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**WITNESS STATEMENT OF** **D523**

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I, **D523** usually resident at **DPA**, whose date of birth is **DPA** (although the Home Office say it is **DPA**), make this statement in response to a request under Rule 9 of the Inquiry Rules 2006. I declare that the contents are true to the best of my knowledge and belief. I wish to state as follows:

1. I have prepared this statement with the help of my representatives at Duncan Lewis Solicitors (DL) over a number of sessions. I have found it difficult to prepare this statement as I sometimes struggle recalling specific dates and details and I sometimes get confused with timelines. This statement is what I can remember to the best of my knowledge.
2. In summary I am a refugee from Afghanistan who arrived in the United Kingdom in 2007 as a child and I was granted leave to remain until 14 December 2009 (when it was deemed that I was 17.5 years old). I had a traumatic journey to the UK as a child in 2007 where I was beaten and sexually threatened over the course of around six months as I journeyed overland. I have a history of traumatic experiences as a child in Afghanistan. The First-tier Tribunal did not believe my account of these experiences. I have spent periods of time in the UK homeless. I have been detained by the Home Office under immigration powers on three occasions: on 27 February 2017 for a period of six weeks, on 28 March 2019 for a period of almost four months and 23 April 2020 for a period of two months. These experiences have had a serious effect on my mental well-being. I have been diagnosed with post-traumatic stress disorder, severe depression, paranoid schizophrenia, and generalised anxiety disorder and I have struggled with substance misuse. I have recently been accepted to be a refugee by a judge of the First-tier Tribunal who allowed my appeal.
3. When I was deemed to have almost reached adulthood, my leave expired and I had to claim asylum. However, my asylum claim was refused and an appeal was rejected on 17 August 2010. Once my appeal rights were exhausted I was not entitled to any financial support or accommodation and I began sleeping rough. Prior to being detained in February 2017 I had

accrued [redacted] convictions for which I had received fines or community punishments and in one case a wholly suspended sentence.

4. I was first detained by the Home Office at Brook House IRC between 27 February 2017 and 8 May 2017, which is part of the period I understand the Inquiry are investigating. I found this period extremely distressing and I really struggled to adjust and cope in such a harsh and stressful environment. I have subsequently been detained on two further occasions and in relation to each the High Court ordered my release from immigration detention owing to the effects it was having on my mental health, firstly on 28 March 2019 ([redacted] - after being detained for almost four months) and then again on 23 April 2020 ([redacted] - after a period of two months). The Home Office later agreed to pay me damages of [redacted] in compensation for the period in 2019 and [redacted] for the period in 2020.
5. My difficulties in immigration detention started in 2017 at Brook House and in this statement I go on to provide an account of my experiences. I also enclose at **Annex D523-1** specific responses to the general questions that have been provided by the Inquiry and at **Annex D523-2** specific responses to the questions that were directed to me by the Inquiry to ensure they are addressed.

## Background

6. I believe I was born on [redacted] in [redacted] in Afghanistan, but it has been deemed by UK authorities that I was born on [redacted]. In my family there was my father, mother and 4 older siblings.

### *Arrival to the UK – 6 July 2007*

7. After arriving in the UK I claimed asylum and was interviewed about my story and I remember feeling confused about timeframes and details. I also remember being told that I was 15 years old not 12 years old. I did not challenge it as I did not know I could.
8. On 22 August 2007 the Home Office refused my asylum claim but granted me leave to remain as a minor until 14 December 2009.

9. On 9 December 2009 my solicitor at the time made an application for further Leave to Remain as an asylum seeker on the same basis as my original claim. On 13 May 2010, the Home Office refused my application. My solicitor at the time lodged an appeal to the First-tier Tribunal on 27 May 2010, which was dismissed on 17 August 2010. My appeal rights were exhausted on 7 March 2011.
10. I started to feel really hopeless about my future and I had to move out of my house which was provided by the local council and began sleeping rough. I became addicted to cannabis which I used to distract myself from my depressing thoughts and this then led to me breaking the law.
11. On 27 February 2017 I was taken to Brook House IRC (I discuss my time in Brook House in detail below). While I was at Brook House I was introduced to a solicitor at DL. I opened up to them about my [Sensitive/irrelevant] and about my ongoing fear of return to Afghanistan. He helped me prepare a fresh claim based on my risk in Afghanistan, submitted on 28 April 2017 which has now (after much delay) been allowed on appeal. On 8 May 2017 I was released from detention. I went back to sleeping rough and I continued to suffer with flashbacks, voices and bad thoughts.
12. On 14 December 2018 I was detained under immigration powers and taken to Brook House IRC. My solicitor at DL wrote to the Home Office explaining that I had an outstanding fresh claim for asylum. While I was detained my mental health went downhill. I kept reliving past torture by the [Sensitive/irrelevant] I also relived the mistreatment by Derek Murphy when he strangled me while I was alone in my cell in Brook House on 16 April 2017 (which I discuss below). My solicitor arranged for me to be assessed by Dr Burman-Roy on 19 January 2019. I enclose this report as **Annex D523-3** to my statement. Dr Burman-Roy diagnosed me with PTSD and Severe Depression and made the following comments / findings:
- a. '[**D523**] told me the following experiences in his life have been particularly traumatic: a) The experience of being abducted, beaten and then held by the [Sensitive/irrelevant] b) Witnessing the murder of his father. c) His period of detention in Brook House IRC in 2017.'



- b. *'In my professional opinion [D523] currently fulfils ICD-10 criteria for diagnoses of PTSD and a Severe Depressive Episode.'*
- c. *'I found [D523] account to be consistent with expected symptoms of these disorders. He has severe scores on the rating/screening scales... I have considered whether he could be feigning or exaggerating his symptoms. Though it is recognized that patients who are undergoing court or similar proceedings can feign or exaggerate their symptoms it is also the case that such proceedings can perpetuate and increase their symptoms. Overall I do not believe he was feigning or exaggerating symptoms... I have diagnosed and treated PTSD and depression throughout my career and his presentation is consistent with my experience of these disorders.'*
- d. *'[D523] reports that his detention at IRC Brook House has worsened his symptoms of PTSD and depression... This would be consistent with the nature of his disorders as he is being held against his will in a threatening and unpredictable environment that provides an ongoing source of stress and reminds [D523] of his previous experiences of captivity, torture and abuse. Including the trauma experienced during his previous stay at IRC Brook House... The lack of other socially engaging and rehabilitative elements in his life are also likely to mean that he continues to ruminate negatively on his past and future so worsening his mental state and further entrenching his symptoms of PTSD and depression. It is often the case that the longer such symptoms persist the more difficult they subsequently are to treat... Consequently I believe detention is contributing to [D523] PTSD and depression and is worsening his mental health'.*

13. I had two asylum interviews on 25 January 2019 and 1 February 2019. Around this time, my solicitor also challenged the Home Office's detention of me as being unlawful because of my mental health. The Home Office resisted my release and so the High Court listed a hearing to decide if I would be released. The Home Office tried to argue that I was not a 'Level 3 Adult at Risk' but they had not yet considered Dr Burman-Roy's report despite having it for almost two months. The Home Office claimed healthcare had no concerns about my mental health. I enclose their Summary Grounds of Defence as **Annex D523-4** to my statement. I have been advised by my solicitors that this is not how the Home Office were supposed to consider the psychiatric report under the Adults at Risk policy. The High



Court (**Sensitive/irrelevant**) ordered my release after a hearing on 28 March 2019 and granted me permission for judicial review. I enclose the Judge's order as **Annex D523-5** to my statement. The Home Office subsequently agreed to settle my claim and paid me **Commercially sensitive** in compensation on 14 October 2019. I enclose the consent order for that agreement as **Annex D523-6** to this statement. But they never apologised for detaining me and the distress it caused, and they still did not confirm that I was a Level 3 Adult at Risk to help ensure I was not detained again. After my release I again ended up sleeping rough after my release address fell through.

14. In January 2020 I was again detained under immigration powers at HMP Wormwood Scrubs. I was shocked that the Home Office decided to detain me again given they had previously agreed to pay me compensation and given I had provided clear evidence to them previously that a period of immigration detention would worsen my mental health. While I was in detention, on 17 April 2020, the Home Office finally refused my fresh asylum claim made in April 2017, but gave me an in-country right of appeal which I exercised and on which I have subsequently been successful. I enclose the decision of the Home Office as **Annex D523-7** and the First Tier Tribunal appeal decision as **Annex D523-8**. My solicitor also again challenged my detention as being unlawful because of my mental health. I enclose as **Annex D523-9** the grounds for judicial review filed on 9 April 2020. On 30 April 2020 I was released to accommodation provided by the Home Office under s95 of the Immigration and Asylum Act 1999. This again followed an interim relief hearing on 23 April 2020 before the High Court where the Home Office again resisted my release. The Home Office, in their Summary Grounds of Defence of 20 April 2020 which I enclosed as **Annex D523-10**, again tried to argue that I was not a Level 3 Adult at Risk contrary to their policy. At the hearing on 23 April 2020 the High Court Judge held that I had a 'very strong argument' that my detention was unlawful and that I was a Level 3 Adult at Risk, and he ordered my release and granted me permission for judicial review. I enclose the Judge's approved note of judgment at **Annex D523-11**. On 22 November 2021 the Home Office agreed to settle my claim and pay me **Commercially sensitive** in compensation. I enclose the consent order for that agreement as **Annex D523-12** to this statement.

15. Since being released from immigration detention I have found it much more stabilising to have accommodation but I have struggled to survive on the £35 per week from the Home

Office and have felt really desperate about the lack of certainty with my immigration status. I have also continued to struggle with my mental health.

### **Detention at Brook House IRC from 27 February 2017 – 8 May 2017**

#### Induction Process

16. In December 2016 I was arrested for driving offences and held on remand. I did not receive a custodial sentence, but I was then held under immigration powers. On Monday, 27 February 2017 at approximately 2am I was transferred from HMP Wormwood Scrubs and detained by the Secretary of State for the Home Department at Brook House IRC. When I first arrived at Brook House IRC I remember it was night time and I was really confused and scared. I remember being searched, fingerprinted, and asked questions in the reception for approximately 30 minutes. I understand my induction records state that I declined an induction tour.<sup>1</sup> I do not recall being offered an induction tour when I arrived at Brook House. My recollection is that this tour was offered a couple of days after I arrived at Brook House and by then the detainees had already shown me around so I said I did not need the tour. I did not need an interpreter as I can speak English. I remember being told that if I had any health issues I could speak to healthcare. I was not told about my right to legal representation, or right to request Rule 35 reports, or right to speak to Home Office. What I learnt of those matters was from other detainees.

17. I understand that my medical records state that I had an appointment at 02.59 on 27 February 2021 with a nurse and I was asked if I had ever attempted suicide prior to that point, or self-harmed, or suffered from depression, or had any special needs.<sup>2</sup> This is not correct. I did not meet any member of the healthcare team when I first arrived at Brook House. The first time I met with a member of the healthcare team was on 2 March 2017 (which I discuss in more detail below).

18. I was given a blanket, bed sheets, basic clothing and food. I understand from my induction records that I spent my first night on E-Wing<sup>3</sup> and was taken to B-Wing (the induction

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<sup>1</sup> See document CJS003549\_2 and CJS003375\_0013 from the Brook House Inquiry Disclosure

<sup>2</sup> See documents CJS002999\_0002-3 from the Brook House Inquiry Disclosure

<sup>3</sup> See documents CJS003549\_0002 from the Brook House Inquiry Disclosure

wing) around 15.43 on 27 February 2021.<sup>4</sup> I recall being put in a room with another Afghan. I believe I stayed in the B-Wing for the next 9 or 10 days. When I arrived in B-Wing the first thing I noticed was the toilet in the corner of the room. The toilet was separated from the rest of the cell with two walls but there was no door – just a curtain for privacy. This was okay during the day as we were allowed to come and go from the cell but overnight we were locked in from 9pm – 8am and I found it very, very uncomfortable and embarrassing to use the toilet while myself and my cellmate were locked in the cell overnight. This is because I have a digestive system where whenever I eat I have to go to the toilet straightaway and I was not able to hold on until the morning, as others told me they did.

19. I understand from my IRC medical records that I *'[d]id not attend for Arrivals Clinic appointment with Brook House Doctor'*.<sup>5</sup> I have no recollection of being offered an Arrivals Clinic appointment with Brook House.

#### Rule 35

20. I understand from my IRC medical records that on Wednesday, 2 March 2017, I spoke to a medical professional (noted as a *'Health Professional Access Role'*) about my past torture in Afghanistan and I was told that I should have a Rule 35 assessment.<sup>6</sup> This is correct. I recall going to the healthcare office and speaking to a nurse and asking if I could book an appointment to tell my story about what happened to me in Afghanistan and they told me I should have a Rule 35 assessment.<sup>7</sup> I understand that rule 34 of the Detention Centre Rules 2001 says that I was supposed to be asked by a doctor upon my arrival on 27 February 2017 about whether I was a victim of torture. I was not asked this. My lawyer tells me that there is no note of me being asked in my medical records.<sup>8</sup>

21. I understand from my IRC medical records that on Thursday, 3 March 2017, I spoke to Dr Chaudhary about my past torture in Afghanistan. Dr Chaudhary's entry on that day states: *'Advised patient that this account is already with the home office in the form of an asylum*

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<sup>4</sup> See document CJS003549\_0002 from the Brook House Inquiry Disclosure

<sup>5</sup> See documents CJS002999\_0002-3 from the Brook House Inquiry Disclosure

<sup>6</sup> See document CJS002999\_0004 from the Brook House Inquiry Disclosure

<sup>7</sup> See document CJS002999\_0004 from the Brook House Inquiry Disclosure

<sup>8</sup> See documents CJS002999\_0002-3 from the Brook House Inquiry Disclosure



*claim which was rejected I have advised patient to speak to home office. Pt's english is good. Advised to speak to his solicitor. Advised patient to come back if needed to reexamine Rule 35.*<sup>9</sup>

22. On Friday, 10 March 2017, I had an appointment to assess my account of torture . I do not recall being provided with a copy of the Rule 35 Report at the time. I now understand that the Rule 35 Reports states '*The patients scar may be due to his account of what happened. His story is consistent*'.<sup>10</sup> I am content that it accurately reflects what happened to me, and what I said during my assessment. The Doctor however did not address the impact detention was having on me. I understand that is an important part of what he was supposed to be assessing.
23. On Tuesday, 14 March 2017, the Home Office produced their Rule 35 response acknowledging that I may be a victim of torture but maintaining my detention because "*the Doctor has not indicated that a period of detention is likely to cause you harm*". I enclose this response as **Annex D523-13**. I remember receiving the Home Office's response that I was considered an Adult at Risk Level 2 but that my detention could be maintained.<sup>11</sup> I do not recall anyone from the Home Office or Brook House explaining to me what the Rule 35 response meant. I do remember speaking to other detainees and they explained to me that 'Adult at Risk Level 2' meant the Home Office believed that I was a victim of torture but that they would carry on detaining me anyway. I remember feeling very upset when this was explained to me as it felt like on the one hand they accepted my vulnerabilities but on the other hand they did not care.
24. I recall that each month my name would be called on the loud speaker (as everyone's was) to attend an appointment with the Home Office. During these appointments, the Home Office gave me my latest Monthly Progress Report (not the Detention Reviews) and explained to me only very vaguely why my detention would be maintained. I was never provided a copy of the Detention Reviews which I now understand record more detailed reasons as to the Home Office's to continue detention.

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<sup>9</sup> See document CJS002999\_0004 from the Brook House Inquiry Disclosure

<sup>10</sup> See documents CJS002461\_0001-7 from the Brook House Inquiry Disclosure

<sup>11</sup> See document HOM032326 from the Brook House Inquiry Disclosure

First stay in the CSU: 20 March 2017

25. On Monday, 20 March 2017, I understand from my detention records that I was removed from association under Rule 40 and that the reason recorded is '*for punching a kitchen worker... during the breakfast service.*'<sup>12</sup> I accept this is correct. I have checked my detention records and the disclosure provided by the Inquiry with my lawyer and we have not been able to confirm how long I was held in the Care and Separation Unit ("CSU") for, but I believe it was 24 hours.

26. In the CSU there are five or six single occupancy cells. I remember the cells in the CSU are very cold. The cells have a bed, a toilet, a bench top. There are no TVs. While in the CSU, detainees were locked inside their single occupancy cell 24 hours per day – other than to take a shower and sometimes to smoke cigarettes. The officers would deliver breakfast, lunch and dinner to your door (and you would have no say in what the officers chose for your meals). On average I recall being allowed outside my cell three times per day to smoke cigarettes and one time per day for a shower, but some days the officers would tell me they were too busy to take me out and I would be stuck inside all day.

E-Wing

27. After leaving the CSU I was taken to E-Wing. I have checked my detention records and the disclosure provided by the Inquiry with my lawyer and we have not been able to confirm how long I was held in E-Wing for, or that I was taken there at all. However, I am certain that I was taken to E-Wing. From memory, E-Wing has 10 single occupancy cells and 7 or 8 officers continuously watching.

28. CSU was the worst wing, but E-wing was almost as bad. This is because you have no freedoms on E-wing – you have to ask to go to the Mosque, to visit other detainees, to do anything. E-Wing is also the worst wing (other than the CSU) because it is where all the detainees who are tormented are kept and closely watched. I found it very depressing and upsetting to be in E Wing surrounded by tormented people. I also remember that some of the officers on E-Wing did not treat myself, and other detainees, with any respect. I

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<sup>12</sup> See documents CJS002999\_0036 and CJS003549\_0003 from the Brook House Inquiry Disclosure

remember on one occasion DCO Derek Murphy, DCO Bonnie Sparks and one other officer with brown skin were laughing at me for being on E-Wing and mimicking my accent and making fun of the way I spoke.

Complaint: 24 March 2017

29. I understand from the disclosure provided by the Inquiry that on 24 March 2017 I filed a complaint against a staff member 'Bonnie Sparks' for bullying.<sup>13</sup> The complaint states *'always at A Wing when I told her I want to use fax, she said go away and she said prick to me, it is not only one time. She saw me outside Football ground and staring me like she has boys to beat me up, I really want someone to help and if not then I know what to do next'*.<sup>14</sup> I made this complaint because I believed Bonnie Sparks had something against me and was bullying me.

30. I understand from my records that I withdrew my complaint against Bonnie Sparks on 28 March 2017. This is correct. The reason I withdrew my complaint is that Bonnie Sparks came to meet me and a senior officer / manager (I believe his name was Chris) and she said sorry to me (I do not remember her exact words). I then recall Chris clapping his hands and saying *'okay it is all good'* and asked me if I was happy to withdraw my complaint. I recall saying yes because I hoped Bonnie was sorry and in any case I did not think my complaint would make a difference.

31. I understand from my records that the Professional Standards Unit ('PSU') had declined to investigate my complaint. I have never heard of the PSU and was not aware that they had declined to consider my complaint. I was similarly not aware that they have recorded me as being not willing to give the investigating manager any information. I do not recall being contacted by anyone in the PSU.

Second period in CSU: 26 March 2017

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<sup>13</sup> See documents HOM005319\_0001-4 from the Brook House Inquiry Disclosure

<sup>14</sup> See documents HOM005319\_0001-4 from the Brook House Inquiry Disclosure



32. On Sunday, 26 March 2017, I understand from the disclosure from the Inquiry that I was removed from association under Rule 40 *'for jumping on the netting on C Wing'*<sup>15</sup>
33. On Tuesday, 28 March 2017, I understand from my detention records that I was marked as refusing food and fluid until 30 March 2017.<sup>16</sup> I understand that a food / fluid refusal record dated 30 March 2017 notes the reason for my refusal was *'was sleeping because of this he missed lunch & dinner'* and that my physical observations did not raise any concerns.<sup>17</sup> I recall feeling terrified about being deported to Afghanistan and feeling depressed that my life was over and not having any appetite.

Third period in CSU: 7 – 8 April 2017

34. I understand from the disclosure from the Inquiry that on Friday, 7 April 2017, at around 21.00 on D-Wing force was used to remove me from association under Rule 40. The records say this was *'after refusing to share a room, and threatening a member of staff'*.<sup>18</sup>
35. I remember waking up in the CSU and feeling overwhelmed and really stressed about being in the CSU and that I was completely powerless to the officers and the Home Office and like I had had enough. I decided I had had enough and I would end it all by twisting a bag around my neck. I remember the light headed feeling of not being able to breath. The record of actions and operations states that DCO Fallbrain and another officer entered the room at which point I removed the bag. My recollection is that I panicked and could not go through with it.
36. Afterwards I recall that an Assessment Care in Detention and Teamwork (ACDT) plan was opened and that I was placed on constant watch because of the concerns they had about my suicide risk. The records disclosed confirm this.<sup>19</sup> I recall speaking to the manager of security, who I think was called Chris, and I tried to explain that I was struggling in the CSU and in Brook House and wanted to know when I would get out. I remember him

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<sup>15</sup> See documents CJS002999\_0043 and CJS003549\_0003 from the Brook House Inquiry Disclosure

<sup>16</sup> See document CJS002999\_0006 from the Brook House Inquiry Disclosure

<sup>17</sup> See document CJS002999\_0046 from the Brook House Inquiry Disclosure

<sup>18</sup> See documents CJS000559\_0004, CJS001840\_0001, CJS002999\_0052 and HOM003039\_0018 from the Brook House Inquiry Disclosure

<sup>19</sup> See document CJS001655\_0008-10, and CJS003549\_0003-4 from the Brook House Inquiry Disclosure

saying words to the effect of *'at the end of the day it's your life I don't care what you do mate but we will have to keep your door open and watch you now'* and I also remember him telling me that I was in the detention centre because I had *'no right to be in the UK'* and that I could fix the situation by *'going back to Afghanistan'*. I remember feeling like the person they had sent to speak to me did not care about me at all and finding this really upsetting.

37. I understand from the disclosure from the Inquiry that the ACDT plan was closed the following day, Sunday, 9 April 2021.<sup>20</sup> I recall speaking to an officer and telling them that I was not having any more bad thoughts (even though I was) just so they would close the ACDT and stop watching me constantly. I do not recall being offered an appointment with a healthcare professional after I tried to kill myself and I have checked my IRC medical records with my lawyer and there is no entry suggesting that I was seen in the days following the incident. My lawyers have shown me the following part of Chapter 55 of the Enforcement Instructions and Guidance:

*Rule 35 of the Detention Centre Rules 2001 sets out requirements for healthcare staff at removal centres in regards to any detained person:*

- whose health is likely to be injuriously affected by continued detention or any conditions of detention;*
- suspected of having suicidal intentions; and*
- for whom there are concerns that they may have been a victim of torture.*

*Healthcare staff are required to report such cases to the centre manager and these reports are then passed, via Home Office contact management teams in centres, to the office responsible for managing and/or reviewing the individual's detention. The purpose of Rule 35 is to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention. The information contained in the report needs to be considered in deciding whether continued detention is appropriate in each case.*

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<sup>20</sup> See documents CJS003549\_0004 and CJS001655 0008-10 from the Brook House Inquiry Disclosure

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

Fourth period in CSU: 14 – 17 April 2017

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

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

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

41. I clearly recall the events of that evening:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

#### Request to relocate: 28 April 2017

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

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

who texted me inappropriate comments and wanted to start a fight.<sup>44</sup> I do not recall this incident.

Drug use during this period of detention in Brook House

47. I understand from the disclosure from the Inquiry that the following records are noted about substance misuse during this period of detention:

- a. 27 February 2017: *'Prisoner has used drugs in the last month(YX014)-smoke cannabis 26 hrs ago'*<sup>45</sup>
- b. 2 March 2017: *'Substance misuse team(XaJRs)- Non-structured 1:1 completed. Introduction of our service explained. Confidentiality explained. Consequences of using Cannabis discussed. Lower tolerance and overdose risks advice given'*<sup>46</sup>
- c. 9 March 2017: *'Substance misuse team(XaJRs)- Initial assessment completed. Lower tolerance and overdose risks advice given to [D523]. Has agreed to complete six 1:1 sessions to address his problematic use of cannabis. Discuss release issues as well. Stated if he is released will engage with Cannabis agency in Henden Way, Barnet. Used to work with them before...To raise awareness of consequences of using cannabis. Care Plan Created. To raise awareness of consequences of using cannabis. Review next due on 21 Apr 2017'*<sup>47</sup>
- d. 10 March 2017: *'On route back to the wing [after my Rule 35 appointment] asked [an officer] to bring him in some weed tried to pass me his phone'*<sup>48</sup>
- e. 23 March 2017: *'states he is smoking cannabis in the centre'*<sup>49</sup>
- f. 24 March 2017: *'claims he smoke spice and cannabis every night'*<sup>50</sup>
- g. 12 April 2017: *'Substance misuse team(XaJRs)- Referral received from security that [D523] is smoking cannabis. [D523] admitted that he smoked cannabis in*

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<sup>44</sup> See document CJS003549\_0005 from the Brook House Inquiry Disclosure

<sup>45</sup> See document CJS002999\_0003 from the Brook House Inquiry Disclosure

<sup>46</sup> See document CJS002999\_0004 from the Brook House Inquiry Disclosure

<sup>47</sup> See document CJS002999\_0004 from the Brook House Inquiry Disclosure

<sup>48</sup> See document CJS003549\_0002 from the Brook House Inquiry Disclosure

<sup>49</sup> See documents CJS002999\_0005 from the Brook House Inquiry Disclosure

<sup>50</sup> See documents CJS002999\_0005 from the Brook House Inquiry Disclosure



*order to be able to deal with stress. 1:1 session on Stress Management Strategies done.’<sup>51</sup>*

48. I used cannabis (weed) every day while I was in Brook House in 2017. I also witnessed other people using spice and weed every day. I smoked spice maybe once or twice but I had a really bad reaction and never smoked it again. I also saw many bad reactions to spice. One time a man was very unwell and shaking after taking spice and so I went to an officer to tell him as it looked very bad. The officers responded straight away and called healthcare.
49. I do not accept that following my Rule 35 appointment I tried to pass my phone to an officer to bring weed in for me as that would be a terrible idea and expose you to lots of trouble.
50. While I was in Brook House I remember speaking to a female nurse / healthcare professional about my use of cannabis and she told me to smoke cannabis as much as I want but to never smoke spice.
51. I do not remember attending any 1:1 sessions but I do remember attending a group program for drug rehabilitation. I believe there was a meeting for the group program four times a week and there was lots of talking and also some acupuncture. I ended up working for them by handing out leaflets and I then achieved a certificate, although I continued using every day. I remember finding the group sessions helpful. I do not remember receiving any other support for drug use while I was at Brook House.

Release from Brook House: 8 May 2017

52. On Monday, 8 May 2017, I was released from Brook House IRC.
53. I do maintain that there were many officers who were treating detainees with no respect and with either emotional or physical abuse. The ones I can recall are:

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<sup>51</sup> See documents CJS002999\_0007 from the Brook House Inquiry Disclosure

- a. Derek Murphy: he was one of the officers who used force on me and carried me to the CSU after the protest. He also tortured me while I was in the CSU. I have described this in detail above.
- b. Bonnie Sparks: she emotionally bullied me by staring at me and treating me differently to the other detainees. Bonnie also laughed at me and tormented me while I was in the CSU, alongside Derek Murphy. I have described this in detail above.
- c. Chris (I cannot recall his surname): he spoke to me with no respect when I was in the CSU after I tried to kill myself. I have described this in detail above.
- d. An officer with brown skin (I cannot recall his name): he worked alongside Derek Murphy in the CSU. I remember he threatened me with words to the effect of '*if you do anything wrong I will hurt you*' and he also laughed at me for being in the CSU.
- e. Steve Dix: he was one of the officers who used disproportionate force on me and carried me to the CSU after the protest.
- f. Ben Shadbolt: he was one of the officers who used disproportionate force on me and carried me to the CSU after the protest.
- g. Sean Sayers: he was one of the officers who used disproportionate force on me and carried me to the CSU after the protest.

#### Brook House in 2019

54. When I returned to Brook House in 2019, the only officer I recognised was Chris. I remember he recognised me as well and he said that I was high risk and would need a single cell. Chris treated me okay this time.
55. I also recall that weed was very, very available while I was at Brook House in 2019. This was because a female officer named Shereen was bringing drugs and alcohol into Brook House. She was eventually sacked when they found out.
56. In general, I do not recall any significant changes that had occurred in relation to treatment of detained persons, the culture, physical environment, the ability to make complaints, healthcare or anything else – it all felt the same. Although on healthcare I do remember it being even more difficult to get an appointment with a doctor in 2019 than in 2017.

**Statement of Truth**

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

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

**D523**

Signature

**Signature**

Date

15/02/2022