
WITNESS STATEMENT OF **D1538**

I, **D1538** currently residing at **DPA**, born on **DPA** **DPA** make this statement. I declare that the contents are true to the best of my knowledge and belief. I wish to state as follows:

Introduction

1. I have prepared this statement with the help of my representatives at Duncan Lewis Solicitors (DL) over a number of video and telephone sessions, with the assistance of an interpreter. I struggle to recall dates with any clarity, and so this statement has been prepared based on existing documents regarding my detention as well as my recollection of events. Dr Thomas, a consultant clinical psychologist, assessed me on 28 October 2017 after my release from detention and found that my psychiatric disorders render me with an impaired memory, concentration, and orientation to time and place. She also advised that questions about my traumatic past experiences should be limited to essential items only to reduce the risk of re-traumatisation (see **Annex 2**, Dr Thomas Report).
2. I was born in **DPA** which is a town in Morocco, to a conservative Sensitive/Irrelevant family. The Home Office dispute my age and have previously made me undertake an age assessment.
3. I left Morocco due to violent and Sensitive/Irrelevant physical and verbal mistreatment at the hands of my family and strangers. I suffered regular physical abuse from my father as a child, including being subject to a severe beating by him after I dropped out of school. I was also the victim of repeated drugging **Sensitive/Irrelevant** over a period of three months. After my family discovered that I had been sexually abused in this way, my father attacked me severely, hitting me over the head with a hammer and beating me on the back with a cable, and told me he would kill me if I returned home, leaving me homeless. Whilst living on the streets as a child, I was attacked by members of the public, including being stabbed and being hit over the head with a brick. I have scars as a result of this mistreatment, as recorded in my Rule 35(3) Report which records

Sensitive/Irrelevant	
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Sensitive/Irrelevant	I also suffered	Sensitive/Irrelevant	verbal abuse whilst living on the streets.
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4. These traumatic experiences impacted hugely on my mental health. I have been diagnosed with severe major depressive disorder with psychotic features² and dissociative disorder,³ stemming in part from the emotional, sexual and physical abuse I suffered as a child.⁴
5. In order to escape this mistreatment, I travelled to the UK via Denmark on 2 March 2014, and claimed asylum on the basis of [Sensitive/Irrelevant] on 18 March 2014. I was returned to Denmark on 6 June 2014, after my asylum claim was refused on Third Country grounds. I re-entered the UK on 30 October 2014.
6. I was detained at Brook House IRC for three periods in 2017, including between 1 June 2017 and 14 June 2017, and 27 June 2017 and 15 July 2017, which I understand falls in the period the Inquiry is investigating; the 'relevant period'. I was detained at The Verne between 14 June 2017 and 27 June 2017, as recorded in my detention history and medical records.⁵ I was transferred to Harmondsworth on 15 July 2017, to Colnbrook on 30 August 2017, returned to Harmondsworth on 5 September 2017, and then returned back to Brook House on 22 September 2017, before being released on 3 October 2017.
7. Before my detention during the relevant period, I was also detained under immigration powers for three other periods. I cannot recall the dates with certainty, and my legal advisers have informed me that from the documents they have seen they cannot confirm the exact dates, but it appears these periods were between 18 March 2014 and 5 June 2014, from some time in November 2014 to 11 December 2014, and between 25 March 2016 and 28 April 2016. I was arrested on the morning of 1 June 2017 for travelling without a valid train ticket and taken to Maidstone Police Station. I was taken to Brook House IRC that afternoon.
8. Shortly after my first period of detention at Brook House IRC in June, I claimed asylum again on the basis of [Sensitive/Irrelevant] from Morocco. My case was accepted onto the Detained Asylum Casework process and I was given a screening interview on 17 July 2017. My application and subsequent appeal have since been dismissed, as was my application to appeal the decision of the First Tier Tribunal.

¹ CJS003632.

² Annex 2, Dr Thomas Report, paras 39f.

³ Annex 2, Dr Thomas Report, paras 77f.

⁴ Annex 2, Dr Thomas Report, para 96.

⁵ HOM32503. See also CJS7239_004 to _007 which records his transfer from Brook House to The Verne and back.

9. I understand that the Home Office dispute my account of persecution. The Home Office did not accept my account of [Sensitive/Irrelevant] or my account of the abuse by my parents. The First Tier Tribunal accepted much of my account of my life on the streets in Morocco and history of movement in Morocco.⁶ FTT Judge Lever accepted that I had a difficult childhood and may have suffered physical abuse by my father. He also accepted that I could have lived on the streets from a young age, and that I may have suffered physical and verbal abuse including being attacked by knives whilst living on the streets.⁷ The Judge also acknowledged that detention “*has not, from [my] point of view assisted [my] mental state*”.⁸ Judge Lever did not however accept my account of the forced drugging and raping incidents, or my accounts of [Sensitive/Irrelevant]
10. My experiences in detention, including assault and mistreatment by officers, have impacted severely on my mental health. My four periods in immigration detention worsened my existing mental health issues significantly, and I have still not recovered from the impact that detention had on my mental wellbeing.⁹
11. I try my best to forget what happened to me in detention. Every time I bring back these old memories of my period in detention – of what happened to me - it makes me feel really tired, really uncomfortable. It upsets me. I have found the process of providing even this statement for the Inquiry very difficult.
12. What I experienced in Brook House affected me in a deeply emotional way. I feel I am not a full human; not a full person anymore. My behaviour has radically changed. I can’t really interact well with people anymore.
13. I have come out of detention a different person. I was left with emotional scars from my experience. I have experienced many very difficult things in my life, but my time in detention centres was the worst. It was the hardest thing to survive. I was tortured in Morocco, and then I was tortured again here by the immigration detention system.

Immigration Background

14. I can confirm I provided background in respect of my time in Morocco and my reasons for fleeing and claiming asylum in my witness statement (please see **Annex 3**, Witness Statement) for my First Tier Tribunal asylum appeal.
15. I have set out my detention and asylum application history above.

⁶ Mr D1538 v Secretary of State for the Home Department, decision of FTT Judge Lever on 15 February 2018, Annex 4, FTT decision, para 24.

⁷ Annex 4, FTT decision, para 46.

⁸ Annex 4, FTT decision, para 47.

⁹ Annex 2, Dr Thomas Report, paragraph 143.

Induction process

16. As stated above, I was first taken to Brook House IRC on 1 June 2017 after being transferred from Maidstone Police Station. Waiting in the cell at Maidstone Police Station after my arrest was very frightening. I was anxious and was worried about what might happen to me. After a few hours of waiting, I was taken to Brook House in a van. I remember that I arrived at Brook House late at night on 1 June 2017 – my detention records show it was around 10.30pm.¹⁰
17. I do not recall ever having an induction from G4S staff, although I believe I must have done, as my legal representatives have shown me an induction pack which contains my signature on some of the induction documentation.¹¹ I was feeling very stressed when I arrived at Brook House and it was late at night, so it would have been difficult for me to pay attention to any induction I might have received in any case. I do not remember ever being given a tour of Brook House by any of the staff but I cannot confirm that I did not have one.
18. I did see a nurse within the first 24 hours I was detained, although I cannot recall exactly when. My medical notes record the following relevant details:

“01 Jun 2017 23:17 History: Arrived from Maidstone Police station. Not on any medication. Denies thoughts of self harm/suicide. Says he ran away from his family aged 8. Came to UK 4 yrs ago via land & lorry. Moved around country staying with friends. Showed me several scars from fights & accidents. Concerned about scar on [Sensitive/irrelevant] as believes it contributes to his headaches sometimes. Wishes to see doctor - slip given to attend new arrival clinic. Did not attend school and unable to read or write Arabic but can read and write a little English. Able to communicate fairly well in English - compacts signed

...

At risk state (Xa1qc) 1 - 1. patient has self-administered their prescribed medication in the community or another prison?: No

...

2. There is known history of medication related incidents e.g. trading, bullying, overdosing, non compliance, in the last 12 months recorded on the clinical IT system: No

5. The patients has an open ACCT document or had one closed within the past four weeks?: No

6. Is the patient confused or disorientated?: No

7. Has the patient had a recent change in prison status (e.g. recently sentenced) or

¹⁰ CJS002174.

¹¹ See CJS002174 for induction documentation, including a diversity and initial information form signed by D1538.

a recent life event?: No

*8. Is the patient under care of In reach or in the process of being referred?: No
Seen by health professional (XaBfx) - LODoherty*

...

Medical/psychiatric report not required: no (Y09cb)

Minor: Suitable for in-possession medication (XaYM5)

...

No thoughts of deliberate self harm (Xahuw)

Fit for normal location, work and any cell occupancy (YX035)

Impressions of the prisoners behaviour and mental state (YX023) - co-operative

Prisoner has not tried to harm themselves (in prison) (Y09f9)

...

Prisoner has not tried to harm themselves (outside prison) (Y09fa)

Emotional state observations (Ua16B) - talkative

Has not stayed in a psychiatric hospital (Y08e2)

No suicidal thoughts (XaIJ7)

Prisoner has a psychiatric nurse or care worker in the community: no (Y09d1)

Has not received medication for mental health problems (Y08e6)

Prisoner has not received treatment from a psychiatrist outside prison: no (Y09ce)

136 / 80 mmHg

Medication In Possession Status: In possession 7 days

Suitable for in-possession medication (XaYM5)”¹²

19. Although there are relevant notes in this assessment, I do not remember being asked anything about my mental health or whether there were any risks to be aware of whilst being detained.
20. My legal representatives have asked me whether I was asked about thoughts of self harm or suicide, as recorded in my medical notes set out above.¹³ I do not remember being asked any questions about these issues. There was also no interpreter provided during the healthcare induction, either in person or on the phone, and while I do speak some English, it is not easy for me to communicate about complex issues in English, and so there wasn't much information taken during this time.¹⁴
21. I also raised concerns to the nurse at my induction about a scar on my head, as I was concerned that it was connected to headaches I had been experiencing, but the staff did not do anything about it. They didn't seem to be paying much attention to me. I do not recall being given a medical slip to see the GP about my headaches, as recorded in the notes. As explained above, the medical induction took place late at night after a very stressful day, without an interpreter, so it was difficult to concentrate or to understand fully what was going on.

¹³ CJS007239_0001.

¹³ CJS007239_0001.

¹⁴ CJS007239_0001.

22. My medical records from my induction at Brook House state that my scars are from fighting. My scars are the result of torture I suffered from my father, and other people. I do not know why it says this in the notes, although it may be because of my lack of access to an interpreter. I cannot comment on other discrepancies in my medical records.

23. I had an appointment the following day on 2 June 2017 with Dr Chaudhary, which is recorded in my medical notes:

“Mentions no medical diagnosis. No medications. To discuss about other complaints in a separate appointment. Has had medical problems for 4 years and asked to book routine appointment”.¹⁵

24. I remember that this was a basic medical check-up. They took my blood pressure, and checked my temperature. He did not ask me about the scars I had mentioned in the induction. He did not ask me about mental health issues. I was told that I had to discuss any other complaints I might have in a separate appointment.¹⁶

Physical Environment

25. I was originally accommodated on B-Wing for around 4 days before I was moved to A-Wing.¹⁷ I was accommodated on A-Wing in a two-person cell. I told staff I was happy to share a cell.¹⁸

26. I had two cellmates (at different times) during June to July 2017. I do not remember their names, however as far as I can recall my first cellmate was Italian, and the second was an older Algerian man.

27. My legal representatives have shown me Home Office documentation that I was put in single occupancy in September 2017 for security reasons – next to the question “*Is the detainee suitable to share?*”, the officer has circled “*No*”, and underlined “*Security*” as the reason.¹⁹ I do not know why the records state this. I preferred a cell alone for hygiene reasons - I had found previously that cell-mates did not keep the cell clean – they were messy and dirty. I wanted my own space which I could keep clean and tidy, and where I could feel safe, especially after the traumatic incident of my cell-mate’s attempted suicide (see below for further details about this incident). It was difficult to share a room

¹⁵ CJS007239_0002.

¹⁶ CJS007239_0002.

¹⁷ CJS002174_0016.

¹⁸ CJS002174_0012, HOM004135.

¹⁹ HOM004169_0011.

because this required a mutual understanding between cell-mates, which was not always there.

28. Dr Turvill's report notes that *"Mr D1538 has initially preferred to share a room with another detainee because his memories and dreams are worse when he is alone. However he now wishes for an individual room as he had problems with the cleanliness of a room-mate"*.²⁰

29. I have also reviewed a medical entry which states the following: – *"03 Sep 2017...describes PTSD and possible split personality disorder – feels not safe for him to share a room. Plan: Task for MHT to review"*.²¹ I do not recall saying this to the doctor, nor do I recall being made aware of a MHT review at that time.

30. The toilet in the cell had no separation between it and the rest of the cell. There was a small partition but there was no curtain as far as I can recall, and no door. This meant that you could see straight into the toilet area, and if someone was using it you could see them use the toilet. This was very embarrassing. It was uncomfortable to be in the same cell as someone when they were using the toilet, as even if you didn't look, you could hear and smell everything. It was disgusting, and it made me feel embarrassed every time I needed to use the toilet. It also meant you had to be patient when you needed to use the bathroom but another detainee was using it, which could be awkward.

31. The staff would lock us in our cells for the night. I cannot remember exactly what the times were, but I think it was from 9pm at night until 8am the next morning.

32. We would also be locked into our cells twice more a day during the daytime so that the staff could do roll-counts. Also, whenever there were any issues on the wing, such as a medical emergency or when the staff were undertaking a forced removal of someone from the centre, they would lock us in our cells so we couldn't see or get involved. It was terrible being locked in so much. It made me feel like a prisoner. The feeling of being trapped in a small space reminded me of my experiences in Morocco and brought up many bad feelings in me about the abuse I suffered there. This is because lock-in reminded me of my experiences living on the streets in Morocco, sometimes in cardboard boxes – it was cramped, smelly, noisy, and very scary.

33. I did spend some time on E-Wing whilst at Brook House IRC. I remember being put on E-Wing and Rule 40 on 3 June 2017.²² I was also put on E-Wing in isolation on 6 June 2017 for a couple of hours, after I was the victim of an assault, although I cannot remember if this was CSU or E-Wing.²³ I discuss these incidents in further detail below.

²⁰ Annex 1, Dr Turvill report para 34.

²¹ CJS007241.

²² CJS000896, see tab 2 row 17.

²³ CJS007239_0003.

I have spent a long time in detention overall and it is difficult to remember the different periods in isolation in the different centres.

34. I hated being put in isolation. The officers used Rule 40 as a punishment – it seemed to me that they used Rule 40 as a response to any minor annoyances. It affected me really badly, isolation was one of the worst things about detention. It was horrible. It made me feel like an animal. All you have is the cell – the four walls. There is no TV. It was very cold. You are alone. I did exercise and paced the cell, just to try and keep moving and distracted, but I found it very difficult. Even a person without pre-existing mental health issues would go crazy in isolation – and officers often put people with mental health issues under Rule 40.
35. When I was not restricted to E-Wing, there was the option of some activities in the centre, such as studying or using the gym. I studied English and writing when I was there. I tried to keep myself busy – I did some sport, played some football, and did arts and crafts. I minded my own business and just tried to survive but the activities were limited.
36. I would only be given access to an interpreter when I had an appointment with the Home Office. For every other interaction with either healthcare or Brook House staff, I would have to speak in English. This sometimes meant that I felt it was difficult to communicate properly with them. I speak some English but I need an interpreter to understand everything that is being said to me clearly, and to convey what I want to say in full. I disagree with the statement in my initial medical induction on 1 June 2017 that *“interpreter not needed”*.²⁴
37. There were several occasions where I requested an interpreter but no interpreter was available, for example at healthcare appointments. I have several injuries on my head due to the abuse I suffered as a child, and whilst at Brook House I wanted to get help for these. However, I was not able to accurately deliver all of the details to healthcare staff due to lack of an interpreter. My concerns about my head injuries are recorded in my medical notes, and during these appointments it was very challenging for me to explain accurately what my symptoms were. I believe I would have been able to communicate much more clearly and effectively with medical staff had an interpreter been present:

“01 June 2017 ...concerned about scar on forehead as believes it contributes to his headaches sometimes. Wishes to see doctor – slip given to attend new arrival clinic...”

²⁴ CJS007239_0001.

02 June 2017...has had medical problem for 4 years and asked to book routine appointment...

05 June 2017 ...he also says he has metal in his skull. Long time ago says he has never seen GP before about [sic]. Wants medication he says it has now started to hurt...

09 June 2017: multiple issues including headache and back ache adn [sic] other issues. ...He mentions he has had headache [sic] for the last 10 years since being struck in the head with a metal pole and attack [sic]. OE mentions sharp feeling on palpitation of the scalp. Arrange x ray... ”²⁵

38. I can also remember an occasion where I was placed on Rule 40 and requested an interpreter to speak to staff as I did not understand what was happening, what I was accused of, or why I was on Rule 40 – but I do not remember if this was in Brook House, or in the relevant period.
39. I signed up for the legal advice surgery, as I did not have a lawyer when I was detained. I did not know how to get a solicitor, and they said they would find one for me. It could take up to two or three weeks after you put your name on the list before you could meet a solicitor.

Incident on 6 June 2017²⁶

40. Throughout my time in detention, at Brook House IRC and in other centres, I suffered mistreatment from staff, and was treated unfairly. One example of this was the events of 6 June 2017, where I was subject to a very violent and frightening attack by another detained person, and was then restrained by three officers before being sent to E-Wing. There is CCTV footage of this incident at Disk 55 06June2017 and footage from Callum Tulley’s camera at V2017060600011 clip 1.
41. I was in the arts and crafts room drawing. Another detained person, D197, was also drawing, along with lots of other detained people. A Moroccan detainee came to sit down beside me in an empty chair. I cannot recall his name.
42. D197 started to argue with that detainee because he thought that the chair he had sat in was D197’s chair, and that no-one else should sit on it.

²⁵ CJS007239.

²⁶ See TRN0000066, BBC000624 and TRN0000064, BBC000622 for Callum Tulley’s response to this incident. See TRN0000089, KENCOV1031, V2017060600011 clip 1 and Disk 55 06June 2017 for the incident itself.

43. I did not like the way D197 was speaking to this other detainee. At the time I was suffering from a lot of headaches, and blocked ears, so I found loud conversations irritating. I told D197 to stop speaking like that. D197 then started to swear at and be rude to me. I ignored him initially, then he started to swear at me. I found this response very rude and I told him so.
44. D197 left the arts and crafts room, and he returned soon afterwards carrying a bag. He pulled something from the bag as he approached me, and attacked me with what I thought to be a metal stick or pipe, trying to hit me. This is confirmed in the G4S complaint log CJS000896– *“During an arts session [REDACTION - D197] became upset that someone sat in his chair, this was resolved quickly however [REDACTION - D1538] defended the detainee that had sat in the chair. [REDACTION - D197] left the room and returned minutes later punching [REDACTION - D1538] in the head which caused a fight to break out between them. On checking CCTV it appears that [REDACTION - D197] had an improvised [sic] weapon that he used to attached [sic] [REDACTION - D1538].”*
45. I felt I was in serious danger. I was worried that D197 would kill me or seriously hurt me. He had a lot of problems, and I thought that he wouldn’t care if he killed me – he was caught up in the moment. I believe that he was in the process of challenging attempts to deport him and he was very angry at the time as a result.²⁷
46. I needed to defend myself, and respond very quickly, given the violence and suddenness of the attack. The CCTV quite clearly supports my version of events that I was attacked by D197 and that I acted in self-defence.
47. DCM Nick London’s account, based on his review of the CCTV footage, confirms that I was the victim of an unprovoked attack by D197, with a weapon: *“D197 had returned to his room and had returned to the arts and crafts room with a rucksack bag and had a weapon inside. D197 had drawn the weapon out of the bag and had tried to attack D1538.”*²⁸
48. Officers then entered the room, with two of them holding my arms behind me, holding me back. I understand from reviewing the disclosure with my solicitors that these two officers were DCO Ryan Bromley and DCM Nick London. I felt this was really unfair, I had not done anything wrong – they should have been focusing on D197, not me.
49. I was frustrated and scared at this point as I had just been attacked by D197, but I was not threatening, as confirmed in BBC documents titled “written statement from camera” (which appear to be BBC internal notes on the footage secretly taken by Callum Tulley)

²⁷ See HOM030766 which confirms that D197’s JR was refused on 11 April 2017 and that D197’s protection claim was refused on 16 June 2017, ten days after the assault on D1538.

²⁸ HOM004133_0003.

which stated I was “*angry but not threatening [sic]*”.²⁹ The restraint made me much more angry and frustrated as I felt it was really unfair that they were using force against me just after I had experienced such a frightening attack.

50. Then from nowhere an officer grabbed my head. This meant I could barely breathe. I was being strangled. It felt like the officer was fighting with my head. They held me very tight, it was painful. This made the situation a lot worse and it made me feel even more frustrated and upset. I understand from my solicitors that this officer is named DCM Steve Farrell.
51. My legal representatives have set out to me the G4S accounts of this incident, and shown me CCTV Disk 55 06June2017 and Callum Tulley’s camcorder footage (KENCOV1031 – V2017060600011 00-35-02-00). I have reviewed the footage of the incident once, but I find reviewing the documents and discussing this incident in detail very distressing. I try hard to forget about what happened to me. Therefore, I have not read the documentary evidence about this incident, instead relying on summaries provided by my legal representatives.
52. The use of force reports written by DCM Nick London, DCO Ryan Bromley and DCM Shane Farrell do not accurately represent the reasons for DCM Farrell grabbing my head.
53. In DCM Nick London’s account of events, he states that after he restrained me with DCO Ryan Bromley, “*DCM Shane Farrell then took control of D1538’s head as he came close to hitting his head on the metal cupboards behind him*”.³⁰ DCM Shane Farrell records that “*as he was being restrained I could see that he was thrashing his head all over the place so I decided to take control of D1538 head as he was close to a cabinet and to protect officers*”.³¹ DCO Ryan Bromley states that “*Immediately DCM Nick London took control of D1538’s left arm in a guided hold with the pencil dropping to the floor. D1538 continued to shout abuse so then I applied a guided [sic] to D1538’s right arm. At this point for the safety of the detainee DCM Shane Farrell acted as head officer, to protect the detainee from throwing his head back and forth*”.³²
54. It is not true that the officer grabbed my head to stop me hurting myself, or to stop me hitting a metal cupboard. You can see this clearly in the undercover footage.³³ There was not a filing cabinet near my head before DCM Farrell intervened. Grabbing my head caused me to fall to the floor, which put me in much greater danger of hitting my head on the filing cabinets or otherwise injuring myself, rather than protecting me.

²⁹ CPS000048. Please note that it appears an incorrect cipher has been used here, but it is apparent that the incident does relate to D1538.

³⁰ HOM004133_0003.

³¹ HOM004133_0004.

³² CJS005615_0015.

³³ See TRN0000089, KENCOV1031, V2017060600011 clip 1.

55. DCM Shane Farrell released my head briefly when I fell, and then grabbed it again. It appears from reviewing the CCTV footage that DCM Shane Farrell grabbed my head for a second time following a physical prompting from another manager placing his hands on Farrell's shoulders. CPS000059, (which appears to be BBC internal notes on the footage secretly taken by Callum Tulley) states "*dean [sic] Breckinridge (sp?) is the one who pushes Shane in to restrain the head again*", and in Callum Tulley's video diary he says "*And even once he's released control of this guy's head, even once he's out of the head lock, another manager comes in and just pushes him into the detainee once more encouraging him to do it again. And he takes encouragement. He grabs his head for a second time.*"³⁴

56. During the restraint, I understand from the transcripts that the other detainees present started shouting at the officers to stop, although I cannot recall this. At the time, my whole focus was on myself and on what was being done to me by the officers.

57. The response of the other detained people in the room is documented in the transcript of the footage I have reviewed with my solicitors (own emphasis added):

"279 [Shane Farrell grabs D1538's head and pushes it down while he is still

280 being restrained by Ryan Bromley and Nick London]

281 Unknown Detainee 2: Yo, yo , yo. Leave him man. [Inaudible] what the fuck man.

282 Ryan Bromley: [Inaudible] calm, calm.

283 Callum Tulley: Oi, oi, oi, oi. Easy. [Inaudible]. Mate you need to leave.

284 Unknown Detainee 2: do what needs to be done.

285 Ryan Bromley: Stay calm [inaudible].

286 D1538: [Inaudible].

287 Callum Tulley: Don't get yourself, don't get yourself in trouble just get out, get out.

288 Unknown Detainee 2: So don't grab him like that, don't grab his head man. What did

289 he do?"³⁵

58. None of the officers intervened during this restraint to stop DCM Farrell. Despite my resistance to the restraint, and the other detainees telling them to stop grabbing my head, all the officers present did was tell me to calm down, or to tell the other detainees to leave - this can be seen in the transcript of the incident (own emphasis added):

*"290 Callum Tulley: Come out, come out. **He needs to calm down. You need to leave you***

291 need to leave.

³⁴ TRN0000066, BBC000624, KENCOV3052.

³⁵ TRN0000089, KENCOV1031, V2017060600011 clip 1.

292 Unknown Detainee 3: *What?*
 293 Callum Tulley: *Stand up and go.*
 294 [Inaudible cross-chatter]
 295 Dave Webb: **I'm tryna stop them from coming down here.**
 296 Ryan Bromley: *Calm calm, come on mate.*
 297 Callum Tulley: **Just put it down and just leave, you'll be able to come back in, in a sec.**
 298 **Must go now.**
 299 Ryan Bromley: *Calm, calm, calm.*
 300 Unknown Detainee: [inaudible shouting at Shane Farrell]
 301 Ryan Bromley: *Calm, calm, calm, calm.*
 302 D1538: *What the fucking [inaudible].*
 303 Shane Farrell: [Inaudible].
 304 Nick London: [Inaudible] *we're trying to help you.*
 305 Ryan Bromley: *Come on man, just relax. [Inaudible] what happened.*
 306 D1538: [Inaudible].
 307 Nick London: [Inaudible].
 308 Ryan Bromley: *Let go, let go. It's just us, it's just us.*
 309 Steve Dix: *Just tell us what happened.*
 310 Nick London: *Tell us what happened. Is it D197?*
 311 D1538: [Inaudible] *with a knife.*
 312 Ryan Bromley: *The teacher just said [inaudible].*
 313 **Nick London: Can you leave?**³⁶

59. My legal representatives have read me the transcripts where Ryan Bromley says to Callum Tulley – “*he took his head clean off...they pulled him – pulled his neck right down. That’s why even D197’s mates were like [inaudible] but they’re the ones that fight him*”,³⁷ referring to DCM Farrell’s grab of my head. In Brook House, there was so much violence, so much force from the officers – all to control people. It does not surprise me that officers would talk about restraint of a person like this. I believe Ryan Bromley’s description supports my account that the force was for no good reason and was violent.

60. I understand that the incident is also discussed in Callum Tulley’s BBC video diaries where he says (own emphasis added):

*“CALLUM TULLEY: I'll just do it in order. This morning I was having a conversation with Ryan, one of the officers who was basically holding the detainee's arm in the arts and crafts room last week when the detainee was trying to have a fight with somebody else. And I said, after that shift, that **I felt, when Shane came in and grabbed his head, that it didn't seem proportionate to the risk and was unnecessary.** But I wanted to speak to Ryan to see how he felt about it. And so I just asked Ryan. I*

³⁶ TRN0000089, KENCOV1031, V2017060600011 clip 1.

³⁷ KENCOV1033, V201706100007.

said, "Did you see what Shane did?" Yes, sorry, mate. I asked Ryan. I said to him, "Did you see what Shane did?" and Ryan was basically like, "Yeah. Yeah, I did".

And I can't remember the entire conversation but the exact words that Shane -- fuck's sake. I can't remember the entire conversation but one thing that Ryan did say was that he almost took his head off. Now obviously that's an over-exaggeration. And when he first took control of the detainee's head it didn't seem to be massively aggressive although it did seem unnecessary.

The second attempt did seem to be a bit more heavy-handed, let's say. And perhaps Ryan was referring to that head grab. And obviously he had, Shane had, a manager pushing him into the detainee at the time and so it probably didn't help the situation. But clearly, you know, it's not just me that thinks Shane was harsh in the restraint. Ryan feels that way as well.

MALE SPEAKER 1: Do you think yours and ... What do you think yours and Ryan's reaction says about your view of management at the moment?

CALLUM TULLEY: Sorry, mate, I'm not really following.

MALE SPEAKER 1: So it's kind of -- I just want to kind of know what you think of the state of management at the moment. You and Ryan. And the wider staff.

CALLUM TULLEY: Yes. Well. I know that they're -- I've known for a long time that management are too harsh when it comes to restraints and too heavy-handed and don't use force as a last resort. And that is -- that's when it -- use of force has to be as a last resort. I should probably just say that now. And management, all too often, resort to it very, very quickly, without de-escalating the situation. And when the use of force is necessary only as much force that is necessary should be used. And clearly Shane grabbed his head when he didn't need to. And I've always known that that's the case across management and that they have used force incorrectly at times. But to hear it from Ryan, another officer, was quite powerful really because it's just further testimony that staff know that force is used unnecessarily and yet nothing is done.

...

What is ... What I find so surprising about Shane's head grab is that there are two cameras in the arts and crafts rooms, there are managers around, there are officers round, there are detainees around. And so clearly not just Shane but the staff around think that what he's done is an acceptable thing to do. And even once he's released control of this guy's head, even once he's out of the head lock, another manager comes in and just pushes him into the detainee once more encouraging him to do it again. And he takes encouragement. He grabs his head for a second time. And it's just mad that this culture exists so openly within the centre.

...

Shane isn't a manager who I would expect to use force unnecessarily. He's come over from Tinsley House which was a soft centre, a soft regime, and maybe he just lost his rag, maybe he's buckled under the pressure that he feels he's under at Brook

House. Or perhaps he's trying to prove himself to a certain group of officers that he can be heavy-handed in restraints."³⁸

61. BBC documents titled "written statement from camera" (which appear to be BBC internal notes on the footage secretly taken by Callum Tulley) record that I was "*angry but not threatening...Manager Shane Farrell came in and totally needlessly yanked his head which inflamed the situation*".³⁹ Callum Tulley also stated in his video diaries (own emphasis added):

*"CALLUM TULLEY: The Moroccan detainee is being held by two officers, one officer holding each arm. He's trying to wriggle free, he's clearly angry. He is aggressive. But he's in the control of the officers, he's not really posing a threat to the members of staff. The Jamaican detainee who he wants to get at is gone. So, he's just venting off steam, he's just angry, and there are a couple of detainees still in the arts and crafts room. **This manager Shane just comes in and grabs his head and pulls it down. It's just a complete overreaction, completely unnecessary.** And as a result, these two other detainees who are still in the room start shouting and saying, "Get off him!" "Get off him!" "What are you doing to him?" "What are you doing to him?" We managed to encourage them to leave the arts and crafts room, and this detainee, who had had his head just pulled down, is now really trying to fight with the officers now, he's taken offence and he's really struggling. The whole atmosphere's just gone up, and it's become quite a volatile situation.*

...

In the end he does calm down and the manager, Shane, who pulled his head down, releases control of his head, and just steps back, and he does appear extremely angry, and they basically walk him to the block while they -- they basically walk him to the block while the control room monitor the footage to try and see what actually took place.

*As we're walking him to the block, he's sort of pacing around, trying to see if he can find this detainee. He makes a run for it and goes to the gym and sees if the detainee's in the gym. He's looking in the classroom to see if he's there, if he can find him. He clearly wants to do this guy some damage. It turns out that he was assaulted first. **He was attacked, and it was completely unprovoked.** That's what the arts and crafts room teacher told me. Sorry. He was released from the block later on in the day because they realised that he was attacked for what appeared to be no reason at all.*

MALE SPEAKER 1: Attacked for no reason at all, and then a manager yanks his head down when he's not threatening anybody. How strong was the yank? What did you think of it? Just tell me what I just --

³⁸ TRN0000066, BBC000624, KENCOV3052.

³⁹ CPS000048. Please note that it appears an incorrect cipher has been used here, but it is apparent that the incident does relate to D1538.

CALLUM TULLEY: Yeah. This detainee's been -- this detainee's been a victim of a completely unprovoked attack. He's then outraged. He's not been threatening to the staff. You can tell, he's got no qualms with the staff, he's all right with them, he's just angry and he wants to break free. But the staff have got control of his arms. Then this manager just comes in completely unnecessarily, and pulls his head down, just yanks it down. And I was stood there watching the manager, stood in front of him, I was thinking, "Surely he's not going to do it, surely he's not going to do it." He just sticks it out, just the arm just goes, and he yanks him down. And just has him in this headlock and I couldn't really believe it. It inflamed the situation massively.

Then all of a sudden, you've got this situation where you don't know if these other two detainees are going to become disruptive, and maybe they're going to have to be restrained. It was incredible to see that behaviour from a manager. It just -- it's -- it is ridiculous. It puts everyone at risk. This detainee's done nothing wrong, he's just been attacked for a start. So, it's really not necessary to put this guy in a headlock, he's not posing risk to the staff or anybody else at this point. And then just to ignite the -- just to ... this is where I really need to --

MALE SPEAKER 1: What does it mean that a manager's doing it? What does it tell us if managers are -- ?

CALLUM TULLEY: Well, exactly. If managers are behaving this way, how do you expect the officers to behave? Officers look up to these guys, and you're setting a shocking example.”⁴⁰

62. I agree with the assessment by Callum Tulley that the force used by DCM Shane Farrell was unnecessary and excessive. It actually made the situation worse as it made me feel threatened and in danger once again - it caused me to fall over, and it made me more frustrated and indignant. I experienced a lot of abuse and mistreatment during my periods in detention, and I am not surprised at this behaviour from a DCM.
63. I disagree with Steve Loughton's statement in the use of force report that “*minimal force was used to prevent any further assault*”.⁴¹ I understand that the comments provided by DCO Ryan Bromley indicate he also saw the force as excessive. Despite this, he did nothing during the restraint to stop DCM Shane Farrell, and my legal representatives inform me that his use of force report does not raise concerns about the head grab.⁴² I am not surprised by this, as my experience in detention was that officers would lie about use of force or abuse of detainees – I go into this in further detail below when I address my experience of the Professional Standards Unit ('PSU').
64. I remember being taken to a manager's office after this incident. I stated that I wanted a police investigation, which is recorded in the shift handover notes a few days after the incident on 8 June 2017– “*D197 moved to Eden wing awaiting update from police as detainee D1538 wanted incident reported to police as he said he was assaulted by*

⁴⁰ TRN0000064, BBC000622, KENCOV3047A.

⁴¹ HOM004133_0007.

⁴² CJS005615.

D197".⁴³ The manager refused to report the incident to the police during my meeting with him. I do not know why, and I do not know why the incident report states "*Mr D1538 does not want the police involved in the incident*– I did."⁴⁴

65. I was seriously injured by the attack – I had scratches on my neck, bruising, and a swollen eye.⁴⁵ A report of injury by healthcare records that I suffered from "*scratches on his neck both sides over the right eye – slightly swollen back of his neck – tiny scratch, fit and well.*"⁴⁶

66. A nurse inspected my injuries after the incident whilst I was on E-Wing, and they also checked on me again once I had returned to my cell. I do not remember them providing me with any treatment (beyond these checks), and my healthcare records from the same date indicate that I did not receive any:

"History: Detainee was involved in an altercation with other detainees in the ART ROOM.

Seen by nurse after the incident on E.Wing.

Superficial scratches on both sides of his neck and on under the neck.. [sic] Over the right eye slight swollen area .. [sic] F213 completed after the incident.

...

History: Alleged asult [sic] by other detainee-well being check

Examination: Seen on A wing - resting in cell - Right eye Injury uncertain if accidental or non-accidental (Y03fb)-

upper eyelid and rt temple swollen bruising evident - Perl - declined further obs - no nausea - declined diet and fluids / medication as Rhamadam [sic]- discomfort but not painful limbs shoulder back of neck

*Plan: further observations if symtoms persit [sic]- possible meds later"*⁴⁷

67. A manager told me that I had to go to E-Wing – I understand from my legal representatives that DCM Steve Dix made this decision.⁴⁸ I cannot remember if I was taken to E-Wing or the CSU. The use of force reports state it was E-Wing,⁴⁹ but a G4S log states I was taken to the CSU.⁵⁰ I was not allowed to see anyone whilst in isolation, except staff. I do not recall being given a reason why I was in isolation.

⁴³ CJS001204_0007.

⁴⁴ HOM004133_0007.

⁴⁵ CJS007239_0003.

⁴⁶ CJS007242_0004.

⁴⁷ CJS007239_0003.

⁴⁸ See TRN00000089, KENCOV1031, V2017060600011 clip 1, lines 404 – 406, 414, 419 – 422.

⁴⁹ HOM004133_0003, _0004, _0007.

⁵⁰ CJS000896, tab 2, row 102, column N.

68. I felt this was unfair. I was not being treated like a human being. I was the victim of an attack by another detained person, and by the officers, but I was being told to go to isolation to calm down.⁵¹ I felt like I was being punished. There were several witnesses, including the arts and crafts teacher Sarah Walpole who would have been able to immediately confirm that I was the victim.
69. Sarah Walpole provided a statement on the incident, in which she confirmed that D197 *“stormed in around the tables and punched D1538, there was punches thrown [sic] between them with D1538 defending himself...From my point of view it was a bit like D197 was overcome with red mist and behaved very out of character”*.⁵²
70. My legal representatives have asked me if I am aware of an anti-bullying investigation being carried out as a result of this incident. I was not aware of such an investigation.
71. This event left me feeling traumatised. For a while, I couldn't speak to anyone. I couldn't laugh. I couldn't cry. I was in a state of shock. The impact was worsened because I suffered physical abuse from detained persons and staff a number of times throughout my time in detention – there is a cumulative impact to this which means I think about the incidents a lot and find it difficult to forget what happened to me.
72. I do not think the force/restraint used by DCM Shane Farrell was reasonable and proportionate at all. It was totally unprovoked and it did not help the situation – it made me a lot more frustrated, stressed, and scared. DCOs Nick London and Ryan Bromley were already holding my arms to hold me back – suddenly and violently pulling my head and putting me in a headlock was not justified. I do not understand why the officers state in their accounts that they did this to protect my head from hitting it on cabinets – there were no cabinets nearby and I was not thrashing my head when DCM Shane Farrell initially grabbed my head, and his decision to do so actually put me more in danger of hitting my head or hurting myself.
73. I tried to discuss this incident during my meeting with the PSU on the 15 December 2017, but they told me they were only there to investigate the complaints as set out in the complaints letter.⁵³ Therefore this incident was not investigated by the PSU.

4 July 2017

74. Another event which has had a lasting impact on me during my time in detention was when I witnessed my cell-mate attempt to kill himself by tying a ligature around his neck and hanging it from a TV-bracket. I do not remember the name of my cell-mate, but the transcripts indicate he was called D865. They were an Algerian.

⁵¹ HOM004133.

⁵² HOM004133_0005.

⁵³ HOM002627_0001.

75. This incident was captured in the Panorama documentary, which I have watched – from 44 minutes 20 seconds – 45 minutes 12 seconds, in particular 44 minutes 35 seconds - 44 minutes and 45 seconds.

76. On 4 July 2017, I went to the bathroom, and I heard a huge crash. I came out and the TV had fallen from the wall. My cellmate was lying on the floor, shaking, with something round his neck – I think shoe laces. It looked like he had tied the material around the TV bracket and his neck whilst I was in the bathroom. It was so distressing that I found it hard to look at him. I felt very scared.⁵⁴

77. I started to call for help – I rang the bell.⁵⁵ Staff finally arrived after a long wait of several minutes, and they took him to the monitoring room.

78. This incident is recorded in transcript KENCOV1043, V2017070400007 clip 1 and 2:

“ ...

D1538 (Detainee): [Inaudible] banged his head on the floor. He shakes. I can't watch it like, I'm [Inaudible] changes.

Chris Donnelly: Yeah, yeah, yeah.

Callum Tulley: Has he tied something to the – ?

Chris Donnelly: No. It's not round his neck.

Callum Tulley: No, but what's that tied around the actual bracket?

Chris Donnelly: Is he – he's not charged[?] is he?

Callum Tulley: Do you want a fish knife?

Chris Donnelly: [Inaudible]

Callum Tulley: Here you are, use it.

Chris Donnelly: [01:24 – 01:36 Chris Donnelly produces a knife from his belt and cuts a shoestring/cable from D865's neck and discards it on the ground] That's all I need.

Chris Donnelly: Oh, that will help him.

Male Medical Staff 1: [Inaudible] Need to get some air in him.

Male Medical Staff 1: Is that D865?

Male Medical Staff 2: Yeah, it is.

Male Medical Staff 1: Looks like [Inaudible]

Male Medical Staff 2: [Inaudible]

Medic: What's this?

Chris Donnelly: Hmm?

Male Medical Staff 1: [Inaudible]

Chris Donnelly: That's where we found him.

Male Manager 1: On this?

Chris Donnelly: Your TV was under him and the ligature was tied round the TV.

Male Manager 1: Alright.

Chris Donnelly: So it looks like he hasn't suspended himself, the TV's bracket's broken.

⁵⁴ TRN0000033, KENCOV1043, V2017070400007 clips 1 and 2.

⁵⁵ TRN0000033, KENCOV1043, V2017070400007 clips 1 and 2.

Male Manager 1: He broke it.
 Male Manager 1: [inaudible] you would've said [inaudible]
 D1538 [Surname unknown – Detainee]: Yeah, yeah, yeah.
 Male Medical Staff 1: Yeah, that's true.
 Unknown Male Staff: I don't need [inaudible].
 Unknown Male Staff: Fair play.
 Female Medical Staff: You okay?
 Unknown Male Staff: Downstairs.
 Female Medical Staff: [inaudible]
 D1538 [Surname unknown – Detainee]: I don't know how he did it, yeah. I was just going in the toilet but I think he's got [inaudible]. I don't wanna [inaudible].
 D1538 [Surname unknown – Detainee]: After I sit down in the toilets, after I hear the TV come down. I see he's gone there. I see him [inaudible].
 D1538 [Surname unknown – Detainee]: I see him, he goes in [inaudible]. I'm scared.
 D1538 [Surname unknown – Detainee]: Oh my god. He's shaking.
 ...
 Chris Donnelly: Did you ring the bell?
 D1538 [Surname unknown – Detainee]: Yeah.
 Chris Donnelly: So when you did it, you did it when you were in the toilet?
 D1538 [Surname unknown – Detainee]: Yeah. I think toilet, outside straight away I pull, straight away I [Inaudible].
 Chris Donnelly: Yeah, yeah.
 D1538 [Surname unknown – Detainee]: But we had [inaudible] here.
 Chris Donnelly: You checked on him?
 D1538 [Surname unknown – Detainee]: Yeah, no problem.
 Chris Donnelly: And you were there for a while? Because it doesn't – it takes a little while to do that.
 D1538 [Surname unknown – Detainee]: No, no, no.
 D1538 [Surname unknown – Detainee]: Yeah man, I'm not saying if there was something before, right, but he make it, already make it. [Inaudible] outside that bench and he's [inaudible] come down [inaudible].
 Male Manager 1: I heard the TV come down [inaudible] TV. I was trying to speak with him [Inaudible] when all of a sudden I heard a big slam. It's that now [inaudible]. What I did was take the TV on the floor.
 Chris Donnelly: So was he standing up with the thing round the neck when you caught him?
 D1538 [Surname unknown – Detainee]: Yeah, he was yeah. [Inaudible] outside on the toilet and I found him on the floor shaking.
 Chris Donnelly: Yeah.
 D1538 [Surname unknown – Detainee]: [inaudible] someone standing there [inaudible]
 Chris Donnelly: Was he on the floor when you called?
 D1538 [Surname unknown – Detainee]: Yeah. He was on – on the floor, man.
 Chris Donnelly: Okay. Is [inaudible]
 D1538 [Surname unknown – Detainee]: Yeah, man.
 Chris Donnelly: Do you know when you –
 Callum Tulley: What's up mate?
 D1538 [Surname unknown – Detainee]: On the hanging [inaudible].
 Female Medical Staff: How did you manage to get on the floor then?
 D865: Don't know.

Female Medical Staff: What did you put round your neck?

Female Medical Staff: Careful, sir. Careful. Take it slowly.

Callum Tulley: Yeah relax, take it easy.

...

Chris Donnelly: D1538? Can you let us know what's his and what's yours?

D1538 [Surname unknown – Detainee]: Yeah, it's my one though.

Chris Donnelly: That's yours?

D1538 [Surname unknown – Detainee]: [inaudible]

Callum Tulley: Be careful.

D1538 [Surname unknown – Detainee]: All that is his. All everything.

Chris Donnelly: So it's all his?

D1538 [Surname unknown – Detainee]: Yes. [inaudible]

Callum Tulley: [inaudible]

Callum Tulley: You got a folder or anything like that to keep your paperwork in? Just put it in like this?

Male Staff Member 3: Not allowed to take his shaver is he? [inaudible]

Callum Tulley: No, he won't be allowed them.

D1538 [Surname unknown – Detainee]: I wanna see the doctor [inaudible]. I'm all round shaking. [inaudible] I'm not alright.

...

Callum Tulley: What happened to him?

D1538 [Surname unknown – Detainee]: Hmm?

Callum Tulley: What happened?

D1538 [Surname unknown – Detainee]: I dunno man, I've been toilet, I go to use toilet. Somebody opened for him the door [inaudible]. I go to use the toilet. I go sit down. I heard the TV then everything, in front of me shaking on the floor, I swear I'm too scared man.

Callum Tulley: What do you mean? What, he was trying to hang himself?

D1538 [Surname unknown – Detainee]: He try kill himself. I don't know what's happened. Find everything here he puts something – puts something here and on TV as well [Indicates tying something around his neck].

Callum Tulley: Oh.

D1538 [Surname unknown – Detainee]: I can't watch him, man.

Callum Tulley: Yeah.

D1538 [Surname unknown – Detainee]: That's why I left him there, pressed the button, I came here and run away straight away for them.

Callum Tulley: Yeah.

D1538 [Surname unknown – Detainee]: [inaudible]"

79. I asked to see a doctor immediately as I was feeling scared and disturbed by this.⁵⁶ My medical records note that a mental health nurse, Karen Churcher, came to visit me in my cell the day after this incident on 5 July 2017. I cannot completely recall this interaction but the medical records state that I told her that I was feeling shaken by this incident:

“History: RMN

Examination: Seen on wing after request from DCM C Donnelly.

⁵⁶ TRN0000033, KENCOV1043, V2017070400007 clips 1 and 2.

He shares a room with fellow detainee who attempted to hang himself yesterday. States he is shaken and has reoccurrent [sic] thoughts and dreams about it. Is also stressed about being detained and has been placed on a raised concern. Had a fellow detainee in his room when visited and suggested that he ask to share with his friend.

*Would like to be referred to mental health team
Plan: Appointment booked for 10/7/17 at 10am*

...

10 Jul 2017 09:59 Surgery: CHURCHER, Karen (Mrs) (Mental Health Nurse)

History: RMN

Examination: Did not attend the mental health appointment given.

This was a one off appointment in response to an incident. Therefore no further appointment will be made.

Plan: To self refer if required.”⁵⁷

80. I understand that my medical notes state that the nurse booked me in for a mental health appointment, which I did not attend. I do not remember being offered this appointment. I was very shaken and disturbed during the time, so it is possible that I forgot to attend, or did not realise that the nurse had arranged this appointment for me.

81. My records also show I attended an appointment for the Emotional Health Group on 10 July 2017, although I do not recall attending this session.

“History: Stress management (Ub014)

Emotional Health Group

Attended the group for the first time. Said he had not been able to sleep for six nights, that he woke up in the morning after breakfast and was able to sleep for an hour. Said that he had witnessed someone try and committ [sic] suicide. He said that he did not have family in the country and he had been in and out of detention for the last four years.”⁵⁸

82. My legal representatives have described documents which indicate that staff placed me on “*raised concern*” after this incident,⁵⁹ but I do not recall any special treatment or support. My lawyers have explained that shift handover notes dated from 5 July 2017 until 14 July 2017 record me as on “*raised concerns as he witnessed his room-mate try to kill himself*”.⁶⁰ I do not know what this meant in reality and I was not placed on ACDT.

83. I was deeply shaken after witnessing my cellmate’s attempted suicide, and suffered from nightmares and intrusive thoughts about it. I was not able to sleep at all for a few

⁵⁷ CJS007239_0008.

⁵⁸ CJS007239_0008.

⁵⁹ See for example CJS007239_0009.

⁶⁰ CJS006479, CJS006470, CJS006471, CJS006473, CJS006474, CJS006476, and CJS006477.

days after this happened, and continued to experience disturbed sleep.⁶¹ I can still remember how he looked lying on the floor, and I am haunted by an image in my mind of him hanging from the TV bracket.

84. My medical records note that I was still experiencing these symptoms a month later, on 8 August 2017, when I was being detained at Harmondsworth:

“8 Aug 2017: D1538 complaining of poor [sic] because of bad dreams - it is documented from B/Hse IRC that he witnessed a roommate trying to kill (by strangulation). He is having flashbacks and has been attending 'Emotional Health Group'”

*D153 has no previous contact with mental health services. However, he is complaining of not sleeping due to nightmares causing stress. D1538 discussed difficult childhood saying he suffered a lot of physical abuse at the hand of his father. He went on to say it can be very temperamental [sic]. Denies thoughts to harm himself, said just wanting to sleep well without being stressed with the nightmares. PLAN I will discuss with GP c/o hypnotics [Sensitive/Irrelevant]”.*⁶²

85. This was a very traumatic experience and I am still tormented by images of it.⁶³

86. I feel that staff should have provided me with more support and looked after me. It would have been good to have 1-1 speaking therapy, for example. I feel like I was left alone to deal with this very difficult incident mostly by myself.

87. The impact of this event on me is also recorded in Dr Turvill’s MLR report⁶⁴ – *“the attempted suicide of a room-mate has had a debilitating effect upon Mr D1538 and may have retraumatised him”*.

88. I witnessed my cellmate try to hurt himself several times. I saw him cut himself many times. I saw him using blades to hurt himself. I would speak to him to try and stop him, try to take away the blade. He would also bang his head on the cell. I saw him put a plastic bag over his head in an attempt to suffocate himself.

⁶¹ CJS007239_0009, CJS007240_0001.

⁶² CJS007240.

⁶³ Annex 2, Dr Thomas Report para 153.

⁶⁴ Annex 1, Dr Turvill Report, para 104.

PSU Complaint

89. On 21 August 2017, my solicitors submitted a complaint on my behalf to Brook House IRC regarding two separate incidents.⁶⁵

“The first allegation is that, on 3 June 2017, there was an incident involving the use of the computer room. Our client states that he was denied use of a computer by a detention officer and that he was not provided a reason for this. Our client then alleges that the detention officer called over other detention officers who then pushed and tried to slap him. Our client was calm until this point but then looked to defend himself. As a result of this incident, the manager was called over and our client was sent to isolation for 24 hours and banned from the computer room for 7 days.

The second allegation is that, on 28 June 2017, our client attempted to go over to C-wing where another detainee had offered to provide him with some clothes. Our client only had a T-shirt and some shorts to wear. Our client alleges that a detention officer told him that he was not allowed to go to C-wing and that he needed to change his clothes as he 'looked gay'. [REDACTED] Sensitive/Irrelevant [REDACTED] Sensitive/Irrelevant [REDACTED] Our client says that he was therefore very upset about this comment and reacted angrily. We are instructed that our client was taken to the office of the staff member and given a written warning for his behaviour.”

Incident on 3 June 2017

90. One of the incidents which I found most upsetting at Brook House IRC occurred on 3 June 2017. As previously described in my original complaint, set out in the paragraph above⁶⁶ and as described during an interview with the PSU,⁶⁷ I was denied use of a computer by a staff member. Following a verbal altercation between me and the officer, he was joined by another officer, who then pushed me twice. Although I had remained calm to this point, at this stage I felt it was necessary to defend myself from these attacks.

91. I was sent to isolation following this incident⁶⁸ and barred from use of the IT suite for a week.⁶⁹

92. I cannot remember exactly how long I was kept in isolation. My legal representatives have informed me that some documents suggest I was on E-Wing until 4 June, whilst others indicate 5 June (CJS000896, tab 3, row 17, column N records a Rule 40 of 19.75

⁶⁵ CJS001360.

⁶⁶ DL0000067.

⁶⁷ HOM002627.

⁶⁸ CJS001619_0016.

⁶⁹ CJS001619_0018.

hours with resumption on 4 June, CJS001619_022 records a Home Office official visit on 4 June at 9:25 which records “*he will come off rule 40 now on A.M*”, whilst CJS006478, dated 5 June 2017, states “*D1538 came off rule 40 and onto the wings*”).

93. I do not remember the names of the officers involved in this incident, although I am told by my legal representatives that PSU investigation report confirms they were called DCO Edmund Fiddy and DCO Luke Instone-Brewer.
94. I do not remember receiving any medical treatment following the officer pushing me, although I understand there is a record of a medical check in the Report of Injury to Detainee Form.⁷⁰ I agree with the record in the form that I did not sustain any injuries during this incident.⁷¹
95. My legal representatives have asked if I am aware the police were notified about this matter in February 2018, or if I was notified of the outcome of the investigation. I was not aware of or notified of this.
96. My legal representatives have read out the summary of the CCTV footage of this incident.⁷² There are several comments I wish to make:
 - a. I cannot recall if I was shown the CCTV on the day of the incident.
 - b. I cannot recall if I was shown the CCTV during the subsequent PSU investigation.
 - c. The summary says I appear to be working at a computer although the unit was not actually visible. I was not working at a computer; I was waiting to be given access to a computer. To use IT in Brook House, you had to put your name down and wait for your turn. I had put my name forward but then when it came to my turn, I was not allowed to use it.
 - d. I remember the two men referred to as D1 and D2 in the summary – they were Somali detainees who were seeking to de-escalate the verbal argument that was taking place between myself and the officer as he was refusing me access to a computer.
 - e. The CCTV says that I “*stride*” towards the DCO desk, but that my arms are not raised. It says I stood close to DCO Fiddy but was not looking directly at him. I disagree that this behaviour justified the use of force against me.
 - f. I stood next to the officers as I was continuing to challenge why I could not use a computer. At this point DCO Fiddy pushed me twice. The CCTV evidence demonstrates that he was the first to choose to use force.
 - g. I do not remember taking hold of either officer. I did not try to grab the officer round the neck, as claimed in the use of force documentation.⁷³ I was simply responding to the use of force against me, to defend myself.

⁷⁰ CJS007242.

⁷¹ CJS007242, CJS0016190014.

⁷² HOM002630.

⁷³ CJS001619.

97. I did not complain about this incident at the time. I did not feel I could trust any of the staff to keep a complaint confidential, and I also did not trust them to make any changes as a result.

98. The PSU found my complaint to be unsubstantiated:

“In consideration of whether the force used was unprovoked or justified, evidence supports that Mr D1538 moved close to DCO Fiddy on several occasions. CCTV evidence supports Mr D1538 moved in an apparently aggressive manner toward the DCO. Evidence, including CCTV recording, supports D1538 moved very close to DCO Fiddy and, on the final occasion, appears to grab DCO Fiddy around the back of the neck. Officer's evidence supports that DCO Fiddy felt a threat of imminent assault to both himself and DCO Instone-Brewer. No evidence was found to support D1538's version of events that a DCO called other DCOs who pushed and tried to slap him. It is considered, therefore, that the use of force was not unprovoked. It is further considered that DCO Fiddy's use of force to move D1538 away from himself was justified under the circumstances presented at the time. Officer's evidence supports Mr D1538 was verbally abusing DCO Instone-Brewer both before and following DCO Fiddy's entry into the IT room.

7.3.5 In consideration of the level of force used, evidence supports that DCO Fiddy used open palmed hands to push away from him on several occasions. On each of those occasions D1538 had moved very close to DCO Fiddy and, on the final occasion, appears to have grabbed the DCO around the back of the neck. Evidence supports that D1538 moved toward DCO Fiddy in an apparently aggressive manner and it is considered reasonable to assume DCO Fiddy was justified in feeling under threat if [sic] imminent assault, especially considering Mr D1538 approached in the same manner several times. Officer's evidence also supports verbal de-escalation was attempted to calm Mr D1538. It is considered, therefore, that the level of force used to respond to the situation presented at the time was within reasonable and necessary levels proportionate to achieving the required outcome of moving D1538 out of DCO Fiddy's personal space.

7.3.6 In wider consideration of events, D1538 alleges he requested use of a computer but was ignored by the DCO in the IT suite at the time. Mr D1538 confirmed he was not given use of a computer and did not sit at a computer nor sit at all. Mr D1538 alleges the DCO's approached him and started pushing him without giving any reason. CCTV evidence shows Mr D1538 sat down in a computer type chair on several occasions. CCTV evidence shows Mr D1538 apparently working at a computer on several occasions. CCTV evidence shows Mr D1538 gesturing, and apparently shouting, toward the DCO desk before DCO Fiddy enters the room. CCTV evidence shows D1538 being apparently pacified and gently restrained by other detainees in the IT room. It is considered, therefore, that sufficient evidence was found to support the version of events as reported by the DCO's on their use of force and incident reports. It is further considered that sufficient evidence was found to cast doubt on the veracity of Mr D1538's version of events. It is accepted that Mr D1538 was, or became, agitated whilst in the IT suite however no evidence was found as to the cause of that agitation.

Evidence does, however, support that the alleged non allocation of a computer was not the cause. Evidence supports that Mr D1538 was primarily directing his aggression toward DCO Instone-Brewer and that DCO Fiddy placed himself in a position to protect his colleague. That positioning resulted in the invasion of DCO Fiddy's personal space by D1538 and the resultant proportionate use of force".⁷⁴

99. The PSU accepted the version of events from the officers, because the CCTV did not record the audio of our conversation. I feel like the PSU approached the investigation with the assumption that the officers were telling the truth and I was not and that my account of what happened was not enough to prove what had happened.

100. My legal representatives have discussed documents with me which demonstrate that the officers involved were frequently involved in instances of mistreatment, goading and abuse of detainees, similar to the way I felt like I was treated by them on 3 June 2017. For example:

(i) *"Ed Fiddy: He [a detainee] was just being a cunt mate."* (KENC0V1007, V2017050500022)

(ii) *"Joe Marshall: And all you can hear on the body cam is just - , its fucking unbelievable. I pissed my self [sic], most unbelievable screaming. You know what they do, how much unbelievable screaming."*

Ed Fiddy: I do - I do love watching the playbacks.

Joe Marshall: I know it sounds horrible, it sounds really horrible. But I found that quite funny. I remember the one that I'd done in the CSU. Exactly the same thing, took him onto his front, not [sic] his back, obviously put his arm round, and then mate, his screaming, I couldn't help it I was laughing. You know 'Allah, they are killing me' sort of puts me in the mood for it again but I end up thinking, am I fucking retarded? You've got to be mentally retarded

Ed Fiddy: I hate it - I hate it when there like, 'I'm resisting, I'm resisting' I'm like shut the fuck up.

Joe Marshall: [Inaudible]

Ed Fiddy: I mean we had one, the initial [Inaudible] didn't really annoy me, it was just him, he kept he was fucking in like this [sic], holding his hands [Ed Fiddy mimics a detainee curling into a ball].

Joe Marshall: Yeah that's the worse [sic] you can get.

Ed Fiddy: 'I'm not resisting, they're assaulting me, I'm willing to go, I'm not resisting' [Inaudible] I gave him pain compliance in the end. Ah such [Inaudible].

Joe Marshall: Aw mate I do that and all. When I put his arm out this guy, when I put his arm out. He was on his back, so his arms out like that and I was holding it and he, obviously cause [sic] in the melee he had my keys in his hand. He's lying on the floor, I've got his arm but my keys are like that in his hand, and he could hear me going [Inaudible] let go of my keys, he wouldn't let go of my keys, so mate I don't know how I didn't break his thumb, because instantly it was like - I was proper going for it.

⁷⁴ CJS003348_0020.

Obviously I'm holding his arm now so I've actually got his arm now, that's where I put my knee. His arm aint [sic] going nowhere, but he's got my keys. So I was just using my other fucking hand on his thumb.

Ed Fiddy: How'd you do that?

Joe Marshall: No so, I done that and nothing so I'm thinking what the fuck. So I really done it [Joe Marshall mimes applying pressure to the thumb joint to push the digit into the palm, then opens his hand to indicate the detainee releasing the keys once the pain was too much], then he went – go on you cunt.

Ed Fiddy: I – I would just yank it mate [Ed Fiddy mimes applying pressure in the opposite direction; pulling the thumb away from the fingers]. I don't fucking do this shit.” (KENCOV1023, V2017052400004 Clip 1)

(iii) In the G4S draft report following an investigation into Nathan Ward's allegations, it notes that a member of staff, Michelle Brown had raised “concerns” about Luke Instone-Brewer. Another member of staff, Stacie Dean also raised concerns about him for “*antagonising and goading detainees*”, and also in relation to “*his C&R*”. The same document notes a detainee made a complaint against him for “*poor behaviour*” and this was substantiated. The report further records that he was “*looked at from a Corruption Prevention point of view*”, and that Stacie Dean alleged he was “*supplying spice to detainees*” (CJS0073663).

(iv) “*Ginge: no one likes a snitch.*

Joe Marshall: You're fucking right there no one likes a snitch. You're fucking right Ginge.

Ginge: We get it from upstairs, we get it from them. We don't need to get it from each other.

Callum Tulley: Yeah” (KENCOV1012, V201705040003 Clip 1)

101. I understand that “Ginge” has been identified by the Inquiry as DCO Instone-Brewer. I understand that DCO Instone Brewer left Brook House on 28 July 2017, and DCO Ed Fiddy left on 12 October 2017.⁷⁵

Incident on 28 June 2017

102. As referred to above, on 28 June 2017, I was walking over to C-Wing to borrow some clothes from another detainee, as I only had a t-shirt and shorts. A detention officer told me that I was not allowed to go to C-Wing and that I should change my clothes because I ‘looked gay’. This was in front of other detainees including Moroccans and other Arabic people and I was terrified about what they would think and how they would react to me. I reacted angrily to what he said because I could not believe that a detention officer would speak to me like that.⁷⁶

⁷⁵ See CJS000599.

⁷⁶ DL0000067.

103. I do not remember the man's name but my legal representatives inform me that the PSU report confirms the man was called Darren Tomsett. According to the PSU report about my complaint, Mr. Tomsett was a DCO at the time of the incident but was subsequently promoted to DCM. Document HOM002190, a G4S complaints log, identifies him – “*he says an officer denied him access onto the wing & said he should change his clothes because he “Looked gay” ... 28/06 – Darren Tomsett [sic]*”.⁷⁷

104. Mr. Tomsett made this comment in front of lots of other detainees, and they heard it. A lot of the detainees who heard Mr. Tomsett say this were Arabic-speaking, and they laughed at me. They teased me about this. They mocked me for days after the comment.

105. Because of this, I did not feel comfortable in detention and did not feel that I was somewhere where I was safe to be open about my [Sensitive/irrelevant]. This was difficult for me because I knew that I had to explain my story to the authorities and why it was not safe for me to return to Morocco, but I felt that because of this incident that the detention staff were hostile to [] people. This made me worry even more about speaking to the Home Office about my asylum claim, because I did not know how they would react and I was already very nervous about speaking to a stranger about my [Sensitive/irrelevant]. It will be noted that during my initial healthcare screening I refused to answer a question about my [Sensitive/irrelevant].⁷⁸

106. I did not feel safe in detention as a [] man. I was worried about the other detainees who I was with because many of them were from North Africa, including Morocco and Algeria. These countries have a culture which is not tolerant of [] people. Mr. Tomsett made this [Sensitive/irrelevant] remark in front of lots of other detainees. I viewed my cellmate as a friend, but I was very concerned that he would find out I was [] I did not know how he would react and was worried that the information would spread to other detainees and I would be at risk.

107. The PSU found that my complaint was, on the balance of probabilities, unsubstantiated:

“Consideration of the second allegation focused the investigation on whether a DCO made homophobic comments to Mr D1538.

7.3.9 No definitive evidence was found to support homophobic comments were or were not made to Mr D1538. Consideration was therefore given, on the balance of probability, to the likelihood of such comments being made by a DCO to a detainee and to the circumstances under which they are alleged to have been made.

7.3.10 It is accepted that Mr D1538 was attempting to enter onto C wing, it is further

⁷⁷ Row 12, column E.

⁷⁸ CJS007239_0001-0002.

accepted that wing was not Mr D1538's accommodation wing. It is also accepted that Mr D1538 was given a warning as a consequence of events.

7.3.11 Evidence supports Mr D1538 knew he should not enter accommodation wings other than his own.

7.3.12 Mr D1538 stated he was attempting to enter C wing in order to obtain additional clothing from another detainee. Mr D1538 further stated this was necessary as he had no clothing beyond "boxer" type shorts and t-shirts despite being in Brook House in excess of 20 days and having requested issue clothing. D1538 also stated no clothing had been issued to him.

7.3.13 Evidence supports D1538 was issued "destitute clothing" on 1 June 2016 during his admission to Brook House. Evidence further supports this would include jogging bottoms and a jumper. CCTV recording shows Mr D1538 wearing calve length leg wear on 3 June 2017. Evidence supports Mr D1538 had, in his room on 3 June 2017, items of clothing other than t-shirts and "boxer" type shorts. It is, therefore, accepted that D1538 did have clothing other than that which he states, "boxer" type shorts and t-shirt, as being his sole possessions. This casts doubt on the veracity of Mr D1538's statement and, therefore, his stated reason for wishing to gain entry to C wing.

7.3.14 Evidence from the G4S internal investigation states the DCO concerned, by then a DCM, disputes the allegations and states he did not make any reference to D1538 in relation to his clothing. Evidence also states Mr D1538 was verbally abusive to the officer when challenged as to why he was on C wing.

7.3.15 Mr D1538 states he was pushed out of C wing and his head was put down. Under Detention Centre Rules such actions would have constituted use of force and, as such, would have been recorded in line with Rule 41(3). No evidence of any such record was found.

7.3.16 It is accepted that Mr D1538 attempted to gain entry to a wing other than his own despite knowing such entry was not allowed. His stated reason for wanting to enter C wing is thrown into doubt as evidence supports Mr D1538 had been issued clothing other than shorts and t-shirts. It is considered reasonable to assume that, being frustrated in his attempt to enter C wing, Mr D1538 became agitated and verbally abused the officer preventing his entry.

7.3.17 Whilst it is accepted that the question of homophobic comments being made to Mr D1538 cannot be resolved beyond any doubt, it is considered on the balance of probability that such comments were probably not made and that Mr D1538 became frustrated due to his attempt to enter C wing being challenged and denied.”⁷⁹

108. I feel like the PSU started from the assumption that an officer, especially one subsequently promoted to DCM, would not have made such comments to a detainee. They took his evidence at face value, whereas I was expected to provide definitive evidence of events, which would be very difficult without a recording of the incident. Even the PSU did say there was no evidence to support Mr. Tomsett's version of events.

⁷⁹ CJS003348.

109. My legal representatives have recently read through disclosure documents with me that show that Mr. Tomsett was involved in a wide number of instances of racism and poor behaviour to detainees. For example, HOM002190 records 17 complaints against Mr. Tomsett, including that he was “*abusive and threatening*”, told a detainee to “*go back to his country*”, is “*rude and irresponsible*”, stole money sent to a detainee, and was confrontational and rude to a detainee when the fax machine was not working.

110. Other examples include (own emphasis added):

- (i) From a document called “written statements from camera”, which appears to be notes made by BBC staff on Callum Tulley’s secret filming, in CPS000025 - “*This morning around 8.30am there was an altercation between a Congolese detainee and officer Darren Tomsett in the B wing office. The detainee was demanding new boxers and socks and was being quite abusive and was swearing. Officers were taking a firm course of action and were remaining professional until Darren seemingly lost his temper and started shouting back at the detainee saying 'Im [sic] not scared of you' and 'the day I'm scared of you is the day I pack it all in' and 'if you want to have a go lets go'. Cal believes that while the detainee was being very abusive there was no threat of actual violence, the threats were empty. Darren walked away from the incident in the end. This Congolese detainee is known to be challenging.*”
- (ii) This BBC clip from 19 June 2017: “*Darren Thomsett [sic]: Horrible bastard. Callum Tulley: Eh? Dan Small: Come back and kill all the British. Callum Tulley: What’s that? Dan Small: Bit of training in Somalia and come back and kill all the British. Callum Tulley: Is that what he said? Darren Thomsett: Yeah. He has been in here and giving it all the large one, mate. Put his chin out, he put his chin out hoping we’d knock him out. Callum Tulley: Eh? Darren Thomsett: He put his chin out. He wanted me to fucking dig him. Callum Tulley: Did he? Darren Thomsett: Yeah. I went, ‘No, mate. I said, ‘You’ – I said, ‘Throw the first one. I said, ‘You throw the first one, and I’ll fucking put you out of your misery. If you throw the first one, I’ll fucking put you out of this office. So, it’s up to you mate.’ Stinking attitude.” (TRN0000083, KENCOV1037, V2017061900003 Clip 1)*
- (iii) A BBC clip from 5 June 2017: “*Dan Lake: He’s going ‘you fucking want some?’ Callum Tulley: What was he saying? Dan Lake: Geezer come in from C Wing, he is pulling a curtain [Inaudible] and Darren just had a go at him like you wouldn’t believe. Dan Small: You could either tell him ‘okay I will get you a curtain from the spare room that we have’ or ‘no we don’t have any, I’m afraid’. But Darren – he’s losing the plot man. Callum Tulley: Who is this D732? Dan Small: Jamaican. Skinny, small one.*

Callum Tulley: What did he say? What did he say to you?

Dan Small: I can't remember what it was.

Dan Lake: **He went nuts. He went 'you ain't fucking having one, they are for this week' -**

Dan Small: **D732** even came up to me and asked 'is he on something? Because all I asked for was a curtain.'

Dan Lake: **It was so extreme.**

Callum Tulley: Was it? I was in there, I was in the office this morning, and this detainee was basically kicking up the [inaudible] because he wasn't being given boxers, and then he wanted socks and we weren't giving him socks either. **And then him and Darren squared up to each other. And Darren was like, 'Oh yeah you think I'm scared of you? You think I'm scared of you, do you?' [Laughter]. I'm thinking Darren, mate, what are you doing?**

Dan Small: We were doing a [inaudible] list, and Darren was looking at one fella and the fella was looking at Darren and he said, 'Do you want to kiss me or something?' Out of nowhere, 'Do you want to fucking kiss me?' Literally. I said, 'What the fuck is going on?'

Dan Lake: [Inaudible] **He is the sort of guy, I might have said to you, he will go home and when the TV remote runs out of battery he will argue with that and all [laughter]. He's a fucking nutter, bro, he's completely lost the plot.** Sensitive/irrelevant

Sensitive/irrelevant

Callum Tulley: He was going to the detainee, he goes 'the day I'm scared of you, mate, is the day I got to pack it in, I tell you'. [Laughter]

Dan Lake: **Sensitive/irrelevant**

Sensitive/irrelevant

Dan Small: Do you reckon he is in his mirror, every day, just fucking talking to himself.

Dan Lake: **Yes, he's fucked.**

Callum Tulley: But sometimes, he's like in an amazing mood, and it's just like, you can't -

Dan Lake: He is a raving nutter, is what he is.

Dan Small: Bipolar boy.

Dan Lake: Yeah but you can't [inaudible]. I had one on A wing that time and it was decent, I had a good time on A wing. I was going to move there.

Callum Tulley: If you were moved to B wing, you'll be working with Darren every day.

Dan Small: I know. You'll get stabbed at some point.

Callum Tulley: I don't know how he's not got in a scrap before, personally, but I suppose you wouldn't really want to pick a fight with him, would you?

Dan Small: What he does is he will argue with them and then bin them off.

Dan Lake: **Yeah, definitely, he winds them up and then sends them out.**

(TRN0000080, KENCOV1030, V201706050019)

- (iv) From Callum Tulley's video diaries: "MALE INTERVIEWER 1: Tell me a little bit about Darren?"

CALLUM TULLEY: Darren is extremely efficient in many ways when it comes to his job. He works extremely hard on the wing. He does inductions brilliantly. He does work, he works really, really hard. But he also puts himself under quite a lot of stress. He's got hundreds of people coming in every week onto B-wing, because it is the induction wing of the centre, and as a result his workload's very heavy,

and he just tries to get everything done to the best that he can. But it's not -- he -- he allows -- when the stress of the job gets to him, he takes it out on the detainees, and when detainees are being particularly challenging, he will jump at the opportunity to get involved in a conflict, probably as a way of venting off his anger and his stress that he feels in what are quite impossible conditions to work in at times. But I think he channels it in the wrong way, and it spills over into unprofessionalism at times.” (TRN0000063, BBC000621)

111. I think these comments demonstrate that his word, as a staff member and DCO promoted to DCM, should not have been viewed as more trustworthy than mine. Instead, they indicate that Mr. Tomsett had a history of rude, violent, and inappropriate behaviour – which officers appeared to believe too, within which the homophobic comment he made to me is consistent. The incidents described above are very similar to mine and how he acted towards me and appear to show a pattern of how he behaved towards detainees.

PSU

112. I have explained to my legal representatives that I do not recall the details of the process of making a complaint to the PSU, or the interview. The account below therefore is provided based on a review from the documentary evidence with my legal representatives. I do remember the events about which I complained.

113. On 21 August 2017, I submitted a complaint about these two incidents to Brook House, via my solicitors.⁸⁰ The response to the complaint was very slow. I understand from my legal representatives that G4S did not, as they should have done, forward the complaint on to the Home Office in August.⁸¹ G4S said they would respond to the complaint by 20 September 2017,⁸² but they did not meet this deadline, with my solicitors chasing a response on 22 September 2017⁸³ and 13 October 2017.⁸⁴ G4S wrote to my solicitors on 29 September 2017⁸⁵ and 13 October 2017,⁸⁶ stating they were handing over the complaint to the Home Office.

114. I understand from my legal representatives that G4S initially investigated my complaints and found they were unsubstantiated. I did not receive the letter setting this out, nor did my legal representatives,⁸⁷ as officials realised G4S should not have conducted the investigation.⁸⁸

⁸⁰ DL0000067.

⁸¹ CJS001360_0007.

⁸² CJS001360_0060.

⁸³ CJS001360_0058.

⁸⁴ CJS001360_0041.

⁸⁵ CJS001360_0033.

⁸⁶ CJS001360_0032.

⁸⁷ See CJS007237 for a draft of this letter, and CJS007238 for correspondence regarding re-drafting it.

⁸⁸ This letter was never sent. Karen Goulder did not get approval from the draft as after Panorama, G4S queried whether they should be conducting the internal investigation – see CJS003348_0006 and CJS001360_18.

115. Once my complaint was handed over to the Home Office, the PSU did not confirm it would investigate the incidents until 4 November 2017 in a letter which confirmed “*the PSU has been commissioned by the Head of Detention Services to conduct a complaint investigation*”.⁸⁹
116. I was interviewed as part of the investigation process.⁹⁰ I told the officer during my interview that my memory has been damaged and I do not always remember things. I also explained the mental health problems I had been suffering, including nightmares.
117. During that interview, I gave an account of what happened to me as best I could. The events are now over four years ago, so it is difficult for me to recall all of the details. I can remember the main events, in particular the homophobic comment made to me on 28 June, and the use of force against me on 3 June.
118. The Home Office sent me the PSU findings on 18 April 2018 via my solicitors. The letter providing the summary was from the Detention and Escorting Services Complaints Team.⁹¹ My legal representatives have explained to me that Detention and Escorting Services are a department of the Home Office responsible for overseeing immigration detention. My complaints were about my treatment in immigration detention for which Detention and Escorting Services are ultimately responsible for. I find it uncomfortable that they would be the ones to respond to my complaints, and not the PSU which I was told was the ‘independent’ body investigating my complaints. I do not know why the PSU did not provide a response directly to me.
119. Detention and Escorting Services did not enclose the full PSU report to me – instead they sent me a summary of the PSU’s findings. I understand my legal representatives only became aware of the full PSU report after the Home Office relied on it in the legal proceedings that led to this public inquiry (*MA and BB v Secretary of State for the Home Department (2019, EWHC 1523 (Admin))*). The report provided by the Home Office was heavily redacted, and it was only because my legal representatives were able to identify it that we could conclude it related to me.
120. I am not satisfied with the findings of the PSU investigation. It found that my allegations in respect of 3 June were unsubstantiated and that on the balance of probability, my allegations in respect of 28 June were unsubstantiated.
121. I believe the staff all worked to cover each other to protect their reputation and to try to prevent me from obtaining proper redress. The staff did not tell the truth in their reports about events and so the outcome of the complaint was negative.

⁸⁹ DL0000061.

⁹⁰ HOM002627.

⁹¹ DL0000060.

122. I am not surprised as I never felt the staff or the process would stand up for me. They don't care, or have any interest in helping me.
123. It is obvious that a Home Office investigation into officers would side with them – it would be hard for them not to. They do not want people to know about their failures or see their officers at fault. They want to project an image that officers are good, that detainees are bad.
124. I did not know until recently that none of the staff concerned in the incidents were interviewed. I am not surprised – the staff in Brook House and the Home Office do not care. They do what they feel is right for them, as they see fit. How my complaint was handled made me feel like they did not care what the complaint was about. They view us like animals in a cage – even if you kill yourself, it is no matter to them. They think they can do what they like and get away with it because detainees are foreign. They think they can bully detainees and that they have no rights.
125. I feel that in complaints, a DCO or DCM's word would always be believed over a detained person. The report found that homophobic comments were probably not made, on the balance of probabilities, as there was "*no definitive evidence*". It would be very difficult for me to have definitive evidence of an incident like this, unless another detainee overheard the comments, recognised that the language was wrong and offensive and felt able to support me, or unless another officer was present and was ready to challenge and contradict their colleague.
126. The summary of the PSU report I received from Detention and Escorting Services stated the following about putting me in isolation after the incident in the IT room on 3 June 2017:

"In consideration of the application of Rule 40, it is considered that sufficient evidence was found to support that policy and procedure were followed to an acceptable standard and the requirements of Rule 40 were followed in your Removal from Association.

In consideration of the appropriateness of the use of Rule 40, it is accepted that DCM L took sufficient steps to secure as much evidence as was available to him at the time in order to authorise your RFA, including consultation with the Duty Director. With regard to the time taken to place you into Rule 40, it is accepted that there may be an argument to suggest you had, by that time, ceased to be a concern to the security and safety of the centre. It is, however, accepted that the reason given for the removal was due, in part, to the attempt to physically grab an officer. It is also accepted that, although not specifically mentioned on DCF-1 [Sensitive/Irrelevant] your actions in the IT suite did appear to involve and disrupt other detainees. It is accepted that your actions were contrary to Rule 39(2). It is therefore considered reasonable to accept the

appropriateness of the use of Rule 40 as circumstances and evidence presented themselves to DCM L at the time.”⁹²

127. However, the full PSU report recommended that “*Detention Services give consideration to reinforcing DSO 2/2017 as to where prime authority lies for implementing Rule 40 and what constitute cases of urgency and issuing such clarification as necessary*”.⁹³ This shows that what Detention and Escorting Services sent to me summarising the PSU report was not accurate – the PSU clearly had concerns about the decision to segregate me.

128. My representatives have asked me what different steps I would like to see in the PSU investigations. I would have liked my complaint to be taken seriously and for justice to be done. The worst thing is when you know you are a victim and still you receive punishment. It drives you crazy – to be a victim and yet to be punished.

129. I do not agree that there was an accessible complaints procedure at the time. I did not feel I could trust staff with complaints. I was worried that that they would tell other staff about my complaints. I also did not believe that any change would happen as a result of my complaints. My experience of the PSU suggests these fears were correctly placed. It also seems they did not act independently in their investigation.

Healthcare

130. It was very difficult to get access to healthcare at Brook House. It was difficult to get an appointment, you got the impression that they didn’t really care about what your problems were. They were very dismissive. For example, my medical records note that I raised concerns about my headaches during my initial health screening on 1 June 2017, and despite raising concerns again on the 2, 5 and 9 June 2017 with healthcare staff, no further investigations were conducted.⁹⁴

131. The only thing they would ever do is give you a tablet to help you sleep or paracetamol, nothing specific to the problems you have.

132. When I arrived at Brook House, I had a basic medical check-up – they took my blood pressure, checked my temperature, and gave me some pills.⁹⁵ They always would give you pills.

⁹² DL0000060.

⁹³ CJS003348_0026.

⁹⁴ CJS007239.

⁹⁵ CJS007239_0001.

133. Often, I found I would ask a doctor for some treatment, or investigations, and they did not do it. Sometimes they would bring you pills, but I never knew what they were, there was no explanation. The healthcare seemed very focused on these pills.
134. I did not trust the medical staff in detention. I felt like they did not treat detainees' concerns seriously. They would examine me very quickly, prescribe pills, and then leave. They did not spend time trying to work out what the problems were for people, what issues were troubling them. One example of this is the decision of Karen Churcher, recorded in my medical notes, not to book me another mental health appointment, after I allegedly missed the one she had arranged following the attempted suicide of my cell-mate – *“this was a one off appointment in response to an incident. Therefore no further appointment will be made. To self refer if required.”*⁹⁶ As outlined above, I was very shaken and disturbed after this traumatic incident. I cannot recall having this appointment arranged. I feel that Healthcare should have reached out to me to offer me a further appointment, rather than relying on me to self refer, given my mental health at that time.
135. I felt that the healthcare team should be doing more investigations and general check-ups on detainees too, rather than simply prescribing tablets.
136. My legal representatives have asked me about document DL00000058 which records I had six blood tests but received no results. I cannot now recall the details of these blood tests. However, as described above, I found healthcare staff were dismissive and failed to take proactive steps to assist people in detention.

Rule 35

137. I did ask for a Rule 35 Report whilst I was detained at Brook House but it was not done. I do not know why. I asked the doctor during an appointment for him to do one, and he simply refused. I cannot recall which doctor this was.
138. I received a Rule 35(3) Report on 24 July 2017. I asked for one on the basis of advice from my legal representative who told me that as a victim of torture I was entitled to have the doctor assess me to see if they shared the same concerns that I was one. The doctor concluded that I may be a victim of torture, on the basis of my account of the attacks I suffered from my family and other people, which the doctor concluded could

⁹⁶ CJS007239_0009.

be consistent with the scars I have on my forearms, lower back, forehead, and top of my head.⁹⁷

“I have examined the detainee named above in my capacity as an immigration removal centre medical practitioner and hereby report that I have concerns that the detainee may have been a victim of torture. This is a factual report rather than a medico-legal one.

He was attacked in 2007-2009 on many occasions in [DPA] Morroco [sic]. He was attacked by many people including his own family [Sensitive/Irrelevant] He was cut with knives and beaten with hammers also. He never went to a main hospital but self-referred to local clinics for treatment. He did not go to the police. He decided to flee Morroco [sic] in 2011-12 — in fear of his life.

On examination he has scars which may be due to the history given”

139. When the doctor did my Rule 35 assessment, they seemed to be trying to do it as quickly as possible. They were not careful or thorough, and rushed through it. For example, in the scarring section they only provided a written description of my scars, without also recording them on the body map. The report also does not record all of my scars. If you compare it to the scar report done by Dr Turvill (**Annex 1**, Dr Turvill Report, pages 14 to 16), you can see the Rule 35 report misses out the scars on my legs.
140. Further, in the assessment section (which is meant to include an assessment of the consistency of any scars or mental illness with the allegations of torture, and the impact detention is having on the detainee and why), all the doctor wrote was *“on examination he has scars which may be due to the history given”*. There is no assessment of my mental health and the impact of detention on me, or whether there might be other causes for my scars. The report is also not signed and so I do not know which doctor conducted it.
141. The Home Office responded to my Rule 35 report, saying that they would keep me in detention.⁹⁸ They justified this on the grounds that they thought I *“present as a substantive risk of absconding”*, I had an asylum interview booked for 28 July 2017, and *“whilst it is noted that you have stated that you have encountered physical torture, healthcare has not raised any concerns at this time that you may be unfit for detention”*. I do not understand how the Home Office felt they had enough information to come to this conclusion, given that doctor providing the Rule 35(3) Report did not address suitability of detention. I did not understand why they thought I was an absconding risk. I had an asylum claim outstanding and I was very much engaging with my solicitors and the asylum process to try substantiate my claim. When I received this response, it

⁹⁷ CJS003632.

⁹⁸ HOM00322007.

reinforced my sense that I was being treated unfairly and that the Home Office did not care.

Complaints

142. I had not heard of the PPO or IMB at any point during my detention.
143. I had not heard of GDWG at any point during my detention, although I became aware of a group of befrienders during my time in a detention centre in Oxford. I understood that detainees would gather with people from this group and would discuss their situation in detention, and how they were managing.
144. I did not know about the chaplaincy at Brook House during my detention.

Drugs

145. There was a lot of drug abuse at Brook House. I saw people using spice frequently. Users would vomit and shake. It was stressful seeing people in that state. Staff didn't do anything to help people.
146. Once, someone offered me a cigarette. I did not realise it had spice in it. It felt like it went straight to my heart and my brain. Spice is a terrible drug; it can have awful effects on people. I fainted when I tried the cigarette which it turned out had spice in it. It made me feel very unwell in my head. I only smoked spice this one time, but even that one time was enough to affect me mentally. I thank God I only tried spice once, otherwise who knows how badly it would have affected me mentally.
147. My legal representatives have asked me to comment on HOM002627, the PSU interview which states I told the interviewer I used to smoke spice. This is a misunderstanding – I only had spice once, and this was not intentional. I was provided a cigarette but I did not know it had spice in. I believe that if I had smoked spice regularly, I would have gone insane, given how much one use of it affected me.
148. I never reported drug use to staff – it was not my business and it would not have done any good for me to report it. This is firstly because I did not have any faith that staff would take action – it was obvious that drug abuse was very prevalent and I could not see staff acting on it when it was right in front of them, so why would they act on my reports of it? I felt it was their responsibility to act and do something, as the people in charge – not detainees. I also did not report drug use as I was worried I might be labelled a “snitch” by other detainees if I did make a report. I wasn't sure how other detained men might react if they found out I had put in such a report.

149. I did not feel like I had any power to change anything. Detention makes you feel powerless. I saw people really sick in front of me due to spice and I felt like I could do very little to assist them. That was a horrible feeling.

150. I do not know how drugs got into the centre.

151. Officers turned a blind eye to the use of drugs. They could have taken many more steps to prevent it, but they did not, and people got very sick as a result. The staff had no regard for human lives.

Other

152. I did not take part in or witness any protests during my time at Brook House. For me, it felt like a matter of survival – eat, drink, and sleep. I did not feel like I could protest about conditions as I was using all my energy and focus on just getting through the days at Brook House.

153. I do not remember ever being put on an ACDT. I remember being put in isolation, which I hated.

154. I did not refuse food or fluid in the relevant period.

155. I do not remember making a threat to harm myself on 11 July 2017. I do not have a history of self-harm, or threatening to self-harm. My legal representatives have showed me documents which indicate I threatened to kill myself in 2015 if I was not provided with accommodation.⁹⁹ This is something I said in the heat of the moment when I was angry.

156. However, being in detention was very detrimental to my mental health. I felt anxious and stressed throughout my time in detention. My psychiatric symptoms worsened whilst in detention. My short term memory deteriorated, and I suffered vivid and frightening nightmares.¹⁰⁰

157. **Sensitive/Irrelevant**

158. My legal representatives have asked if I recall events on 12 June 2017 and 24 June 2017 as set out in the Rule 9 Request from the Inquiry. I cannot recall

⁹⁹ HOM032504.

¹⁰⁰ Annex 2, Dr Thomas Report paras. 49f.

these events.

159. They have also asked me about events recorded in a psychologist's report DL0000058 which states that: on one occasion in isolation, I was pushed down onto the floor and officers stepped on my knees; another detained person tried to stab me; and another detained person punched me in the mouth. I do not remember these incidents. The final incident may refer to events of 6 June 2017 as I did receive injuries when D197 attacked and punched me and officers subsequently restrained me. It may relate to an incident in the The Verne where another detainee attacked me in my cell.

160. Please see paragraph 1 of my witness statement, which sets out my recall difficulties. This may have happened but I experienced so many difficult things in detention, including assaults by officers and other detainees, that it is difficult to remember them all in detail.

Impact

161. My experience of Brook House in comparison to other detention centres is different – better in some ways and worse in others. For example, in one centre another detainee broke my nose. That was very scary as it happened when I was alone in my cell. In another detention centre near Heathrow, there were bed bugs in my cell. I had bites from them when I was sleeping – they were all over the cell, in the blankets. It was horrible.

162. However, drug abuse at Brook House was the worst I witnessed in any detention centre. I did see people using drugs in other IRCs, but it was most prevalent at Brook House. People did it out of despair, to forget the terrible situation they found themselves in.

163. I also think the treatment of detainees by staff in Brook House was particularly bad. There was a handful of kind staff, but I found the majority of them to be rude and prone to violence. When staff spoke to you, the default was not courtesy, it was usually to shout at you or be rude and dismissive. This made detained men more likely to respond in kind, leading to a hostile, angry atmosphere.

164. I believe the treatment of detainees was worse at Brook House in part because that detention centre focuses on charter flights and removals. This created a desperate, violent, and anxious atmosphere, which informed staff behaviour. The centre is very close to the airport – you could see and hear the planes. This caused detainees a lot of anxiety and stress. It made Brook House a particularly despairing place whereas in other centres, it was possible to have hope of release and a new life. There were regular removals at Brook House and these sometimes resulted in violence, shouting and/or screaming. Staff did not approach these situations with a calming attitude. A lot of the

time, they made it worse, by using violence and angry words themselves. It was a vicious cycle.

165. I am suffering from poor mental health as a result of everything I experienced in detention. I am changed – totally, and dramatically – as a person. I feel scared, and try to always be alone. When I see groups of people, I avoid them. I prefer to stay at home, and if I do go out, I go by myself, walking alone. I find it difficult to be with other people.

166. On 16 October 2017, Dr Turvill assessed me.¹⁰¹ Dr Turvill recorded in that report that *“for most of the time he feels hopeless, lonely, apathetic, anxious and like crying. He never feels good about himself. He reports that he sometimes feels panicky...he is almost always disturbed by unwanted memories and feelings. He has frequent flashbacks (vivid memories) to his past...He sleeps poorly with nightmares most nights in which he screams...He reports that his concentration poor”*.¹⁰²

167. Dr Turvill diagnosed me with Severe Depression in light of my low mood, apathy, fatigue, poor self-esteem, nightmares, and mild paranoid ideas.¹⁰³ She also diagnosed me with Complex PTSD.¹⁰⁴

168. On 28 October 2017, Dr Thomas assessed me¹⁰⁵ and diagnosed me with *“pronounced psychological symptoms of Major Depressive Disorder secondary to his past and current life circumstances, with psychotic symptoms and some significant post traumatic traits. He also presents with an additional dissociative disorder which is highly likely to be Dissociative Identity Disorder (D.I.D) although this needs to be determined definitively via specialist assessment outside of the scope of this report”* (para 32). She noted symptoms of low mood and depressive rumination (paras 39f), sleep disturbance (paras 46f.), appetite disturbance (para 51), social withdrawal (paras 52f.), suicidality and self harm (paras 54f.), impoverished attention, memory and concentration (paras 57f.), escalated anxiety and stress (para 60), headaches, back pain and stomach pain (paras 61f.), escalated anger (paras 66f.), psychotic symptoms (para 72), post traumatic traits including flashbacks, and being easily startled and avoidance (paras 73f.). She found me to have presented as *“psychiatrically credible”* (para 100).

169. She attributed my symptoms of severe Major Depressive Disorder and dissociative identity disorder - highly likely D.I.D - to a range of factors, including my reported experiences of trauma in Morocco, and my *“period in UK detention on four different occasions which seems to have considerably worsened [my] pre-existing psychiatric disorder”* (para 96). As set out in further detail in the report, my psychiatric

¹⁰¹ See Annex 1, Dr Turvill Report.

¹⁰² Annex 1, Dr Turvill Report, paras 70f.

¹⁰³ Annex 1, Dr Turvill Report, paras 80f.

¹⁰⁴ Annex 1, Dr Turvill Report, paras 89f.

¹⁰⁵ See Annex 2, Dr Thomas Report.

symptoms worsened considerably during my time in detention (para 143) – I found being locked in a cell very frightening (para 145), **Sensitive/Irrelevant** **Sensitive/Irrelevant** (para 146), and I found my short-term and specific memory deteriorated in detention (para 155).

170. I think there are so many things that need to be looked at and changed in detention centres. I think one of the main things is healthcare – people don't get the right support in terms of services.

171. Secondly, the treatment by staff of people in detention is a very important area to look at and improve. I do not fully understand why the treatment is like it is – as bad as it is. But I have already explained above at paragraph 164 why I think the culture at Brook House was so bad. I think it was worse than other IRCs because Brook House is particularly focused on charter flights and removals, as explained above. The first consequence of this is that men held at Brook House are particularly anxious and despairing. The second is that there are regular removals, and sometimes men resist these removals. This created a violent, hostile, angry atmosphere between staff and detainees.

172. I do not understand how almost all of the staff members failed to raise concerns about what they saw at Brook House. As far as I am aware, Callum Tulley was the only staff member who did so in the relevant period. It is shocking to me that he seems to be the only staff member in the relevant period who was affected by what happened, and felt so bad about the situation that he decided to do something.

173. They also need to change the food – the quality of it was terrible. Personal hygiene, things like the ability to get your clothes washed, also needs to change. The ability to do these basic things was very poor. I also found the cells were very dirty. Although improvements to the physical conditions of the cells and lack of privacy are important, I think the most important factor by far is the treatment of those in detention by detention staff. The conditions, like ventilation, cleanliness and space were not good but the key thing to improve is the treatment of men in detention by staff.

174. The things is, when you are in detention you are in a constant state of not knowing and uncertainty. I was taken to detention, I did not know when I was leaving, or if I was leaving, and where I would be going. It is like a forgotten prison, with forgotten prisoners. You don't know what is happening or what will happen. And so many people stay there for so long, for so many years, in this state.

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