

## Brook House Inquiry

### Closing submissions on behalf of Nathan Ring

1. Brook House was an exceptionally difficult environment for everyone involved: detainees and employed custody officers alike. It was, on virtually all accounts, a building with physical inadequacies, with poor physical facilities, a building which suffered from over-crowding, and a place which was under resourced and under-staffed.
2. A poor environment and uncertainty as to how long the detainee would be kept prisoner in Brook House contributed to its problems:

- (a) The evidence of Jeremy Petherick (G4S) was informative:

When asked about the physical conditions at Brook House he told Veritas:

*"Many cells, especially on C wing, were in too bad a condition to be kept properly clean, and the flooring was cracked in some toilet areas. The roof vents on the wings had been opened occasionally in the summer but the chief complaint among detainees was the lack of ventilation in the cells: the windows did not open, creating a stuffy atmosphere in many cells in spite of the air-conditioning system. Detainees also experienced an exacerbated sense of confinement through lack of fresh air and any personal control over the environment. One detainee wrote to us: 'I feel suffocated in here and everyone else is as well'. Two of the four exercise areas were closed for security reasons, increasing the sense of confinement, although all detainees had access to the yards."*<sup>1</sup>

- (b) He was asked by Mr Altman QC

*Q. So, despite all the softening, Mr Petherick, by no stretch of the imagination was the experience of any detained person in this place going to be a pleasant one, and by no stretch of the imagination was this going to be a pleasant place to live in probably for an hour, let alone 72, let alone, in some instances, months. Do you agree?*

*A. It was far from what I would want, but it was a structure that we were doing our best to alleviate many of the inherent problems.*

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<sup>1</sup> [Jeremy Petherick 21<sup>st</sup> March 2022 97/8-22](#)

*Q. It was a prison by another name, wasn't it, and a pretty nasty one, at that?*

*A. The structures had a prison-like appearance, yes. It wasn't a prison by any other name.<sup>2</sup>*

(c) Mr Steven Hewer on day 43 also spoke of the poor nature of the fabric of the building and how its design restricted detainees activities:

*Q. In terms of the building itself, are there challenges in holding someone for this long in a centre apparently built to hold people, on average, for a short period?*

*A. Yes.*

*Q. What sort of challenges are there?*

*A. I mean the challenges are the built environment. The built environment is what we have obviously took over and inherited. Structurally-wise, there is little change you can make to the built environment. What we have tried to do is tried to soften certain areas to make it more decent, and by way of opening more gates and doors and open up the areas, et cetera, and just be redecoration, lots of decoration throughout the centre as well. So that is what we have tried to do to soften some of the aspects of it, more than anything. There is very little else we can do with the built environment without radical changes, unfortunately.<sup>3</sup>*

*[...]*

*Q. Do you agree with the fact that the building and the restrictions that go with it do pose challenges to the delivery of a human regime?*

*A. It does pose challenges, yes, just by pure design of the building as well, yes.<sup>4</sup>*

(d) Mr Hindpal Singh- Bhui from HMIP was of the view that establishments such as Brook House were entirely the wrong place to house detainees:

*A. Well, there are a number of reasons why establishments might start to deteriorate. You know, one is investment, for sure; another is a lack of leadership, investment in keeping it clean; a lack of – sometimes people stop seeing things which are in front of them and, you know, maybe managers aren't getting out and about enough to make sure that they are identifying places which need to be kept cleaner or, you know, not identifying concerns about toilets, for example. But I think one of the major ones is*

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<sup>2</sup> [Jeremy Petherick 21<sup>st</sup> March 2022 98/ 1-10](#)

<sup>3</sup> [Steven Hewer 1<sup>st</sup> April 2022 83-84/23-15](#)

<sup>4</sup> [Steven Hewer 1<sup>st</sup> April 2022 87/3-7](#)

*the fact that, you know, this is a -- in relation to Brook House in particular, it is a centre which looks and feels like a prison, and it is designed like a prison. As we have said many times, that's inappropriate for a detainee population.*<sup>5</sup>

- (e) Mr Petherick was in no doubt that the lack of certainty as to how long the Detainees would be kept in Brook House was a major issue:

*Q. Do you accept -- of course, Mr Petherick, you're not a psychologist, but do you accept that the effect on the mental health of the detained men who had to live there cannot have been helped by the nature of the physical environment?*

*A. I think the real issue -- and, you're right, I'm not a clinician at all, but my experience would say that the real issue that impacted on detainees' well-being and mental health was their sense of not knowing what was happening with them and the frustrations of their progress towards their release either into the UK or the repatriation, and so the major impact on the well-being was the uncertainty of the situation they found themselves in. Yes, the fact that the conditions were harsher than we would all want, the physical conditions, would have, I think, a further impact. But I don't move away from my very firm belief that it was -- the main is that of the uncertainty. And I think the research into detention centres would reinforce that view.*<sup>6</sup>

- (f) Professor Mary Bosworth also identified the indefinite length of time detainees were held in centers such as this as a problem, which among other things contributed to detainees poor mental health. In addition, she made the point that “if you lock people up for an indeterminate period of time, you then need to make sure they have stuff to do to pass the time...”<sup>7</sup> She was of the view that locking up foreign nationals awaiting deportation was itself racist as it was saying “these nationalities are criminal”.<sup>8</sup> She concluded that the Officers were “just responding to the prompts that the institution is giving them.”<sup>9</sup>

- (g) Mr. Phil Riley, from the Home Office, in his evidence accepted that the G4S contract led to insufficient staffing, though he confined that to night-time “... the numbers of staff at night are low, that doesn't mean, necessarily, that it impacted welfare”,<sup>10</sup> something which, on the evidence is difficult to accept.

### 3. Brook House was overcrowded:

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<sup>5</sup> [Hindpal Singh- Bhui 24<sup>th</sup> March 2022 153/18-25, 154/1-7](#)

<sup>6</sup> [Jeremy Petherick 21<sup>st</sup> March 2022 98-99/ 12-6](#)

<sup>7</sup> [Mary Bosworth 29<sup>th</sup> March 2022 31/16-19](#)

<sup>8</sup> [Mary Bosworth 29<sup>th</sup> March 2022 36/ 13-14](#)

<sup>9</sup> [Mary Bosworth 29<sup>th</sup> March 2022 36/ 15-16](#)

<sup>10</sup> [Phil Riley 4<sup>th</sup> April 2022 51/23-25](#)

(a) Over-crowding: There is an abundance of evidence on this subject, from both wing staff and detainees. Each mentions overcrowding and too many detainees to staff ratio. See, for example, the evidence of

(1) On site staff:

Rev Nathan Ward <sup>11</sup>

Shayne Munroe <sup>12</sup>

Derek Murphy <sup>13</sup>

David Webb <sup>14</sup>

Aaron Stokes <sup>15</sup>

Steven Skitt <sup>16</sup>

Daniel Small "...too many detainees to be run safely."<sup>17</sup>

(2) Investigative examples:

Ed Marsden's conclusion of Brook House following meeting with Hindpal Singh- Bhui HMIP: *"having three detainees in a cell is playing with fire but means G4S will make more money from the contract."*<sup>18</sup>

Independent investigation into concerns about Brook House IRC by Kate Lampard and Ed Marsden - November 2018: *"...overcrowded and unsettled"*<sup>19</sup>

(3) Detainee statement examples:

D790 statement *"It was not safe, always exposed. It was a small room."*<sup>20</sup>

D2033 statement *"I felt like I could not breathe when I was locked in the room."* And there was, *"no form of separation such as a curtain or panel between the toilet and the rest of the room. One of the beds was right next to the toilet and the other bed was opposite the toilet."*<sup>21</sup>

D668 statement also notes beds right next to toilet with no ventilation or privacy. <sup>22</sup>

3. Brook House was under-resourced:

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<sup>11</sup> [DL0000141 0022 para 65-66](#)

<sup>12</sup> [INN000013 0007 para 20](#)

<sup>13</sup> [INQ000113 0002 para 14](#)

<sup>14</sup> [INQ000114 0003 para 14](#)

<sup>15</sup> [INQ000130 0003 para 14](#)

<sup>16</sup> [SER000455 0029-0030 para 84-90](#)

<sup>17</sup> [BPD000003 0004 para 9](#)

<sup>18</sup> [VER000193 0001](#) point 2

<sup>19</sup> [CJS005923 00129 para 9.1](#)

<sup>20</sup> [DPG000022 0004 para 14](#)

<sup>21</sup> [DL0000149 0008 para 29](#)

<sup>22</sup> [DL0000153 0004-0005 para 18-21](#)



For example; lack of translators, long queues to use IT equipment or access the welfare office, no clean bedding, no cleaning equipment provided, officers refused to provide toilet roll, not enough showers for number of detainees, poor internet, poor phone signal, malfunctioning phones, poor quality of food, understaffing.

See the evidence of:

- (1) Hindpal Singh- Bhui HMIP when asked about allegations that staffing was deliberately run at a low level:

*Q. If you had heard that staffing was being deliberately run low, so, for example, vacancies being left open not just because it was difficult to recruit but because it would maximise profits, would that be something that would cause you concern?*

*A. It certainly would, yes.*<sup>23</sup>

Later he was asked:

*Q. I want to come on to ask you about some of the meetings you had with groups of detainees. When I say “you”, I’m talking about HMIP rather than you individually. So you mention these at paragraph 81 of your statement. One of the comments that was made during that group discussion was “lack of staff. Makes it harder for them to pick up on warning signs”. I’m not sure whether that was written by you or whether that was something a detainee said. Are you aware?*

*A. So if you have it in front of you, if i“ was in italics, it would be a comment by the centre senior management team.*

*Q. In fact, you say, “I wrote”, so I think it was you who wrote it. You say, “I also wrote lack of staff makes it harder for them to pick up on warning signs”. Sorry, I should have spotted that. You note in your statement that this observation you made wasn’t commented upon by the Brook House senior managers. It’s quite a significant issue, though, isn’t it, if there i’ a lack of staff, for them to be able to pick up on warning signs?*

*A. Y’s, absolutely, yes.*<sup>24</sup>

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<sup>23</sup> [Hindpal Singh- Bhui 24th March 2022 130/13-18](#)

<sup>24</sup> [Hindpal Singh- Bhui 24th March 2022 147-148/24-20](#)

- (2) 'BH 2' Handwritten notes on staffing issues, complaints, abuse, lack of activities and sickness: lack of activities for detainees.<sup>25</sup>
- (3) Footage of Callum Tulley looking for an evacuation chair but they weren't where they were supposed to be. In any event Brook House didn't have enough evacuation chairs.<sup>26</sup>
- (4) Group complaint submitted by detainees regarding lack of internet access.<sup>27</sup>
- (5) Gatwick Detainee Welfare Group's evidence to the Steven Shaw Inquiry: not enough in place for mental health.<sup>28</sup>
- (6) D668 statement describes filthy conditions and no cleaning utensils provided.<sup>29</sup>
- (7) D2158 statement describes a lack of translators/ translated paperwork, which was an issue for detainees with poor English.<sup>30</sup>
- (8) Yan Paschali's statement describes a lack of protection for vulnerable people/ people with mental health issues in place, and also has no recollection of drug rehabilitation in place at the center.<sup>31</sup>
- (9) Yan Paschali's second witness statement describes how staff were unable to give detainees more food at mealtimes when they are hungry as there was not enough.<sup>32</sup>

##### 5. Brook House was under-staffed

The following are examples in the evidence:

- (1) In his statements Mr Ring said:

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<sup>25</sup> [VER000292 0054](#)

<sup>26</sup> KENCOV1035 (v2017061400015)

<sup>27</sup> [CJS001591 0002](#)

<sup>28</sup> [VER000106 0038](#)

<sup>29</sup> [DL0000153 0004 para 18](#)

<sup>30</sup> [BHM000029 0004 para 12](#)

<sup>31</sup> [IPA000001 0010-0011 para 81-86](#)

<sup>32</sup> [IPA000002 0015 para 84](#)

*“The Home Office contract was, I believe, very prescriptive particularly in terms of how many hours G4S would be paid for – Staff on the ground however generally felt that Brook House was understaffed. On a good day, we were lucky to have 50 officers in the whole centre. On evenings, you might be lucky to have six DCOs and two DCMs; it left staff on the ground of the centre often feeling vulnerable, overworked and uneasy.”<sup>33</sup>*

*“However, there was a high turnover of staff because a lot of the candidates were inexperienced. Some candidates never came back following the training course or decided that after a month of working in the role that it was not what they expected. It was the residential side which suffered the most with retaining staff.”<sup>34</sup>*

(2) In his statement Mr Stephen Webb said:

*“What recollection I have of Brook House was simply, that it was toxic. It was dangerous, you were always on alert, it was understaffed which contributed to these feelings and it was enormously stressful.”<sup>35</sup>*

*“Further, it is clear from the transcript that we were understaffed and that a number of first responses were being called whilst we were trying to deal with D728 – this would have added to my stress.”<sup>36</sup>*

(3) Sean Sayers’ witness statement states Brook House was understaffed every day.<sup>37</sup>

(4) Ryan Harkness’ witness statement states Brook House was understaffed and felt dangerous.<sup>38</sup>

(5) Derek Murphy’s witness statement states Brook House was understaffed, and staff were overworked.<sup>39</sup>

(6) Emma Bradshaw in her exit interview, states that understaffing made the environment feel unsafe, particularly at night.<sup>40</sup>

(7) Shane Farrel witness statement discusses the impact of understaffing, creating a stressful environment and causing delays particularly in reception.<sup>41</sup>

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<sup>33</sup> [MIL000002 0002-0003 para 11](#)

<sup>34</sup> [MIL000002 0016 para 60](#)

<sup>35</sup> [MIL000003 0004 para 17](#)

<sup>36</sup> [MIL000003 0017 para 93\(c\)](#) re TRN0000017

<sup>37</sup> [BDP00004 0006 para 25](#)

<sup>38</sup> [SER000440 0018 para 56](#)

<sup>39</sup> [INQ000113 0008 para 46-47](#)

<sup>40</sup> [CJS000542 0001](#)

<sup>41</sup> [SER000433 0006 para 35-40](#)

- (8) Yan Paschali described in his witness statement understaffing was the “catalyst; to all problems” and “Root of all evil”, as staff were left unable to provide detainees with services/ things they request.<sup>42</sup>

- (9) Yan Paschali, in his oral evidence was asked:

*Q. “You say there were always staff shortages at Brook House -- page 7. We don't need to put it up: “Low staffing levels were the catalyst for many issues with detainees asking for things, or asking to do things, that we were not able to facilitate because staffing levels were too low. Staff shortages adds to frustration for both staff and detainees. It was the root of all evil.” Have you got it? Then paragraph 61: “Being short staffed meant that staff who were working were tired, overworked, stressed and depressed. There wasn't enough time to do the job properly. Staff hated coming into work.” Paragraph 62: “With not enough staff on the wing, detainees should not have been unlocked as there was not enough staff to manage them. This creates a huge risk for staff and detainees.” So that's what you are telling us?”<sup>43</sup>*

*A. Sorry, yes.*

*Q. That was the point?*

*A. Yes.*<sup>44</sup>

- (10) Counsel to the Inquiry, Brian Altman QC on Day 1 page 45, lines 11-25 seemed to recognise this when, in opening, he said

*“You may want to consider whether the range of staffing problems described contributed to dissatisfaction amongst detained persons and a growing feeling of hopelessness and frustration among them, which in turn had an impact on the levels of self-harm, substance misuse and violence at Brook House. The more challenging or non-compliant detained persons became in consequence of their environment, the more some staff resented them for the additional work and stress this added to their lives. Understaffing and overwork was also reported to affect staff morale in a direct sense”.*<sup>45</sup>

## 6. The uncertain duration of detention and its consequences

- (1) The true ill-treatment and cruelty at Brook House lay in the indefinite nature of the detention – that was the root of all problems. The fact that it was designed and

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<sup>42</sup> [IPA000001 0008 para 60-62](#)

<sup>43</sup> [Ioannis Paschali 24<sup>th</sup> February 2022 35/11-25](#)

<sup>44</sup> [Ioannis Paschali 24<sup>th</sup> February 2022 36/ 1-7](#)

<sup>45</sup> [Brian Altman QC 23<sup>rd</sup> November 2021 0044/15-25](#)



supposedly intended to house people for a short time pending their removal from the UK, 72 hours,<sup>46</sup> but that through Home Office failings and inefficiency the detention of its residents stretched to months and years.<sup>47</sup> The Home Office, in the form of Mr. Phil Riley characterised the notion of detention for no more than 72 hours in Brook House as an “urban myth”.<sup>48</sup> That uncertainty as to how long an individual might be deprived of his liberty, led, inevitably, to frustration on the part of those detained. That was recognised by Jeremy Petherick when he said:

*“The real issue that impacted on detainees' well-being and mental health was their sense of not knowing what was happening with them and the frustrations of their progress towards their release either into the UK or the repatriation, and so the major impact on the well-being was the uncertainty of the situation they found themselves in”.*<sup>49</sup>

(2) Mr. Hindpal Singh- Bhui from HMIP shared the view that uncertainty about how long people would be detained was a significant factor in the environment

*A. No, I'm not surprised that detainees who have threat of removal hanging over them, who have an insecure current situation, they don't know, you know, what's happening with their case potentially because they have not been communicated with well enough, they are in an establishment which could look like a prison quite often, I'm not at all surprised that so many feel unsafe. I think the job for us is to work out whether that lack of safety is about poor staff behaviour, whether it is about assaults, about mistreatment, or if it is around psychological insecurity, which is inevitable if the state is trying to remove you from the country.*<sup>50</sup>

(3) Mr Mohammed Khan (HMIP)

*Q. Do you have any understanding -- for one thing -- maybe you can help us with this: the fact of detainees being locked in their rooms or cells during that time, is that common across IRCs?*

*A. It is quite common, yes.*

*24 Q. Do you know what the reason for it is? Is it money? Is it that there is not enough staff? It would cost money to pay staff overnight?*

*A. I think there are several reasons normally given. One is security. It means that, overnight, if detainees are locked in cells, it means that they can't come out and there needs to be less staff around to supervise.*

*Q. Sorry, but that's not security; that would be money.*

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<sup>46</sup> [HMIP report 15-19 March 2010 0023](#)

<sup>47</sup> [HMIP000667 0003](#)

<sup>48</sup> [Phil Riley 4<sup>th</sup> April 2022 0046/1](#)

<sup>49</sup> [Jeremy Petherick 21<sup>st</sup> March 2022 0098/19-25](#)

<sup>50</sup> [Hindpal Singh- Bhui 24<sup>th</sup> March 2022 142-143/24-11](#)

7. No, no, I was going to go on to say that the obvious response to that will be to say, have more staff who are able to supervise, and then you can maintain security without locking people up overnight. So I agree it is, fundamentally, a staffing issue.

*Q.* More broadly, talking about the physical environment of Brook House -- we don't need to bring it up on screen, but in your 2010 inspection report on Brook House, which was just a year after it opened, I think, you noted that the centre was designed to hold detainees for no more than 72 hours.

*A.* Yes.

*Q.* We have heard this a number of times in this inquiry. Do you recall, thinking back to then, of where that understanding came from, that it was designed to hold detainees for no more than 72 hours?

*A.* I assume that we would have been told by the Home Office and/or G4S, or the contractor at the time.

*Q.* Do you have any recollection of when that intention changed?

*A.* I think it probably changed extremely quickly. It seems very unrealistic that you could have a centre designed only -- next to an airport, designed to hold people only for 72 hours when we have a system of indefinite detention. So I don't think, even at that 2010 inspection, the 72 hours was being achieved.

*Q.* If we can go back -- sorry, Zaynab -- to <VER000193>, please. Again, this is the notes of your meeting with Ed Marsden. I'm reading some of the bullet points under "Brook House IRC": "Misdesigned Brook House. "Feels like cat B -- not worst around however. "Cat B -- high emphasis on security." Going down a couple: "Design failed -- HMIP not consulted -- told [Home Office] what they thought." The suggestion around "misdesign of Brook House" and it being a design failure, is that just what we have been talking about, that it was designed for 72 hours?

*A.* Well, I mean, I think that's partly it, but, as I said earlier on, I think having a centre which is designed on a cat B prison design for immigration detainees I think is inappropriate.

*Q.* Is HMIP's view -- or, I suppose, your view, that detainees shouldn't be staying at Brook House?

*A. Well, we don't think they should be staying in prison-like environments. We think that's not an appropriate environment for detainees. Now, it's not our role to say whether or not the government can detain people or not detain them, and, you know, we can't tell them where to hold them. What we can do is to talk about the impact on the individual detainee of being held in that kind of environment.*

*Q. Over the course of your inspections, did you get an impression of what the impact was on detainee welfare of having a centre designed for holding people for 72 hours and designed to cat B standards?*

*A. Well, I think Brook House management have tried to mitigate the problems of having a centre which wasn't really designed to have longer-term detainees in it. So by providing more activities, trying to provide more work. But it can only ever really take the edge off the experience, I think, if you do that. But it's -- it's an ongoing problem. It's not been fully resolved.<sup>51</sup>*

## **5. Foul language**

We can't treat Brook House as a normal workplace like an office – swearing was a common method of communication and was not intended to be offensive – in many cases it appears that such swearing was talking to detainees at their preferred level.

(1) Stephen Webb in his witness statement said:

*"I am advised that the inquiry holds footage which shows staff swearing about and sometimes at detained people. I have already referred to the extremely stressful environment under which officers worked and I did witness and indeed did myself, swear about detainees when they were not present. In the largest part, this was simply letting off steam and I think that what is important is that (to the best of my knowledge) officers (including myself) acted correctly and then went to let off steam away from the detained people."<sup>52</sup>*

*"I do not consider that swearing with or at detainees in these circumstances amounts to verbal abuse; I did not ridicule or belittle or otherwise make fun of detainees maliciously and nor do I recall any other officer doing so and as such, I do not recall any verbal abuse of detained people."<sup>53</sup>*

(2) Nathan Ring in his first witness statement said:

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<sup>51</sup> [Mohammed Khan 24<sup>th</sup> March 2022 0175- 0179/19-03](#)

<sup>52</sup> [MIL000003 0015/ 85](#)

<sup>53</sup> [MIL000003 0016/88](#)

*"My comments on the program were taken out of context, and I was given no opportunity to explain myself prior to my dismissal. In summary, I do not consider that the content of the documentary is representative of what day to day life was really like at Brook House."*<sup>54</sup>

- (3) Indeed, Mr Altman QC seems to share this view; there was this exchange between Mr Altman and Callum Tulley:

*"So I could have communicated this in a couple of ways. I didn't want to use any force on the detainee. I didn't feel it was necessary. But I did feel it was necessary to say robustly to the detainee that he was not welcome to touch me. I could have used language in a strong manner. I could have probably shouted at the detainee and said, "Get off, step off, back off". Instead, I didn't shout, but I said, "Fuck off". It is regrettable language, but –*

*Q. I'm not really asking you about the language. You know, it's language everybody is used to these days.*

*A. Particularly in prisons."*<sup>55</sup>

- (4) Nathan Ring, in his oral evidence, said language was used in Brook House as a coping mechanism to maintain mental health amongst staff:

*A. Like I mentioned in my statement, the sort of things you see day in, day out, it was sort of my way of coping with certain things. It's not to everybody's taste.*

*Q. Did you think people were desensitised to what they experienced?*

*A. To a certain extent, yes.*

*Q. Colleagues and yourself, desensitised to what you had to work with?*

*A. I think if you were there every day, seeing the things we saw and had to deal with, if you couldn't desensitise to a certain extent, it would probably have an effect on your mental health."*<sup>56</sup>

## 6. The role of Callum Tulley

- (1) Callum Tulley himself is not beyond criticism. He was making a film for broadcast and did provoke, at least, some incidents, and the BBC of course, wished to use such incidents. For example, Callum Tulley beginning the mocking of the detainee who had taken spice and at one point began singing; Callum Tulley commented *"I haven't heard this one yet. Maybe it's a new single coming out."*<sup>57</sup> Again, the incident where Callum Tulley begins *"what's the little boy saying now..."*<sup>58</sup>; and later calls a detainee a *"prick"* and shuts a door in his face.<sup>59</sup> The fact that he also failed to record the use of force following the 'choke' incident when it was his duty to do so is a

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<sup>54</sup> [MIL000002 0026/103](#)

<sup>55</sup> [Callum Tulley 30<sup>th</sup> November 2021 0063/ 14-25](#)

<sup>56</sup> [Nathan Ring 25<sup>th</sup> February 2022 0101/12-23](#)

<sup>57</sup> [TRN0000015 0031](#)

<sup>58</sup> [TRN0000088 \(KENCOV1028\)](#)

<sup>59</sup> [TRN0000029 0012 \(KENCOV1022\)](#)



serious shortfall in his conduct, something other DCOs have found themselves in a disciplinary hearing for.<sup>60</sup>

(2) Yan Paschali in his evidence made the point:

*“... as I said in my statement and as I’m sure you’ve read, was always fishing for stories, and, yeah, I gave him stories and made things up, and it was -- it was a joke to me at the time. I regret it now, but I thought he was just fascinated by these types of stories. So the more he asked, the more I embellished.”*<sup>61</sup>

(3) It is to be noted that Callum Tulley admits he only turned the camera on when he thought something interesting would happen which makes the documentary intrinsically unrepresentative of the reality of Brook House. In Callum Tulley’s police statement, he says his camera only had a four-hour battery life so he would switch it on and off during his 13 hour shifts, <sup>62</sup>clearly just filming what he thought would be ‘good television’.

(4) It should be noted that Nathan Ring’s explanation of only ticking off detainees who hadn’t eaten as having eaten was supported by Tulley’s evidence,<sup>63</sup> when Tulley said that he went to check and the detainee was indeed, eating in his cell. He had not volunteered this information on the day of the event.

(5) Professor Mary Bosworth in her report and her oral evidence made the important point that the footage this Inquiry has been *“mediated through Mr Calum Tulley. So the main sort of primary evidence about what was gathered by him and so it’s ... I’m entirely dependent on when he turned his camera on and off, and he clearly turned his camera on quite a lot when he was on E Wing. So I think that, you know, that has to be acknowledged.”*<sup>64</sup>

7. When the Inquiry comes to consider Article 3, on the evidence before the Inquiry it is not open to the Inquiry to find that there was any breach by Nathan Ring; he was not guilty of torture, neither was he responsible for inhumane or degrading treatment or punishment. In this regard:

(1) The Inquiry has discovered only one example of Nathan Ring having direct physical involvement in a use of force incident and that was when he, at the direction of the Home Office, placed the thumb of a detained person onto an ink pad and then a piece of paper in order to procure his fingerprint. On no sensible analysis could this action amount to torture, inhumane or degrading treatment.

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<sup>60</sup> [CJS0072973 0001](#)

<sup>61</sup> [Yan Paschali 24<sup>th</sup> February 2022 0159/06-12](#)

<sup>62</sup> [CPS000018](#)

<sup>63</sup> [Callum Tulley 9<sup>th</sup> March 2022 0092/ 7-13](#)

<sup>64</sup> [Mary Bosworth 29<sup>th</sup> March 2022 0007/13-19](#)

- (2) Lord Kerr observed that when considering whether a person has been the subject of torture, inhumane or degrading treatment, *“the focus is directly on the behaviour said to constitute torture or inhumane or degrading treatment rather than on the circumstances in which it occurred or the avowed reasons for it.”*<sup>65</sup>
- (3) As to the benchmark for what constitutes inhumane or degrading treatment, Lord Bingham held that treatment was inhuman or degrading if, to a seriously detrimental extent, it denied the most basic needs of any human being.<sup>66</sup>
- (4) If a claimant cannot show that he suffered physical or psychiatric injury or psychological harm or serious, evidenced distress as a result of the treatment complained of, it will usually be difficult to establish that inhuman or degrading treatment has occurred.<sup>67</sup>
- (5) Whilst it is beyond our submission to comment on whether experiences more generally at Brook House may evidence breaches of Article 3, it can be said with confidence that the facetious comments shown to have been made by Mr Ring (almost entirely outwith the earshot of the subject detained person) fall way short of the mark in terms of being capable of causing psychological injury or particularly serious distress.

#### 8. General:

- (1) Section 2 of the Inquiries Act 2005 provides at sub-section (1) that an Inquiry must not rule on, and has no power to determine, any person’s civil or criminal liability. Sub-section (2) provides that an inquiry is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes.
- (2) Article 3 of the Human Rights Act 1998 prohibits torture, inhumane treatment and punishment. There is no credible evidence that Nathan Ring as an individual engaged in such conduct. The thrust of the allegations against him is the use of foul language on limited occasions which, for the reasons already given, could not constitute a breach of Article 3 in themselves.
- (3) The problem, in our submission is the system. It would be an error to scapegoat the former employees and put events down to *‘a few bad apples’*. Such an approach would do nothing to address the issues which have given

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<sup>65</sup> In the Matter of an Application by the Northern Ireland Human Rights Commission for Judicial Review [2018] UKSC 27, [2019] 1 All ER 173, [215]

<sup>66</sup> R(Limbuela) v Secretary of State for the Home Department [2005] UKHL 66, [2006] 1 AC 396

<sup>67</sup> Grant v Ministry of Justice [2011] EWHC 3379 (QB), [52]

rise to the need for this Inquiry and would not address what has been dealt with by a variety of different witnesses. In short, such an approach would be no more than a ‘cop out’, with no credibility. The two men we represent, Mr Nathan Ring and Mr Stephen Webb if guilty of anything, are guilty of little more than a few silly and unfortunate comments which were largely made in what they thought were private conversations. In short, the staff must not be portrayed as or be treated as scapegoats, nor are they responsible for immigration or deportation policy. They merely worked in a dysfunctional system.

- (4) It is, we submit, on the evidence clear that many of the problems with Brook House were and are due to indefinite detention as a policy, combined with housing detainees in what, in effect, was a prison with extremely limited facilities, under-staffed, under resourced and badly managed.
- (5) The Inquiry may well conclude on the evidence of Mr Brockington (MD G4S Justice & Government) that G4S has exhibited a startling degree of corporate arrogance. That indifference and arrogance may explain many of the failings at Brook House. Mr Brockington spoke of the Company being “*fully sighted*”<sup>68</sup> on the issues raised here. Yet in evidence he said that he had not read Professor Bosworth’s report, had read only “*a small part*”<sup>69</sup> of her evidence to this Inquiry, had watched “*very minimal amounts*”<sup>70</sup> of the undisclosed footage (“*a couple of snippets*”)<sup>71</sup>. In addition, he knew nothing of the detail of the Cotter report,<sup>72</sup> and couldn’t say how many transcripts of evidence to this Inquiry, he had read. He asserted “*I would certainly read the contents of a HMPI inspection*” but gave no assurance that anyone in G4S had actually read it or acted upon its findings. A few minutes later he said, “*I can only talk for today*”.<sup>73</sup> He refused to accept that there were failures at senior management level at Brook House at the relevant time,<sup>74</sup> the best he could do was say “*that there was a disconnect*”.<sup>75</sup> He was, the Inquiry may conclude, keen to blame anyone but his own company for any systemic failure and indifference.<sup>76</sup>

Matthias Kelly QC

Instructed by Milners

29<sup>th</sup> April 2022

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<sup>68</sup> [Gordon Brockington 31<sup>st</sup> March 002/09](#)

<sup>69</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0023/25](#)

<sup>70</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0028/15](#)

<sup>71</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0028/17](#)

<sup>72</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0034/04](#)

<sup>73</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0042/08](#)

<sup>74</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0045 -46/20-03](#)

<sup>75</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0045/15-19](#)

<sup>76</sup> [Gordon Brockington 31<sup>st</sup> March 2022 0049/01](#)