

INDIVIDUAL CLOSING STATEMENT
ON BEHALF OF D1851

1. D1851 was the spouse of an EEA national and at all material times had lawful rights to free movement and to reside in the UK. The Home office had no lawful power to remove him and no lawful power to detain him. In D1851's case, this is not in issue and has been conceded by order of the High Court that D1851 was falsely imprisoned from the outset of the detention from 29 April 2017 to 24 July 2017. It follows that any physical touching of him while he was detained was a trespass to his person and was also without authority and an assault.
2. D1851 was subjected to inhuman or degrading treatment in breach of Article 3 ECHR by virtue of the combination of the lengthy unlawful detention, in an inhumane environment, subject to a harsh prolonged lock-ins in substandard and indecent conditions, witnessing disturbed people suffering, hearing and seeing disturbing incidents of violence and self-harm, drug misuse, distress and chaos. He witnessed the assault on his roommate D390 charged by multiple officers in full PPE and was pinned with a shield to the bed by officers also in full PPE. Even though routine it was none the less terrifying. Despite no pre-existing vulnerability the cumulative effects which he experienced as traumatic causing his mental well-being to erode to the point of developing an actual mental illness diagnosed as PTSD. Brook House was "crushing"¹, it broke his moral integrity, humiliated him and destroyed his dignity as a human being. It made him a different person. This is addressed in detail below.

Unlawful prolonged detention with no or no adequate safeguards or accountability

3. D1851 could not be lawfully removed from the UK due to his EU law rights and his detention by the Home Office was unlawful throughout the entire 12 weeks. As D1851 well knew he should not have been in detention at all, it was incorrect and wrong. This was detrimental in itself but was compounded by the lack of effective mechanisms to secure his prompt release.

¹ [D1851 03 December 2021 60/5-6](#)

It took place with no notice on reporting, the immigration officer ignored his protestation's about having an outstanding EU law application which would make any removal unlawful [12]²; his phone was confiscated and he could not contact his lawyers or partner on detention [18]³; he made three requests to see an Immigration Officer but no meeting took place [31]⁴ and when he did have contact with them they "just *dismissed any concerns; they did not care*" [31]⁵. On the 23rd May 2017 he was subject to an unlawful no notice removal on a charter flight to Nigeria [32]⁶. He was unable to access legal advice and representation and lodged his own application for judicial review. Despite this a further unlawful decision to remove him was taken with directions set for the 5th June 2017 [33]. D1851 describes in detail the obstacles to obtaining effective legal advice and representation at [99-105]⁷. It included inadequate internet and fax facilities an e.g. he gives at [104] is that "*On one occasion I tried to scan some documents, it took me three days to get this done, as when I got to the end of the queue the office was closed*". He corroborates the account of Callum Tulley and others⁸ about the deliberate inference with internet facilities for detained persons when he says at [104] "*I feel like it is designed to be this bad, it must be. The detainees' internet would always be down, but their own server would be working fine*"⁹. D1851 complained about this but got nowhere [112]¹⁰.

4. D1851 describes how these experiences impacted on his mental state:

- (i) On arrest: "*I was very confused and stressed, and I remember breaking down and crying. I had never been in such a position in my life. I did not know what would happen next.* [12]"
- (ii) Communication with the Home Office: "*This was so frustrating and upsetting because I knew I should not be in there and if they looked at my papers then they would see that I should have been released*" [31]
- (iii) "*They did not deal with the facts of my case and they kept repeating things that I believed to be wrong which was very frustrating and demoralising. It made me feel so hopeless*".

² [DL0000143_0003](#)

³ [DL0000143_0004](#)

⁴ [DL0000143_0007](#)

⁵ [DL0000143_0008](#)

⁶ [DL0000143_0008](#)

⁷ [DL0000143_0027-28](#)

⁸ [D668 06 December 2021 36/21-37:14; Reading in on behalf of D790 21 February 2022 50/23-51/3;](#)

[INQ000052_0057](#)

⁹ [DL0000143_0028](#)

¹⁰ [DL0000143_0030](#)

- (iv) 1st removal decision: “*The Officer showed me a list on their system, there were three groups and my name was on the reserve list. I was very worried, and I did not know what to do. I broke down immediately as I was at a total loss*”. [32]
- (v) 2nd removal decision: “*This was a distressing and alarming experience*” [33].

5. There is a substantial body of clinical evidence and direct testimony from core participants across the board whether former detained persons, detention staff, managers and directors as well as the IMB and HMI that immigration detention adversely impacts on the welfare and mental health of these subject to it. At its core it is the arbitrary manner in which the Home Office exercises this draconian power and the lack of effective safeguards in policy and practice to secure prompt release, if wrongly detained and to prevent prolonged detention that makes it harmful and risks damage to mental health. The experience of D1851 is a paradigm example that graphically illustrates the extensive evidence now before the Inquiry.
6. Arbitrary detention is unlawful and contrary to fundamental human rights precisely because it undermines moral integrity and dignity of the individual. Feelings of isolation, helplessness and powerlessness cause the kind of anguish and distress that may cause or contribute to treatment in breach of Article 3 ECHR.
7. Legal proceedings did not secure prompt release nor secure accountability. On the 25th of January 2018, after many months of opposing his claim the Home Office agreed that they had acted in breach of EU law and that the detention was unlawful throughout. However, it was asserted that D1851 was only entitled to nominal damages (£1.00.) Two and a half years later, on the 1st June 2020 the Home Office conceded that D1851 was entitled to substantial damages. However, no apology was given. This is indicative of the institutional culture of disrespect for fundamental rights, indifference and impunity when they are breached. [Witness Statement of Emma Ginn paragraph 92]¹¹. D1851 described this as follows:

“It seems to me that the Home Office did not really take my legal claims seriously and have still not given my basic rights any respect. This has shocked me. I have always thought that the United Kingdom was place where the law and rights were highly respected and valued. That it would be treated as a big issue if people were treated unlawfully by the government but that has not been my experience of the Home

¹¹ [BHM000041_0033](#)

Office's attitude to the Court and the law. I hope the Inquiry can change this and stop anybody else being abused and their lives destroyed as mine was".¹²

Dehumanising, humiliating and degrading detention and conditions of detention

8. D1851 found the whole experience of being unlawful detained dehumanising, humiliating and degrading. It had a profound and lasting impact on his mental health. He describes arriving in the early hours of the morning at about 2am to a prison-like structure with barbed wire and tall fences.¹³ It took him several days to receive a working phone, leaving him unable to contact his legal representatives or his partner.¹⁴ He describes arriving to a cell¹⁵ that smelt of sweat, with sheets on the beds showing yellow stains and blood stains, with a toilet unclean and stained and giving off a putrid smell.¹⁶ He describes how there was no such thing as privacy or respect dignity in Brook House – there was no curtain covering the toilet which meant that if he or wanted to use the toilet, he would have to do this in front of his cellmate and vice versa.¹⁷ These substandard and indecent conditions were well known to G4S and the Home Office because they had been the subject of adverse comment and recommendation since 2010¹⁸. They were confirmed by Stephen Shaw in his Follow up Review in 2018, Kate Lampard and are confirmed by multiple witnesses to the Inquiry including Callum Tulley¹⁹.
9. D1851 constantly felt unsafe and treated with complete disrespect from G4S officers throughout the time he was held in Brook House.²⁰ He described the relationship between staff and detained persons as "*the oppressed and the oppressor*."²¹ He was constantly reminded by staff that he had no power and that they did not care for his concerns²², and he felt that he could never report the disrespect and abuse from officers to managers, as "*You have a feeling*

¹² [DL0000143_0031](#)

¹³ [DL0000143_0004](#)

¹⁴ [DL0000143_0004](#)

¹⁵ [D1851 03 December 2021 69/22-70/1](#): "It's a cell. I'm sorry, I just need to make that point. It's probably called a room, but I think using the word "room" makes it hard for people who haven't experienced it to actually have a good understanding of what it's like. It's a cell. That is just what it is."

¹⁶ [DL0000143_0006](#)

¹⁷ [DL0000143_0017](#); [D1851 03 December 2021 70/12](#)

¹⁸ [DL0000167_0023](#)

¹⁹ [CJS0073862_0032](#); [CJS005923_0015](#); [CJS005923_0039](#); [INQ000052_0056](#); [Derek Murphy 02 March 2022 4/8-22](#); [Joanne Buss 14 March 2022 172/4](#)

²⁰ [DL0000143_0007](#)

²¹ [D1851 03 December 2021 66/16-17](#)

²² [D1851 03 December 2021 74/9-17](#)

*that the people you might actually report them to are probably even worse than they are. With time, you recognise, you – that realisation hits you and you realise, okay, you've got no power here.*²³ This is the epitome of arbitrary detention and its known adverse psychological impacts.

10. This was compounded by the denigrating and disrespectful manner in which D1851 was spoken to and treated by G4s officers which was further demoralising and undermining. He describes how this *“destroyed my self-esteem and left me feeling angry but also worthless”*.²⁴ D1851 describes the threats of violence from officers and other detainees; the rude and demeaning language used by officers to him; the witnessing of disturbed people and disturbing incidents of violence, drug use, distress and chaos.
11. He describes an atmosphere of fear at Brook House, where he would frequently hear detained persons being taken for removals and they would be screaming and shouting.²⁵ He describes how, being given a notice of a removal window led to a constant fear that he too would be dragged out onto a plane screaming and shouting.²⁶ He described how:

*“this type of environment is toxic because there is no release from the stress. ... You go to sleep under stress and wake up under stress. The day consists of speaking with lawyers, other detainees and officers solely about removal – there was simply no break from the stress, and it breaks you inside.”*²⁷

12. He further describes the impact of prolonged lock-ins and how he would often be left without food given the slow process of unlocking the cells for mealtimes, with one occasion where he did not eat for about 18 hours.²⁸ He describes how this, in conjunction with the stressful environment *“created the impression of being tortured”*.²⁹

“It was mentally draining trying to just get on with my life whilst in Brook House. I was constantly tired, always stressed and crying frequently. I was always on edge and I lost count of the sleepless nights I had. The food was poor, and I was locked up for the majority of the day. My freedom, even within the context of a detention centre, was non-existent. The officers and staff simply were not concerned with the safeguarding of my welfare or safety. As I have said the G4S officers were demeaning and rude. They spoke to me with utter disdain and disrespect which was very

²³ [D1851 03 December 2021 74/18-22; DL0000143_0007](#)

²⁴ [DL0000143_0019](#)

²⁵ [DL0000143_0018](#)

²⁶ [DL0000087_0176](#)

²⁷ [DL0000143_0018](#)

²⁸ [DL0000143_0016](#)

²⁹ [DL0000094_0006](#)

demoralising and undermining. It destroyed my self-esteem and left me feeling angry but also worthless.”³⁰

13. Even those who were not being removed would also be in visible and audible distress, which had a significant impact on D1851’s mental health. He describes how he would hear people screaming at night, reciting religious scriptures or expressing suicidal intentions. He saw and heard individuals self-harming, and he describes how “*it was also not uncommon to see people wetting themselves, collapsing and frothing at the mouth because of spice. This damaged me both mentally and physically*”.³¹
14. All of this eroded his mental well-being albeit he had never previously suffered mental health difficulties.
15. This account closely accords with the experience documented by the IMB in 2020 of an *inhumane environment* for all those held at Brook House in 2017.³²

Disproportionate and unnecessary use of force – 5 June 2017

16. D1851 experienced and was witness to unlawful and unjustified use of excessive force on the 5 June 2017. It occurred when his roommate D390 was being unlawfully and forcibly removed by DCO Sean Sayers, DCO Ryan Bromley, DCM Ben Shadbolt and DCM Stuart Povey-Meyer in full PPE storming the room and he was pinned to the bed by two of them with their shields³³. D1851 says that the use of force against his roommate was unnecessary and excessive, believed D390 was being assaulted and he recalls him screaming.³⁴
17. D1851 was also pinned down, and a shield was pressed onto his chest³⁵. He recalls shouting at the officers to release the pressure, but they ignored him.³⁶ The Use of Force Reports for this

³⁰ [DL0000143_0019](#)

³¹ [DL0000143_0019](#)

³² [IMB000202_0009](#)

³³ [CJS005624](#)

³⁴ [DL0000143_0011](#)

³⁵ [D1851_03 December 2021 89/4-10](#); [DL0000143_0011](#)

³⁶ [DL0000143_0012](#)

incident were conflicting and inaccurate, and no Use of Force Report was completed by the officers who placed their shields on him.³⁷ D1851 experienced this as a traumatic event.

18. Jon Collier has concluded that the use of force on D390 was unlawful and disproportionate. His findings are as follows:

259. *Lawful under Detention Centre Rule(s)* - Rule 43(10)

260. *Last resort* - All reasonable efforts had not been made for D390 to comply with the instructions given. Further engagement should have been made before resorting to using force. Force was not used as the last resort.

261. *Necessary, reasonable, proportionate* - The force used was not necessary or proportionate in the first instance. Restraints were limited to guiding holds but even they were not necessary.

262. *No more than was necessary* - initial use of a shield was more than necessary as communication should have taken place first. The shield was removed shortly after once control was gained.

263. *Rule 41 (2) provoke or punish a detainee* - no evidence to support this.

264. This incident did not use force as a last resort and the team were deployed without any attempts at persuasion. My opinion is that once it became clear D390 was fully compliant and calm all restraints should have been removed.³⁸

19. Jon Collier has concluded that *“if as described in paragraph 42 of his statement two shields were used to pin D1851 down, one on his chest and one on his legs this would in my opinion be excessive and not within training guidelines. ... Any force used must be recorded, including the force described. The staff would have to justify their decision against the risk presented by D1851.”*³⁹

20. Jon Collier has also concluded that the routine and default use of full PPE in any planned use of force is wrong, unnecessary and disproportionate. For example he says at page 151 [650]⁴⁰ that:

³⁷ [CJS005624](#)

³⁸ [INQ000111_0065](#)

³⁹ [INQ000158_0045](#)

⁴⁰ [INQ000111_0084](#) [7.46], p 92 [376].

“What appears to be less obvious is an understanding of when PPE actually needs to be used. Not every planned intervention I observed required staff to wear PPE as the detainee offered little threat of violence and was simply not complying. Once the risk has been reduced there is little evidence of PPE being removed. Incidents 133, 134, 81, 162, 137 and 86 are in my opinion times when PPE could have been removed to aid the de-escalation and when the initial risk to staff has been mitigated by taking control of the detainee. As an absolute minimum the helmet and gloves could be removed when moving through the centre.”

658. With the exception of the incidents that I will comment on further all of the other key incidents came as a last resort and when other methods of gaining compliance had failed. I hold a concern that there is a cultural process of automatically resorting to staff in full PPE being assembled for situations where the detainee has indicated that they will not comply with either a removal order, or to be relocated to the CSU, for either a removal or on GOAD. There does not appear to be a consideration for exploring all other options, or even deploying staff without PPE, and when PPE is worn it remains on until the relocation.

21. He added in his oral evidence that this was indicative of an institutional or cultural practice:

7A. First of all, all the footage that I saw, every planned
8 intervention was staff in PPE. There was also
9 references in staff's statements about, if it was
10 planned, any planned incident is in full PPE, which is
11 not the case. And I think the perception culturally and
12 from further evidence, including some of the transcripts
13 and some of the evidence given at this hearing, is that,
14 even from senior manager level down, everybody's
15 perception is that, if it's planned, you have to put
16 staff in full PPE. So it goes right the way through,
17 which is probably why everybody seems to have that -- in
18 fact, that's why it's the culture, isn't it? It's come
19 from the top and it's worked its way through.

(Transcript page 75/5-19)⁴¹

22. Jon Collier identified as a serious adverse impact on the experience of detained persons stating:

*“This is area are that must be addressed as it is not conducive for a stable environment to have 'officers in riot kit' regularly 'lifting' detainees and 'taking them away'. These perceptions can cause fear and anxiety within the detainee group and in at least one instance (164/165) it caused an escalation as the detainee (D87) resorted to taking preventive action as he feared what was going to happen to him”.*⁴²

⁴¹ [Jon Collier 30 March 2022 75/5-19. Other references in the oral evidence are Transcript Pgs. 78/1-6, 79/12-18, 81/25-82/11.](#)

⁴² [INQ000111_156](#)

23. Jon Collier gave examples of its use on clinically vulnerable detainees such as D87⁴³ and D2159⁴⁴ which would it is submitted inevitably compound the adverse impact on the individual, but could also lead to extreme fear response in some, screaming and distress that others like D1851 witnessed and contribute to destabilising effects on the whole centre. It is an aspect of the *inhumane environment* that operated in Brook House in 2017.
24. It is also notable that the inappropriate and unnecessary use of the shield to control otherwise compliant/non-threatening detained persons is an added feature of the *modus operandi* of the use of PPE. It too was used as routine way of “controlling” detained persons as the example of D2159 shows. As Jon Collier also observed from the evidence for example DCO Webb that the shield was utilised an offensive tool rather than a defensive one and noted that the practice of using the bottom edge to deliberately target specific areas of the body with the shield edge” was not a permissible technique.⁴⁵
25. Furthermore, it is a practice indicative of the damaging and harmful prisonisation described by Professor Bosworth and the characterisation of immigration detainees and indeed immigrants more generally) as presenting as high risk and a security threat as well as the inappropriate prison methods of control and restraint and on even a compliant and vulnerable population. This cannot be divorced from the overt hostile environment policy and rhetoric, the Home Office security and removal imperatives embedded in the contractual arrangements, relationship between the Home Office and G4S and institutional priorities and culture operating at Brook House and within the Home Office of removal over welfare.
26. The example of the unlawful use of force in full PPE involving the use of shields in respect of D390 and D1851 is corroborative of Jon Collier’s concerns. It is obviously compounded when you are yourself the subject or directly witness officers ‘*officers in riot kit*’ ‘*lifting*’ detainees and ‘*taking them away*’. It strongly corroborates D1851’s perception of this as a threatening and traumatic event. He says at [44]: “*The way they were dressed made the whole experience even more menacing and distressing*”. He aptly describes at [49] full PPE, like Mr Collier as “riot gear”⁴⁶

⁴³ D87 was suicidal and mentally ill whose was transferred to CSU by officer in full PPE. In CSU he self-harmed by use of ligature.

⁴⁴ [INQ000158_0057](#) at 25.1 D2159 was a severely emaciated man on prolonged food and fluid refusal.

⁴⁵ [INQ000111_0033 \[para 117\]](#).

⁴⁶ [DL0000143_0014](#)

27. Needless to say for D1851, a man with a lawful right to remain in the UK and no previous history of police action or custody he was terrified, intimidated and threatened by this experience, which heightened the levels of fear and anxiety he was already facing as a result of the degrading and inhumane environment in which he was detained.⁴⁷ He describes how *“this took on a completely different aspect in that they had physically touched me, which added an additional fear of the officers. I had been physically assaulted without any justification. ... I cried a lot after this. I did not feel safe in my cell anymore and I already did not feel safe outside of it (gangs in detention, violent criminals, drugs, violence amongst detainees, conditions in the detention centre).”*⁴⁸

28. Critically it compounded his profound sense of powerlessness and vulnerability. He says at [47]:

“I remember telling them afterward that if I knew who they were I would make a complaint against them personally. They did not care what I had to say and did not respond to me at all. I felt that there was no protection for me in detention. There was no oversight regarding the way we were treated. There was no limit on the amount of time we were detained. I felt helpless, and completely vulnerable. There was no guarantee that my health and safety would be safeguarded while I was in detention. It felt like a lawless environment”.

29. The body-worn camera footage disclosed in the proceedings (UoF 137.7 (2)) does not accord with the account of the use of force on D390 given in an unsigned witness statement D390 provided to D1851’s solicitors and submitted in his civil claim.⁴⁹ D1851 addressed this in his live evidence, as he had not had the opportunity to view the footage at the time his witness statement was filed with the Inquiry. D1851 maintains his account in his witness statement of his experience on 5 June 2017. His view of D390 was restricted by the two officer standing over him pinning him down with their riot shields. He says at [43] *“it was hard to see clearly as the two officers who were pinning me down were blocking some of my view. It was all very alarming and difficult to see what they were doing to him.”*⁵⁰ He himself experienced this as a traumatic event and his perceptions are affected by that fact. It is Mr Collier’s evidence that the use of force on D390

⁴⁷ [DL0000143_0013](#)

⁴⁸ [DL0000143_0013](#)

⁴⁹ [DL0000095](#)

⁵⁰ [DL0000143_0012](#)

was unlawful. The apparently exaggerated account given by D390 of the events is not the responsibility of D1851. Those details in D390's statement were not contained in D1851's witness statement in the civil claim nor to the Inquiry. D1851 was represented by lawyers in the civil claim who are responsible for the evidence submitted in that claim. D390's exaggerated account of what happened does not undermine the credibility of D1851's evidence which was given in a straightforward and compelling manner, is supported in part and not contradicted by the footage, it is supported by the assessment of Jon Collier, the evidence of the routine practice with regard to the use of the shield, by the medical evidence that D1851's psychological state and mental health was seriously adversely impacted by his experience of detention at Brook House.

Impact of D1851's experiences on his mental health

30. The incident of unlawful use of force, taken together with the prolonged detention in a general climate of fear, violence and threat as well as the prison building, harsh regime and degrading nature of the environment and treatment by staff, had a life changing and a profound impact on his mental health. He was a healthy, normal person with no mental health issues when he entered detention. When asked the question of how Brook House affected his mental health, he responded "*Finding the right word is a pretty hard one, but I think the easiest one would be 'crushing'*".⁵¹

31. As D1851 says:

55. I think it is important to understand that the assault was only one part of the damage that was done to me when in detention and that it was the context in which that assault took place that meant it had such adverse effects on me.

56. The physical environment, conditions and regime were certainly contributing factors in my negative experiences at Brook House IRC and made my distress very much worse and which caused me to develop of mental health issues.⁵²

⁵¹ [D1851 03 December 2021 60/5-6](#)

⁵² [DL0000143_0015](#)

32. He suffered many sleepless nights, was always on edge, and became demoralised and lacking in self-esteem. He experiences flashbacks when he sees triggers that remind him of his time in detention such as the cells, violence, sounds of keys or TV programmes related to prison. He has said that when he experiences these flashbacks, he “*literally breaks down*”.⁵³
33. D1851 has described the impact of detention as being akin to torture. He has stated “*I cannot stress how the conditions in that detention centre seemed to be designed to mentally torture you. All of this had an impact on me that I cannot express in words. A person that has been through it knows how this all affects you. Every incident builds up the stress, fear, anxiety inside. I am still feeling the effects of it all.*”⁵⁴
34. Dr Romzin Halari, a Consultant Psychologist in a report dated 30 April 2018 prepared for D1851’s civil claim, records that D1851’s GP diagnosed depression and PTSD [16] after release and prescribed anti-depressants and referred him for counselling.⁵⁵ Dr Halari confirmed the G.P.s conclusion finding that “*His traumatic experiences of being in detention have led to D1851 experiencing significant anxiety, depression, low self-confidence and lack of faith in people and this has had a substantial impact on his mental state, his quality of life and his ability to function on a day to day basis.*”⁵⁶ Dr Halari records that “*his experiences of being in detention has had a significant detrimental impact on D1851’s mental health. As a result of his experiences, he has developed PTSD, anxiety and depression which he continues to suffer from within the moderate to severe range.*”
35. D1851’s experiences are a clear indication of the dehumanising and inhumane environment that Brook House IRC is. He is an individual with no prior mental health issues, lawfully resident in the UK at the time of his unlawful detention, and by virtue of being detained in Brook House IRC for a period of 88 days his life has been changed forever.⁵⁷ He describes at [116] how he “*had lost weight and the strength I had built up before being detained was now no longer there. I could not bear to look at my body in the mirror.*” Was “*mentally exhausted and broken*”, and that “*being detained and the conditions I was put in have destroyed my life.*”
36. He continued when hearing loud noises to experience to be “*agitated as it reminds me of the sound that I would hear in Brook House and this brings back memories of my time in there. Whilst sleeping, the*

⁵³ DL0000100_0010

⁵⁴ [DL0000143_0025](#)

⁵⁵ [DL0000143_0031](#)

⁵⁶ DL0000100_0022

⁵⁷ [DL0000143_0031](#)

*slightest of noise wakes me up at night. I still feel frightened. I experience severe flashbacks to my time in detention. I have been was prescribed anti-depressants and referred for counselling.*⁵⁸

37. This is confirmed in a joint report for the purposes of the civil claim found that “D1851 continues to experience clinically significant residual symptoms” requiring antidepressants and psychological treatment.”⁵⁹ Both experts concluded that D1851 developed a psychiatric disorder because of the detention and treatment in detention diagnosed as “mixed Anxiety and Depressive State with Post Traumatic Stress (PTS) features”. The difference as to severity between the two experts turns on the question of whether the detention, the conditions and the events in detention were experienced by him as traumatic.

38. It is common ground that D1851 “developed a psychiatric disorder following the index events” [3.1] and that D1851’s perception that the detention was incorrect caused his post index events psychiatric disorder [4.1]. That perception was in fact correct underscores why it was so psychologically damaging to D1851.⁶⁰

39. Professor Elliot’s opinion is that if D1851’s account of the experiences in the detention centre are true, this was likely to be psychologically traumatic and threatening to him over a prolonged period and meet the criteria for PTSD is met. D1851 says at [117]

*“Categorically that detention at Brook House was both psychologically traumatic and threatening throughout and in so many different ways which I have tried to explain as best I can to this Inquiry.”*⁶¹

40. The full evidence now before the Inquiry means it cannot seriously be disputed that D1851’s experience was indeed traumatic. It is submitted that it is plain from D1851’s written and oral testimony including the break down in tears at the hearing 4 years after these events, that he did subjectively experience detention in Brook House as traumatic- both in respect individual incidents and/or cumulatively. Even if this were a purely objective question, the Inquiry has multiple sources of evidence confirming that the incidents and conditions that D1851 experienced is an accurate description of the traumatic nature of matters such as:

- excessive use of unlawful force in confined space by multiple fully kitted officers, [34-47]

⁵⁸ [DL0000143_0031](#)

⁵⁹ DL0000160_0004

⁶⁰ DL0000160_0004

⁶¹ [DL0000143_031](#)

- the shocking presentation of those on spice and suffering spice attack as medical emergencies, [74-77]
- the high levels of mental illness and self-harm; [69]
- the acute distress of the Charter Flight and no notice removals, and the routine use of force to effect those removals [32-33]
- frequent other use of force including on vulnerable detainees, [48-51]
- general levels of violence,
- the common place use of derogatory and demeaning language and attitudes; [28-29; 51]
- the evidence of institutional racism and xenophobia; [28-31]
- the evidence of a corrupted and toxic culture [28-31]⁶²

41. The dehumanising and inhumane environment and its effects on an individual (even one with no pre-existing mental health issues such as D1851) are best exemplified by D1851's own words whilst giving live evidence:

...it's easy to say what you saw, what you experienced, but I think for me, as someone who has never been in such a situation of such ever in my life, it totally made me someone else until today, and I'm still struggling, and the pain was – I shouldn't have been there. There were several chances to avoid me staying there for long or even getting there. I tried everything. Everything they asked me, I provided, but they never listened. They didn't do anything. Even until today, they still haven't apologised. They said they accepted that I was detained unlawfully, but no apology even until today, and I just ask myself the question, I came from a country whereby they tell you the law doesn't care, whatever, I came to the UK believing there is a law. Okay, people make mistakes, but there is a law that will protect you, no matter what. Until today, my view has changed. I just don't think it exists. And – yeah, the story is there, what I experienced, what I saw every day, the spice, drugs, people collapsing, emergencies, people looking like zombies every day, piling on each other. Even when I was in the real world, I didn't see that, but seeing that every day, for God's sake, it shapes you. I don't pray anyone experiences it, and part of the reason why I came into this Inquiry is to please do something about it. There are probably still other people experiencing the same thing, especially innocent people, where you're in detention whereby convicted people came there and they are telling you that their experience in the prison that they came from is better than their experience in the detention centre. That will probably give you an idea of what it is like.⁶³

⁶² [DL0000143](#)

⁶³ [D1851 03 December 2021 103/8-104/15](#)

42. The Inquiry is, therefore, asked to find that there is credible evidence that D1851 was subject to ill-treatment at Brook House which was inhuman or degrading in breach of Article 3 ECHR.

43. The primary causes were:

- i) The unlawful detention which was prolonged and indeterminate lasting for 12 weeks with no sufficient effective constraints or safeguards to secure prompt release in Home Office policy and practice;
- ii) Detention in a wholly unsuitable harsh prison environment and regime in breach of Rule 3 of the DCR 2001.
- iii) Wholly unsuitable prison methods of control and restraint and management of administrative detainees also deployed in breach of Rule 3 of the DCR 2001.
- iv) An institutional culture of prisonisation and hostility to those subject to immigration control and in immigration detention;
- v) A corrupted and toxic institutional culture of desensitisation and dehumanisation,

44. Each of these factors and D1851's experiences were not incidental to a lawful detention and furthermore these factors caused distress and hardship of an intensity exceeding the unavoidable level of suffering inherent in immigration detention. This includes a physical assault and in particular suffering flowing from a naturally occurring illness namely mental illness which was not just, exacerbated but caused by the conditions of detention for which the authorities can be held responsible. This resulted in "*actual bodily injury*", a psychiatric injury and intense mental suffering which was inhuman treatment. Further or alternatively it aroused in D1851 feelings of fear, anguish or inferiority which broke his moral resistance and integrity. He experienced anguish, and inferiority as a result of his treatment which also involved humiliation and denial of his human dignity.

45. Other primary contributory factors were:

- i) The general lawlessness, incidence of violence and drug abuse;
- ii) Extremely poor and substandard condition of the detention facilities. The fact that the cells were filthy and the centre was dirty, lack of clean bedding, of basic privacy when using the toilet in front of others underscores the demeaning nature of the environment and the disregard with which detained persons were treated;

- iii) The latter was exacerbated when the disregard extended to situations where help was needed whether with a medical emergency [94-95], general ill health [87-91 and 96] or in respect of pressing immigration matters [100-102].⁶⁴

46. Whilst the contributory factors can be addressed by remedial action to improve the safety and security of the centre, its conditions and facilities, D185's case illustrates why fundamental change to detention policy and practice and institutional culture within the Home Office is required to prevent a repeat of the mistreatment he suffered. Critically this would mean hard edged time limits on the power to detain. Ending the use of Brook House as a suitable detention facility for administrative detainees or very strict time limits of the 72 hours for which it was designed. Ending the prison like regime and the use of prison based methods of control and restraint. The corrupted and toxic culture can only be addressed by a fundamental change to detention policy and practice so that detention is only used as a measure of last resort prior to imminent removal and not indeterminate and prolonged. Critically those who are unsuitable for detention such as victims of torture and other trauma or those with mental illness are not detained at all or very promptly released on identification. Finally, and underlying each of these matters is the Home Office institutional culture of hostility, and impunity which prioritises enforcement imperatives over welfare and fundamental rights. It is submitted that there are no remedial measures that can be identified to effectively address this. It is recalcitrant and impervious to change and lesson learning. Only hard-edged constraints and time limits on the use of the power can address this and achieve what D1851 asked of the Inquiry:

*"I have always thought that the United Kingdom was place where the law and rights were highly respected and valued. That it would be treated as a big issue if people were treated unlawfully by the government but that has not been my experience of the Home Office's attitude to the Court and the law. I hope the Inquiry can change this and stop anybody else being abused and their lives destroyed as mine was".*⁶⁵

⁶⁴ [DL0000143_0025-0028](#)

⁶⁵ [DL0000143_0031](#)