [Name Irrelevant] who were born in Romania on [DPA] and [DPA] respectively.
33. I started a relationship in the UK with a woman called [Name Irrelevant] in September 2009. I loved [Name Irrelevant] so much – she was my everything. She was also very supportive of me maintaining a good relationship with [Name Irrelevant].
34. [Name Irrelevant] and I were together until September 2019, when our relationship broke down. Our relationship broke down partly as a result of my detention in Brook House, which placed an enormous strain on our relationship due to the stress of detention. [Name Irrelevant] used to visit me regularly during my detention in Brook House – almost weekly. Detention placed a huge financial burden on us as we were paying lawyers privately to do my bail applications for me. [Name Irrelevant] was herself placed in immigration detention and subsequently removed from the country.
35. My children used to visit [Name Irrelevant] and I every year during the school holidays for two months. We all used to get on very well as a family.

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36. Between my arrival in the UK and my detention, I used to send money to my children in Romania to support them. Whilst I was detained in Brook House [Name Irrelevant] arranged to send them money. The amounts varied, depending on how much money was available.

***Extradition proceedings***

37. The UK police arrested me in August 2013 and put a tag on me following attempts by the Romanian court to extradite me.

38. These extradition attempts related to four allegations: two alleged offences in March 2007 akin to [Sensitive/Irrelevant] offences under English law, and two alleged offences in June 2008 of [Sensitive/Irrelevant]. These offences carried a total sentence of [Sensitive/Irrelevant] (see [DPA], [DPA]).

39. I won my court case against the Romanian police on 24 June 2014 regarding the extradition proceedings and European Arrest Warrants. After this, the UK police removed my tag. The court discharged the European Arrest Warrants against me because I had been tried in my absence, and I would not have the right of retrial (see [DPA]).

40. These proceedings had placed enormous stress on me, [Name Irrelevant] and my children, who regularly visited me in the UK in the summer holidays. [Name Irrelevant] and I had agreed that we would seek to find a school for the children in the UK. [Name Irrelevant] had come to the UK in May 2013 to look for a school here. However, we decided to send them back to Romania following my arrest as it was a very stressful situation. This was very upsetting as I had wanted to live in the UK with my family, and I wanted my children to benefit from a British education.

41. I also had to find substantial security and I was on tag for ten months.

42. In 2015, the Romanian police sought to extradite me again (see [DPA]). I was arrested again by the UK police in April 2015 and given a tag. The extradition

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proceedings related to the same four offences, but now with a reduced sentence of [REDACTED]

**Sensitive/Irrelevant**

43. This set of proceedings was even more stressful than the last. I was very shocked at being arrested again, as I believed after I won my case in 2014 that the matter was closed. I was so concerned about the prospect of being extradited to Romania – away from [REDACTED] and in prison in terrible conditions - that at times I wanted to die.

44. [REDACTED] and I had decided we wanted to start our own family. We were planning on undergoing a course of IVF, but the arrest meant we decided to see the outcome of proceedings before going on the waiting list. The re-arrest also meant I was once again subject to bail conditions including a tag, which was significantly hindering my ability to work as I was working in construction.

45. I won my court case on appeal in 2016 against my extradition. The court found that given the previous discharge of the European Arrest Warrants, the lapse of time, the minor nature of my offences, and the circumstances of the former discharge of the warrants, extradition would be a disproportionate interference in my family life at the time. The judge recognised the huge impact the proceedings had on me and my family, putting my life on hold during proceedings, sending my children back to Romania instead of putting them in school here, delaying undergoing IVF, needing to report daily to the police, and being on a tag for a curfew ([REDACTED] **DPA**)

**DPA**

46. These events in 2016 made me feel very stressed. This is also around the time I experienced my first issues with my heart. The stress of these warrants, and the court proceedings, made me feel really unwell. Everything was very hard at the time - I won my extradition case in 2014, then in 2015 was on tag once again, then won again in 2016. It was like a yoyo.

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*Events in the months prior to detention*

47. In the months leading up to my detention, I was on a lot of medication – I was taking Sensitive/Irrelevant (see Letter 20170124 of Annex 1). I was also still receiving medical treatment and observations for my heart condition. For example, I had a cardiac clinic appointment on 19 December 2016 (see Letter 20161212 at Annex 1), and an X-ray appointment on 16 February 2017 to conduct further investigations into my heart problems (see Letter 20161122 of Annex 1).
48. On 3 March 2017, High Wycombe police asked me to attend the police station to provide a statement.<sup>12</sup> As far as I can recall, this was in relation to an accusation against my partner and I for Sensitive/Irrelevant but for which neither of us was ever charged.
49. I had just had an operation on my heart and I was feeling really stressed. The police took me straight to hospital when I arrived at the station due to my ill health. This admission is recorded in Letter 20170303 of Annex 1 which confirms I was admitted to Wycombe Hospital for chest pains which I feel were exacerbated by the pressure of attending the station to provide a statement. I was so stressed by the whole experience that I threatened to commit suicide. This is recorded in the Medical Detention logs at the police station:
- “03/03/2017 – 22:06 – entry by ‘LUCAS J: “Attended cell with DO Clement to administer the DP’s medication. He asked if he is going now and I stated that the Custody desk was currently very busy and that he would be leaving ASAP. He has then become agitated and stated that he would tie his jumper round his neck and that he does not want to take his medication. His jumper has been removed along with his jacket and medication”.*<sup>13</sup>

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<sup>12</sup> CJS000990\_0051.

<sup>13</sup> CJS000990\_0037.

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50. I understand that these police station medical detention logs were on my IRC medical records (CJS000990) so I understand that healthcare at the IRC should have been aware upon my arrival of this incident. I cannot now recall the details of this incident, but reading the report, I think it was a reaction to the extreme stress. I have no recollection of suicidal thoughts prior to my time at Brook House.
51. I attended the station again to give a statement on 28 March 2017. Following the interview, they decided to drop charges against me and my partner – this is recorded in HOM010920 which states that “*on 28 March 2017 notification was received that the previous offences have been closed – NFA’d*” and CJS001111\_51, a letter dated 28 March 2017, which states that my partner was to be “*released without charge*”.
52. However, the police then told me that I would be taken to Brook House. No immigration officers sat down with me to explain what was going to happen, nor did the police warn me that I was going to be speaking to immigration officials at the police station.
53. I had previously never spoken with immigration officials or had immigration related issues (aside from the extradition proceedings). I am an EU national so I could stay and work in the UK – I didn’t have any letters from the Home Office. I was served with an IS91 in the police station, as confirmed in HOM007159 – “*time IS91 was served: 28.03.2017 21.12...place of detention: High Wycombe Queen Victoria Road PS*”. When the police told me I was going to immigration detention, I felt shocked – I couldn’t believe it. I had won extradition proceedings twice, yet now I was having issues with immigration.
54. I was held at the police station for a long time. I had arrived at the police station during the day of 28 March 2017, and was held in a cell in the station overnight and the next day. It was very stressful being held in the prison cell for such a long time – almost 48 hours. I was then moved to Brook House around midnight in a van. The journey was very stressful – I was handcuffed, it was dark so although there were windows in the van it was hard to see where I was going.

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55. I had undergone an operation not long ago on my heart and I was not in good health. In the weeks and months prior to my detention, I regularly suffered from pain in my chest, dizziness, and weakness. I needed help with daily tasks from [Name Irrelevant] as outlined above in paragraph 28.

***The Home Office's decision to detain me***

56. The minute of the decision to detain me dated 28 March 2017 identifies me as: “*adult at risk policy either on level 2 [sic]*”.<sup>14</sup> In an un-redacted version of document HOM006821 available to my legal representatives, this document notes that I am on medication - [Sensitive/Irrelevant] (this is not a complete list of the medication I was taking at the time), and that I stated that I have a “*heart condition and this is being managed by medication*”. The minute concludes that there is “*no evidence of any exceptional circumstances*” in my case. The minute does not appear to consider my heart condition in detail, or seek an expert medical opinion about the appropriateness of detention for someone with my heart condition.

57. The detention gatekeeper returned the decision because of my heart condition for which I had recently been hospitalised. They requested updated paperwork following my detention and a medical assessment (see Annex 1 20170328 Detention Gatekeeper Paperwork). The Criminal Casework Team at the Home Office then re-referred my case – “*please let our AD [redacted] know if you do not wish to bring him into IS detention due to his medical condition. He is on medication for a heart condition and he has these medications on him. [Sensitive/Irrelevant] [sic], paracetamol*”.

58. The recommendation stated (*inter alia*) “*Subject also feigned illness when detained claiming that he was having pains in his chest, he later changed his mind which leads us to believe that he is using his illness to evade removal. He has his medication in his possession so this can be controlled in the IRC. I therefore recommend detention to*

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<sup>14</sup> HOM006821. Please note the incorrect client cipher appears to have been applied to this document.

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*effect removal*". I find it shocking that the officials believed I was pretending to be ill. I had been recently hospitalised for my heart condition and deemed unfit for work. The official appears to have made this assessment without reference to a medic's opinion. Later events in detention, namely my four hospitalisations and Rule 35(3) Report indicate that their assessment was incorrect and that my illness was not "feigned".

59. Following this recommendation, the detention gatekeeper produced the same form on 29 March 2017 to authorise my detention. The sections on medication condition and medication (dosage), and adult at risk, are blank (see Annex 1 20170328 Detention Gatekeeper Paperwork).

60. The IS.91 detention authority dated 28 March 2017<sup>15</sup> does not tick any boxes under "RISK FACTORS", including "*other medical concerns*". The section on "*Medication (provide details of any known medical condition and the type and location of any prescribed medicine)*" is also blank.

### **Induction Process**

61. On arrival at Brook House on 29 March 2017, officers put me in a waiting room and I waited for about an hour.

62. The officers asked me questions to fill in the paperwork, but they did not use an interpreter, nor did they ask me if I needed one. I understood about half of what was said to me as my English was limited (and still is). I could understand simple things and communicate basic issues but to be able to explain my complex health issues it was clear that an interpreter was needed. I do not agree with the record in my induction paperwork that I had a "*good understanding*" of English.<sup>16</sup>

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<sup>15</sup> HOM007093.

<sup>16</sup> CJS00994\_0005.

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63. I understand that the officers recorded that I had ‘*No Special Needs*’ in the ‘Medical Special Needs’ section of my G4S reception report<sup>17</sup>. I am not sure why that was recorded since I was also at this time recognised as an Adult at Risk Level 2 at the time of my detention in Brook House IRC given my heart problems – “*29 March 2017 – Adult at Risk – Level 2: Level 2 detention has been authorised by DGK SMT. He is on medication for [REDACTED] and he his [sic] medications on him*”<sup>18</sup>.

64. I was seen by a nurse late in the evening of the same day. I felt very stressed during my admission – I did not understand what was going on, I was tired, and it was difficult for me to communicate clearly with the staff. The nurse took my blood pressure and pulse. She did not have an interpreter with her, and she did not ask me if I needed one. We spoke for around five minutes. I understand in the medical records she has recorded “*Interpreter not needed*” which is not true.<sup>19</sup>

65. She did not ask me about my heart problems, but I did take the initiative to try explain to her with my limited English that I had a heart condition and about my August appointment for a catheter ablation. I believe she told me to register with the GP in the morning.

66. I did not understand all the conversation. It would have been easier if I had an interpreter present as I would have understood what the nurse was saying in more detail. I disagree with the comment in my medical notes that I “*speak English well*”.<sup>20</sup>

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<sup>17</sup> CJS000994\_0005.

<sup>18</sup> HOM007159.

<sup>19</sup> CJS000990\_1.

<sup>20</sup> CJS000990\_1.

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67. I asked the nurse to confirm I would be able to access my heart medication. She confirmed a list of the medication I could take, which was the same as my existing medication regime.<sup>21</sup>

68. It is clear in my medical notes that healthcare staff were aware of my serious heart issues from the very start of my detention on 29 March 2017:

*“CABG in november 2016, 3 X MI before that  
has another operation date 7th august 2017 for another CABG  
past history of self harm, does not wish to self harm anymore.  
became angry and agigtated [sic] about immigration on admission [sic],  
abusive shouting and swearing at me and RGN Grace.  
not for IP meds as history of self harm.  
Doctors appt made for tomorrow.  
Health information not received from outside source: no (Y09cc)  
Prisoner has outstanding hospital or doctors appointment (YX006)  
had appt at high wycombe hospital today but did not go  
7th august 2017 for another heart operation.  
Main spoken language Romanian (XaP49)  
Speaks English well (13Z67)  
Ischaemic heart disease (XE2uV)  
CABG November 2016”*<sup>22</sup>

69. Officers then filled in paperwork about me before taking me to my room, where I was in quarantine for a day before moving to C-wing.

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<sup>21</sup> CJS000990\_0002.

<sup>22</sup> CJS000990\_0001.

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70. No-one observed me on my first night, and the notes in my records about my heart conditions – my induction paperwork - shows that the First Night Observations were not filled in.<sup>23</sup>
71. I received my care officer induction more than a week after I arrived in detention – it is dated the 7 April 2017.<sup>24</sup> I remember that during my induction, I disclosed that I had an operation on my stomach many years ago. My legal representatives have explained that this was recorded as self-harm, and that my medical notes record me as having a history of self harm. My induction interview records states– “*Q: Have you ever self harmed? A: years ago, does not like talking about it*”.<sup>25</sup> This is not correct. Before my detention at Brook House, I had never deliberately hurt myself. I think that, perhaps, there was a translation error here which explains the incorrect healthcare entry. I did have scars on my arms prior to my detention. These were not from self-harm – they are injuries from decades ago when I was very young. They are nothing to do with self-harm driven by mental health issues.
72. I was not provided with a tour, as is evidenced in my induction paperwork – “*Induction tour & talk checklist...has been here over 1 week no longer required tour 7/4/17 [illegible]*.”<sup>26</sup>

### **Events Leading Up to First Hospitalisation**

#### ***First meetings with Dr Chaudhary***

73. I saw the IRC doctor, Dr Chaudhary, the following morning after my arrival at Brook House, on 30 March 2017.<sup>27</sup> I did not have an interpreter at this meeting, or at any

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<sup>23</sup> CJS000994\_0014.

<sup>24</sup> CJS000994\_0015.

<sup>25</sup> CJS000994\_0009.

<sup>26</sup> CJS000994\_0011.

<sup>27</sup> CJS000990\_0003.

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meetings with the medical professionals in Brook House. In fact, I never had an interpreter at any meetings with the Home Office or immigration officers at the centre.

74. I did not know whether I had a right to an interpreter. I did not feel I could ask for an interpreter, because I felt like the medics, officers and officials did not care about me. They filled in paperwork, they did not care if you needed some help.

75. I remember that during my first meeting with the doctor, he took blood and urine samples, and he confirmed that I could continue on my heart medication.<sup>28</sup>

76. The next day – 31 March 2017 - the Home Office sent me a notice of my liability to deportation. My then solicitors (Solicitors Inn) made representations against my deportation, including with reference to my serious health condition.<sup>29</sup>

77. On 1 April 2017, I met with Dr Chaudhary again. I have seen the medical records in which Dr Chaudhary has recorded the following:

*“History: Pt stormed in the room demanding to discuss about his medical problems, I have asked patient to speak to the nurses so they can filter the issue. Pt getting aggressive, raising his voice, threatening me saying ‘I have a good Lawyer’ and I will make a complaint. Pt doesn’t seem to want to engage in the healthcare process here. I asked patient to leave and speak to the nurse several times. He stood up and acted aggressively, I felt threatened. I called an officer who came a few minutes later but patient had already left. He was heard swearing in the waiting room before going. Pt had an appointment this morning where he didn’t turn up. I kindly did his medications for him but pt not keen to engage in the healthcare process”.*<sup>30</sup>

78. This is not a fair reflection of what happened. From my recollection, Dr Chaudhary reviewed my medication and then told me to make an appointment with the nurses to

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<sup>28</sup> CJS000990\_0003.

<sup>29</sup> HOM010920\_0002.

<sup>30</sup> CJS000990\_0003.

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discuss my health issues further. We also discussed fitness to fly and to be detained – he said I was fit for both. I asked how it was possible for me to be sent to Romania given my health condition and so many heart problems. I told him I had a lawyer helping with my case, and that my partner was also supporting me. I felt frustrated because he had said I was fit to return to Romania. He pointed at the door at one point and shouted “get out”. He asked the officers in the centre to come and take me out of the room because he said I was being aggressive.

79. I felt upset and I did raise my voice. It was all the more frustrating that I did not have access to an interpreter and so I could not communicate myself properly. It was all very stressful given these issues were life and death for me. I just wanted him to hear and understand me. He was aggressive, shouting at me and telling me to leave because I was talking about my health condition, and then calling in the officers.

80. The officers took me out of the room using force - like I was a dog.

81. I feel this interaction with Dr Chaudhary impacted on our relationship going forwards. It set a bad precedent for our ongoing interactions and I felt prejudiced going forward by him.

82. I understand that on 5 April 2017 the Home Office wrote to the IRC healthcare team noting my heart condition and medication and asking “*Please could you give us your professional opinion if he remains suitable for detention. In addition, and for removal purposes, could you please give us your profession opinion if he is fit to fly.*”<sup>31</sup>. I understand Dr Chaudhary responded the same day stating “*There is nothing we have noted at present contraindicating his suitability for detention or fitness to fly*”<sup>32</sup>. I find this response to be highly alarming. My heart condition was serious and I did not believe I was fit to be detained or to be forcibly removed to Romania. I could not believe that Dr Chaudhary did not provide any more information to the Home Office.

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<sup>31</sup> CJS0009990\_0056.

<sup>32</sup> CJS0009990\_0054.

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Even if he thought I was fit to be detained or removed, I thought he should have at least tried to explain my heart condition to the Home Office and any possible risks and any way of minimising the risks to me. However, he did not even mention that I have a heart condition.

***ACDT of 11<sup>th</sup> April 2017***

83. On the 11<sup>th</sup> April 2017, the Home Office provided me with a deportation decision dated 10 April 2017.<sup>33</sup> I did not have an interpreter present when they provided me with this decision meaning I could not fully understand everything that I was told.

84. An account of this interview is provided at CJS001043\_009, which states that when the Home Office official, 'H. Bennett', served the deportation paperwork, "*He became extremely upset and agitated which quickly escalated to anger where he was shouting and swearing at me. He said he would be dead within the hour due to his heart condition. I check [sic] he didn't feel suicidal and he confirmed he didn't but said his heart was not good and he was due to have further surgery in August. He left the interview shouting and upset so I called his wing to ask an officer to check on him*". When the immigration official gave me this news, I explained to him that what was happening was not right – given my health condition I could not travel or return to Romania, and I was due to have heart surgery in August. I thought I would die if I was returned. I was extremely upset and distressed by the news. Then the official became upset – he raised his voice, threw the paperwork down and shouted "get out" at me. I explained I had a solicitor who was challenging my detention. I had a hospital appointment booked for 17 August 2017 and I showed the official the letter. I shouted because I was upset, given I had just been told they wanted to return me to Romania and he was not listening to me.

85. It felt like a similar situation to my interaction with Dr Chaudhary – no interpreter, the official being rude to me and raising their voice, and me responding by raising my

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<sup>33</sup> HOM010920.

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voice. I was going from stressful situation to stressful situation with different officials, where I was not able to fully understand what was going on, nor did I feel like I was being listened to.

86. That moment was a really stressful time for me. I thank God I did not die at that moment.

87. The official then called in a large number of officers to check on me, and they set up an ACDT.<sup>34</sup> I was very concerned and distressed because I was worried that if I was removed to Romania, the process would be so stressful that it might induce another heart attack.<sup>35</sup> I told the officers that I would die if I returned to Romania.<sup>36</sup>

88. During the ACDT assessment the next day on 12 April 2017,<sup>37</sup> I described the pain in my chest and back:

*“D1914 said that the problem he has is that he is sick and he needs to see the doctor at the hospital in London where he had the 1<sup>st</sup> operation 23<sup>rd</sup> Nov 16 after having 3 heart attacks. He said he is due to have a second operation which is why he cannot return to Romania”*

*“Been at Brook House since 29<sup>th</sup> March (2 weeks ago). D1914 said he has no thoughts of hurting himself or attempting suicide. D1914 said he has not hurt himself in over 20 years now as he is grown up and has a life with his family”*

*“D1914 has scars on his left and right arms. He said he doesn’t remember how exactly he done it. He said it was over 15 or 20 years ago. He was young and now he is grown up with his family – his wife, son and daughter”*

*“D1914 said he is stressed because he has pain in his chest and in his back. He said the DR didn’t believe him and told him to get out. He said he doesn’t like keep going back and complaining”*

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<sup>34</sup> CJS001043.

<sup>35</sup> CJS001043.

<sup>36</sup> CJS001043.

<sup>37</sup> CJS001043\_0014.

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*“No thoughts of self harm or suicide. He said he has never planned how as he does not want to die. He has so much to live for. D1914 said he told the officer that he has to go back to Romania he will die on the inside meaning he will be depressed not that he will physically kill himself”*

*“D1914 would like to stay on the ground floor but said please don’t put more people in the room. He has 1 room mate but 3 people in a room is too much”*

89. As stated at paragraph 71 above, the scars on my arms were not a result of mental health related self harm. I did not have an interpreter available at this appointment, which may be the reason for the misinterpretation by the staff of the scars as self-harm related.
90. As set out in DCO Kavanagh’s record of that assessment, I explained that I had been asking the doctor to investigate my concerns, but he was not paying attention to me or assisting me, and that he had dismissed me from the medical room before the end of the appointment. As far as I am aware, no action was taken as a result of these complaints.
91. I can see from my medical notes that I also confirmed to staff that I was not feeling suicidal.<sup>38</sup> I cannot recall why I felt this at this time. My main concern was that I thought I would die of a heart attack if put on a plane and returned to Romania.
92. The day after my ACDT was closed on 13 April 2017, my medical notes record that I saw a different doctor regarding my chest pains, and all he did was confirm that I could continue to take codeine.<sup>39</sup>
93. I have seen the letter which Dr Oozeerally wrote on 12 April 2017, apparently in response to another query from the Home Office as to whether I remained fit for detention.<sup>40</sup> The Doctor provided a one-line response – *“the above detainee remains*

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<sup>38</sup> CJS001043.

<sup>39</sup> CJS000990\_0004.

<sup>40</sup> HOM10923.

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*fit o [sic] fly and fit for detention”*.<sup>41</sup> As above, I am shocked by this brief response, which does not set out my heart condition, or set out how detention could be suitable, despite the clear stress it was placing on me, and the impact this could have on my heart.

### ***Complaint about medical treatment***

94. On the same day as this appointment, I wrote a letter to G4S complaining about Doctor Chaudhary. A Romanian friend in detention helped me to write the letter in English, which stated: *“I want to inform and complain about the doctor in IRC Brook House, is very rude and bullying and humiliating me. I’m very sick, I have heart problem since 20 of September. I been trut [through?] several heart attacks and two operations in Harefield on [dher] two month and doctor ignore me and I’m feeling very distressed and upset. Now please help me because I have need operation. I want to have my rights. Please I beg for your held and thanks for your attention. Thanks.”*<sup>42</sup>

95. I wrote this complaint because the Doctor was refusing to help me constantly, although I was telling him that I had problems with my heart and was not feeling well. He kept telling me to get out – that nothing was wrong with me. I had already made staff aware of my concerns about the doctor. My ACDT review on 12 April notes – *“he said the Dr doesn’t believe him and told him to get out. He said he doesn’t like to keep going back and complaining”*.<sup>43</sup> The doctor was providing me with the medication I was already on, but I did not feel well and had palpitations. I thought I might need a scan or other medical investigations to see if something was wrong. I was also experiencing issues with my legs. That is why I wanted to see the doctor – but he always refused me and said nothing was wrong, and I felt he was rude in his manner to me.

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<sup>41</sup> HOM10923.

<sup>42</sup> CJS001389.

<sup>43</sup> CJS001043\_0014.

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96. Chrissie Williams, the clinical lead for Gatwick IRCs responded to my complaint, in a letter dated 24 April but which appears to have been written in May. Her response to my complaint was as follows:

*“I am very sorry to hear that you felt the doctor was rude and was bullying you, I have spoken to the doctor regarding this and he is also sorry that you feel this way he states that he is concerned regarding your health needs and would like to see you and go through these issues with you so we can sort them out for you. I have notice in your medical notes that you saw the doctor on 5/5/17 that you saw the doctor and spoke to regards your condition I hope this was satisfactory result for you”<sup>44</sup>.*

97. She did not ask me for further details about my issues with the doctor. I do not remember discussing this complaint with the doctor, and believe I did not receive a satisfactory apology from the doctor directly.

### ***Hospitalisation***

98. On 18th April 2017, I had been feeling chest pains and very strong headaches. I was also shivery, light-headed, and feeling very weak.<sup>45</sup> My cell-mate informed an officer that I was feeling unwell and after a nurse took my blood pressure, I went to hospital in an ambulance.<sup>46</sup>

99. These events are set out in my medical notes with this entry from the same day:

*“History: Bought to healthcare by officer do feeling unwell. Blood pressure*  
*Sensitive/Irrelevant Pulse rate Sensitive/Irrelevant*

*bpm.Sp02 Sensitive/Irrelevant*

*ECG performed*

*BP: Sensitive/Irrelevant @ 18.50*

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<sup>44</sup> CJS001389\_0002. N.B. letter appears to be misdated.

<sup>45</sup> HOM010968.

<sup>46</sup> CJS000990\_0005.

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18:54 I spray of [redacted] given.

RGN donna Batchelor spoken with M/O regarding detainee PMH  
advised to call ambulance on 999 blue lights to assess patient  
detainee concious [sic] and breathing

Examination: during paramedic assesment [sic] became Resistive and uncooperative  
pulling of ECG leads and storming out of healthcare clinic

Oscar 1 currently talking to detainee.

Plan: awaiting paramedic advice”<sup>47</sup>

100. The account set out in the observation notes is not a fair reflection of what took place. It states:

“escorted to ESH A&E department, cuffed, R.O 157/17, became very aggressive on escort, raised voices, threatened to assault a member of staff on escort with him due to being cuffed”<sup>48</sup>

101. I remember I was escorted to the ambulance in handcuffs. It was humiliating to be taken to hospital in handcuffs. I asked the escort if I could take a break for a cigarette, and they refused. I felt very frustrated by this – I was stressed and wanted a cigarette to help calm my nerves. When they said no, I challenged this and asked why. I do not remember threatening to assault a member of staff.

102. At the hospital, I remember having a blood test, an ECG, and I was put on a drip with an IV line. I felt a lot better in hospital – the staff were very kind and professional with me. They took care of me. I do not know why the discharge summary states that I was “keen” to return to Brook House. I was looking forward to being well and free, but not to go back to Brook House.

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<sup>47</sup> CJS000990\_0005.

<sup>48</sup> CJS001040\_0002.

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103. I stayed at hospital overnight and returned to Brook House the next day.<sup>49</sup>

104. After my first hospital admission my solicitors wrote to the Home Office on 19 April 2017 on the understanding that I had a heart attack and requesting that I should be released as I was not fit to be detained. They alerted the Home Office to the anxiety and stress that this incident had put on me, and argued that detention was clearly not suitable for me as I could not manage in the conditions of the centre.<sup>50</sup>

105. The letter states, *“It is important to mention at this stage that we previously informed you about the delicate health and position with regard to the Subject’s medical heart condition and medication that he regularly takes. It is now clear that the detention conditions are not suitable taking into account the Applicant’s poor health condition. It is needless to indicate that the Subject was subjected to an extreme amount of anxiety and stress that he suffered a heart attack in present conditions. In light of the above, we request that the subject be released immediately and he should not be returned to detention centre specially after suffering a heart attack as he cannot sustain the hardship of the detention centre. This is for the betterment of the Subject’s health and life.”*

106. The letter requests confirmation of what measures were being taken to prevent such stroke/attack from happening again. My solicitors had to send another letter on 21 April 2017 as they did not receive an immediate response from the Home Office, despite the seriousness of the situation.<sup>51</sup> That letter stated, *“referring to the Applicant’s detention, we have indicated in our last correspondence facts relating to the Applicant’s and in particular relating to his heart medical condition. As you are aware, the Applicant is a heart patient who was recently taken into emergency hospital following serious chest and left arm pain, which possible leads to his ongoing heart*

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<sup>49</sup> CJS000990\_0091.

<sup>50</sup> HOM010964.

<sup>51</sup> HOM010965.

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*problems [...] It is quite clear that the detention conditions are not suitable for the Applicant taking into account his poor and weak health condition. It is needless to indicate that the Subject was subjected to extreme amount of anxiety and stress that he suffered chest pain in those present conditions.”*

107. The day I was discharged from hospital, Paul Benson, a Home Office caseworker, wrote to healthcare to state *“I refer to the above confirmation of fitness to be detained and fitness to fly, dated 12 April 2016 [sic] and would be grateful for your confirmation that this remains the case following his emergency visit to the hospital yesterday and subsequent return to the removal centre today”*. That day, I had an appointment with Dr Chaudhary. It is stated in my medical records at CJS000990\_006 that Dr Chaudhary noted, *“As I walked out of consultant room pt said in threatening tone ‘You are a shit doctor’”*. After this appointment, Dr Chaudhary wrote to the Home Office confirming that I was *“fit to travel and fit to be detained”*.<sup>52</sup>

108. I do not feel I was fit to be in detention or to be removed at this point in time, and I do not know how Dr Chaudhary could conclude that I was. I had undergone a heart operation twice before my detention, and had been admitted to hospital the day previously due to chest pains – how could I be safe to be detained or to travel? I felt very upset at Dr Chaudhary’s assessment. He kept saying I did not have a health problem or conditions that would prevent my safe travel. This is why I said he was a “shit doctor”,<sup>53</sup> I thought he was very bad at his job and was not looking after the best interests of my health as his patient. I did not intend it to be threatening at all – I was just really frustrated.

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<sup>52</sup> CJS000990\_0005.

<sup>53</sup> CJS000990\_0006.

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109. On 20 April 2017, a “Chronic Heart Disease Plan” was created by healthcare.<sup>54</sup>  
I do not know why this wasn’t opened on my arrival at Brook House, given that my heart condition was known.
110. On 21 April 2017, the Home Office responded to the two letters from my solicitor about the unsuitability of my detention, stating that they were aware of my medical condition, that I was receiving the appropriate medical attention for my health condition, and that the medical staff had declared me fit for detention.<sup>55</sup>
111. I did not feel my health complaints were being taken seriously by Dr Chaudhary. I do not think the Home Office was taking appropriate measures to prevent me being hospitalised again, as my solicitors had argued they should,<sup>56</sup> as I was still living in the very stressful conditions of the detention centre, without access to specialist healthcare. I was also suffering from worse symptoms of chest pain whilst in detention. I believe the stressful conditions of the centre, combined with the poor medical treatment I received, is why I was subsequently hospitalised another three times, in two cases due to my physical ill health, and in one case due to my mental health.

### **Events Leading to Second Hospitalisation**

#### ***Health concerns prior to second hospitalisation***

112. After my first hospitalisation, I continued to experience chest pain and light-headedness. The pain in my chest was stabbing – it was very uncomfortable. I felt all the time like I did not have enough air, like I could not breathe. I found the detention environment stressful, with long periods in lockdown, lots of noise and smells, not much air, many detainees taking drugs and falling ill, and poor access to healthcare.

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<sup>54</sup> CJS000990.

<sup>55</sup> HOM006287.

<sup>56</sup> HOM10964.

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From my entrance into Brook House, and especially as my symptoms worsened throughout detention, I relied heavily on my cellmate, who did the cleaning of the cell for me, helped me to get food, and also massaged my back when I had pain. Without his help, it would have been very difficult for me to manage.

113. I sought healthcare's assistance numerous times following my first hospitalisation. For example, I attended healthcare on 23 April 2017 after I was discharged from hospital. I felt lightheaded and strange after getting out of bed. The nurse, Emily Parr, checked my blood pressure but did not provide any other assistance. I am aware the medical records just record "*Reassurance given*".<sup>57</sup>

114. On 3 May 2017, I attended the healthcare clinic again where I explained I was having heart palpitations and stomach pain. Again, the staff just did some basic medical observations. They did not refer me to the hospital or do further checks. I was just told by the healthcare assistant, Katherine Wade, to take Sensitive/irrelevant which I understand is for heart burn and indigestion, not heart palpitations.<sup>58</sup> My pain and symptoms continued, so I returned to healthcare on 5 May where I explained I was still experiencing chest pain. The nurse made an urgent appointment for me to see the doctor. Dr Chaudhary did assess me at this point and he gave me some antibiotics after noting I had "*chest pain on the chest, started 4 days ago, has had flu... Mentions a lot of pain, mentions not associated with heart attack. Pt coughing at night and mentions is having some tenderness in the chest*".<sup>59</sup> I was really scared – I felt that my symptoms had been getting worse and worse and that I might be about to have another heart attack. I disagree that I told Dr Chaudhary that the pain was not heart-related. He must have misunderstood me which is not surprising given healthcare did not provide interpreters for the assessments. The entry by Nurse Donna Batchelor in which she arranged the

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<sup>57</sup> CJS000990\_0006.

<sup>58</sup> CJS000990\_0008.

<sup>59</sup> CJS000990\_0009.

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appointment for me with the doctor states I was given an urgent appointment “*in light of cardiac issues*”. It was therefore clear that my complaints were heart-related.

115. I once again attended healthcare the following day on 6 May 2017, where I described my concerns about my health, describing the pain and my ongoing symptoms, and concerns about the impact that the stress of detention might have on my health.<sup>60</sup> I do not remember any action being taken as a result of this.

116. I would also just like to note at this point that I was only issued personal items including bedding, cutlery, a phone on 8 May 2017, six weeks into my arrival at Brook House, as noted in CJS000994\_0012.

117. I returned to healthcare three days later, on 9 May 2017 where I was able to see the doctor and described the pain in my chest. He conducted some basic checks, and sent me away without any treatment. The entry of the same date confirms this: “*History: attended complaining of sternotomy scars and across the lower costal margin. non specific. describes pain on the outside only and grating movement on sternotomy when turning. he is is [sic] also do [sic] of constipation with [Sensitive/irrelevant] PMH SVT, CABG Examination: no tenderness on palpation of scar or along sternal/costal margin. no erythema. systemically well. Plan: Reassurance given (8C9..)if pain to seek rev*”<sup>61</sup>

118. I found this process extremely frustrating. I was in a lot of pain, and I was scared that I was going to have a heart attack. My chest pain was worsening but the healthcare staff did not seem to be doing anything about it. On 15 May 2017 I voiced these complaints to a nurse, Melissa Morley, and again described my chest pain. The nurse and then the doctor conducted checks like my blood pressure, which seemed to be the same as they had done before, including on 9 May 2017. Nothing more was done to

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<sup>60</sup> CJS000990\_0010.

<sup>61</sup> CJS000990\_0011.

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investigate the underlying cause of my symptoms and this only increased my stress.<sup>62</sup>  
 I understand from review of my medical records however that the doctor planned to conduct blood tests and a chest X-ray the following day – “*plan: CXR and BT tomorrow*”.<sup>63</sup>

### ***Second hospitalisation***

119. I understand from my legal representatives that on 16 May 2017, I was called to Healthcare in Brook House and told that I needed to go to hospital urgently, as the hospital had detected an abnormality in my blood results. I cannot recall this incident so I have set out what the documentary evidence records, and my response to it, below.

120. I have read through the medical records with my solicitors which provides details including an entry by Nurse Jane Watts:

*“History: received a phonecall from Dr. Ikoton at Crawley hospital stating that his blood result was abnormal and he has [Sensitive/Irrelevant] and to go to hospital ASAP.*

*Diagnosis: called Redhill on call to check results as the doctor would not give us a contact number*

*Plan: Ringing a GP Ambulance to take D1914 to East Surrey Hospital reference number for ambulance service ref: 26593525*

*Detainee brought to healthcare to discuss the blood results and that he needs to go to hospital asap for treatment as his blood test was not normal.*

*Initially he did not want to go tonight but I explained to him the importance of early treatment, and why.*

*His wife [redacted] spoken to and explained to his wife the importance of early treatment and that he will be coming back to Brook House after treatment.*

*After speaking to his wife [sic] he agreed to go to hospital tonight*

*Observations. Detainee appears quite pale and breathless on exertion”*<sup>64</sup>

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<sup>62</sup> CJS000990\_0012.

<sup>63</sup> CJS000990\_0012.

<sup>64</sup> CJS000990\_0012.

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121. The records state I waited for the ambulance for a long time in Healthcare – for at least three hours. I do not understand why it took so long given that I was told I needed to go to the hospital urgently. The delay is confirmed by further medical record entries by nurse Jane Watts:

*“Examination: 22.47Hr. Ambulance control rang to say they are held up due being busy and they will be coming soon. D1914 remaining in healthcare.*

*Examination: 23.27Hr. Detainee now fed up of waiting for ambulance and wanting to smoke if he can not smoke he will not go to hospital until tomorrow.”<sup>65</sup>*

122. At this point I asked to go and smoke a cigarette while waiting for the ambulance to arrive. I would not have done this to avoid going to hospital – I smoke to calm myself down. The ambulance arrived in the early morning of 17 May 2017 and only after further delay as confirmed in a further entry by Nurse Jane Watts:

*“Examination: 00.34Hr. As ambulance has not yet arrived so ambulance control called with ref number and they have been extremely busy and are coming to us but they have no idea when. Oscar Phil mentioned we take him in a car but I am not happy with this as if his condition deteriorates on the way with a possible PE we have the equipment here therefore I have decided to wait for the ambulance...”<sup>66</sup>*

123. On arrival at East Surrey Hospital, the staff took my blood pressure and temperature. They also gave me some injections, and booked me in for a DVT investigation later in the day of 17 May 2017.<sup>67</sup>

124. We then returned to Brook House at around 8am.

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<sup>65</sup> CJS000990\_0013.

<sup>66</sup> CJS000990\_0013.

<sup>67</sup> HOM010968\_0002. CJS001111.

Witness Name: D1914

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125. I was placed in handcuffs again and we returned to the hospital around 1pm.<sup>68</sup> I had an ultrasound and then was told to wait in the Acute Medical Unit.<sup>69</sup> As explained above, I cannot recall this incident so I am not sure what took place when the officers claim I was disruptive. It appears that the officers with me decided that I could not attend the appointment and we returned to Brook House.<sup>70</sup> This seems really unfair and unsafe – the doctors had booked me in for the check that day. I cannot see how this decision could be taken by detention officers who had no qualifications to assess my medical needs and the urgency of the appointment.

126. Although I cannot recall the details of this appointment, I understand from my legal representatives that hospital letters record I returned to the hospital on 18 May 2017 for a chest X-ray.<sup>71</sup> The examination found – “*sternotomy wiring and left-sided cardiac clips, presumed CABG. No major consolidation or collapse, no effusion. Normal bony thorax and soft tissues.*”

127. I attended healthcare on 24 and 25 May 2017 to request more [Sensitive/irrelevant] I understand the nurses removed my right to in-possession medication on 25 May 2017<sup>72</sup> as it was considered that I was taking too much and this was the cause of bruising to my abdomen. This is what they recorded in my medical records:

*Nurse Nombulelo Sihlahi: “History: 20.00hrs detainee came in to collect his medication, when given he asked where his [Sensitive/irrelevant] was. Examination: I noticed that he was given on the 01/05/17 x28 tablets , Diagnosis: He confessed that he is taking [Sensitive/irrelevant] as times when explained he became verbally abusive and*

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<sup>68</sup> CJS000965\_0014.

<sup>69</sup> CJS000965.

<sup>70</sup> CJS004720.

<sup>71</sup> 20170517 Documentation re hospital treatment at Annex 1.

<sup>72</sup> CJS000990\_0014

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*swearing called the officers and he calm down Plan: Now he needs more [Sensitive/irrelevant] would like m/o to explain to him the dangers of over dosing himself.”<sup>73</sup>*

*Nurse Donna Batchelor: “History: medication request. Examination: states ran out [Sensitive/irrelevant] [sic] was prescribed [Sensitive/irrelevant] but only has a few left - states been taken more than prescribed has small bruising noted to abdomen, was stating he took more because his blood pressure was high. he became verbally aggressive [sic] when i [sic] explained [Sensitive/irrelevant] was not for blood pressure and this is the most likely cause for his bruising and he must not take more than prescribed. in light of his non compliance I [sic] feel he is unsafe to be allowed to continue having medications In Possession. Plan: doctor to review admin task.”<sup>74</sup>*

128. I understand that Dr Chaudhary then reviewed my case on the same day and overruled Nurse Batchelor so that I was still allowed to have my medication in my possession: *“History: Pt reviewed, mentions has still 10 tablets of [Sensitive/irrelevant] left, mentions was taking two at times, has bruise on abdo [sic], small bruise mentions was on the abdo from last week. Advised to come to take meds tomorrow. Advised c wing to give pt tablets back. Will monitor medications.”<sup>75</sup>*

129. I was taking too much [Sensitive/irrelevant] in an attempt to control the pain I was feeling constantly in my chest. It was exhausting and demoralising and I hoped that by taking more [Sensitive/irrelevant] it might help.

### **Use of Force on 27 May 2017**

#### ***Behaviour of Brook House staff prior to the use of force***

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<sup>73</sup> CJS000990\_0014.

<sup>74</sup> CJS000990\_0015.

<sup>75</sup> CJS000990\_0015.

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130. One of the most disturbing and distressing events during my time in Brook House was when officers used force to move me to E-wing on 27 May 2017 in preparation for my planned removal the day after, despite my known heart problems – which can be exacerbated by stress.

131. My legal representatives have showed me a document which records officers tried to negotiate “*extensively*” with me, to get me to go to E-wing, during the day on 27 May.<sup>76</sup> The officers did talk to me – they asked me to go to E-wing to prepare for my removal to Romania. I said I did not want to. It was a short conversation. I disagree that they negotiated “*extensively*” with me.

132. I have viewed the footage and the transcripts of this incident with my legal representatives, including how officers behaved as they planned and prepared to use force on me to move me to E-wing.

133. The transcript V2017052700008-9 shows officers waiting and getting dressed in staff room in preparation for “Control and Restraint” (“C&R”) against me. Callum Tulley asks the other officers: “*You’ll have to tell me how to hold it. I’ve never done this shield before, this will be my first time*”. Officer 1: “*you hold it like that*” Officer 2: “*And don’t stop. When you hit him, don’t stop, keep going*”. Officer Alex: “*You literally smash and cut*” ... So when I say ‘Smash him’ you smash him”. Officer 3 “*But obviously full force. Club him*”. Tulley: “*You done shield before Alex?*” Alex: “*Yeah*”. Tulley: “*Where do you hit them?*” Alex: “*on the top of the leg, presumably*”.

134. V2017052700010 shows the officers still waiting in the office prior to the use of force. Callum Tulley asks DCO Dave Webb: “*Show us how to use the shield Dave, before you get comfy there*”. Dave Webb says: “*Hold here at 45 degrees*”. Tulley responds: “*Dave, show – show me*”. Webb says: “*Fucking hell*” Webb gets up and picks up shield and demonstrates. Webb then says: “*Right in the middle. 45 degrees, yeah? Like that? What there to there. Go right in the middle. Hit with the edge,*

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<sup>76</sup> CJS005651.



*anywhere between the knee and the throat. And then just keep fucking going. Keep going till you can't go any further. So if you push him back against the wall, you stop when you can't go. You'll know because you'll have me and Yan telling fucking right behind you."* Tulley then laughs saying *"Alright cool"*. Staffer 1 (as described in the transcript but whom my solicitors believe could be Yan Paschali): *"Don't really stop until you take him"*. Webb – *"You – you don't move the wall"*. Tulley: *"Understood, cheers"*. Staffer 2: *"Literally just kick him out"*. Paschali: *"I promise you if he complies the don't fucking [inaudible]"*. Tulley laughs. Webb: *"if he's going to walk don't even fucking [inaudible]"*. Paschali: *"With the shield, me and Dave are quite hands on. You'll work it out, and if he's just standing there being all cocky [inaudible]"*. Tulley: *"Alright, cool"*. Paschali: *"bouncing about all angles"*. Tulley: *"Well the manager will tell me to go in won't he"*. Paschali: *"If still [inaudible], you'll have to make a decision. If he's not, if he's compliant [inaudible]... approach with the shield and we'll hold him"*

135. I have watched the Panorama documentary at 32:34 minutes, where Paschali states: *"Try and relax man, it'll be fine"* and another officer (which my solicitors believe could be Dave Webb) states: *"If he dies, he dies."* Paschali: *"Yeah exactly"*. Webb: *"At the end of the day, all you got to worry about, all you got to do is know is how to roll on his fucking head or hitting him with a shield. So I wouldn't worry about it."*

136. I have also had the following read back to me from the BBC transcripts (own emphasis added):

594 Callum Tulley: *Now you've got me nervous for slightly different reasons now.*

595 Yan Paschali: *Oh, relax man. You will be fine*

596 Dave Webb: *If he dies, he dies*

597 Yan Paschali: *Yeah, exactly.*

598 Dave Webb: *It's nothing on us*

599 Dave Webb: **At the end of the day [inaudible] rolling his fucking head [inaudible] with the**

**600 shield, so I wouldn't worry about it.**

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601 Yan Paschali: *I was here all night [inaudible], mate. Just leave it.*

602 Yan Paschali: *I was just here all night. [inaudible].*

**603 Dave Webb: Just don't choke him out, without it will be fine.**

**604 Unknown Male Speaker: Or punch him in the chest.**

**605 Dave Webb: Yeah, yeah.**

**606 Yan Paschali: He's stupid like that. Which we've seen.**

**607 Unknown Male Speaker: Leaning knee on his chest, I might.**

**608 Dave Webb: Walk over his back.** (V2017052700011CLIP1 – KENCOV1025)

137. I have also seen the transcript (V20170052700019 CLIP 4) where the officers are mocking me. Dave Webb states “*He’s already been and told the cunt it’s happening*” Yan Paschali is recorded as saying: “*well listen, we burst in[inaudible] heart attack [inaudible] touch him [inaudible]*”. Dave Webb says, “*if he grabs his chest, anything like that, just healthcare. Unless he’s being a dick and kicking out and being violent then*”. The transcript records the officers are laughing when discussing the planned use of force against me. I find this disturbing and deeply upsetting.

138. I cannot believe what officers said before the incident – including “*if he dies, he dies*”.<sup>77</sup> I have a family – at the time I was with [Name Irrelevant] and I have two children with my former wife. If I died, it would be terrible for them. These people don’t seem to care about the impact that my death would have on my loved ones – that they would have been distressed. They also called me a “*cunt*” and a “*dick*”.<sup>78</sup> They saw me as sub-human – as a dog.

139. From the transcripts, I can also see that officers diminished and mocked my health condition (own emphasis added) – “*[inaudible] collapse or pretends to*

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<sup>77</sup> Panorama documentary 32:39 minutes.

<sup>78</sup> KENCOV1025, V2017052700019 clip 4, line 1001 and 1012.

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*collapse*...”.<sup>79</sup> I also find this hard to believe, or understand. The officers knew about my health condition and knew it was not fake.

140. I have reviewed the officers discussing the use of force, with comments such as “*when you hit him, don’t stop, keep going*”,<sup>80</sup> “*you literally smash and cut*”,<sup>81</sup> and “*At the end of the day, all you got to worry about, all you got to do is know is how to roll on his fucking head or hitting him with a shield*”.<sup>82</sup> I am disgusted by these comments. It is difficult to know what to say. I think these officers are criminal – for what they said, and what they then did to me.

141. I have also read the comments by an officer that they saw the letter from the doctor confirming that I was fit to fly, and that officers could use reasonable force against me, as protection if anything happened to me.<sup>83</sup> I find that very frightening, but it also confirms my experience in detention that the healthcare staff did not care about me at all.

### ***The use of force***

142. On 27 May 2017,<sup>84</sup> I was in my room sat on my bed. It was late in the evening, perhaps around 9 or 10pm – I remember it was dark. My legal representatives have told me that records indicate my cell-mate told staff I had “*brought some Spice and [my] plan [was] to smoke it so that [I] die or end up in hospital to stop [my] removal directions*”.<sup>85</sup> I do not recall saying this. I have no idea why my cell-mate would say this to the officers. I was very stressed around this time as I was aware that removal

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<sup>79</sup> KENCOV1025, V2017052700019 clip 4, line 1014.

<sup>80</sup> KENCOV1025, V2017052700008-9.

<sup>81</sup> KENCOV1025, V2017052700008-9.

<sup>82</sup> Panorama documentary: 32:35 minutes.

<sup>83</sup> CJS001160; KENCOV1025, V201705270014.

<sup>84</sup> See clip KENCOV1025, V2017052700020 for footage of this incident.

<sup>85</sup> CJS0005651\_0009.

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directions had been set and I had told officers that morning that I would kill myself if they tried to return me to Romania.<sup>86</sup>

143. Suddenly, around eight or nine officers rushed into my room at the same time.<sup>87</sup>

144. It was very frightening. I was sat on my bed, and all of a sudden, all of these men appeared in their C&R kit in my room, rushing towards me.

145. I had no idea what was going on. I was very shocked. I felt like my life was in danger. I fell to the bed in shock. I was worried that I might be about to have a heart attack as I felt sharp chest pain.

146. When I did this, the officers paused the use of force and two nurses checked me – they took my blood pressure and oxygen levels.<sup>88</sup> Whilst the nurses were making their observations, I told officers about my heart problems. I also asked to call [Name Irrelevant] as I was scared and I wanted to let her know what was happening.

147. I was really frightened that I would die – stress can induce cardiac arrests and the team knew about my history of heart problems. Despite this the nurses concluded that my health observations were ok.

148. The officers were telling me to move to E-wing whilst the nurses were still doing their checks on me – I felt scared and confused about what was happening. I understood that the officers were trying to move me to E-wing to prepare for my removal to Romania. I knew that removal directions had been set.

149. The officers acted in a very brutal way with me. There were so many of them there – all in riot gear, it was so overwhelming. After the health checks were finished, they asked me if I would go to E-wing. I did not feel safe to stand up and move to E-wing – I was in a lot of chest pain and I was terrified that my heart condition would

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<sup>86</sup> CJS000962.

<sup>87</sup> CJS005651\_0008.

<sup>88</sup> KENCOV1025, V2017052700020.

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worsen. I told the officers repeatedly that I felt unwell and that I had a history of heart problems. I thought I was going to die and it would be because of the mistreatment of the officers. I would like to stress that I was not refusing to stand up – I could not stand up. I had terrible pain in my chest, I couldn't breathe properly – I did not have enough air. I was so scared I might have another heart attack. The combination of the pain and the fear meant I couldn't follow their orders to stand up.

150. The officers then grabbed my arms to try and force me to move. I fell to the ground in shock. My chest was still hurting a lot. I was confused, and scared, and in pain. For the reasons outlined in the paragraph above, I did not feel able to stand up. I asked to call [Name Irrelevant] again and kept telling the officers about my sickness. Despite this, the officers forced my arms into handcuffs. I thought they might break my arms, the way they were restraining them and putting them in the handcuffs. I was crying and howling in pain and trying to stop them put my hands behind my back. I had bruises on my wrists as a result of the handcuffs.

151. It felt like they were climbing all over me, on my arms, my back, on my head. I was shouting and howling in pain – I was struggling to breathe, I thought I might be dying. The pain in my chest was very severe. That moment, I felt I was looking at death.

152. I eventually sat up but I was still in a state of complete shock. The officers put me on the bed. I felt unable to speak, my chest was still hurting a lot and I was struggling to breathe. I told the officers I was still not feeling well but they held my arms and four officers walked me to E-wing, which I did compliantly. I was still worried I might have a heart attack. I kept telling them that I was not feeling well. I thought I was going to die.

153. I have reviewed the accounts provided by the officers. I disagree with the claims that I intentionally dropped my weight to the floor. I fell to the floor in shock and in pain. I did not feel able to stand up at that point due to my chest pain. I felt completely weak. It is not true that I was “resistant and non-compliant” and that I “resisted against

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officers". I was sick, and scared, and was worried that I might have another heart attack. The reports provided by officers also fail to accurately describe the force they used to get me into handcuffs.

154. I have seen the footage where I call a staff member a derogatory term. I said this at a moment where I was scared I might die, in the heat of the moment. I regret using this term now and would like to apologise for it. It was made in very extreme circumstances where it was hard to think straight.

***Experience in E-wing after the use of force***

155. When I arrived in the isolation room in E-wing, one of the officers – a manager – told me to take my clothes off for a strip search. He threatened that the officers would do this for me if I was not compliant. They took the handcuffs off and I had to take off my clothes and put on plastic underwear for a search. Whilst I was stood in the room in E-wing in this underwear, the officers treated me like an animal. My legal representatives have asked if they were conducting a search – I cannot recall being searched, but I can recall being treated very roughly. It was humiliating. I had no clothes on, I was confused and in pain, I was in an isolation room, and I felt that they were abusing me. At that moment I thought that I would rather die than go on like this.
156. After this, I was left in a room in E-wing. Being in isolation made me feel much worse. I was confined, I could not see people. I did not have my phone, which meant I could not call [Name Irrelevant] to tell her what was going on. [Name Irrelevant] had organised a solicitor for me. I could not call her or my solicitor. This was very distressing. I asked for my phone and was eventually provided it.
157. I said that I wanted to complain about the officers' use of force during this incident. I had no idea at the time about how the officers mocked me, joked about hurting me and had no regard to whether I died or not. The officers did not respond when I said I wanted to complain.

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158. I spent the night in isolation. I was finally able to call [Name Irrelevant] and my lawyer to seek advice. I was scared about what would happen to me. I felt that I might die on the plane.

159. My legal representatives have explained that at approximately 9:45pm, I was put on Rule 40 removal from association on E-wing.<sup>89</sup> This was approved by DCM Nick London at 00:34; *“Mr D1914 was placed onto Rule 40 and constant supervision for refusing to relocate to Eden wing. Mr D914 has medical issues so placed on constant supervision. D1914 was placed on Rule 40 to maintain good order and discipline of the centre.”* My legal representatives have explained that this is the wrong test and should only be used in prisons not detention centres. I feel that the use of isolation here was entirely unnecessary and it made me feel like I had no value, like no-one cared about me or my life. I was not given my telephone and had to ask for it. I understand now I was on ACDT constant supervision at this point but I do not remember being told or officers conducting these observations. I was feeling very upset and distressed and my mind was focused on my upcoming removal.

160. The force the officers used on this day was totally excessive. It was abnormal. I have a serious heart issue and was due further surgery in August 2017. The officers would or should have been aware of that.

***The fit-to-fly decision and officers’ response to it***

161. I understand that Doctor Oozeerally had determined in a letter dated 27 May 2021, that the officers could use force against me, and that I was *“fit to fly and fit for detention”* The letter concludes that *“I am happy for reasonable force to be used (C and R) in order to facilitate the removal”*.<sup>90</sup> The letter from Dr Oozeerally did not set out anything about my heart conditions or what steps officers or escorts might need to

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<sup>89</sup> CJS001064\_0011.

<sup>90</sup> CJS001160.

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take to reduce any risks.<sup>91</sup> I have seen email correspondence within the Home Office on the 27 May 2017 at 13:15 from the Deputy Immigration Manager which states, “G4S to have DR to see D1914 today to confirm he is fit to fly and fit to be restrained if required. I will update after he has seen DR”.<sup>92</sup> A further email was sent by the Deputy Immigration Manager at 15:03, which states, “FYI, D1914 has been seen by a DR who has confirmed in writing that he is fit to fly and be detained.” Despite this, the medical records show that I did not see Dr Oozeerally that day and I had not seen him for at least a week prior.<sup>93</sup> I do not know how he was able to make an assessment of my fitness to fly, be detained or restrained, without having assessed me; particularly given my significant heart problems.

162. GCID records also indicate that the Home Office were aware of my health issues and their expectation was that a doctor would see me on the date of the attempted removal:

*“Concerns raised by G4S in regard to medical condition of Mr D1914 with regard to his removal tomorrow. He has on going heart compliant and was due to be admitted to hospital on 17<sup>th</sup> of August after an appointment on 5<sup>th</sup> August. The concerns were listed as TASCOR being aware of his condition and the potential of restraint being used as Mr D1914 has indicated that he does not want to leave the country due to family and medical treatment*

*I contacted DEPMY who confirmed TASCOR do have a medic booked for this removal. CID notes show that he was deemed as fit to be detained and fit to travel as of April 19, shortly after being taken to hospital complaining of chest pains and returning to Brook House*

*G4S to have DR to see Mr D1914 today 27/05/17 to confirm he is fit to fly and fit to be restrained if required.”<sup>94</sup>*

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<sup>91</sup> See HOM010972 which claims that a Doctor “saw” D1914 on 27 May 2017 when he provided fit to fly opinion.

<sup>92</sup> HOM010972.

<sup>93</sup> CJS000990\_0014-0016.

<sup>94</sup> See 20170527 GCID Records at Annex 1.

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163. My solicitors have shown my further entries from the BBC transcripts which show that the officers involved were influenced by Dr Oozeerally's letter and talked about how they would use the letter to protect themselves if anything bad happened to me during the use of force (KENC0V1025):

V201705270014

*"694 Callum Tulley: Just worried about this guy.*

*695 Dave Webb: It doesn't matter.*

*696 Callum Tulley: What if he dies?*

*697-699 Dave Webb: "No, we've got that disclaimer. So what we'll do is in the morning I'll grab that of Knobby [Steve Loughton]. I'll take a couple of copies before all the paperwork gets tucked away. And I'll give you one.*

*700 Callum Tulley: Cool*

*701 Dave Webb: So then in that way, if everything happens later on... You've actually got a fucking copy of the doctor's letter"*

V201705270012

*"659 Dan Lake: [Inaudible] nutter, mate.*

*660 Callum Tulley: Yeah, but then he's got a medical condition [inaudible] so you know.*

*661 Dan Lake: He's booked in for another bypass as well.*

*662 Callum Tulley: What a heart, what's a bypass?*

*663 Dan Lake: A triple bypass, I dunno.*

*664 Callum Tulley: I can tell you, he's had three of these triple bypasses, and he's already had a*

*665 heart attack.*

*666 Dan Lake: And he's booked him for another, and the doctor said we can use force on him.*

*667 Callum Tulley: Does the doctor know what force -*

*668 Dan Lake: I dunno I dunno it could tits up. If he fucking drops bruv.*

*669 Callum Tulley: But does he know that - just stressing me out.*

*670 Dan Lake: If you go in there and you talk to him about a flight, he - [motions holding chest*

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*671 and makes out of breath sound]*

*672 Callum Tulley: Does he?*

*673 Dan Lake: He claims, yeah, he'll fake having a heart attack.*

*674 Callum Tulley: Cause I am wearing the shield man and like, just thinking you know? They*

*675 need to get - they should get a - surely they should get like a supervisor in for this. C&R*

*676 supervisor.*

*677 Dan Lake: Yeah, John Connolly or something like that.*

*678 Callum Tulley: I suppose Dave Webb is actually on the restraints isn't he?*

*679 Dan Lake: Yeah.*

*680 Callum Tulley: We'll see what happens [inaudible].*

*681 Dan Lake: If he dies, he dies [laughing].*

*682 Callum Tulley: I hope, well obviously I hope not."*

164. I find it really distressing that not only would the doctor say that he would approve such force against me in my condition, but that the officers would rely on his letter as their "disclaimer" in case anything bad did happen to me and that they had a joke and laugh about this.

#### **Events of 28 May 2017 – Attempted Removal**

##### ***Journey from Brook House to the airport***

165. I woke up in the morning and spoke to Name Irrelevant on the phone. Officers told me to get dressed – I was still in the plastic underwear. They were laughing at me. Next, a nurse checked me – I think they just checked my blood pressure. I continued to tell the officers and the nurse that I did not want to go to Romania, that I could not travel given my heart condition – and that I had another heart operation soon.

166. I said to officers that my removal was unjust and that I would kill myself if I boarded the aircraft. I would try to stop the flight – I was worried I could die at any

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time on the plane. This is because I was scared that I may have a heart attack on the plane. I said I felt that I had no choice but to tell everyone on the plane about my heart attacks and heart surgery, that I was not fit to fly, so that everyone would be aware that I was unwell. I was also worried about being imprisoned in Romania, and the impact this would have on my health.

167. When the officers arrived to take me to the van to the airport, they put me in this kind of straightjacket, which started from my shoulders and went down by chest, holding my arms in. I understand that Dr Oozeerally was never asked or given details about whether I would be put in this straightjacket to remove me, so I do not know what health assessment was completed to decide it was safe to use it to remove me. My solicitors have made me aware of an 'Airline Risk Assessment' completed by a Home Office official called James McCabe on 19 May 2017.<sup>95</sup> In that document the only key risk indicator ticked is **Sensitive/Irrelevant**. **Sensitive/Irrelevant** Mr McCabe did not tick "*Is there a known risk of self-harm?*" or "*Are there any known health issues requiring mitigating action?*", despite knowing my medical history and the risks to me.

168. The officers removing me said they put me in a straightjacket because I was dangerous. I was not being violent or disruptive so I do not understand why they did this. I was upset and distressed because I was concerned I might die on the plane to Romania, but I was not in any way being violent. There were officers filming me as I was put in the van and laughing. They mocked me and laughed, saying I would go back to Romania.

169. My legal representatives have shown me documents that suggest the van drove from Brook House to "WJ".<sup>96</sup> I do not know what this refers to – I can only recall driving from the detention centre to the airport.

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<sup>95</sup> HOM006304.

<sup>96</sup> CJS001064\_0017.

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170. The van drove to the airport – several officers, and a medic, accompanied me. I explained my heart condition to the medic in the van, and that I was not fit to fly. This medic was a tall man with white hair. He listened carefully to me and he said he was shocked when I explained my heart condition. He said he could not believe they were trying to return me given my health.

171. When we arrived at Heathrow airport, I said that I would kill myself if I was put on the plane. I was feeling so unwell – I could not believe what was happening. I had pain, a sharp pain, in the middle of my chest. I had never felt pain like that before. It felt like I did not have enough air when I took a breath – and I could not move my left arm.

172. I did not get onto the plane – I stayed in the van and waited, then the captain made a decision to cancel the flight. The record by the escort relating to flight cancellation states “*Captain refused as sub had heart condition and said he would be disruptive on flight. Flight was oversold. Sub went into WRB passive at centre, very upset*”.<sup>97</sup> I believe this is because the medic relayed his concerns about my health to the pilot.

173. GCID records state “*Escorts and subject arrived at LHR as per procedure S/O spoke with captain who refused to carry subject and escorts stating that the subject claimed he would make enough noise to disrupt his aircraft and that he would induce a heart attack as he was awaiting further treatment here in the UK*”. I do not understand how I could “induce” a heart attack, or why I would want to do so given my fears about my health. I did not want to induce one – I was scared I would have one given how stressed and scared I was.<sup>98</sup>

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<sup>97</sup> CJS001009.

<sup>98</sup> See 20170528 GCID Records at Annex 1.

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174. After the captain refused boarding, the officers took off the restraint belt and we drove back to Brook House.

***Events after returning from the airport***

175. When I got back to Brook House, I was so relieved to be back. I understand however that a lot of officers were annoyed that I had been returned to Brook House and not removed. I have seen at 33:50minutes of the Panorama documentary, Callum Tulley states: *"how he's back here?"*. A male officer: *"Apparently, he got on the plane and claimed to have a heart attack"*. A female officer (putting on a voice – understood to be Gayatri Mehraa – see V20170528000100 CLIP 2): *"Oh, I have a heart thing. I cannot go - And the pilot fucking took him out"*. Another male officer (understood to be Sean Sayers - see V20170528000100 CLIP 2): *"Brought him back earlier. It's a fucking joke innit? All that effort and hard work everyone put in."* Another officer: *"It's fucking wrong, innit? Don't make any sense."*

176. My solicitors have also shown me an entry from the BBC transcripts at KENCOV1026 where DCO Dan Lake claims I was *"Pretending to have heart problems"* (V2017052800010 Clip 1).

177. I was taken to E-wing and had a meeting with officers and healthcare staff. I told the officers that I felt the use of force was excessive, that I wanted to make a complaint, and that I felt sore from the use of force on 27 May and wanted to see the doctor. I first told officers about the injuries I had sustained during the use of force incident on 27 May 2017 in the van to the airport.

178. I do not remember being assessed by a doctor as a result of this request, or being assisted by staff to make this complaint. As stated above, I never heard back about my written complaint.

179. On 28 May, my partner [Name Irrelevant] visited me. She was shocked when she saw the bruising on my wrists. My solicitors wrote a letter to Brook House raising these concerns. The letter (HOM010907) states, *"We write further to our email received*

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*from the above-named client's partner namely [redacted] expressed her concerns regarding the client's health condition. She instructs us that on Sunday 28<sup>th</sup> May 2017, she went to see the client and that he was bruised on his hands and all around his stomach. [Redacted] alleges that her partner has been mistreated by staff at the detention centre. We understand these allegations are of a very serious nature, however, at the same time we strongly feel that they are ought to be investigated. Furthermore, we would like to know whether our client is okay as you are aware he has an on-going medical condition as recently he just suffered from a heart attack. Moreover, if our client is experiencing any health difficulties or injuries to kindly release him as we have already submitted his Bail Application on 24 May 2017 as per requirement". As far as I am aware they never received a response to this letter. I would like also to clarify that although this letter states the bruising was on my hands, it was on my wrists.*

180. I remember sustaining injuries on my wrists, but I did not receive any treatment for them. I cannot recall the injuries to my stomach.

181. I understand that on the same day, Callum Tulley completed a security incident report on 28 May 2017 which stated, *"At approximately 1930 hours I went to the visits hall to speak to my colleague DCO Dan Lake while I was on a toilet break from the library. He immediately drew my attention to detainee D1914 who was having a visit. Whilst I was in the visits Halls D1914 recognised me from last night's restraint for which I was the shield officer. Although I was not required to use the shield I was required to engage in a restraint with the detainee (please refer to extract below from my use of force report). D1914 kept on staring at me in the Hall and then became animated whilst saying things to his visitor. He was making gestures and appeared agitated. I found his behaviour to be intimidating. Due to this behaviour, last night's events and the detainee's previous criminal history I now fear for my safety should I see him on association."* However, I never had any problems with Callum Tulley, I thought he was a good officer to me. I assume he was just a bit worried when I came back because he was part of the use of force team. I do not remember being agitated

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about Callum in the visits halls, I probably looked agitated if I was recalling the use of force incident to [Name irrelevant]. My solicitors have shown me a further BBC transcript from 31 May 2017 which shows a friendly conversation between myself and Callum about the 27 May incident (V2017053100005 – KENCOV1027).

182. I have seen the transcript (V2017052800011) where on 28 May 2017 Dan Lake calls me a “*nonce*”, and an “*attempted murderer*”. The transcript shows that Dan Lake is laughing when he says, “*He doesn’t rape kids. He kills ‘em*”. I am also aware of the transcript (V2017052800006) from the same day where Callum Tulley and Yan Paschali discuss completing a report. Callum Tulley states, “*I didn’t really have to write much did I? I just took control of his head.*” Yan Paschali replies, “*yeah*” when Callum states, “*and used the minimum amount of force required*”, Yan Paschali responds, “*that’s what we do*” I am worried that this shows officers were discussing what to put in the use of force reports to make sure they matched each other. I also find it concerning that officers would use such language about it. I have also been shown a later BBC transcript from 9 June 2017 by my solicitors in which DCM Steve Loughton uses racist language, calling me a “traveller” (V2017060900004).

183. It is difficult to find the words to describe my response to these remarks. They are shocking. That said, it was commonplace in my experience of detention for officers to use ugly words about detainees. I cannot recall the precise words they used but I know they used to call me names to my face.

***Solicitors’ request for release after failed removal attempt***

184. On 5 June 2017, the Home Office re-set removal directions for 12 June 2017. However, on 7 June 2017, Upper Tribunal Judge Smith made an Order restraining my removal before my application for a judicial review had been heard.

185. My solicitors subsequently wrote a letter to the Home Office on 8 June 2017 requesting that I be released, as I had obtained a court order staying my removal

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pending a decision of permission for a judicial review.<sup>99</sup> The Home Office once again refused to release me, despite my two hospital admissions, my mental health issues, the recent failed removal and the court order. They stated there was no evidence to indicate my chest pains were a result of detention rather than my underlying health condition, and stated I would be receiving appropriate medical treatment. However, I believe my underlying health condition was being exacerbated by the stress and anxiety of detention and in particular the attempted removal. This was the conclusion of the Rule 35(1) Report which eventually led to my release. I do not understand why the Home Office did not conduct a Rule 35 assessment in light of receipt of this letter from my solicitors.

186. My legal representatives have explained to me that on 20 June 2017, there was a case progression panel considering whether to continue to detain me. The notes of this panel make no mention of my heart condition – all they state regarding factors in favour of release is: “*level 2 adult at risk. Non-Expedited Suspensive Judicial Review*” (See Annex 1 20170620 Case Progression Panel).

### **Suicide Attempt and Third Hospitalisation**

#### ***The suicide attempt***

187. On 5 July 2017 I had a bail hearing where the judge refused to grant me bail.<sup>100</sup> This was particularly upsetting as I feel that the judge did not have all the correct information before them about my upcoming medical appointment and the impact of detention on my health.<sup>101</sup> I had been in detention by this point for almost four months, I was unwell when I entered detention and I was feeling a lot worse. It was devastating to be refused.

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<sup>99</sup> HOM006872.

<sup>100</sup> CJS001168\_0009, \_0275.

<sup>101</sup> CJS001168\_0005.

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188. As far as I can recall, [Name Irrelevant] had paid for private solicitors for my bail application, which I attended in person. These solicitors sent over correspondence evidencing my history of heart problems, but the judge stated “*Finally the applicant claimed that he was unfit to be detained. This is contrary to what was said in the bail summary. The applicant claimed that he was due to have further surgery this year and has thrombosis but there was no evidence of this. I am satisfied that the applicant’s medical conditions are being managed in detention.*”<sup>102</sup>

189. When I heard that the judge had refused my bail, I felt in despair. The judge thought I was fit to be detained, but they said they had not seen evidence of my upcoming surgery booked for August. Throughout my medical records it is noted that I had an operation due (see, for example CJS000990\_0001 / CJS001043 / CJS000990\_004 / CJS00138). They also found my health condition was being managed in detention, despite my two hospital admissions and the worsening of my symptoms.<sup>103</sup>

190. The judge had refused me bail, and I was also very ill. At this point, I no longer wanted to live.

191. I had never tried to harm myself before Brook House. My experiences there are what drove me to try to take my own life.

192. After the bail hearing, I found a razor and cut myself on my arms and neck. I also took 57 tablets from my various prescription medication.<sup>104</sup> I did this because I wanted to die. I could not see a way out. Nurses came to my room, bandaged my

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<sup>102</sup> HOM010920\_0003.

<sup>103</sup> HOM10920.

<sup>104</sup> CJS001168\_0009.

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wounds and called an ambulance. The healthcare entry by nurse Carol Reed-Bishop confirms:<sup>105</sup>

*“...called to E wing response call. Nurse Skitt, Nicola and myself in attendance. Cuts to both arms and around neck. Taken all his i/p meds. Called for ambulance. Dressed wounds.”*

193. Once I was at hospital, I remember the hospital staff were excellent with me. They cleaned my wounds and gave me some medicine. I stayed in the hospital overnight, and I also had an appointment with a psychiatrist. I remember that this psychiatrist was very kind, they were supportive and discussed my concerns about removal with me.<sup>106</sup>

194. I thought I would die when I attempted suicide. I wanted to die and that was fully my intention at the time. I lost so much blood and I felt very sick after swallowing so many tablets. I have seen the reaction of staff members to my suicide attempt and the aftermath which reflects how serious it was and how I was very close to dying. I have been shown a ‘Concern and Keep Safe Form’ in which DCM Chris Donnelly in which he ticks a box to confirm that the incidents was a “suicide attempt or statement of intent to kill”.<sup>107</sup> I understand Callum Tulley’s handwritten diary note from the same date also states, *“I was told by a member of staff that a detainee had [prolifically??] self-harmed yesterday. I saw the blood soaked room that it left. I learnt in the late afternoon that it was D1914 who self-harmed after his bail was refused. D1914 showed me his cuts to his neck and arms. I found them to be highly disturbing.”*<sup>108</sup> I required a number of stitches for my wounds and I still have scars on my neck and arms.

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<sup>105</sup> CJS000990\_0018, CJS000585.

<sup>106</sup> CJS000990\_0275.

<sup>107</sup> CJS001086\_0013.

<sup>108</sup> BBC000061\_0008 – 0009

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***The response of Brook House staff to the suicide attempt***

195. My legal representatives have made me aware that staff members made a number of comments about this suicide attempt which show how serious the attempt was. My lawyers did not read all of these comments to me verbatim as reading them in full has been too distressing for me due to their graphic nature and the fact that they are triggering (V2017070600022 - Clip 1):

- a. DCO Charlie Francis: *"He's going to hospital. Cutting great chunks off... He left chunks of skin behind"* (KENCOV1044 - V2017070600022 – Clip 1 - TRN0000018)
- b. DCO Ed Fiddy: *"... a guy had proper chopped himself up... Yeah. Neck, wrists. I'm talking loads of blood... Took more than 50 pills... His heart meds. Heart medication... Took 'em."* In response to Callum Tulley ask if *"It was a genuine attempt, d'you think, to kill himself"*, Ed Fiddy replies: *"Probably, yeah. Cos I'm not – I'm [inaudible] like there was so much blood... even they put pressure things on him, they took 'em off, it was pissing everywhere"* (KENCOV10144 – V20170600006 – TRN0000094)
- c. Unknown male officer: *"Oh year, that's the one who wants to kill himself yesterday. I've never ever seen any self-harm that was a worse as yesterday... That bag behind you, this blood bag, we don't actually know how to dispose it... You cut yourself, your skin comes off. Do you understand what I'm trying to say... It's like when you are cutting the meat, you just kind of cut a certain area of it... The guy's body was all over blood... You can see blood oozing.... Oh man, it's the worst self-harm...I thought that man is not going to make it. Seriously... he was just saying to me, 'I wanna die! I want to die!' That's all... And I think one – one mistake the Home Office has made yesterday, the person like that, when it goes for a bail here, [inaudible]"* (KENCOV1044 - V2017070600015 – Clip 1 – TRN0000094)

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- d. Callum Tulley narrating on the Panorama documentary (36.20mins): *"Two days later I go to his [D1914] room."* Tulley to another staff member entering his room and seeing blood in room and on his clothes: *"Oh jeez. Oh my days. Look at his clothes."* Tulley (narrating): *"I went into his cell and there was blood all over the floor, over the bedsheets, over the shower curtains. In the corner of his room there was just blood soaked clothes just lying there. His bail application had been refused."* A male officer to Tulley: *"Proper chopped himself up, mate... Neck, neck, wrists. I'm talking deep. Loads of blood. He took what, 50 pills. Of his heart meds, his heart medication."* Tulley: *"What happened with his 50 pills?"* Male officer: *"He took them"*.
- e. The Panorama footage also shows Callum Tulley speaking to me when I came out of hospital. Tulley to [D1914]: *"They didn't give you bail?"* [D1914]: *"The judge, shit judge as well."* Tulley: *"Stick your arm out, let me see. Shit. Oh jeez"*. [D1914]: *"I'm lucky because I'm not dead"* Tulley: *"Did you think you might die?"* [D1914]: *"Yeah, I think. Yeah."* Tulley: *"Did you lose a lot of blood?"* [D1914]: *"Too much blood. Yesterday morning"*.
- f. DCO Aaron Stokes: *"... people are saying chunks of his neck, it was literally bits of leftover skin cos he was cutting – he was cutting his neck like... [inaudible] was in there, [inaudible] watched him, trying to get the blade off him. And I saw two others in there, I look in there. There was claret on the floor... chunks on the [inaudible]... Yeah it was like that deep, it was on his neck as well. I reckon a couple of centimetres, he would've slice his jugular and that's it... He'd be dead in minutes, yeah, it was horrible"* KENCOV1044 - V2017070600026 - TRN000094)

196. My legal representatives have explained there were also some mocking comments by officers about my suicide attempt, such as the officer above when he recalls me saying *"I want to die, I want to die"*. I understand this was said in a mocking voice of my accent. I have also been shown an entry in the transcript where a female

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officer ('Female Officer 1') jokes about the fact I "*didn't cut his cock off though*" when describing the various cuts I made to my body.<sup>109</sup>

197. It is difficult to describe how I feel hearing these comments. It is deeply upsetting and traumatising. It was totally inappropriate to talk about me in this way. It shows these officers have absolutely no respect for me. They should have been kind to someone who had tried to hurt themselves this badly.

***Returning to Brook House after the suicide attempt and medical care received on return***

198. I did not want to return to Brook House from the hospital. I felt numb and was still in shock when I returned.

199. After I returned to Brook House from the hospital, I was feeling calmer. I spoke to [Name Irrelevant] and my solicitor. They both calmed me down and explained to me that I could apply for bail again. I felt like I had hope again, after these conversations.<sup>110</sup> I also had a meeting with staff from the centre, where we spoke about what had happened, where I told staff that I wanted to re-apply for bail and I did not have any immediate suicide feelings anymore.<sup>111</sup>

200. The following day, a nurse dressed my wounds again and they took some health observations like my blood pressure.<sup>112</sup> I had another meeting with staff on 7 July 2017 where I repeated that I was feeling better.<sup>113</sup> The ACDT record states that I was feeling

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<sup>109</sup> TRN000094, KENCOV1044, V2017070600015 clip 3.

<sup>110</sup> CJS001168\_0005.

<sup>111</sup> CJS001168\_0005.

<sup>112</sup> CJS001168\_0006.

<sup>113</sup> CJS001168\_0006.

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*“very embarrassed and foolish for his overreaction to his bail refusal on Wednesday.”*<sup>114</sup> I confirm I said this.

201. The suicide attempt was done in a moment of total and utter despair about how I could progress my situation. [Name Irrelevant] was able to persuade me that I could continue to fight for my release, and I decided to also switch my solicitor as I was unhappy with how they had prepared my bail application.<sup>115</sup> Of course though I knew deep down that detention was causing me significant despair and that if things got really bad again, I could not have ruled out that I was going to try to make an attempt on my life again.

202. My lawyers have told me the documents indicate a Home Office official asked me to sign a document confirming conveyance of my discharge summary. I do not remember why I refused to sign this discharge.<sup>116</sup>

203. I had an appointment with Dr Chaudhary after this incident, but he did not find the time to see me until two days later on 7 July 2017. He refused to provide me with more in-person medication because of my self-harm. He did not provide me with any other treatment, counselling, or support.<sup>117</sup> The medical records state, *“Pt on medications will issue not in possession.”*<sup>118</sup>

204. I understand from my solicitors that when a detainee shows suicidal intention, the doctor is supposed to prepare a ‘Rule 35(2)’ report so that the Home Office can review whether it is suitable to continue my detention. Dr Chaudhary did not do this. I do not believe he did anything to help me or support me with my recovery from this traumatic incident. My solicitors have also described to me a document from the Brook House healthcare team called ‘Rule 35(2) Pathway’ which I have been told appears to

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<sup>114</sup> CJS001168\_0006.

<sup>115</sup> CJS001168\_0006.

<sup>116</sup> HOM010943.

<sup>117</sup> CJS001168\_0006.

<sup>118</sup> CJS00990\_0018.

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be what healthcare are supposed to do when deciding whether to issue a Rule 35(2) report following a self-harm attempt:

*“Day 1- Detainee self harms. ACDT opened. Healthcare made aware*

*Days 1-6 Detainee seen by RMN for full mental health assessment within this timeframe*

*Day 7\* Rule 35(2) considered by doctor. If not required this will be documented within the detainees medical records. If required a Rule 35(2) will be completed and passed to Home Office PDT. \*If a serious concern about suicide intention raised by RMN this may be completed earlier than 7 days”.*<sup>119</sup>

205. The medical records confirm this did not happen after I attempted suicide on 5 July 2017. I was seen by a mental health nurse, Karen Churcher, on 6 July 2017 but this was part of an ACDT review with G4S officers and was not a “full mental health assessment”.<sup>120</sup> The entry of my appointment the next day – 7 July 2017 – with Dr Chaudhary shows no Rule 35(2) report was considered.<sup>121</sup>

#### **Events Leading Up to Fourth Hospitalisation and Production of a Rule 35(1) Report**

##### ***Ill-health following release from hospital***

206. Although I did not feel immediately suicidal after my return to Brook House, I was still struggling. I felt very stressed and anxious. I was experiencing heightened levels of chest pain and this was making me very concerned that I might have another heart attack. I was finding it very difficult to sleep – sleeping for only a few hours a night – and my appetite had decreased a lot.<sup>122</sup> I felt very frustrated that I was still in

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<sup>119</sup> CJS0073839.

<sup>120</sup> CJS000990\_0018.

<sup>121</sup> CJS000990\_0018.

<sup>122</sup> CJS001040\_0004.

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detention, and scared about what might happen to me if I continued to be detained. I could not rule out that those suicidal thoughts or impulses would return.

207. My legal representatives have shown me CJS001168 which indicates I said to staff at the time that I was feeling better after I returned from hospital and that I was getting on well. I would like to explain that I was in a sense doing better, as I was not acutely suicidal and I did feel like I had hope for the future, especially as my lawyers had stopped my removal with a judicial review application. However, I was still in a very bad way.

208. A few days after I returned from the hospital (on 8 July), I asked the healthcare staff for help after my levels of anxiety became overwhelming.<sup>123</sup> I was struggling to breathe and was kept crying because I kept thinking about the possibility of having another heart attack and dying. Healthcare notes state: "*Detainee arrived very anxious into clinic hyperventilating and high stress levels, detainee tearful stated he was "unwell" no definite cardiac symptoms, due to previous history full observations taken and documented*".<sup>124</sup> The nurse took some observations and then I saw Dr Chaudhary. I requested that I chase my operation date and returned to the nurse again to ask her the same. I did not receive any further information about this and I do not believe they made the inquiries. I cannot see anything in the medical records to show that they contacted any third parties.

209. Early in the morning of 10 July 2017, I experienced very severe chest pain, and I could not feel my left arm.<sup>125</sup> The staff called an ambulance which arrived around 7.30am<sup>126</sup> and I attended East Surrey Hospital, where they assessed me and did an

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<sup>123</sup> CJS000990\_0019.

<sup>124</sup> CJS000990\_0019.

<sup>125</sup> CJS000990\_0019.

<sup>126</sup> CJS001174.

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ECG.<sup>127</sup> I returned to Brook House on the same day following this scan.<sup>128</sup> East Surrey Hospital Discharge Summary states, *“In view of history this patient likely requires cardiology follow up, if not already under their care”*.<sup>129</sup>

210. Three days after my fourth hospitalisation, on 13 July 2017, I had a meeting with Dr Chaudhary about my health problems. I said the same things I had said throughout detention – that I was too sick to be detained, that I had serious heart problems, and that detention was bad for my health. Finally, the doctor seemed to agree with me, and he wrote to the Home Office saying that detention was making me more sick, both physically and mentally.<sup>130</sup> According to Home Office records, a Part C was received *“D1914 has multiple health issues which although initially stable are now at risk of worsening due to his detention. He has been to healthcare increasingly more due to his cardiac symptoms and I feel he is at risk of further cardiac issues should he have prolonged time in detention”*.<sup>131</sup>

211. My lawyers have explained that numerous documents called Part C’s were sent to the Home Office during my time in detention. However, except the Part C of 13 July which indicated I was not fit to be detained, I do not think the Home Office ever responded to these, as nothing seemed to change and I continued to be detained. HOM007159 shows that Part Cs were issued on 11 April, 19 April, 27 May, 28 May, 3 June, 5 July, 6 July, 7 July and 13 July.

212. I told a Home Office official, Vanessa Smith, during an interview on 15 July 2017 that I wanted to be released because of my medical issues and that I was hurting myself whilst in detention. The Home Office Security Information Report states

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<sup>127</sup> HOM010912, HOM010968.

<sup>128</sup> CJS001174.

<sup>129</sup> HOM010912.

<sup>130</sup> CJS000990\_0020, HOM007159\_0002.

<sup>131</sup> HOM007159.

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*“During the interview the detainee stated that he wishes to be released asap. He was upset and said that he had been harming himself and cutting his hands, which shows on his hand (marks). He said if he is not released he will be doing something to himself”*.<sup>132</sup>

***Rule 35 appointment***

213. I had another appointment with the doctor on 17 July 2017 where he completed a Rule 35(1) report for me.<sup>133</sup> He asked about my history of heart problems, and the symptoms I was experiencing.<sup>134</sup> The report states:

*“This man has had two myocardial infarctions and 2 coronary arterial bypasses. He is currently awaiting a cardiac catheter ablations for abnormal cardiac rhythm. He has intermittently complained of chest during his stay in detention and was recently sent to A&E as healthcare felt he had acutely deteriorated. It is felt that he is a high risk patient in view of his medical condition and that, though detention is not worsening his condition, the stress may trigger events that lead to another cardiac event.”*

...

*“He is awaiting cardiac catheter ablation. His next appointment with the cardiologist is on the 18th August 2017. This is a hospital outpatient appointment”*

...

*“No mental health issues”*

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<sup>132</sup> CJS005526\_002.

<sup>133</sup> CJS001024.

<sup>134</sup> CJS00090\_0021.

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*“i) What impact is detention or the conditions of detention having (or likely to have) on the detainee's health and why?*

*“See above. On-going stress and the unstable nature of his cardiac condition put his health at risk.”*

*ii) Can remedial action be taken to minimise the risks to the detainee's health whilst in detention? If so, what action and in what timeframe?*

*“No”*

*iii) If the risks to the detainee's health are not yet serious, are they assessed as likely to become so in a particular timeframe (ie in a matter of days or weeks, or only if detention continued for an appreciably longer period)?*

*“It is not possible to quantify this but it is felt that he appears worse in health that during the early part of his detention.”*

*iv) How would release from detention affect the detainee's health? What alternative care and/or treatment might be available in the community that is not available in detention?*

*“It is suggested that release would reduce his level of stress which may reduce the risk.”*

*v) Are there any special considerations that need to be taken into account if the detainee were to be released? Can the detainee travel independently to a release address?*

*“I do not know”*

214. Whilst I agree with these findings in the report, namely that my continued detention was having a serious impact on my health and that stress may trigger another heart attack.<sup>135</sup>, the Rule 35 report contains information all of which should have been

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<sup>135</sup> CJS001024.

available to detention officers and health staff from the beginning of my detention. I had repeatedly told staff about my medical history, recent heart surgery, and upcoming heart operation, and the impact of detention and attempted removal on my heart condition. I do not know why the doctors basically wanted to wait until I had actually suffered harm from detention before informing the Home Office of the risks of detaining someone like me with such serious heart conditions. I do not understand why this report was not issued by them any earlier, or why Dr Oozeerally and Dr Chaudhary sent repeated letters to the Home Office saying I was fit to be detained, fit to be removed and fit to have force used against me by officers.

215. I do not know how the doctor came to the conclusion that I had no mental health issues. The Rule 35 report fails to acknowledge the mental health issues which I developed in detention. As I set out above, I do not understand why they did not fill in a Rule 35 report after my suicide attempt on 5 July 2017.

216. I had my Rule 35 appointment on 17 July 2017, and the medical records state on the same day that Dr Oozeerally completed it – “*17 July 2017 13:26, History: Rule 35 done: medical concerns Clinical letter to D1914.*”<sup>136</sup> I understand that email correspondence between Luke Enness from Brook House and Paul Benson, my Home Office caseworker, shows it took four days for Brook House to send the Rule 35 (1) Report to the Home Office, and then a further four days from the Home Office to provide an initial response to the Report.<sup>137</sup> Mr. Enness sent the Report to Paul Benson on 21 July 2017, and said that he had “*2 working days to reply with a response which means this is due on 24.07.17*”. On 25 July 2017, Mr. Benson wrote to me, stating only that “*Information contained within the report has been considered carefully and as a consequence the decision to detain you is being urgently reviewed.*”<sup>138</sup>

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<sup>136</sup> CJS000990\_0021.

<sup>137</sup> HOM010924.

<sup>138</sup> HOM010924.

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217. I do not understand why it took the Home Office a further three weeks to release me following the production of the Rule 35 (1) Report.

### **Events Between Rule 35 Appointment and Release**

#### ***Health problems in late July 2017***

218. The weeks between my Rule 35(1) report appointment and my release were hugely stressful. I was constantly worrying that I might have another heart attack.

219. My legal representatives have shown me documents which state that on 19 July 2017: *“arrived to collect his meds from healthcare. When asked for ID, D1914 became rude and abusive, taking off his shirt and banging on doors in healthcare”*.<sup>139</sup> I recall this incident, but not as described in this document. I went to ask for my medication, and the staff refused to give it to me. I felt scared and panicked – they did not give me the medication which is why I banged on the door. I did not understand why they were not giving me my medication and I felt frustrated.

220. I spoke to a nurse a few days after my Rule 35 appointment, on 19 July 2017, where I said how worried I was that I would die in detention if I stayed there longer. I was also really anxious that I might not be able to go to my operation in August if I was still in detention. This worry was stopping me sleeping for more than a couple of hours a night.<sup>140</sup> The records confirm that I underwent mental health assessments (CJS00090\_0021 to 24) and include the following information:

- a. “Patient complained about being detained and is afraid he is going to die here at Brook house because of his heart condition*
- b. Said he cannot return to Romania because the health service there is very poor, he also said he would not be alive today if he was in Romania when he had the 3 heart attacks and he doesn't want to lose his family*

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<sup>139</sup> CJS0000592.

<sup>140</sup> CJS00090\_0021 - 0024.

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- c. *Reported that the reason why he had self harmed over a week was because the home office had refused his bail*
- d. *D1914 also complained that he has not been sleeping for more than 2 hours at night, he is currently on medication for this but it is not helping. Advised to return to healthcare on Friday and request to have his medication review if he still has concern about his sleep.*
- e. *Worried that he might not get to have his heart operation done in August.”*

221. The records also note that I was *“Having his family in the UK and him likely to be deported along with others factors such as; having survived 3 heart attacks and has another operation to be done in August can resulted in D1914 having difficulty controlling his behaviour /emotions because difficulty coping with his stressors”*. It goes onto state, *“He missed his family and is afraid that he is going to die here or died in Romania because of his physical health condition, he is even more scared because 3 of his family had died from heart attack. Being afraid that he is going to miss his operation can affect his mood and behaviour [...] He was given time to talk about his stressors that are mostly likely affecting his sleep and his behaviour and his self harming at time.”*

222. The following day, on 20 July 2017, I also asked to see the GP or an external clinician because I was suffering from stomach pain. The nurse refused to let me see the GP, saying she would ask the GP herself if it was an emergency.<sup>141</sup> I found this frustrating and frightening – I was worried the pain might indicate that something was very wrong, and I did not trust the nurse to properly escalate my concern. The records confirm that I exposed my chest to the nurse, showing her the scars but she was not able to help me. I felt very frustrated.

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<sup>141</sup> CJS000990\_0024.

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223. I did see Dr Chaudhary a few days later, where I explained that I was worried about having another heart attack, and that I would die in detention. The doctor told me he had written a report recommending that I should be released.<sup>142</sup>

224. Despite being told this on 25 July 2017, I was still not released. I spoke to healthcare in separate appointments about feeling very stressed<sup>143</sup>, experiencing terrible pain in my chest, suffering from short of breath, and still struggling to sleep (an issue ongoing at this point for three weeks).<sup>144</sup> I was just given some painkillers.<sup>145</sup> On 25 July 2017, I am aware that an internal email was sent from the Home Office to Brook House, attaching a Rule 35 response to state that the decision to detain me was being urgently reviewed.<sup>146</sup> A response had been due on 24 July 2017.

225. I continued to go to healthcare to notify them of my concerns. For example, on 29 July 2017, I went to healthcare, “*very short of breath requesting BP to be checked. Stated he has no [sic] been sleeping last night as he heart was beating very quickly*”.<sup>147</sup> I saw Dr Chaudhary on the same day raising concerns about my physical pains.

***The decision to release me***

226. As a result of the Report, the Home Office decided on 1 August 2017 to release me. In an email from Paul Benson to Daniel Dyer it is stated that “*the main reason for the release referral is that a Rule 35 Report indicates that his health, he has a serious heart condition, is being impacted by his continued detention.*”<sup>148</sup> I do not understand

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<sup>142</sup> CJS000990\_0025.

<sup>143</sup> CJS000990\_0027.

<sup>144</sup> CJS000990\_0027.

<sup>145</sup> CJS000990\_0027.

<sup>146</sup> HOM010924\_0001.

<sup>147</sup> CJS000990\_0027.

<sup>148</sup> HOM010920.

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why this was not a reason to release me at the outset of my detention when my health conditions were known or ought to have been known.

227. Despite this decision being made on 1 August 2017, I was not released until 8 August 2017. Email correspondence between EEA Command indicates that despite the Rule 35 (1) Report, officials were still considering whether to release me. Daniel Dyer, of EEA Command, emailed Gareth Hills on 2 August 2017:

*“Please see the below release submission for D1914 a Romanian national with a number of overseas offences which we are pursuing deportation on, one of which is [REDACTED]. The main barrier to removal at the moment is an outstanding Judicial Review against the decision to certify his deportation decision; expedition of this JR has been requested but there is currently no date for conclusion. The main reason though for recommending that he be released is due to the fact that he is now assessed as at level 3 in the Adults at Risk policy; a rule 35 report has been received expressing concern for his health if detention was continued. It states "though detention is not worsening his condition, stress may trigger events that lead to another cardiac event". Another report from the removal centre healthcare unit stated “D1914 has multiple health issues which although initially stable are now at risk of worsening due to his detention. He has been to healthcare increasingly more due to his cardiac symptoms and I feel he is at risk of further cardiac issues should he have prolonged time in detention.” D1914 has provided a release address which is with his partner and we would be looking to release him on Secretary of State bail in order for him to be subject to tagging due to the nature of his criminal offending...Please could you confirm that you agree with the recommendation to release based on the information below”.*<sup>149</sup>

228. Mr. Hills replied on 3 August 2017 – *“This is a very tricky case and I am not sure we have sufficient evidence. The IRC assessment isn’t particularly insightful of his actual condition...Has anyone had a conversation with D1914 of the Pre-Departure*

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<sup>149</sup> HOM010971.

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*Team variety to explain his options? Can we also establish what this EAW from Romania was for ...CC-ing to Della to see a particularly difficult AAR issue”.*<sup>150</sup>

229. Mr. Dyer replied on 4 August 2017, in which he quoted extensively from my Rule 35 (1) Report and noted my cardiology appointment scheduled for 17<sup>th</sup> August. He states “*We can continue with detention in the meantime whilst looking to arrange for a discussion to be had with him regarding his options...Are you happy with this approach? In the event you are minded to release we would be looking to have him tagged and so as it stands I would recommend release given the medical issues noted above*”. It appears from this exchange that Mr. Dyer was willing to maintain detention, despite my Rule 35 (1) Report, so that the Home Office could discuss voluntary return with me, and investigate the European Arrest Warrants (which had been discharged).

230. Mr. Hills replied the same day recommending for my release.

231. I do not feel that I was fit to be detained at any point in this period. I was still recovering from serious heart surgery, and had been deemed unfit to work until (at least) April 2017. I feel the stress and uncertainty of the detention environment exacerbated my heart issues, which are responsive to stress. I repeatedly raised with the healthcare staff that I did not feel I was fit to be in detention, or to be returned to Romania. Even when a doctor assessed me as unfit for detention, the Home Office took weeks to take action to release me.

### **Physical Environment**

232. My heart felt much worse once I was in detention compared to before I entered Brook House. I think it got worse because there was a lot of stress. At one point, I wished I were dead – that would be better than managing the situation there.

233. Being locked in the centre, with a doctor who I felt was not providing me with adequate treatment, was very stressful.

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<sup>150</sup> HOM010971.

### **Drugs and Alcohol**

234. One of the main stressors for me at Brook House was the high level of spice usage amongst other people in detention.
235. I regularly witnessed other individuals in detention who were seriously ill as a result of spice usage. As an example, when they smoked too much, they would faint. So I would be walking along the hall, and suddenly a detainee would faint. Then officers and nurses would attend to the detainee – to them, this was an everyday occurrence. This was very stressful.
236. It was common knowledge that some staff members were smuggling in spice. I heard this from other detainees.
237. I did myself take a small amount of spice almost daily. My cell-mate, who smoked spice, usually offered to share his cigarette with me.
238. I smoked spice because I was very stressed. Spice relaxes you – the sensation is like you are very drunk. This helps with managing the stress of detention.
239. I was not offered any support or rehabilitation assistance – I understand CJS004792 records that I was RAPT referred, but I was not offered any drug-related support.

### **Protest**

240. I was involved in a protest on D-wing during my time at Brook House. Many detained men were involved. We wanted to attract media attention to the terrible conditions of Brook House, the abusive conduct of staff towards detainees, and the fact that many people were detained there for a long time, or who should not be detained at all.<sup>151</sup> We stayed outside in the courtyard until late in the evening, when the officers told us to go inside otherwise they would take us inside by force. We then went inside.

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<sup>151</sup> CJS004792.

### **Continued Impact of Detention**

241. Following my release from Brook House, I was put on a tag, and I had to report weekly in London Bridge. I found reporting very tiring and difficult given my ill health.

242. I continued to seek to challenge my deportation. As referenced in paragraph 184 above, my legal representatives from Solicitors Inn had applied for a judicial review on 7 June 2017, and permission was granted on 19 September 2017. However, this application was struck out automatically on 3 October 2017 after failure to pay the fee to continue proceedings.

243. I successfully challenged my deportation appeal on 30 May 2018, as described in paragraph 6. FTT Judge Buckwell found:

*“In this appeal I must take into account the findings and the conclusions of Lord Justice McCombe and Mr Justice Ouseley in the High Court Judgment of D1914 (above). The High Court concluded that extradition to Romania would be a disproportionate interference with the Article 8 ECHR rights of the Appellant. In all the circumstances it would be incorrect for the proposed deportation of the Appellant to be found other than in parallel to the findings with respect to extradition. Notwithstanding the failure of the Appellant to attend the appeal hearing the reality is that Ms Lambert was not able to put forward any reasons why this Tribunal should take a different approach from the conclusions reached by the High Court in relation to the Appellant in terms of his human rights in relation to Article 8 ECHR.*

*For the reasons stated above it is found that the deportation of the Appellant would constitute a disproportionate interference with his engaged Article 8 ECHR rights. Accordingly the Respondent’s decision amounts to a breach of her duties under section 6(1) of the 1998 Act and the Respondent cannot succeed in discharging her burden with respect to deportation under the EEA Regulations or the 1971 Act.”<sup>152</sup>*

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<sup>152</sup> 20180530 FTT Decision, Annex 1.

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244. After this, the Home Office removed my tag, which I had been on since my release.

245. My time in detention in Brook House IRC broke my life. I cannot believe the state I have been reduced to.

246. Brook House had a lasting impact on my mental health – it made my mood very low. It also was a place that made me very angry, very agitated. I have found it difficult to recover from the damage Brook House did to my mental health. I feel low, often. What happened to me in Brook House, the abuse I suffered there, often comes into my mind. These memories make me feel sad, and unwell.

247. My life fell apart after my release. I feel like Brook House broke my life. As described in paragraph 34, in the years following my release, my relationship with [Name Irrelevant] broke down, in part because of the stress and strain my detention had placed on our relationship. I lost contact with my children, [Name Irrelevant] and my ex-wife [Name Irrelevant].

248. Initially I had been living in [DPA] with [Name Irrelevant], but after we broke up, I stayed with my cousin in [DPA] for a while. I then moved to [DPA], but following a fire in the apartment block I moved to local authority accommodation. I could not work (I was not permitted to do so) and I was reliant on the kindness and pity of friends to provide me with food and the money I needed to survive.

249. In July 2021 I became street homeless. Following a period of extreme cold weather in November 2021, I was provided with accommodation by St Mungo's.

250. I feel like if people who knew me before Brook House could see me now, they would be shocked. I am totally changed, physically and mentally.

251. My legal representatives have asked me what outcome I would like to see from the Inquiry. Above all, I would like to see the healthcare staff – the nurses and the medics – who treated me so badly, brought to account. I also want to ensure that no one experiences what I experienced in Brook House ever again.

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252. I also think that they need to hire totally different kinds of staff. Staff who behave properly, and are kind and supportive of people in detention. They should not hire people like the staff I encountered, who treated me badly and bullied me.

253. I would also like to say that in addition to the detention officers and healthcare staff who mistreated me, I blame the Home Office for what I experienced. They are responsible for my attempted removal, my detention in the first place, and my ongoing detention, despite my serious ill health.

254. I now turn to respond specifically to the questions asked by the Inquiry.

### **Introduction**

*Please provide your full name and any other names by which you are known.*

255. Please see paragraph 1 of my witness statement above.

*Please provide your nationality and any religious belief.*

256. Please see paragraph 2 of my witness statement above.

*Please provide the dates that you were detained at Brook House, when you were released and why.*

257. Please see paragraphs 5 and 8 of my witness statement above.

*Please state the wings that you were accommodated in and provide dates.*

258. Please see paragraph 260 below.

### **Induction Process**

*When you arrived at Brook House were you provided with an "induction"?  
If so, please summarise what this involved, for example:*

- a. How soon it was after arrival;*
- b. Whether it involved, for example, an interview, tour of building, or*

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- a visit by healthcare professional or other member of staff;*
- c. Whether it was during daytime or night-time;*
- d. How long the process took;*
- e. Whether you had access to an interpreter if needed/requested;*
- f. Whether you were given any written materials;*
- g. Whether you were able to and did follow up any aspect of the induction if you wanted to;*
- h. Whether you were informed of your rights as a detainee (and if so, what you were told);*
- i. Whether you were accommodated in an “induction wing” for the first night or nights of your stay;*
- j. How satisfied you were with the induction process;*
- k. Whether you met any detainee welfare officers.*

259. Please see paragraphs 61 to 71 of my witness statement.

### **Physical Environment**

***Were you accommodated in Eden Wing at any point during your stay at Brook House? If so, for how long and between which dates?***

260. For most of my time in Brook House I stayed on C-Wing. However, on 27 May 2017, I was put in isolation, although I cannot recall if this was E-wing or CSU, prior to attempts to remove me. CJS001280\_0005 indicates I was put in the CSU. I have already described at paragraph 130 onwards how stressful I found the operation moving me by force to E-wing. I returned to C-wing on 29 July 2017.

261. I was also placed on E-wing on 6 July 2017 after I returned from hospital, as recorded in my medical records – “*would like to go back to C wing but was asked to*

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*return to E wing and see the doctor and remain overnight for observations”.*<sup>153</sup> I cannot recall exactly, but I think I returned to C-wing on 7 July 2017.

***Were you accommodated in the Care and Separation Unit (CSU) at any point during your stay at Brook House? If so, for how long and between which dates?***

262. Please see my answer to the question above.

***Whether you shared a room with anyone else during your time at Brook House. If so, please confirm with how many people, with whom and for how long.***

263. As far as I can recall, I had two different cell-mates. I had a Polish cell-mate for a short time, whilst I was staying in a small cell upon arrival at Brook House. I was then moved to a larger cell on C-wing, where I had a cell-mate. I think he was Latvian.

264. I liked sharing a cell because I needed help from my cell-mate, as I describe in paragraph 112 above.

***Whether the toilet was fully or partially separated from the rest of the room?***

265. The toilet was just separated with a curtain. It was disgusting. Especially at first, I found the room very smelly. This did improve after a while once the cleaning improved. My cell-mate and I organised it so that if one of us needed to use the toilet, the other one would go outside the cell so they could not hear or smell what was going on. I found this very uncomfortable.

***What the regime was like on the wing/s you were accommodated Please include details such as:***

***a. How many hours you were locked in your room per day and when.***

***b. What access you had to activities (e.g. education, training, workshops,***

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<sup>153</sup> CJS00990\_0018.

*exercise etc.)?*

- c. Whether you had adequate access to healthcare.*
  - d. Whether you had access to translation services.*
  - e. Whether you had access to phone calls/visits/letters. If so, what was the frequency of this contact and for how long were the phone calls and visits.*
- 
- a. We were locked into our cells from 9pm to 8am, and then again whilst they served meals. This affected me both physically and mentally. I felt trapped. There was very little to do, very few distractions, whilst locked in the cell. I was also in very poor condition given my health, which made this situation feel more uncomfortable and stressful.
  - b. I did not engage in activities in Brook House as I felt too unwell to do so.
  - c. I deal with my issues with healthcare throughout my witness statement.
  - d. Please see paragraphs 62, 64, 66, 73, and 83 of my witness statement.
  - e. In general, I had easy access to my phone as I had it on me. The phone signal was unreliable but I was usually able to make calls whenever I needed to. [Name Irrelevant] organised to visit me every week and as far as I know she did not have issues arranging these visits.

However, my phone was taken off me during my transport to the airport on 28 May, and, as I described in paragraph 156 after the use of force against me on 27 May.

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### **Access to Legal Advice**

*Did you have access to legal advice and/or representation, if required? If so, were you able to contact them when you needed to and were they able to contact you when they needed to? How did you and/or they do so?*

266. [Name redacted] arranged a private solicitor for me outside of detention. I was aware that there were lawyers who visited in the centre, however the process for getting them to represent you was very long – it took too much time. I thought that if I waited around until one of these lawyers took on my case, I might have already died in detention.

### **Treatment**

*In addition to the specific incidents identified by the Inquiry within this request whilst you were detained at Brook House did you experience and/or you witness any mistreatment or abuse by Brook House staff? If so, please describe for each incident (as far as possible):*

- a. Date;*
- b. Place;*
- c. Name/description/role of staff involved;*
- d. If verbal abuse, what was said?*
- e. If physical abuse:
  - i. what did the staff member do?*
  - ii. Did you sustain any injuries, and if so, what was the extent of those injuries?*
  - iii. Did you seek and/or were you given medical treatment?**
- f. Did anyone (staff or detainee) witness the incident? If so, who? How, if at all, did they respond?*
- g. Did you make a complaint? If so, to whom? How was it resolved?*

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267. Please see my witness statement above for an outline of the incidents of mistreatment and abuse I suffered at the hands of Brook House staff.

***Please provide the same information in relation to any mistreatment or abuse from other detainees.***

268. I did not experience any mistreatment or abuse from other detainees.

***More generally, did you on any occasion feel bullied, threatened, intimidated, victimised, treated without respect or unsafe because of a member of staff or other detainees? If so, please explain why.***

269. As explained throughout my statement, I do feel that the staff at Brook house bullied me, especially in healthcare. They made it clear that they did not like me in the way they spoke to me and handled me. I felt like my health complaints were ignored, not taken seriously. I could see staff were often annoyed or angry at me, I think they found me annoying because I was concerned about my health. They spoke to me in a very unfriendly and arrogant way.

270. I felt unsafe throughout my time at Brook House because I was constantly worried about my health, and the impact detention may have on it. These fears are outlined in greater detail throughout my statement above.

***Were you or any other detainee that you witnessed, treated badly because of your ethnicity, nationality, religion or sexual orientation?***

***a. If so, please explain how and when.***

***b. Did you make any complaints and if so, how were they dealt with?***

271. Please see paragraphs 182 to 183 for an example of discriminatory language used by staff. I am not aware of other mistreatment on account of my ethnicity, nationality, religion, or sexual orientation.

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### **Use of Force**

*Save as for the specific incidents references below, as far as you recall, was force ever used against you by Brook House staff, i.e. being physically restrained, moved, pushed, handcuffed? If so, in relation to each incident (as far as possible):*

- a. Please provide as far as possible details of the time, place and what happened.*
- b. Were you asked to fill out a form where you could give your account of what happened?*
- c. Were you injured? If so, what were your injuries?*
- d. Did you see Healthcare? Did they provide you with any treatment?*
- e. Did any other detainee or staff member witness this incident? If so, who?*

272. I do not recall other uses of force against me by staff.

*Whether you witnessed any incidents where force was used on another. Please provide details if so.*

273. I did see staff use force against other men at Brook House, in the same context in which force was used against me – moving them to E wing before a removal. I witnessed this many times. They would usually come in the evening, and several officers would move the man by force. It was frightening.

*Use of Force incident on 27 May 2017*

*Please consider documents CJS005651, CJS005975, CJS004803, CJS000962, HOM010907, BBC000059 (pages 39-43), CJS00432 and CJS00813 which show that on 27 May 2017 G4S staff used force against you. These documents include records of accounts of the G4S officers involved, investigations into allegations of inappropriate behaviour by officers, as well as your ACDT plan dated 28 May 2017 and a letter from your solicitors dated 1 June 2017.*

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*The following references are to a transcript of footage of an incident: KENCOV1025 /BBC000615 - KENCOV3040 (transcript of event will be provided in due course). Please also review this transcript when considering the below questions.*

*The officers (DCOs Wragg, Piscali [sic], Webb, Tulley, Bromley, Edon, Dix and Lake) state that they used force in order to prevent self-harm and to relocate you to E wing in order for you to be removed to Romania. They say that the Healthcare team checked you when they first went into the room and because they were happy with the observations made, the officers then went in. They say that you stood up and then dropped your body weight. They say that you refused to stand or engage with them. Handcuffs were then applied and you then stood up compliantly and walked to E wing. ACDT was then opened and you were placed on Constant Supervision due to your history of self-harm. The Healthcare report (CJS005651, page 36) states that no injury was reported during or after the incident.*

- a. Please set out your account of what happened.*
- b. Do you agree with the officers account at CJS005651, CJS005975, CJS004803 and BBC000059?*
- c. Do you feel that the Healthcare staff carried out a proper check on you prior to the use of force?*
- d. Were you able to see the Healthcare team after the incident?*
- e. Were you satisfied that you had adequate Healthcare treatment?*
- f. The Healthcare report (CJS005651, page 36) states that no injury was reported during or after the incident.*
  - i. Is this correct; did you report any injuries?*
  - ii. If you did not report any injuries, were you in fact injured?*
  - iii. If so, why didn't you report it? HOM010907 is a letter from your solicitors dated 1 June 2017 which states that your*

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*partner, **Name Irrelevant** visited you on 29 May 2017 and saw bruising on your hands and around your stomach (see page 1).*

*g. Do you think the force/restraint used by G4S staff was reasonable and proportionate?*

274. Please see paragraphs 130 to 160 of my witness statement above.

**Rule 35**

*Please consider document CJS001024 which is Rule 35 report dated 17 July 2017. The report concludes that your health was worse at that time than at the start of detention and that your release would reduce your levels of stress which would reduce the risk to your health (page 3).*

- a. Do you remember being interviewed for this report by a doctor?*
- b. Are you content that the report accurately reflected what had happened to you, and what you told the doctor?*
- c. Do you know what prompted the report?*
- d. Do you know why the assessment with the doctor for the report was not carried out earlier?*

275. Please see paragraphs 213 to 217 of my witness statement above.

*Please consider documents HOM010920 and HOM010971 which show that on 1 August 2017 the Home Office decided to release you due to the continued impact of detention on your heart condition. Please make any comment on the timing of the decision to release you.*

276. Please see paragraphs 226 to 231 of my witness statement above.

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*Please consider documents CJS001144, CJS001068, HOM010964, HOM010965, HOM006287, HOM010972, CJS001160, 6872 which relate to decisions to detain and fitness to travel, prior to your release (between April and August 2017).*

- a. *Do you agree with the doctor's assessments that you were fit to fly? If not, why not?*
- b. *Please provide any other comments.*

277. Please see paragraph 231 of my witness statement above.

*Overall, whether you consider that the Rule 35 process was carried out properly in your case.*

278. Please see paragraphs 213 to 231 of my witness statement above.

**Rule 40**

*Save for the specific incident set out below, were you ever placed on Rule 40 (removal from association)? If so, when and why?*

279. I cannot recall being placed on Rule 40 at any other time.

*Please consider document CJS001033. At page 4, the entry at 27 May 2017 states that force was used to relocate you to E wing for removal; that you stated that you would kill yourself rather than return to Romania and that you were placed on ACDT supervision and Rule 40*

- a. *Do you remember being placed on Rule 40?*
- b. *Why did it happen?*
- c. *Do you consider that it was right to place you on Rule 40?*
- d. *Please provide any other comments on the Rule 40 process.*

280. Please see paragraph 159 of my witness statement above.

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**ACDT**

*There are records of you being placed on ACDT at several points – 11 April 2017, 27 May 2017, and 6 July 2017 (see document CJS001033: IS91RA Part C dated 11 April 2017). Please answer the following questions within this timeline:*

*CJS001033, page 1: 11 April 2017 records that you were placed on ACDT after suggesting he would die if returned to Romania.*

- a. *Do you remember this incident?*
- b. *Is this an accurate record of what you said?*
- c. *Do you have anything to add?*

281. Please see paragraphs 83 to 93 of my witness statement above.

*CJS001043, page 17: 12 April 2017 records that there was a decision to close ACDT.*

- a. *Were you told why that was?*
- b. *How did you feel about it being closed?*
- c. *Did you feel that this was appropriate?*

282. My legal representatives have explained to me what an ACDT is. However, I cannot recall being informed of the details of this process at Brook House, and I cannot remember officers observing me. I think this is because during the relevant times when I was apparently on an ACDT, these were all times of intense distress and/or despair for me. I was not focusing on observing the behaviour of officers around me. I was upset and agitated, so I am not surprised if I do not recall these observations.

*CJS001033, page 5: 28 May 2017 records that you left Brook House on open ACDT Constant Supervision for escorted removal directions to Romania; and page 6: 28 May 2017 records that you were returned to Brook House following*

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*failed removal directions as the airline refused to take you. ACDT Constant Supervision and hourly observations were continued.*

- a. *Do you remember this incident?*
- b. *What happened at the airport which meant that the airline refused to take you?*
- c. *Do you have anything to add?*

283. Please see paragraphs 165 to 183 of my witness statement above.

*CJS001033, page 7: 03 June 2017 records that the ACDT document was then closed.*

- a. *Do you remember this incident?*
- b. *Is this an accurate record of what you said?*
- c. *Do you feel that this was appropriate?*

284. Please see paragraph 282 above.

*CJS001033, page 8 (see also, CJS001168, pages 5-6 & 9-17; BBC000061, pages 8-9 and CJS000813, page 23): 05 July 2017 records that that evening made cuts to your forearms and his [sic] neck, and took large amount of tablets. It states that you were placed on ACDT Constant Supervision and sent to Outside Hospital. CJS000585, page 1 also records that the reason given by you as to why you self-harmed was because the Judge had incorrect information on your medical history. HOM010943 states that you refused to sign the conveyance form attached to the Discharge Summary from East Surrey Hospital.*

- a. *Do you remember this incident?*
- b. *What happened?*
- c. *Why did you harm yourself? Did you make the comment regarding the Judge not having the correct information and that being the reason for*

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*harming yourself? What did you mean?*

- d. *What medical treatment did you receive?*
- e. *What was your experience of the treatment you received?*
- f. *Were you satisfied with your treatment?*
- g. *Did you make the comment regarding the Judge not having the correct information and that being the reason for harming yourself? What did you mean?*
- h. *Why did you refuse to sign the discharge summary?*
- i. *How did you feel about being discharged from hospital?*

285. Please see paragraphs 187 to 204 of my witness statement above.

*CJS001033, page 9: 06 July 2017 records that you were returned from bedwatch at East Surrey hospital; ACDT constant supervision was reviewed and there were hourly observations.*

- a. *Do you remember coming back to Brook House?*
  - b. *How did you feel about coming back to Brook House?*
  - c. *CJS001033, page 10: 07 July 2017 records that ACDT was closed at a review.*
    - i. *Were you told why that was?*
    - ii. *How did you feel about it being closed?*
    - iii. *Did you feel that this was appropriate?*
- Do you have any general comments to make about the process?*

286. Please see paragraph 282 above.

### **Food Refusals**

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*CJS001309, page 2 shows that you refused food and that you were buying food from the shop on 27 July 2017.*

- a. *Did you refuse food on this day?*
- b. *Do you agree that this was the reason for being recorded as on food/fluid refusal?*
- c. *Why did you buy food from the shop rather than eat at the servery?*

287. I refused to eat food on this day from the servery. I bought food from the shop – the food in detention was horrible and sometimes I preferred to buy my own as then I could choose what I prefer to eat. I found the food in detention was too spicy for me.

*CJS001276, page 2 shows that you refused food on 31 July 2017 but that you bought food from the shop on 30 July 2017 and 31 July 2017.*

- a. *Did you refuse food on this day?*
- b. *Do you agree that this was the reason for being recorded as on food/fluid refusal?*
- c. *Why did you buy food from the shop rather than eat at the servery?*

288. I never deliberately refused food entirely – I did sometimes buy food from the shop instead of the servery as I hated the food in detention, it was disgusting.

*Apart from the incidents set out above, did you ever refuse to eat or drink? If so:*

- a. *How long was this for?*
- b. *What were the reasons?*
- c. *How were you treated?*

289. Please see my answer to the question above.

**Drugs and Alcohol**

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*Save as for the specific incident set out below, did you use drugs and/or alcohol, including NPS/'legal highs' (Spice etc) during your detention, or witness others doing so?*

290. Please see paragraphs 234 to 239 of my witness statement above.

*CJS005033 reports that you and others appeared to be under the influence of drugs at 10.50 on 23 June 2017. In light of this, do you agree that there was at least one occasion where you used drugs at Brook House? If so,*

- a. What type of drugs (e.g. Spice) did you use?*
- b. When?*
- c. Why did you use drugs?*
- d. How often did you use drugs?*
- e. Where did you/others get them from?*
- f. Did you report drug use to any G4S staff, or anyone else? If so, what was the response?*
- g. Did you or anyone that you saw have an overdose or a bad reaction to drink or drugs? How was it dealt with?*
- h. What, if any, rehabilitative support was given to you/other users of drugs? Was this support adequate in your view?*

291. Please see paragraphs 234 to 239 of my witness statement above.

### **Protests**

*Whether you observed or took part in any protests at Brook House during the relevant period*

292. Please see paragraph 240 of my witness statement above.

### **Clinical Care Issues**

*Your Patient Record is at CJS000990 (pages 1-33). Please comment on the following:*

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- a. *How easy you found it to access medical care.*
- b. *Whether there was any reason why you didn't access medical care where you needed it.*
- c. *Whether you were provided with an interpreter if you needed one.*
- d. *Whether you experienced any issues or delays with receiving medication or treatment.*
- e. *Whether you were referred for additional or specialist treatment and whether his [sic] was done promptly or with any delays.*
- f. *Where you were referred.*
- g. *Whether you were satisfied with your treatment. If not, why not.*
- h. *The attitude of healthcare staff.*
- i. *Whether you feel that your healthcare issue was treated seriously.*
- j. *Whether you trusted the medical professional that treated you. If not, why not.*

293. I deal with these issues throughout my witness statement. Please see in particular paragraphs 5, 8 to 10, 73 to 129, and 213 to 231.

*Whether you made any complaints about the healthcare you experienced at Brook House.*

- a. *If so, please describe the complaint made, to, and what they said.*
- b. *What the response was.*
- c. *Whether you were satisfied with the response.*

294. Please see paragraphs 94 to 97 of my witness statement above.

*CJS000645 is a "Serious Incidents Report" by G4S for May 2017 (see pages 1, 6, 7, and 11). There is a suggestion that you acted aggressively when attending*

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*healthcare (to collect medication or to have blood pressure checks) on 2, 17 and 24 May, and on 17 July 2017.*

- *CJS004792 states that on 02/05/2017, during medication time, you became impatient and verbally abusive, punched a door and shouted at staff.*
- *CJS004720 states that on 17/07/2017, you were being escorted to hospital and DCO Booth and Blake. In the waiting room, after being told that you could not go out for a cigarette, you became abusive and swore at officers. They say that they could not calm you down and so they brought you back to Brook House. They also say that you made a threat to DCO Blake.*
- *CJS000559 states that on 19/04/2017, you became agitated and aggressive whilst being escorted to hospital about being handcuffed. An officer told you that it was standard procedure and then you made threats to kill [sic?] the officer whilst clenching your fists. A member of the hospital staff asked you to quieten down. You later apologised for your behaviour and shook hands with the officer.*
- *CJS000592 states that on 31/07/2017, you collected your medication from Healthcare but when were asked for ID you became rude and abusive, and that you took off your shirt and banged on the doors. Another officer arrived and you calmed down and medication was given.*

*For each incident, please answer the following questions:*

- a. *Do you remember these incidents?*
- b. *Did you act aggressively (banging doors, shouting and swearing etc.)?*
- c. *If so, what prompted this?*
- d. *How did the staff react?*

295. For the incident on 2 May 2017, I remember that I was feeling very unwell that day. I felt pain in my heart and I had a very fast heart rate. I went to Healthcare to ask for them to take my blood pressure, and staff were aggressive verbally back at me

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– they were angry and rude, and told me to wait. I waited what felt like a very long time until they said they could take my blood pressure. They did not explain what was going on to me. It was very difficult to get into the clinic. It was hard to understand what was going on and I did not feel well. I was always under the impression that when I went to the practice, the staff were trying to reject me, or not see me. I did shout and punch a door, and I apologise for that. I was frustrated and scared and felt I was constantly being ignored, that staff did not care, and this was endangering my health.

296. For the incident on 17 July 2017, please see paragraph 125 of my witness statement above. As explained, I cannot recall this incident.

297. For the incident on 19 April 2017, please see paragraphs 100 to 101 of my witness statement above.

298. According to the medical records, this incident took place on 19 July, not 31 July 2017. Please see paragraph 219 of my witness statement above.

### **Complaints and Oversight**

***Do you know what the PSU (Professional Standards Unit) is? The IMB (Internal Monitoring Board)? PPO (Prisons and Probation Ombudsman)? Chaplaincy? Gatwick Welfare Detainees Welfare Group?***

299. I have never heard of the PSU, IMB, PPO or Chaplaincy.

300. I have heard of Gatwick Welfare Detainees Welfare Group. I understand this group provided support to detainees. They could also help refer you to a lawyer who could assist with bail applications. I did not receive any help from them.

***If yes, what do you know about this organisation / these organisations? What were you told by staff? What were you told from other detainees or visitors?***

301. Please see my answers above.

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*During your time and Brook House did you make any complaints or raise any concerns about your own treatment or that of others, including to staff, to one of these organisations, to the police, or to anyone else? CJS001389 is a handwritten complaint to G4S Health Services made by you on 13 July 2017. It is about a doctor's treatment of you. You said that you found the doctor to be rude, bullying and humiliating; that he ignored you; and that you are feeling distressed and depressed (page 1). There is a response from 21 April 2017 which states that the doctor apologised (page 2).*

- a. *Is it correct that you made this complaint?*
- b. *Please can you describe in any more detail what led you to complain?*
- c. *Was the complaint was dealt with adequately?*
- d. *Were you satisfied with the doctor's response? Why/why not?*
- e. *Did you take this complaint any further (i.e. by complaining to another body, such as the IMB)?*

302. Please see paragraphs 96 to 97 of my witness statement above.

*Did you make any other complaints? If you did, please provide details.*

- a. *When you made the complaint;*
- b. *To whom?*
- c. *Was the complaint resolved?*
- d. *What was done?*
- e. *Were you satisfied with the response and why; and*
- f. *Do you feel that you were treated any differently due to fact you had made a complaint?*

303. I submitted two complaints about the use of force against me on 27 May following the incident. The first time, I wrote the complaint myself and put it in the  
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complaints box. When I did not hear anything from that complaint, I asked another detainee who spoke better English to assist me. That detainee helped me to draft it, complaining about the men who harmed me during the restraint. Again, I put it in the box but nothing happened.

304. I understand a spreadsheet produced by G4S (CJS001022) records me as having made “*no complaints*”. This is not correct, as explained above. It appears that the complaints I put in the box were not processed. I do not know why.

***If you did not complain about your treatment (but wanted to), what prevented you from complaining?***

305. After my complaints about the use of force were ignored, I did not escalate them further. I reckoned I did not have any chance of them being taken seriously. I had been in detention for months, I was very ill, and there had been no response to my complaint. Also, when I did complain about the behaviour of Dr Chaudhary, as I explain in my witness statement I feel the response was very poor.

<b><u>Statement of Truth</u></b>	
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.	
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	<b>D1914</b>
Signature	<b>Signature</b>

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Date	14/2/2022   12:02:15 GMT

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