

IN THE BROOK HOUSE INQUIRY

CLOSING SUBMISSIONS OF THE BBC

1. The BBC is the nation's public service broadcaster. It is impartial and independent and it aims to inform, educate, and entertain millions of people in the UK and around the world.
2. It has played a role as a core participant in this inquiry so as to ensure that the inquiry has access to all relevant material and is able to explore the public interest issues its Panorama documentary, "*Undercover: Britain's Immigration Secrets*", revealed. This documentary was an example of the accurate, impartial, and informative programming required under the Royal Charter and the BBC's editorial guidelines.
3. The BBC makes two points in these closing submissions. Both points are relevant to what evidence you can rely on when assessing the credibility of the allegations in this Inquiry.
4. **First**, the BBC's closing submissions start where their opening submissions finished: Callum Tulley's footage speaks for itself. **Second**, Callum Tulley was a witness of truth.
5. Throughout this inquiry, we have watched the footage again and again. It has allowed us to see and hear what life in Brook House was like. It reveals incidents of the most troubling nature, including:
 - a. Racist language, casually used in staff conversations and to detainees.¹
 - b. The casual disregard for detainees, including as regards food refusal² and petty, personal insults.³

¹ See, amongst other examples from the video transcripts, John Connolly's use of the n-word in the build-up to a use of force ([TRN0000085](#), p.44) and Dan Lake's comment to an Indian detainee, "*You're in fucking England, speak English*" ([TRN0000021](#), p.7).

² See, for example, Nathan Ring calling a detainee who was refusing to eat a "*prick*" and a "*penis*" who he will "*fucking cross ... off*" anyway: [TRN0000079](#).

³ For example, when asked how to pronounce a detainee's name, Nathan Ring says, in front of the detainee, "*knob*" and, "*We'll stick with div*": [TRN0000092](#), p.45.

- c. Violence, praised in staff discussions⁴ and threatened in the most lurid of terms.⁵
 - d. The disproportionate use of force, including, most graphically, the D1527 incident on 25th April 2017.
6. This footage, both that which was broadcast and that which was not, is important. It vindicates the editorial decision to broadcast the *Panorama* documentary, which revealed serious misconduct and which was a proper piece of public interest reporting.
 7. The footage also goes to the heart of the Inquiry's terms of reference. The Inquiry would not know about the incidents it depicts but for Callum Tulley's footage.
 8. To make that point good, the Inquiry needs to look no further than its use of force expert, Jon Collier, whose oral evidence explained the importance of video evidence. Where he had such evidence, he was able to find a disproportionate use of force. Where no such footage was available, he was not. As he put it to the inquiry, video evidence emphasised two things in particular to him: "*Video footage is essential to get a true reflection of the incident, but also about the use of force report writing. It needs to be to a better standard and more descriptive of the actual events*".⁶
 9. Callum Tulley's video evidence is therefore the best available evidence to enable you to assess the issues in the terms of reference. It is no doubt for that reason that the Inquiry has seen various attempts to undermine it. We had three suggestions that the footage had been doctored, edited, or dubbed - from Yan Paschali,⁷ Derek Murphy,⁸ and John Connolly.⁹
 10. Those suggestions were false:

⁴ See, amongst other examples, Derek Murphy and Yan Paschali's discussion of "*softening up*" detainees ([TRN0000077](#), p.5), "*crack[ing]*" them "*in the ribs*" and "*drop[ping]*" a "*cunt*" in a fight ([TRN0000077](#), pp.40-42).

⁵ See, for example, Sean Sayers' threat to D720 (who he had just called a "*cunt*" and a "*fucking dick*"), "*I'm going to skullfuck you like the little bitch you are*": ([TRN0000083](#), p.38).

⁶ [Jon Collier, 30th March 2022, 106/16-20](#)

⁷ [Yan Paschali, 24th February 2022, 117/23 – 119/7](#)

⁸ [Derek Murphy, 2nd March 2022, 79/25 – 80/15](#)

⁹ [INQ000120 0013](#)

- a. All three men had good reason to insist that the footage was wrong. The footage revealed that they had committed serious misconduct – Yan Paschali assaulting D1527, Derek Murphy swearing at and demeaning detainees, John Connolly using the most serious of racist epithets.
 - b. None of the three men were able to explain how or where the footage had been edited:
 - i. When asked where the footage had been edited, Derek Murphy had no answer. The best he could offer was that “*the light changes in the background*”. He confirmed that the timestamp on the footage had not been interfered with.¹⁰
 - ii. When asked how he said the video had been dubbed, John Connolly sought to suggest that the footage had indicated that he had said the n-word in a lift. He then, immediately, accepted that he was not right about that.¹¹
 - c. When he was asked why he had said that the footage was edited, John Connolly, frankly, admitted that “*it was probably just hopefulness*”.¹²
 - d. The BBC has made all relevant footage available to the Inquiry. It is digital. It shows what happened, with a continuing timestamp on the footage. At no stage are there any unexplained breaks in that timestamp.
 - e. As Callum Tulley confirmed in oral evidence, he did not edit or doctor the footage of the D1527 incident, and nor did he encourage anyone else to.¹³ Nor did anyone else in the BBC.¹⁴
11. The **second** point that the BBC emphasises in its closing submissions is another simple one: Callum Tulley was a witness of truth. There are four particular points that support this submission:

¹⁰ [Derek Murphy, 2nd March 2022, 85/24 – 86/11.](#)

¹¹ [John Connolly, 2nd March 2022, 188/13-18](#)

¹² [John Connolly, 2nd March 2022, 202/12](#)

¹³ [Callum Tulley, 9th March 2022, 105/7-10](#)

¹⁴ [Callum Tulley, 9th March 2022, 117/14 – 118/2](#)

- a. Callum Tulley gave evidence for the longest period of time of any witness – four days in phase one, another afternoon in phase two. At no stage did he stumble, argue, or seek to deceive.
 - b. The evidence that Callum Tulley gave was also consistent. His oral evidence reflected his written witness statement and his contemporaneous video diaries. And his evidence was also entirely consistent with the video footage. The footage he recorded not only supports Callum Tulley's account of the incidents it depicts, but also his account of the wider culture at Brook House.
 - c. The manner in which Callum Tulley gave evidence was also clear. His evidence was nuanced. He did not seek to over-egg a point. He did not make allegations that were unsupported by the wider evidence. He did not seek to make political points. One example underlines this point: Callum Tulley was careful in his witness statement for the Nursing and Midwifery Council to explain what Jo Buss would have been able to see and hear and what he was not certain she was able to see or hear.¹⁵ Of course, Jo Buss was still not satisfied with this and sought to criticise Callum Tulley in her witness statement. Her criticisms unravelled during oral evidence.¹⁶
 - d. The criticisms that were made of Callum Tulley were baseless.
12. To develop that final point, it is instructive to forensically examine the criticisms that others sought to make of him. Five examples suffice:
- a. Chris Donnelly suggested in his second witness statement that Callum Tulley had a "*preconceived political and professional agenda*" and a "*naïve misunderstanding of the environment he worked in*".¹⁷ He sought to stick by that criticism in his oral evidence.¹⁸ This was Mr Donnelly's response to Callum Tulley's suggestion that he had delayed in providing medical assistance to a detainee with a ligature around his neck. You may consider that to be a somewhat extreme response. Yet when he was taken through that incident by counsel to the inquiry, Mr Donnelly accepted that Callum

¹⁵ [INQ000051_0033-35](#)

¹⁶ [Jo Buss, 14th March 2022, 112/8 – 1155/19](#)

¹⁷ [SER000442_0008](#)

¹⁸ [Chris Donnelly, 23rd February 2022, 112/4-5](#)

Tulley's evidence about his delay was "*accurate*".¹⁹ Mr Donnelly had "*no answer*" as to why he had never admitted that Callum Tulley had pointed out the ligature at the time.²⁰

- b. Dave Webb was another officer keen to criticise Callum Tulley. So much so that he suggested that Callum Tulley was the head officer during a use of force incident involving D149 on 31st May 2017 and was therefore responsible for not giving a warning about the use of a pain-inducing technique.²¹ Mr Webb also had a motive for seeking to undermine Callum Tulley – amongst other matters, Callum Tulley had filmed him telling colleagues to use a shield as an offensive weapon²² and had alleged that he had badly injured D149.²³ The suggestion that Callum Tulley had been the head officer in the D149 use of force was false. The contemporaneous use of force reports show that Callum Tulley was not present during that incident.²⁴ This was for good reason: the officers were seeking to transfer D149 during that incident because he was accused of trying to steal Callum Tulley's keys.²⁵
- c. Yan Paschali made a number of false assertions about Callum Tulley:
 - i. He alleged that Callum Tulley had failed to comply with his duties as constant observations officer, as regards D1527.²⁶ Yet the Inquiry knows that Callum Tulley was not the constant observation officer for D1527 – Clayton Fraser was.²⁷
 - ii. He suggested, for the first time, in oral evidence that he had completed a use of force form in respect of the D1527 incident,²⁸ but that Callum Tulley had taken that report and destroyed it.²⁹ Simply to state this conspiracy theory is to undermine it. There is

¹⁹ [Chris Donnelly, 23rd February 2022, 115/9-13](#)

²⁰ [Chris Donnelly, 23rd February 2022, 118/4-8](#)

²¹ [Dave Webb, 3rd March 2022, 161/5](#)

²² [SXP000057_0004](#), lines 16-22

²³ [SXP000057_0004](#), lines 23-25

²⁴ [CJS005650](#) and [CJS004352](#)

²⁵ [TRN0000059_0004](#)

²⁶ [IPA000002_004](#), §26

²⁷ [CJS001085_0017](#)

²⁸ [Yan Paschali, 24th February 2022, 150/8 – 151/10](#)

²⁹ [Yan Paschali, 24th February 2022, 151/14 – 154/4](#)

not a shred of evidence to support it. Callum Tulley denied it. He had no reason to make any such use of force form disappear.³⁰

iii. Yan Paschali suggested that Callum Tulley “*had no duty of care*”. He sought to contrast this assertion with his own “*duty of care*” in removing a ligature from D1527 during the central incident.³¹ There was, of course, a problem with Mr Paschali’s evidence on this – D1527 did not have a ligature around his neck when Yan Paschali was on the scene.³²

d. Derek Murphy,³³ and a number of the other officers,³⁴ sought to suggest that they had told Callum “*tall stories*” because he seemed to have an appetite for them. It is striking that these officers should each, independently, come up with a “*telling Callum tall stories*” excuse for their apparent misconduct. Even Nathan Ring advanced this argument in closing submissions, yesterday. In any event, the suggestion cannot be sustained, as can be seen from two examples:

- i. Derek Murphy first suggested that he told Callum Tulley “*fairy stories*” when responding to footage that showed him calling a detainee a “*little prick*” and saying that he was going to “*come and smash the fucking shit out of you*”.³⁵ In fact, the footage shows that Derek Murphy wasn’t telling this story to Callum Tulley, but to DCO Andy Jennings. Callum Tulley’s footage shows that he entered the conversation half way through and that Derek Murphy was not even facing Callum Tulley.³⁶
- ii. Derek Murphy next suggested that he told tall stories to Callum Tulley when he was responding to an allegation that he had said to another detainee, “*Tell him if he keeps going, I’m going to smash the fucking shit out of him*” and “*I’m going to smash you right up*”.³⁷

³⁰ [Callum Tulley, 9th March 2022, 121/21 – 122/6](#)

³¹ [IPA000002_011](#), §58

³² [Callum Tulley, 9th March 2022, 109/20 -110/7](#)

³³ [INQ000121_0002](#), §8(a)

³⁴ See, for example, Yan Paschali [IPA000002_012](#), §64

³⁵ [INQ000121_0002](#), §8(a)

³⁶ [Callum Tulley, 9th March 2022, 96/11-20](#)

³⁷ [INQ000121_0005](#), §17

On this occasion, the footage shows that Derek Murphy was not speaking to Callum Tulley at all, but to Gary Groucher.³⁸

- e. The last assertion is that Callum Tulley recorded the footage for his own professional advancement or financial gain. This is an assertion that was, regrettably, made both by officers³⁹ and by senior management.⁴⁰ This assertion was baseless. Callum Tulley had no dream to become a journalist when he felt compelled to speak to the BBC about what he had witnessed at Brook House.⁴¹ All of the evidence suggests that he acted in good faith and in the public interest.
- 13. The purpose of exploring this criticism is clear. First, the criticism does not stand up to scrutiny. Second, it provides further evidence of the culture at Brook House. Callum Tulley always feared that if he blew the whistle, he would face personal attack. Now that he has done so, this is precisely what has happened.
- 14. To conclude therefore, Callum Tulley's footage speaks for itself. Callum Tulley was also, himself, a witness of truth.

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6th April 2022

³⁸ [Callum Tulley, 9th March 2022, 99/19-24](#)

³⁹ Such as Yan Paschali: [IPA000002_012](#), §64

⁴⁰ Ben Saunders: [KEN000003_0012](#), §65

⁴¹ [Callum Tulley, 9th March 2022, 111/18-25](#)