

Outsourcing abuse

**The use and misuse of state-sanctioned force during
the detention and removal of asylum seekers**



A report by Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns
Illustrations © Lucy Edkins

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Foreword

Recently the Independent Asylum Commission published its interim findings, in the form of a report, inviting government comment before making its recommendations. Asked about the report on the radio programme *The World At One*, the Home Office Minister, Mr Liam Byrne, said that he had not read it but that he disagreed with every word. I mention this, not just because it was a particularly unwise response, but because it reflects a most unfortunate attitude, adopted by officials towards issues surrounding asylum and immigration, described by the Commission as 'a culture of disbelief'.

I suspect that initial official response to this disturbing dossier will be along the same lines, because, together with every right thinking person, those who read it will not want to believe what it contains. But the dossier has not been drawn up merely to criticise. Those responsible for the painstaking and often painful research that its compilation has required, are motivated by a desire to restore what is a tarnished national reputation, long

cherished, for giving fair and friendly reception to those who seek refuge in this country.

Of course there will always be cases that are less than genuine, and they must be dealt with accordingly. But every case must be investigated and, in line with the law of the land, individuals regarded as innocent until proved guilty. That applies to those whose cases are outlined in this dossier. If the Home Office, Ministers and officials alike, is sensible it will pay due attention to the dossier, which is not written in an emotive way, but contains constructive advice that should not simply be rejected. They should recognise that our national reputation is not something to be treated lightly or wantonly, and that, if even one of the cases is substantiated, that amounts to something of a preventable national disgrace.

Lord David Ramsbotham GCB CBE

Her Majesty's Chief Inspector of Prisons –
December 1995 – August 2001

Executive summary

Background

Last autumn, 2007, stories hit the headlines about alleged assaults and beatings of asylum seekers by security guards employed by private companies contracted to run immigration detention centres or to escort detainees being moved between centres or when being removed from the UK.

In October 2007, an article in the Independent made reference to campaigners having a "dossier" of 200 alleged assault cases. The Home Office said the assault allegations were "unsupported assertions" and that if there was evidence of mistreatment they would expect it to be provided to them for investigation. In many cases, those alleging assaults had already lodged complaints, providing information to the Home Office and asking them to investigate, but where followed up by the Home Office, the complaints had largely been dismissed.

The Complaints Audit Committee, set up to monitor the Home Office's procedures for investigating complaints about the conduct of staff, informed us that there were about 190 complaints about alleged assaults in the previous 12 months.

In October 2007, we did not have permission from all those alleging the assaults to provide the Home Office with further information. We have since sought their permission where possible and now present findings from our dossier that has reached nearly 300 cases of alleged assault. Many additional allegations of assault have been reported to us that we simply have not had the resources to consider and therefore have not been included in the dossier. Because of this, coupled with the fact that other victims are fearful of coming forward, we feel our dossier is just the tip of the iceberg.

We have found an alarming and unacceptable number of injuries have been sustained by those subject to forced removals. This dossier provides evidence of widespread and seemingly systemic abuse of one of the most vulnerable communities of people in our society, who have fled their own countries seeking safety and refuge. The alleged assaults took place between January 2004 and June 2008. In addition to our findings, 48 detailed case studies are included in Part 2.

Key findings

- In all cases in our dossier, what may have started off as 'reasonable' force¹ turned into what we consider to be excessive force.
- One asylum seeker ended up with his leg in a plaster cast and a woman was pushed through airports in a wheelchair after having allegedly been assaulted. The most common form of injury recorded resulted from inappropriate use of handcuffing, including swelling and cuts to the wrist, sometimes leading to long-lasting nerve damage. Other injuries included bruising and swelling to the face and fractures to the wrists, ribs or ankles. Often psychological consequences resulted, such as the onset or exacerbation of post-traumatic stress disorder (PTSD), panic attacks, suicidal feelings and depression.
- 66 % of alleged assaults were against men and 34 % against women.
- 48% of the assaults occurred at the airport before the detainee was placed on the plane and 12 % took place in the transport van on the way to the airport. 24% of alleged assaults took place on the aeroplane before take-off and 3% after take-off. 7% took place in the van back to the detention centre after the removal had already failed and 6 % took place within detention centres.
- Allegations of assault were made by people from over 41 countries. Almost three quarters of these were from Africa. The most common nationalities of those being removed were Ugandan, Nigerian, Cameroonian, Congolese (Democratic Republic of Congo) and Jamaican.
- There were 27 alleged incidents involving families, comprising a total of 42 children, 5 of whom are alleged to have been assaulted themselves.
- Many of those assaulted made allegations of racism against the escort; there are repeated accounts of abusive language used such as "black bitch" and "black monkey, go back to your own country."
- Alleged assaults took place on scheduled airline flights, charter flights and military planes. Private jets have also been arranged to remove people from the UK. It is not

1. In some circumstances escort staff are empowered to use reasonable force, but the way in which force may be used is circumscribed by law

known exactly how many airlines are contracted to carry out this task, or how much they are paid, but the costs run into millions of pounds each year.

- Few asylum seekers are able to make a complaint or seek redress. The relevant procedures and legal process are complex and not perceived to be independent. There is evidence that asylum seekers lodging complaints are subject to harassment and further abuse. Many victims are already traumatised and see no option but to try to simply forget what has happened.
- The authorities appear reluctant to investigate reported assaults which often happen behind closed doors, with no witnesses. Cell mates who witness assaults may be quickly moved to another centre or deported. CCTV evidence miraculously disappears or is conveniently obscured at the crucial moment. In most cases allegations of assault were not upheld following investigation, although in some cases, there were concerns about the inadequacy of the investigation.
- There is evidence that the police do not take allegations seriously. In some cases where the detainee reported the matter to the police, counter allegations of assault were made against the detainee. In a number of cases, detainees who have complained have been charged and prosecuted, although none we are aware of have been convicted. A number of people alleging assault have been able to bring a civil action cases, some of which have settled out of court. We are not aware, however, of any security guards or their employers being prosecuted for any assault related offence under the criminal law. Our evidence suggests that immigration detainees do not have equal access to the law.

Summary

Asylum applications are a 14-year low, yet the proportional use of detention has increased 7-fold. The government is driven by seemingly arbitrary targets on deportation and has just announced a near doubling of detention centre capacity. "Mass deportations" may follow if the government puts into effect its announcement made in August 2007 to deal with 450,000 unresolved asylum cases within 5 years or less. The increased use of detention and target-driven deportations may lead to further injuries and assault allegations.

There have been numerous inquiries into alleged abuse of immigration detainees over the years but we see no improvement.

While the practice of using private companies for running detention centres and escorting of forced removals may contribute to a certain level of "see no evil, hear no evil", our understanding is that the Home Office is aware of an unacceptable level of alleged abuse through its own complaints procedure.

We consider the evidence in this report reveals what may amount to state sanctioned violence, for which ultimate responsibility lies with the Home Office.

Harriet Wistrich, Birnberg Peirce & Partners.

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What needs to be done?

We invite the Home Office, private companies, airlines and others implicated in the findings of this report to respond and provide a plan of action, where appropriate, to remedy adverse findings. We provide some suggestions for remedial action below:

The Home Office and the Border Immigration Agency

The Home Office and the Border Immigration Agency should:

- Take ultimate responsibility for their contractors' use of force and the consequences. They should, at least in part, be held legally liable for any assault inflicted by a company or individual contracted by them to enforce their policy and decisions.
- Provide clear and accessible guidance on the exceptional circumstances in which force may be used.
- Keep up-to-date information on its website about the companies that are contracted to manage detention centres and provide escort services and update this when contracts change.
- Publish the terms of contracts for the management of immigration removal centres and escort contracts.
- A public interest test should be applied to ensure that Freedom Of Information requests cannot be refused on grounds of prejudicing the Home Office or those it signs contracts with.
- Ensure appropriate and timely compliance with complaints procedures and police investigations and ensure that perpetrators are prosecuted.
- Impose sanctions against companies whose staff commit assaults, such as revoking of licenses, imposing fines, removing contracts or imposing penalties on bidding for future contracts. When any such necessary steps are taken, they should be reported publicly.
- Publish monthly statistics on complaints, their nature, response rates and actions taken, any police investigations, prosecutions against the Home Office and its contractors, compensation paid to victims and fines imposed on contractors.
- Narrow and clearly define the circumstances in which use of force is permitted.
- Define alternatives to the use of force, such as negotiation or reconsidering whether enforcement is necessary, particularly in cases where detainees are moved within and between detention centres and other operational requirements.

- Review the appropriateness of control and restraint techniques used in enforced removals and in the immigration detention context, including the use of handcuffing (and other bodily restraints), and rules on the use of male officers in dealings with female detainees.
- Ensure its own policy of only detaining pregnant women, those with a serious illness and psychiatric conditions, unaccompanied children and torture survivors in "exceptional circumstances" is enforced.
- Part 2 of this report outlines 48 cases of alleged assault, many of which appear not to have been adequately investigated. The names of the victims who would like their cases reinvestigated will be made available to the Home Office to enable a reinvestigation where there has been a failure. Medico-legal reports will be provided on request, where available and where permission has been secured from the individuals. These investigations need to be undertaken by a different and more senior police team.

The contractors and escort companies

- There should be a system of independent oversight for the operation of detention custody officers (DCOs) and immigration escorts.
- Detention centre operators and escort companies must ensure any instances of CCTV images being blocked is fully explained; the onus should be on them and a lack of credible explanation must be interpreted as an assault having taken place.
- All escorts and DCOs should:
 - Wear name badges and company logos at all times.
 - Undergo improved training in methods of restraint where they are empowered to use force.
 - Have training to understand the personal impact of a history of torture or rape.
 - Have guidance on the appropriate treatment of female detainees by male guards.

Airlines and aircraft crews

Airlines should ensure:

- That relevant medical clearance procedures to safeguard against a medical emergency arising during a flight are applied to deportees as they would to any other passenger.
- That relevant forms are completed by deportees, such

as forms to identify any assistance or equipment that incapacitated passengers may need.

- That documentation is produced in any case where the airline refuses to take a detained passenger, setting out the reasons for that decision. Additionally documentation should be produced where there is any incident during a flight involving a detained passenger. That documentation (including names of the relevant airline staff involved in the incident and decision) should be made available to the detained passenger (or his lawyers or doctors, with appropriate consent) on request.

Healthcare

- Detention centres and contractors should ensure that medical care is immediately provided for injuries sustained. Injuries should be photographed and digital images made available to the detainee or independent doctor at no charge. Full detailed notes should be taken of any other effects noticed, such as detainee's state of mind.
- The Department of Health and the Home Office should ensure that all health facilities in detention centres are registered with the Healthcare Commission (and the Commission for Health and Social Care, which will take over in 2009), and ensure that services provided are covered by the new NHS complaints procedures, including access to independent investigation and independent complaints advocacy.

Complaints

The system of complaints should be reviewed by the Home Office to ensure that:

- Complainants' safety is guaranteed and their treatment is not affected if they make a complaint.
- Investigations meet quality standards and evidence, such as video and CCTV footage, is preserved. Where this is lost the company should be fined.
- Temporary Admission is granted for those who allege assault until the investigations by the police or the Home Office are completed (including appeal to Ombudsman).

Independent Monitoring Boards

The Independent Monitoring Boards should:

- Ensure that they implement an independent and confidential complaints handling procedure.
- Ensure that they visit all detainees who allege they have been assaulted.
- Publish an annual report on the IMB website that includes monitoring of complaints and assault allegations.
- Work transparently and engage with visitors groups.
- Implement random and unannounced monitoring of escorts by independent monitors whose findings should be published on the Home Office website.

PART 1 – The alleged assaults

The background to this report

In October 2007 stories hit the headlines about alleged assaults and beatings of asylum seekers by private security guards while they were being deported (Independent, October 8th 2007). The problem itself was not new. Lawyers and campaign groups working with asylum seekers have long been familiar with reports of assaults and injuries. There had been allegations of assaults by detainees, detention centre visitors and undercover journalists. A study by the Medical Foundation conducted during a 15 week period in 2004, *"Harm on Removal"*, found that of the 14 cases they studied, excessive or gratuitous force had been used during attempts to remove 12 asylum seekers from the UK (Medical Foundation, *"Harm on Removal: Excessive Force against Failed Asylum Seekers"*). The Home Office's Complaints Audit Committee has informed us of approximately 190 complaints about alleged assaults in the previous 12 months (Complaints Audit Committee (2007). In spite of this, the Home Office and others have found it difficult to accept that physical abuse is as widespread and systemic as those working with asylum seekers have found it to be (see box 1). It has also been reluctant to accept the validity of the experiences of those working with asylum seekers (see Box 2).

A problem is the lack of transparency around the contracts between the Home Office and private companies, which the Home Office states is justified for commercial reasons. The Home Office has rejected freedom of information (FOI) requests about forced removals on charter flights. On April 15th 2008, the National Coalition of Anti-Deportation Campaigns (NCADC) received a Home Office letter declaring that its FOI request about removals on specific charter flights was "vexatious" and was being rejected under certain sections of the Freedom of Information Act 2000. The FOI request was declared to "prejudice [to] the operation of the immigration controls", and to be detrimental to "maintenance of security and good order in places of lawful detention". The letter also referred to the FOI Act sections regarding "the safety and the physical or mental health of any individual" and the allowance that it may be limited in order to protect "the commercial interests of any person". The Home Office neither confirmed nor denied whether they held the information requested and stated that the FOI requests "have no serious purpose or value."

The evidence in this report is based on nearly 300 cases of alleged assaults that took place in detention or transit since January 2004. The data was collected from immigration solicitors, civil action solicitors, direct from victims, visitors to immigration detainees, media articles,

airline passengers, hospital staff, independent doctors and journalists. Where possible the victim was contacted and consent sought to include details of their cases in this report. 48 case studies of victims who agreed to release confidential information are included in Part 2.

Box 1

In a meeting between the Home Office and Medical Justice on October 29th 2007, attended by Brian Pollett, Director of Detention Services at the Home Office, and Gavin Windsor of Group4 Securicor, the Home Office said *"BIA is not aware of any case where a settlement has been made out of court where a detainee has pursued a civil claim in relation to alleged assault by escorting staff."*

Yet just one single law firm - Birnberg Peirce & Partners Solicitors – has settled six civil action claims out of court against Home Office contractors.

The next day, on October 30th 2007, in response to a parliamentary question by Damian Green MP, the Immigration Minister, Liam Byrne, painted a slightly different picture, saying: *"In each of the last three years no Border and Immigration Agency (BIA) staff were disciplined as a result of mistreating those being removed from the UK. With regards to those working under contract for BIA and its agencies, our records show that two people were formally warned, two people were dismissed and two people faced other disciplinary action during 2006 only. The figures relate to contracted staff involved in the escorting of individuals being removed from the UK."* (TheyWorkForYou.com, Written answers, 30th October 2007)

The Home Office said that there had been two instances of "performance measures" being imposed against contractors after detainee's complaints of assaults being upheld. However, the Home Office refused to disclose details, saying *"Financial penalties are considered to be commercial in confidence"*. This puts the company's right to commercial secrecy above the rights of detainees to lawful treatment.

Box 2 The Independent's dossier

The Home Office reacted angrily to *The Independent* reporting on 5th October 2007 that referred to a "dossier" of alleged assault allegations.

October 6th 2007 - In a letter to *The Independent*, Jonathan Lindley, the director of enforcement at the Border and Immigration Agency said if there was evidence of mistreatment, *"We would expect it to be provided to the police and the Border and Immigration Agency for investigation"* (Independent, October 6th

2007, "Home Secretary urged to respond to deportation abuse allegations")

October 24 2007 – In response to a parliamentary question by Diane Abbott MP, the Immigration Minister, Liam Byrne, said *"We asked The Independent newspaper for sight of the dossier so that a thorough investigation can be carried out. Despite several follow-up requests, this still has not been passed to us. We continue to press the newspaper."* (Hansard, October 24th 2007)

December 18th 2007 – In a parliamentary debate led by Diane Abbott MP, Meg Hillier, the Parliamentary Under-Secretary of State for the Home Department, said; *"We are a little disappointed by the failure to produce the dossier at the point of publication"* (Hansard, December 18th 2007)

January 21st 2008 – A letter was read out to those at a Detention Users Group meeting from Lin Homer, Chief Executive of the Border and Immigration Agency. In it she said she is *"concerned that groups connected with these issues are making unsupported assertions, sometimes in media settings, about treatment of detainees and is concerned that no information or correspondence has been entered into directly with her to support or substantiate those allegations. Nor to her knowledge has any reference been made to the Ombudsman. The Chief Executive wants to make clear that she will consider any allegations that are brought to her attention but will continue to rebut unsubstantiated allegations of dossiers of such cases."*

Detention in the UK

Every year about 25,000 asylum seekers, including about 2,000 children, are subjected to indefinite administrative detention – they are detained as a result of a decision of a Home Office official rather than by a court order (as for criminal detainees serving a sentence) or a Mental Health Act detainee (detained under a section). Most people in immigration detention are administrative detainees.

Home Office policy is that people in vulnerable groups should not be held in detention except in exceptional circumstances. Vulnerable groups include unaccompanied children and young people under the age of 18; elderly people and those with serious disabilities, pregnant women; those suffering from serious medical conditions or mental health problems and where there is independent evidence that they have been tortured. However, guidance is not clear as to the exceptional circumstances that allow people from these groups to be detained. Children in families are not included in this list.

Asylum seekers are detained in immigration removal centres (IRCs), such as Yarl's Wood and Harmondsworth, pending the outcome of their application or, if it has failed, pending their removals

Seven out of 10 of these centres are managed by private companies for the Home Office. Though those contracted to manage the centres are expected to comply with Home Office standards (Detention Centre Rules and Operational Standards), there are serious concerns about the lack of public scrutiny and the way that these centres are run.

"We now remove an immigration offender every eight minutes - but my target is to remove more, and remove them faster."

Liam Byrne, Immigration Minister, 19th May 2008

Many reports have highlighted the appalling conditions in which asylum seekers are detained. Many of those detained are desperate and traumatised, having survived war, detention, torture, rape or sexual assault in their own country. It is not surprising that many detainees are extremely anxious and fearful of being deported. Some have serious medical problems and many are suffering from post traumatic stress disorder, or other related psychiatric illnesses, as a consequence of the experiences that led them to claim asylum.

In 2007 there were 1,517 immigration detainees on suicide-watch and there were 157 incidents of self-harm requiring medical treatment (NCADC, Self-Harm in Immigration Detention). Six detainees at Harmondsworth chose suicide rather than leaving on a plane (Institute of Race Relations, "Driven to desperate measures")

Use of force

The Home Office and its contracted companies have the power to use force in certain circumstances, including when seeking to enforce the *lawful* removal of a detainee. Any force used must be reasonable in all circumstances and no more than necessary. Detention custody officers are trained in the use of approved control and restraint. The enforcement of immigration law has led to a situation where force is routinely used on some of the most vulnerable members of society. 'Control and restraint' techniques, applied in this context, have been developed for use in the prison system, to be used only as a last resort to deal with violent and refractory prisoners, (see Box 4). These holds and restraints are specifically used to minimise the possibility of any injury (particularly of a serious nature) being inflicted. In considering a case where a detainee has been injured in a context where force is permitted (that is during a lawful removal), the nature of any injuries suffered following the exercise of force may determine whether the force used was excessive and therefore unlawful and amounting to an assault. Thus, injuries caused by a punch or a kick, for example, are very unlikely to be justified in law.

Asylum seekers are a vulnerable group, some of whom have been traumatised by experiencing rape or torture in their country of origin. They are sometimes terrified at

the prospect of being returned to a country where they believe they will face imprisonment, torture and possibly death. They are often completely bewildered to find themselves locked up in detention centres when they have come to the UK to seek safety. They are, in effect, placed in prison, since detention centres are classed as prisons.

It is less clear that the use of force is justified in a range of contexts other than in the enforcement of lawful removals. For example, it is questionable whether the use of force is justified where a detainee refuses to move from one wing of a detention centre to another, from one detention centre to another, from the wing to healthcare, or for simply disobeying an order given by a detention custody officer (all frequent occurrences in the data we have collected). Yet our research shows that the authorities are regularly relying on the use of force to make the management of detention easier. Detention of asylum seekers should never be considered a form of punishment. Therefore, sanctions used against detainees should be reduced to the necessary minimum.

Guards are permitted to use force and restraints on detainees in limited and specific circumstances where the detainee will not comply. However, people who have been tortured may react to the application of restraints. Women who have been raped by soldiers may respond to male officers taking physical hold of them and those with post traumatic stress disorder may suffer extreme traumatic reactions to the use of force.

Box 4 Use of force – the law

The direct imposition of any unwanted physical contact on another person may constitute the tort of battery (which falls within the broad tort of trespass to the person) even if the contact has neither caused nor threatened any physical injury or harm.

A defendant may justify a battery if he can show he acted with lawful excuse. The use of force is generally permissible in the prevention of crime or in effecting or assisting in the lawful arrest of an offender or of persons unlawfully at large (see section 3 of the Criminal Law Act 1967) or under common law powers to suppress breaches of the peace. Neither of these excuses applies to administrative detainees under immigration legislation.

Although there is no express power in immigration legislation to use force to put someone on an aircraft in order to remove them, such a power may be inferred from the power given to immigration officers by the Immigration Act 1971 to remove (Macdonald's Immigration Law and Practice, 5th Edition, p. 768, paragraph 16.60).

Limited powers to use force have also now been given to detention custody officers by Schedules 11 and 13 to

the Immigration and Asylum Act 1999. These powers to use force are governed by Rule 41 of the Detention Centre Rules 2001 and Operating Instructions, which govern the use of force.

Rule 41 states:

'41.-(1) A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is necessary shall be used...'

The Operating Instructions on the use of force state at paragraph 1:

'The Centre will ensure that force is used only when necessary to keep a detainee in custody, to prevent violence, to prevent destruction of the property of the removal centre or of others and to prevent detainees from seeking to prevent their removal physically or physically interfering with the lawful removal of another detainee.'

Prison Service Order No. 1600 at 1.1.3 which, it is believed, governs all private contractors in the immigration detention estate, requires that all reasonable efforts are made to manage the asylum seeker's behaviour by persuasion or other means that do not entail the use of force.

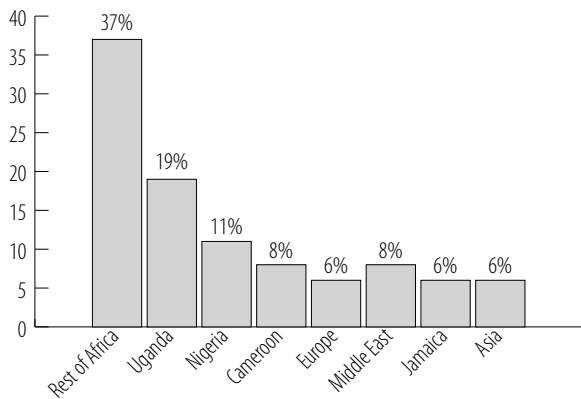
The Human Rights Act 1998

The excessive use of force may also give rise to a claim for damages under the HRA for breach of Article 3 of the European Convention on Human Rights (ECHR), which protects an individual's right not to be subjected to torture or inhumane and degrading treatment and/or of Article 8 ECHR which protects an individual from any disproportionate interference in their private life, which may include their personal and physical integrity. Article 3 places an investigative obligation on the state. Thus in any instance where a detainee receives significant injury allegedly as a consequence of the application of force by state agents, the state is under a duty to independently and impartially investigate the circumstances by which such injury was caused.

Who are the victims

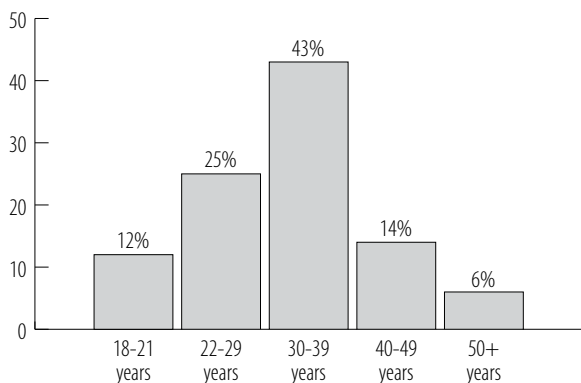
66% of assaults were against men and 34 % against women. Claims of alleged assaults were made by people from over 41 countries but almost three quarters were from Africa. The most common countries were Uganda, Nigeria, Cameroon, Jamaica and the Democratic Republic of Congo (Table 1).

Table 1
Country to which removals or attempted removals were made, by percentage



The most common age range of those who alleged assault was between 30 and 39 (43 %). The age range of adult victims, where age was documented in this study, is given as a percentage in Table 2.

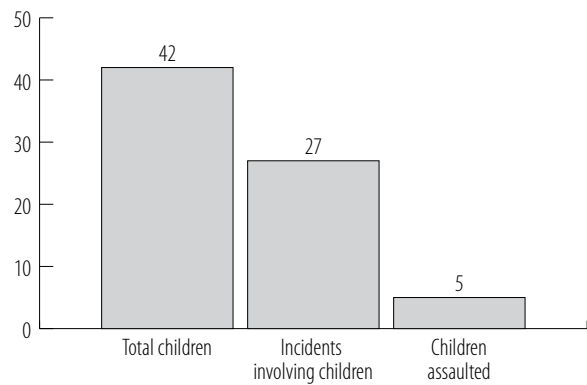
Table 2



Age of adult victims, by percentage

Perhaps the most disturbing finding is the number of cases involving children. There were 27 alleged incidents where children were present and a total of 42 children were involved, five of whom are alleged to have been assaulted themselves. In most cases force was used on one of the parents, but witnessed by their children.² There were some allegations of children being injured or handcuffs being applied.³ Sometimes babies and small children were separated from their parents.⁴ (Table 3).

Table 3
Number of incidents involving children



A mother claimed that during their arrest from their home, her young son hid under his bed and was pulled out by an immigration officer. The mother and child were taken to a plane for deportation, taken off again and returned to a detention centre.

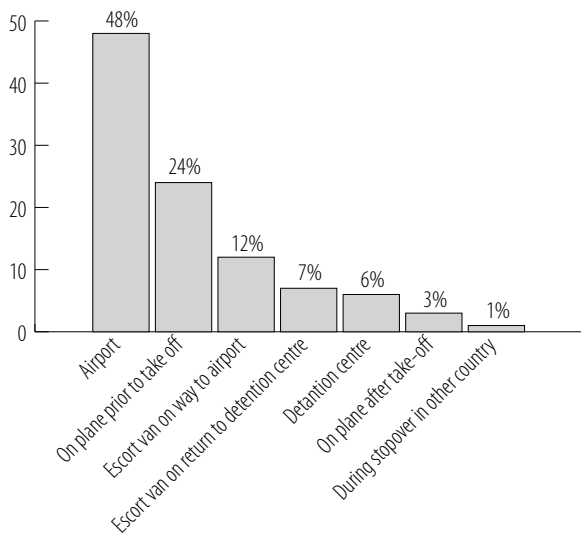
A few days later the mother was handcuffed in front of her son with her hands held in a 'control and restraint' position up behind her back. She says her son witnessed this and was crying. An immigration escort accused the mother of biting her; the police were called and the mother was arrested and taken to a police station. The mother says she was separated from her son. They were later released from detention. The senior mental health practitioner at the local child and family consultation service confirmed that the son was clearly distressed by deportation attempts and had reported to them that he had bad dreams about "men hurting mummy" and that he feared the men would come back. He suffered from separation anxiety, bedwetting, panicky behaviour, nightmares, fear of sleeping alone. His school confirmed that his behaviour had significantly changed since the incident. Having previously attended regularly and happily, he was now experiencing problems at school and poor school performance.

Where assaults take place

Most alleged assaults happened while detainees were being removed or deported (Table 4). Most of the perpetrators of the alleged assaults are staff employed by either the Home Office or private companies contracted by the Home Office to run the detention centres or to escort detainees when they are being moved between centres or being deported.

2. see dossier F2, D5
 3. see dossier D2
 4. see dossier D6

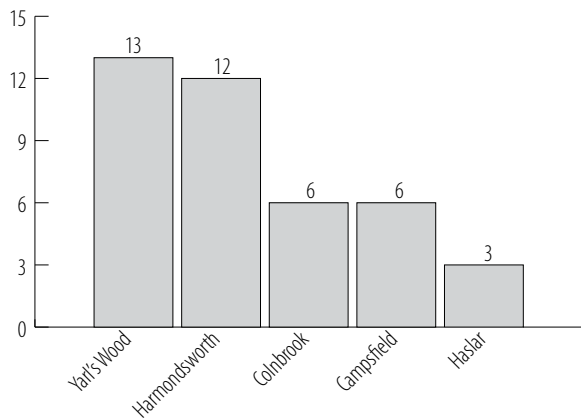
Table 4
Where the incidents took place, by percentage



Detention centres

6% of cases involved allegations of assault within detention centres, which are mostly run by privately contracted companies. Often force was used to transfer a reluctant detainee from one detention centre to another or from one wing to another. The highest number of recorded assaults in detention centres took place at Harmondsworth and Yarl’s Wood, which were responsible for nearly two thirds of all assaults (Table 5).

Table 5
Alleged assaults in detention centres by number



Escort and in transit

All escorted removals from detention centres are contracted out to private security companies by the Home Office (Table 6). Detainees are taken to the airport by immigration “escorts”. Nearly half the assaults occurred at the airport (48%) before the detainee was placed on the plane. 12% took place in the transport van on the way to the airport. Tellingly, 7% of assaults were alleged to have

taken place after the detainee was taken off the transport carrier (usually aeroplane) following a decision that the removal could not proceed. Usually removals are stopped when the pilot refuses to proceed, which may be because the detainee is screaming and / or because there is a physical struggle with escort staff occurring and the pilot considers it will be unsafe to fly.

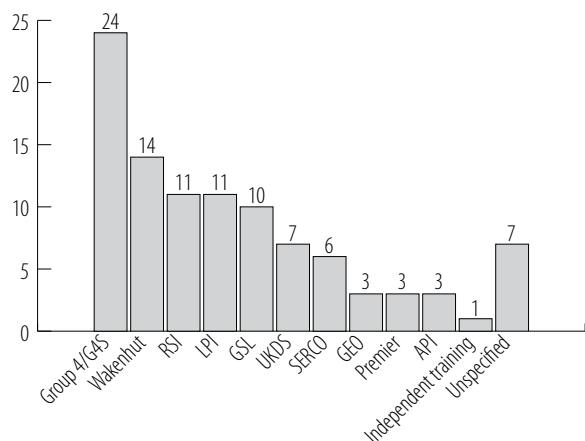
There were also allegations of assault made against police officers or immigration officers who have attended people’s home to collect them and bring them into detention.

Sometimes, a detainee will be resisting simply because they are terrified of being returned to their country. There are a number of documented cases⁵ where the detainee was aware that lawyers were seeking a last minute court injunction or MP’s intervention, or where removal directions had been issued unlawfully because, for example, the victim had outstanding representations that had not been dealt with, or where travel documents were incorrect.

While escorts are permitted to use reasonable force in a lawful removal, any use of force where the removal is not lawful will in theory amount to an assault. Furthermore, where force is used after a detainee has been taken off the flight it is unlikely to be justified in law.

Most concerning is the lack of oversight for the operation of escorts. A successful removal may be very lucrative for staff in overtime pay when they accompany the detainee on the plane. This may encourage guards to use additional force on the detainee in an attempt to remove them from the UK. It may also explain their anger and violence against the detainee when the removal fails.

Table 6
Percentage of alleged incidents involving immigration escort and detention centre companies contracted by the Home Office, where documented.



5. see dossier D6, F5

Assaults on aeroplanes

Most forced removals from the UK are by air. These can be scheduled flights, charters, military aircraft or even privately rented jets. A total of 78 charter flights were arranged between February 2006 and March 2007, 60 of which were flights to eastern Europe and 14 to Afghanistan. Other destinations included Kurdistan, the Democratic Republic of Congo and Vietnam (NCADC, "Increased use of charter flights"). The Home Office has arranged a number of military flights to deport Iraqis including a flight in September 2006 from RAF Brize Norton (Guardian, February 4th 2007, "UN alarm as Iraqis face forcible return"). Extra seats are also booked on scheduled flights to deport detainees. Ms Thompson (see Case D2) was removed to Jamaica on April 24th 2006. From the Home Office file, it appears that in order to remove the family, a police escort was provided to the airport and 27 seats were booked on the flight at a cost to the tax payer of £19,000.

A private jet for a 14-year-old

"The planned removal from the UK of a suicidal Kurdish teenager whose traumatic experience of the British deportation process drove her to self-harm appeared to have been scrapped yesterday. A German border police source confirmed that a private jet carrying Meltem Avcil and her mother had been expected to arrive in Dusseldorf at 9.55am yesterday, but officials from Britain had called to cancel the flight earlier in the morning. The Independent reported earlier this week that 14-year-old Meltem was left depressed and traumatised by an extended stay at Yarl's Wood detention centre. Further details of the extent of her depression, though, can now be revealed. Meltem had cut her wrists and entered into a suicide pact with a fellow detainee. The removal flight was cancelled shortly after a private visit by the Children's Commissioner, Sir Albert Aynsley-Green, was scheduled. The Children's Commissioner spent half an hour with Meltem in a private room at Bedford hospital." (Independent, November 23rd 2007, "Deportation of suicidal Kurdish teenager halted"). Meltem and her mother have since been granted Indefinite Leave to Remain in the UK.

24% of assaults described took place on the aeroplane before take-off. Being handcuffed and put on a plane for removal from the UK is, almost by definition, a traumatic experience. When return is to a place where the detainee fears torture or has previously experienced it, the trauma is increased. If the removal process leads to abuse or injury, the potential for lasting psychological harm becomes severe. It is therefore not surprising that people assaulted during removal attempts frequently suffer from post-traumatic stress disorder.⁶

The Medical Guidelines for Airline Travel specify conditions that render people unfit for air travel (Aerospace Medical Association, "Medical Guidance for Airline Travel").

Immigration Department Instructions specify medical precautions to be taken before returning pregnant women and young children to areas where malaria is endemic (Home Office, Immigration Directorate's Instructions). Neither set of guidelines is always followed by detention centre clinicians, the Home Office and others responsible. The duties of clinical staff working in immigration detention centres include certification of patients as fit-to-fly. Once the detainee leaves the centre, responsibility for accepting the person on a flight devolves to the medical officers at the airport, then the airline's medical officer, and finally the pilot. Where there is a clinically trained escort, they would presumably have a duty to state that the person was "unfit" should this be so.

Under the 1971 Immigration Act, the Government has the right to ask UK airlines to organise removal flights, and it is arguable that airlines would be acting illegally if they refused. Many airlines have contracts with the Home Office to carry out removals by scheduled flights or by chartering a whole plane. Since by law they have no option, signing a contract makes the process more straightforward. *The Independent* reported; "British Airways refused to say how many removals it carried out each year, but said it adopted a policy of permitting one escorted or two unescorted removals per flight: "It is UK law and we comply with it – it's like asking whether we are happy paying income tax." (Independent, October 8th 2007, "Major airline refuses to help with forcible removal of immigrants")

It is not known exactly how many airlines are contracted to carry out this task, or how much they are paid. The Home Office has refused to disclose any details about removal flights under the Freedom of Information Act as requested by the National Coalition of Anti-Deportation Campaigns, stating that making them public would "drive up the cost of such operations" and would damage the airlines commercially. It is estimated that the government sets aside millions of pounds each year to finance its contracts with the airlines. In 2006, for example, the government paid British Airways more than £4.3m to carry failed asylum seekers and their escorts. So, even if the airlines have reservations about the morality of what they are being asked to do, and despite the negative publicity they risk by agreeing to transport refused asylum-seekers, they nevertheless sign the Home Office contracts. Even if they did not, under the Immigration Act they would still be legally obliged to help the Home Office remove its detainees whenever required.

The airlines' legal obligation to carry out removals has been put into question by the case of XL Airways – a charter company with a fleet of 24 aircraft. XL announced that it would no longer be carrying failed asylum seekers who were being forcibly removed from the UK, explaining to anti-deportation campaigners that it had not "fully

6. See cases A9, B4, C8, C9, D3, D6, F2, F5, F8.

understood" what would be involved when it signed a contract with the Home Office agreeing to remove asylum seekers back to the Democratic Republic of Congo (Independent, October 8th 2007, "Major airline refuses to help with forcible removal of immigrants"). It would appear that the Home Office decided to look elsewhere rather than risk further negative publicity, and there is nothing to prevent other airlines from objecting in a similar fashion. The Home Office reports that it only contracts with airlines willing to operate removal flights (Independent, October 8th 2007, "Major airline refuses to help with forcible removal of immigrants").

Airlines can also refuse to carry a detainee at the last minute. Indeed, this frequently occurs. This has been recognised by a Home Office spokesperson who reported: "The Agency uses agents/brokers to arrange both charter and scheduled removals. Airline captains have the right to refuse carriage of a passenger and will do so if they feel appropriate for security or commercial reasons." (Independent, October 8th 2007, "Major airline refuses to help with forcible removal of immigrants").

Enforced removal causes problems for airlines. The Parliamentary Select Committee reported: "There is a perception by the majority of airlines consulted that returnees often engage in deliberately obstructive behaviour designed to frustrate removal. This behaviour can result in other fare-paying passengers obtaining a negative image of the airline involved and airlines are concerned that this will impact on their commercial interests". The Committee also pointed to the "lost revenue when removals are postponed often at late notice and the logistics of effecting removal." (Select Committee on Home Affairs, Additional Written Evidence).

136 passengers ordered off a British Airways flight to Lagos

Mr. Omotade, a passenger on a British Airways flight to Nigeria, spoke up regarding his concerns about the way a deportee on the flight was being treated. The Daily Mirror report; "Five officers returned and arrested Mr Omotade. This outraged the other 135 passengers in the economy class section and they complained to cabin crew. Amid riotous scenes in the aisles, 20 police officers boarded to calm everything down. Then the BA pilot took the extraordinary decision to boot off everyone who had witnessed the arrest of Mr Omotade, an IT consultant from Chatham, Kent. The captain took the view they were all guilty of disturbing the flight, although no more passengers were arrested. After the economy class section was virtually cleared, the deportee, aged about 30, was brought back on and the flight left. The passengers were booked on to later flights but Mr Omotade was told by BA staff he was banned by the airline for life. ... Mr Omotade... was handcuffed and kept in police custody for eight hours after his arrest." (Daily Mirror, April 7th 2008, "136 BA passengers removed from jet over deportee row")

British Airways reacted to this incident by saying; "Security procedures, such as the provision of escorts, are implemented to ensure deportees are carried safely. We also have a zero-tolerance approach to any type of disturbance on board an aircraft which could affect the safety of a flight" (Independent, Letters, April 22nd 2008, "Why BA emptied deportee's plane").

According to *The Guardian*, on March 27th 2008, 50 Iraqi refused asylum seekers were taken to Stansted Airport and put on charter plane to Irbil, Iraq. *The Guardian* reported that security officers had boarded the plane at Irbil airport and beat people who refused to get out of the aircraft. One deportee said; "they were armed with guns, and they beat people from Mosul and Baghdad who refused to leave the plane. ... They even hit them in the back of the head with their guns, many people were bleeding. The British security guards were also hitting people." (Guardian, March 29th 2008, "Asylum seekers say expulsion flight ended in beating in Iraq")

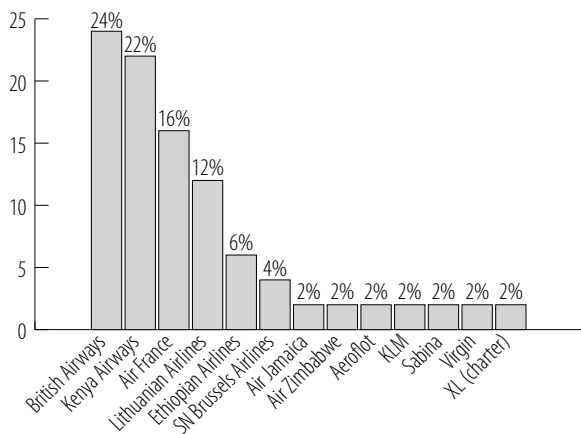
Thirteen unsuccessful Congolese asylum seekers were removed by charter flight to Kinshasa on March 12th 2002. Bail for Immigration Detainees (BID) received first and second hand accounts from Congolese deportees. It is BID's understanding that one of the 13 was refused entry to the DR Congo and immediately put on a plane back to the UK. Another fled again to the UK and has submitted a claim for political asylum, partly based on the ill-treatment suffered on return. That deportee wrote: "When we left the plane we were handed over to the DRC police at the airport in the waiting room. ... We were placed in a lorry and taken to a prison. I do not know which one as it was too dark to be able to tell. On the way we were beaten by the soldiers who were guarding us in the lorry. There were twelve of us and a lot more of them. ... We were beaten on a daily basis by groups of three or five soldiers. They would come into the cell and kick us with their army boots or beat us with their fists. They accused us of being traitors. I was raped by the guards on at least six occasions." (BID letter to Mr Bill Jeffrey, Director General, Immigration and Nationality Directorate, September 25th 2003.)

A witness statement included in the Medical Foundation's "Harm on Removal" report by a passenger on Flight TE453 from Gatwick to Vilnius, April 29th 2004 (one day before Lithuania joined the EU and Lithuanian nationals gained the right to enter the UK).

"I got to my seat, some women were screaming at the back of the plane. They were obviously in considerable distress. ... They appeared to be writhing in pain and shouting. It was too distressing not to intervene. There was a woman blocking the gangway, I assumed she was an Immigration Official. On the right hand side (looking towards the plane's tail) was a young girl aged about 12 or 14 years, seated and flanked by two security officers. The official on the girl's right appeared to have his hand on her neck. ... The girl had tears streaming down her face and was obviously in a

lot of distress. She had handcuffs on and was only wearing her underwear: bra and pants. These were the seats right at the back of the plane. I said, "She has no clothes on!" The whole flight had to see the women being dragged back through the plane, one with only her bra and pants on. She was hunched over trying to preserve her modesty while she walked down the plane. She was still in handcuffs and being pulled from the front and pushed from behind." (Medical Foundation, "Harm on Removal: Excessive Force against Failed Asylum Seekers")

Table 7
Airline flights on which detainees were booked by percentage



Global African diaspora speak as airline customers

Concern has been raised from within Africa about forced removals and mistreatment during deportation from the UK. Examples include "Kenya: KQ Returns Asylum Seekers" by Paul Redfern at The Nation (Nairobi) October 9th 2007.

In reaction to Ms BG (see Dossier Case F9) being forcibly deported to Cameroon and refused entry into the country, reportedly because she was in such a poor state following alleged assault during the removal, there was a debate on Cameroon television about such cases. This suggests that a number of similar cases warranted a debate on TV.

After the incident of 136 passengers being ordered off a British Airways flight to Lagos there have been calls by Nigerians around the world to boycott British Airways, for example; Independent, April 21st 2008, "Nigerians call for boycott of BA after deportation"

The allegations

"My blouse was up my head then next I remember was that they had got me into the plane sit two tall and huge people each holding one arm twisting it backwards like handcuffs position with hands behind the back next this excruciating pain with this man putting his elbow in my back pushing my neck between my legs that I ended up eating the seat I was sitting in this pain in the back and arms was the next to the pain from the rape I suffered. One man kept saying "Bella I will take you back to Uganda even if I have to break these arms. You are only making it hard for yourself. I will break these arms Bella. Stop being silly, I will break these arms". (Bella is not the deportee's name).

Most of the assaults documented involved allegations of the excessive use of force in circumstances where the victim did not wish to do something or go somewhere. However, in many incidents the victim was not resisting. While in some circumstances escort staff are empowered to use reasonable force, the use of force is circumscribed by law.

The findings from our dossier are very similar to those of the Medical Foundation in their 2004 report, Harm on Removal": "The methods of restraint or assault described by the detainees include: being dragged along the ground, being kicked or kneed, being punched – including to the head and face, being elbowed, having the thumb forcibly bent back, pressure being applied to the angle of the jaw, pressure exerted on the neck, being sat on (thorax and abdomen), and assault to the genitals."

In all cases in this dossier, what may have started off as "reasonable" force turned into what we would interpret as "excessive" force. Sometimes, however, force was used when the officers had no power to use force at all. According to law there are no grounds to use force, for example, when the detainee is taken off the aeroplane and where force is used gratuitously, or where a removal is attempted when it is unlawful because of a court injunction or outstanding representations or MP's intervention. We have also received allegations of the gratuitous use of force, often inflicted by angry escorts following a failed removal.⁷

There were also allegations of inappropriate touching or handling of Muslim women and of their being made to remove clothing in front of male officers.⁸ Often the escorts pick up the detainee in the middle of the night. There were several examples of women being removed by force by male escorts without being clothed, causing extreme distress and fear.

7. see dossier C10, F5.

8. see dossier D3, B2.

Table 7

Alleged incidents	Type of abuse
108	Assaulted/Beaten
59	Punched
52	Kicked
47	Choking/gagging
46	Overzealous restraint, including with cuffs
38	Racist abuse
27	Dragged about (by handcuffs/hair/belt)
26	Kneeling/sitting on
7	Sexual assault
4	Woman pregnant at time of assault

There were also a number of allegations of victims being forced to swallow medication or of detainees being injected, apparently with sedatives.⁹ In one removal attempt, it was established that a child (aged less than 12 years) was given a sedative drug, which is not licensed for use with children, apparently to facilitate the removal process. Following protest from the parents the family were taken to a hospital, where the child was checked for adverse effects, returned to detention and subsequently released. In cases where the Home Office is aware that a detainee suffers from a serious illness, it may arrange for a medical escort to be present during the removal. Accounts of the behaviour of the medical escorts have led to allegations of medical negligence.¹⁰

Although we did not specifically ask this question in relation to the cases we were collecting, a significant number of those alleging assault also described racist abuse, particularly from escort officers involved in their removal. Racist statements included; *“Why don’t you black monkeys go back to your own country? You only come to this country to scrounge off the taxpayer”* and *“Black bitch go home”*.

Nature of injuries

The most common form of injury recorded was handcuff injuries, including swelling and cuts to the wrist, sometimes leading to lasting nerve damage. Such injuries may be the consequence of detainees resisting the lawful use of restraints. However, many have recounted the officers dragging them by the handcuffs or twisting them deliberately to inflict pain. Other injuries sustained cannot be explained as being caused by a detainee’s resistance to the lawful application of approved control and restraint. Bruising and swelling to the face, fractures to wrists,

ribs, and ankles as well as multiple bruising indicate an excessive use of force.

Additionally, many detainees have described psychological consequences which commonly include the onset or exacerbation of Post Traumatic Stress Disorder (PTSD), panic attacks, suicidal ideation and depression. In a significant number of cases, victims recorded feeling suicidal and sometimes attempted suicide following the assault. Often this was after they had been locked in a segregation cell because of their alleged “disruptive behaviour”.¹¹ Others have described attempting suicide before or during an attempted removal, so frightened were they of returning to their own country. Examples in the dossier include a woman who tried to strangle herself on the car seat belt.¹² Another attempted to take an overdose of medication when they came to collect her and also attempted to hang herself in detention.¹³ Another swallowed soap powder before they came to collect her.¹⁴

Table 8

Alleged incidents	Type of injury sustained
92	Bruising/swelling
55	Head/neck/back pain
54	Cuts/bleeding
23	Fractures/Dislocations/Organ damage
21	Psychiatric damage
4	Self-harm

Here again, our findings are very similar to those of the Medical Foundation in their 2004 report, *‘Harm on Removal’*;

“Injuries included; Loss of consciousness; tooth coming loose, bleeding from the mouth; testicular pain; difficulty passing urine; nose bleed, sprained neck from having neck forcibly flexed (head pushed down); bony tenderness over the cheekbone from a punch to the face; abrasion over the cheekbone from being dragged along the ground; lip laceration (splitting) from having head pushed down against the ground; bruising under the jaw and tenderness over the larynx from fingers being pressed to the throat; laceration over the temple from having head banged against hard object, swelling and tenderness in the scrotal area from having scrotum squeezed.”

9. see dossier F8, F9.

10. see dossier C10, F9.

11. see dossier F5, D3

12. see dossier F9`

13. see dossier F2

14. see dossier A11.

Reporting allegations and recording injuries

When a detainee is returned from a failed removal, or has received injuries in some way, they may be examined in the healthcare centre and, if necessary, taken to the accident and emergency department at the local hospital, though many detainees claim they are denied access to hospital. A proper record of injuries should be made, but often the recording of injuries is inadequate. Where a detainee has been injured the detainee should be photographed if she or he agrees (according to Detention Services Order 09/06). However, we are not aware of this directive being followed, unless the detainee or their representative explicitly requests it, and even then the request was in some cases denied. Sometimes, particularly in relation to dark-skinned detainees, the quality of photographs taken was so poor that the full extent of bruising and swelling was not revealed.

A number of detainees have described being placed in a freezing cold room after an assault, which can have the effect of reducing swelling of injuries before a medical examination. Others have been sprayed with a substance to reduce swelling and bruising.¹⁵ In the relatively few cases where an independent doctor has examined the detainee, the full extent of injuries has been revealed. Even records from local accident and emergency departments are sometimes poor. This may be because the detainee is often accompanied by guards. In some cases the guard who is alleged to have assaulted the detainee is with them and they may feel too intimidated to provide full details of the assault. There is also an inappropriate, almost-routine, handcuffing in hospital. Frequently guards refuse to remove handcuffs so no proper medical examination can take place.

This is a breach of privacy and confidentiality and medical staff can, and usually should, insist that handcuffs are removed. The advice to doctors from the Ethics Committee of the British Medical Association is that: *if "it is considered that the level of risk is low, the doctor in charge should request the removal of restraints."* (BMA, Ethics Committee, "Providing medical care and treatment to people who are detained"). However, medical staff can feel intimidated and do not often insist. The guards may also make claims about the detainee that incite the doctor to take the detainee and their reported health problems and injuries less seriously. While such action may not amount to an assault as such, the impact on the victim in reported cases was found to have caused an exacerbation of pre-existing psychological vulnerabilities. The courts have deemed such treatment to amount to inhuman and degrading treatment, contrary to Article 3 of the European Convention on Human Rights.

There are cases where the detainee states that they were prevented by escorts from speaking with the doctor. In some cases where a detainee has been hospitalised, guards have prevented visitors seeing the detainee (patient), denied the detainee (patient) access to a phone and told the detainee's (patient's) independent doctor that they are not allowed to speak to his patient.

In one case a detainee (who was a victim of gang rape by soldiers in his country) remained handcuffed while an internal examination was undertaken. Another female detainee remained handcuffed while wheeled into the operating theatre and was handcuffed again before she emerged from the general anaesthetic.

Complaints procedures

Using undue force as described is an assault and criminal behaviour for which the victim can seek redress. Where a detainee is injured following the use of force the authorities should be required to provide an account as to how such injuries were sustained. However, the procedure for complaining is complex and the systems in place for ensuring oversight are perceived as ineffective (see Box 5). Detention centres are contractually required to have a complaints procedure. Detailed guidance on how complaints procedures should be managed in detention centres is now contained in Detention Services Order 09/2006, which came into effect on October 1st 2006.

Assault is difficult to prove at the best of times and many of the assaults described in this dossier happened in circumstances where there are no independent witnesses. Often the 'victim' will be the only witness to his or her assault, whereas, there may be several detention centre officers involved. Thus, a complaint is often found to not be upheld because the majority of witnesses deny that the assault took place as the victim has alleged.

Independent evidence may exist in the form of CCTV footage or medical evidence of injuries. However, CCTV film is not routinely monitored to check for assaults and violence against deportees and is only kept for 28 days. CCTV was recently introduced into escort vans. However, escorts are aware of the cameras and, on the limited evidence we have seen, they have developed ways of obscuring the camera at the critical moment. If there are independent witnesses they may be hard to track down, for example, because they are passengers on a flight. Fellow detainees who witness assaults may be quickly moved to another centre or deported. Passengers who speak out in defence of deportees have themselves been arrested and banned from that airline.¹⁶ Many victims are unwilling to complain. They are already traumatised and want to try and forget what has happened. Many have no, or little social support. Only about half of detainees have

15. see dossier F9

16. see dossier case C9

legal representation, and only about 10 % have visitors. With no paid staff, and entirely reliant on volunteers, Medical Justice is only able to help about 1% of detainees and few are able to take civil action.

Detention centre complaints procedures are frequently criticised. Her Majesty's Inspector of Prisons (HMIP) reported on Harmondsworth in 2006, stating that; "of the 155 complaint forms issued in 2006, only 45 had been returned to the complaint clerk. A third of all complaints were about staff." (HMIP (2006), Report on an unannounced inspection of Harmondsworth Immigration Removal Centre). The report noted that:

"A so-called action plan, to deal with problems identified by the inquiry into the recent self-inflicted death, had been shared with neither the suicide prevention team nor the staff in the centre. It was a purely bureaucratic exercise which had had no impact on the centre's practices. Equally, the complaints system was distrusted and ineffective. It was not sufficiently confidential and tracking systems were ineffective."

There is some evidence that asylum seekers lodging complaints are subject to harassment and further abuse. Victims are sometimes warned that complaining will affect their chances of obtaining leave to remain. Victims who make formal complaints have sometimes found themselves accused of assault for biting an immigration escort, even though in most cases the escort was covering their mouth and/or nose so they could not breathe (see Box 6).

Box 5

Complaints procedures open to detainees

How complaints by detainees are handled is complicated and can involve a large number of bodies. In summary:

Home Office / Borders and Immigration Agency:

Complaints can be made by detainees under the Detention Centre Rules through the Borders and Immigration Agency. This includes complaints about serious professional misconduct. There is a separate complaints procedures for detainees and those who are not detained. Complaints about "serious professional misconduct" should now be dealt with by the dedicated "independent" team at the BIA.

Independent Police Complaints Commission: Since 25 February 2008, serious complaints about the misuse by immigration officers of "police-like" powers should now be referred to the Independent Police Complaints Commission (PCC). However, such complaints are restricted to those officers employed by BIA and not escorts and others employed by private contractors, which run most detention centres and provide most of the transportation for detainees. The IPCC is not therefore accessible to most detainees and deportees who wish to complain about their treatment.

Prison and Probation Ombudsman: If a detainee is dissatisfied with the outcome of their complaint they can complain further to the Prison and Probation Ombudsman (PPO), excluding clinical issues.

If the complainant remains dissatisfied a complaint can be made via an MP to the Parliamentary and Health Service Ombudsman.

Complaints about healthcare

Complaints about healthcare at the detention centre should be responded to by the healthcare contractor.

If the detainee remains dissatisfied with the outcome of their complaint, according to guidelines, s/he may appeal to the Healthcare Commission although if the complaint relates to healthcare at Yarl's Wood, Colnbrook or Campsfield, then because the private companies running these centres have failed to register with the Commission, this does not apply. Where healthcare is provided by the NHS (e.g. hospital treatment) the NHS complaints procedure can be used with independent review by the Healthcare Commission and then the Parliamentary Health Service Ombudsman. From 2009, the Healthcare Commission will not investigate complaints and complainants who are not satisfied with the local investigation will go straight to the Ombudsman.

Complaints about health care professionals can be made to the professional regulatory body (General Medical Council, Nursing and Midwifery Council etc).

Independent Monitoring Board

In addition to the formal complaints procedures, the IMB has a separate duty to investigate complaints.

Box 6 Repercussions of complaining

Mr AN, a torture survivor from Cameroon made a formal complaint regarding his alleged assault. He was threatened in October 2007 with re-detention when the Home Office sent him a letter saying he had not "reported", even though he had reported the day before. When he produced evidence that he had "reported", the evidence was taken from him and the Home Office refused to give it back to him (see Case E2).

Ms MM from Zimbabwe was prosecuted for assault but found innocent by a jury (see Case F7).

Mr. LJ from Nigeria was charged with assault but the charges were later dropped.

Complaints to the Immigration services

Where a complaint of assault is made to the police it should now also be simultaneously investigated by the Home Office. The procedure changed in 2006; previously such complaints would be suspended until after the conclusion of the police investigation. In most of our documented cases allegations of assault were not upheld by the Home Office, although in certain cases there were concerns about the inadequacy of the investigation, including the loss of critical CCTV evidence. However, in many cases the Home Office investigation was wholly inadequate.

Even though the Home Office says they record and monitor allegations of assault, they were unable to say how many complaints of alleged assault against its staff or its contractor's staff they had received from alleged victims in the last four years. They did say that, of 52 "serious" complaints investigated since October 1st 2006 in relation to escorting contractors, only one has been substantiated and seven have been partially substantiated. However, they were unable to say whether any criminal proceedings had been brought, despite claiming that they pass complaints they receive onto the police for their own investigation (Response to Parliamentary Questions from Diane Abbott MP by Liam Byrne).

Box 7

The Complaints Audit Committee (CAC)

The Home Secretary set up the Complaints Audit Committee to monitor the UK Border Agency's procedures for investigating complaints about the conduct of staff to see that they are fair and effective. The committee is entirely independent of the Agency.

The committee meets regularly with the complaints units, reviews complaints and provides feedback to the Agency. Committee members have access to all papers on complaint investigations, but are not involved in the investigation of specific complaints or decisions in individual cases.

The Committee found an appalling record in the handling of complaints. The most alarming findings related to those involving allegations of staff misconduct. A report found that only 8% of complainants were interviewed where the complaint raised issues of serious misconduct, and positive evidence gathering steps (such as interviewing witnesses) were taken in only 11% of cases. The CAC found that 83% of the replies in this category of complaint were indefensible. Criticisms were also made of the fact that contractors were involved in investigating complaints about their own misconduct (in 95% of the audited cases the complaint was investigated by contract staff and in most of these

cases it was found that contract monitors and OSU failed to enforce deadlines and supervise contract staff effectively).

The CAC's annual report gave one example where the complaint concerned: *"an alleged assault, which was so serious that the complainant was hospitalised for four days... The contractor investigated the complaint but did not keep records of either the investigation or of the letter which they sent to the complainant. Two Immigration Service Managers at the detention centre did not monitor the contractor's investigation."*

The failure to properly investigate allegations of violence in the view of the CAC firstly deprives the complainant of a timely and effective response, secondly erodes the trust of detainees in the efficacy of the complaints procedure and thirdly nullifies the impact that the complaints procedure should have on deterring misconduct.

See: Complaints Audit Committee (2007), Annual Report 2006-2007. London: Borders and Immigration Agency

The Independent Monitoring Boards (IMBs)

The Home Secretary has appointed an Independent Monitoring Board (IMB) for each detention centre, each member of which must have free access to the centre and to every detainee at any time. The IMB's functions are contained in the Detention Centre Regulations (DCR), which contain general duties to monitor the state of the detention centre's premises, its administration and the treatment of the detainees.

The Board must make an annual report to the Home Secretary concerning the state of the detention centre and its administration.¹⁷ The members of the Board also have particular duties in relation to complaints, removal from association and use of restraint. Anecdotally, the Boards appear to be slow to pick up complaints and weak in highlighting the concerns of detainees. Often IMB members appear far from independent, influenced by accounts given by detention custody officers.

Chief Inspector of Prisons

The Chief Inspector does not investigate detainees' individual complaints but carries out inspections of institutions and issues reports following such inspections. However, the Inspectorate can comment generically on a detention centre's complaints system or on the general atmosphere or culture or safety. For example, the 2006 inspection of Harmondsworth reported that *"over 60% of detainees said they had felt unsafe at Harmondsworth, that the main fear was of bullying by staff, that 44% of detainees said they had been victimised by staff."* (HMIP (2006), Report on an unannounced inspection of Harmondsworth Immigration Removal Centre).

17. r64 DCR 2001

Prison and Probation Ombudsman (PPO)

Immigration detainees can complain to the The Prison Ombudsman, where they are not satisfied with an investigation by the Home Office into their complaint of assault. The PPO is also responsible for investigating deaths in immigration removal centres.

Police investigations

Allegations of assault should be reported to the police. However, as the Complaints Audit Committee reports: *“Many asylum seekers come from countries in which the police are oppressive and are feared. Asking asylum seekers if they wish to lodge a complaint with the police ignores cultural perceptions and misplaces the onus of responsibility”* (Complaints Audit Committee (2007), Annual Report 2006-2007). There is evidence that police do not take allegations seriously. Of our documented cases, 87 were reported to police but there were no prosecutions following these allegations. Sometimes this was because the police concluded that there was not sufficient evidence to achieve a conviction. But in a significant number of cases it would appear that the police investigation was inadequate and not followed through.¹⁸ In one case the Home Office wrongly informed the police that the detainee, a man from Uganda, had already been removed.¹⁹ In many other cases detainees reported police officers turning up at detention centres failing to take an account of the allegation from the detainee and telling them that detention “is not a holiday camp”.²⁰ Before the police speak to the detainee, they may first take an account from the detention centre staff which could potentially colour their approach.

In one case, the police told the complainant’s solicitor that there was no evidence to support his allegations. However when the solicitor viewed CCTV footage of the incident frame by frame, it was possible to see that the escort was punching the detainee in the ribs.²¹

In some cases where the detainee reported the matter to the police, counter allegations of assault were made against the detainee, who may have kicked out or bitten someone in defence against painful control mechanisms used on them. In a number of cases, detainees who have complained have been charged and prosecuted with assault, although none we are aware of has been convicted.²²

“The officers kicked and punched him and kned him in the nose. He was then placed in the segregation unit and left naked and without a mattress to sleep on. Later that evening the applicant attempted to kill himself. He was visited by police officers who convinced him to withdraw his complaint. Under duress the applicant agreed”.

Civil actions

Twenty five cases in the dossier are of people who have taken legal action. Taking civil action is expensive and can take as long as three years to go to trial. Detainees may be financially eligible for legal aid, but will have to convince the Legal Services Commission (who provide legal aid funding) that their case has good prospects of success and that it satisfies the ‘cost-benefit’ test. It is unlikely to do so unless the detainee has suffered serious injury with long term consequences, or has other linked claims relating to unlawful detention. Several asylum seekers in this dossier have taken civil action and some have received payment of damages. Thus, where civil actions have been brought, allegations of assault have sometimes been effectively proven. In all those successful cases brought, with one exception so far, the police and the Home Office have found the same complaint unsubstantiated. The reason for this disparity, we believe, is that the civil action is brought by specialised lawyers working closely with the detainee, carefully scrutinising inconsistencies in the evidence of the defendant and able to find independent evidence to support the allegation of assault against all the odds.

The costs of assault during forced removal

When a removal is aborted due to an assault allegation, the costs may include the £11,000 identified by the National Audit Office (see Box 8). These include airline tickets, transportation costs between detention centre and airport and the cost of in-flight escorts. Additional costs may also include hospitalisation, long term medical care following assault injuries, detention costs and police cell costs. There are the costs of police investigation and Home Office investigation, of others like the Complaints Audit Committee, HM Inspector of Prisons and the Independent Monitoring Board, as well as legal aid for immigration and civil action lawyers. In cases where a civil action case is successful, further additional costs could include Treasury solicitors, barristers, any out-of-court settlement, and ultimately court-time including court staff, judge, interpreters and jury expenses.

18. see dossier cases C10, F9

19. see dossier case F5

20. see dossier D3

21. see dossier B7

22. see dossier A12, F7, F8,

Box 8 The escort business

The average cost of an enforced removal in 2005-06 was estimated as £11,000 (National Audit Office)

The costs of overseas escorts undertaken in the period May 2005 to November 2006 were as follows (Hansard, January 8th 2007);

G4S (Group 4 Securicor)	£9,040,816.22
RSI (RSI Ltd.)	£2,480,201.92
ITA (International Trading Agency)	£743,774.98
The GEO Group	£122,486.95
LPI (Loss Prevention International)	£3,895.63

As at the 3rd May 2006, there were three companies authorised to carry out escorted removals on behalf of the Home Office;

- Group 4 Securicor
- International Trading Agency Overseas Escorts Ltd.
- RSI Immigration Services Ltd.

The Independent Asylum Commission reported that, since April 2005, Group 4 Securicor has been the main provider of all in-country escorting within the UK, as well as all escorted and non-escorted repatriation services overseas (Independent Asylum Commission (IAC), "Fit for Purpose yet?: The Independent Asylum Commission's Interim Findings").

Conclusions

How a society treats the people who seek asylum indicates the respect it has for human rights. This dossier shows that assault levels on removal of detainees indicate systematic abuse.

1. The use of inappropriate and dangerous methods of force that can lead to unnecessary injury.
2. Assaults occurring after a removal has been aborted.
3. The use of force continuing after the detainee has been restrained.
4. Handcuffing is often used inappropriately and deliberately used to cause harm and injury.

These problems are compounded by secrecy and discrimination. The complaints procedures and bodies set up to protect vulnerable people are failing. It seems from the data we have assembled that there is not equal access to the law, that the police and the Crown Prosecution Service are more willing to bring proceedings against detainees than against the Home Office or its contractors' staff.

PART 2 – The Dossier

The evidence in this dossier is of alleged assaults dating back to January 2004 (with a few exceptions as noted). Details on assault allegations are not centrally documented. Information is held by solicitors, visitors, and asylum rights groups who do not have a common shared data system. Many have few or no staff to collate detailed information and seek permission from the victims to use their data. All those working on the dossier, have done so on a voluntary basis, finding time aside from the demands of their full time jobs.

The data was collected from immigration solicitors, civil action solicitors, direct from victims, visitors to immigration detainees, media articles, airline passengers, hospital staff, independent doctors and journalists.

Where possible the victim of assault was contacted directly and their written consent obtained to be included in the report. However, many of the alleged victims have since been deported to their home countries and many of them not heard of again. Others could not be traced or were too frightened to come forward. Many victims are reluctant to be identified. They feared retribution from the Home Office and their contractors. Even if their names are anonymised, their account of what happened can identify them to the Home Office. Many feared their name being released into the public domain as it may be picked up by the authorities of their country and they will be identified as a “failed” asylum seeker, which may put them or their family at risk. The detail and accuracy of the account of each incident varies, depending on whether a solicitor was involved, if a signed statement was available or an oral account was recorded. All accounts are as accurate as we are able to provide at this time.

We have been able to document approximately 300 allegations of assault. Some of those we were able to track down were keen for their allegations to be included, although some requested anonymity. We are attaching to this report 48 case studies for which consent to publish has been obtained. Care was taken to obtain independent medical evidence where it existed.

The dossier is of alleged assault incidents that have been reported to us. It is probable that disproportionately more alleged assault cases were reported to us regarding victims who were detained at immigration removal centres where there are more local legal representatives (Harmondsworth and Colnbrook), visitors groups who most actively campaign to raise public awareness

(Harmondsworth, Colnbrook, Campsfield House, Yarl’s Wood, and Dungavel), and centres located close to airports.

As we have multiple distinct sources of data concerning (in some cases) anonymous individuals, the possibility of a degree of double-counting can not be excluded, though care was taken to avoid it. We estimate the incidence of any double-count as 5-10% at a maximum

Through our experience of working in this area, we have strong reasons to believe that in general, alleged assault incidents are very much under-reported; victims are afraid to report assault claims for fear of some form of retribution against them, have little faith in any complaints process or possible legal remedy, do not have adequate access to legal representatives or advocacy groups, do not have adequate access to telephones or simply do not have the financial means to make telephone calls, or have been removed from the UK without being able to report an incident. In tandem, advocacy groups do not have adequate resources to document cases in terms of data systems, man-power, lack of funding and other financial constraints.

Despite all of the obstacles faced by victims, the Complaints Audit Committee told us in a meeting with them that they received about 190 complaints about alleged assault incidents in a one year period. Our dossier contains nearly 300 in a four and a half year period. We conclude that the number of cases we report is not exaggerated, but suggests systemic abuse on a horrifying scale.

This report is not an academic study; the work involved in writing it has been unfunded, not formally resourced and mostly conducted on a voluntary basis. We recommend that the police (re)investigate certain cases and test the evidence themselves. Our purpose is to analyse the harms reported to us and draw conclusions while mindful of the limitations of our data. We publish it now due to the urgent need for action arising from the report. We do claim that having reviewed the sheer quantity of cases and disturbing trends deriving from them, that there is an overwhelming case for action. We would welcome a fuller, adequately resourced independent academic study to examine this subject in greater and more rigorous detail. We are, sadly, convinced that it would corroborate our findings. Any assault is an unlawful use of state sanctioned violence against a vulnerable individual.

A - Assaults in detention centres	3
B - Assaults in transit	10
C - Incidents on aeroplanes	16
D - Involving children	26
E - Racist abuse	33
F - Complaints	35

A - Assaults in detention centres

See also cases C2, C10, F4, F5, F8



Painting: 'Brute Exodus'

Case A1

Mr. EH (Egypt) – Attacked on the hospital wing of Harmondsworth

42 year old Egyptian, Mr. EH has severe asthma and was in the hospital wing at Harmondsworth Immigration Removal Centre (IRC) when he claims he was attacked in the night on 21st November 2007 and on two other occasions by a fellow detainee.

Dr. Charmian Goldwyn (an independent doctor) noted that Mr. EH felt unsafe within the detention centre hospital wing.

Status: thought to have been removed to Egypt with a medical escort.

Case A2

Mr. CM (Algeria) – Assaulted in a wheelchair

33 year old Algerian, Mr. CM claims that on October 21st 2007 he was taken from HMP Wandsworth to Harmondsworth IRC in a wheelchair (because of other

injuries) and assaulted by a prison officer, who he says punched him in the chest twice with one of his handcuffs. Mr. CM says the assault was caught on CCTV.



Photo: Mr CM

Dr. Charmian Goldwyn (an independent doctor) noted that Mr. CM had bruised ribs.

Status: not known.

Case A3

Clifford Hines (Jamaica) – Assaulted twice in Colnbrook for complaining about food

32 year old Jamaican, Clifford Hines claims that on the June 28th 2007, Colnbrook detention custody officers (DCOs) employed by Serco assaulted him after he complained about food. Mr. Hines says that the DCOs came to his cell and assaulted him, injuring his face, his right knee and left leg. The next morning, on the 29th June 2007, Mr. Hines said that he had not eaten or been given water and that he was very upset. He says that three different DCOs came in and assaulted him again; this time one of them sat on his right knee and caused further damage. Mr Hines has an old injury in this knee from childhood.

Dr. Charmian Goldwyn (independent doctor) wrote a medico-legal report on the 19th July 2007, noting; "His right knee was tender, hot and swollen. There was a great deal of fluid in the joint. There was limitation of movements, he could only flex the knee to about 15 degrees. Most of his other bruises had healed as I saw him almost a month after the assaults."

Status: not known.

Case A4

Mr. IJ (Nigeria) – Heavy cell door slammed on hands and feet, smashing big toe nails

Nigerian, Mr IJ, claims that on 10th December 2006 he was assaulted by a detention custody officer employed by Serco at Colnbrook IRC.

Mr. IJ's statement: *"I demanded to make a phone call 10/12/06 around 0:33 hrs. An officer came and unlocked my door to make phone call. I demanded to see shift manager to find out when my induction would be. The shift manager came and began swearing at me and bullying me. He said he heard me shouting on phone. He was using many racist words which surprised me as I've been here 10 months and never heard this. He asked me to return to room which I did. As I got to room I asked to get numbers I'd left on top of phone. He said "No", pushed me in room and pulled door but my leg got stuck so I tried to free it using my hands. So he then pulled door hard twice on my hands. My roommate witnessed this. He then saw blood coming out of my hands and told me to wipe it on my T-shirt and he'd get me a clean one, so I did. The door was then shut and I waited but when he returned he had no T-shirt but other officers to remove me from my room to Segregation. After 3 to 5 hours I was taken to hospital for and X ray of my hands, legs and feet"*

Medical notes from Hillingdon Hospital dated 10th December 2006; *"Heavy cell door slammed on both feet and hands @ 10:00. ↓ ROM (reduced range of movement) both big toes... Sent for x-ray; Feet: no bony injury. Both big nails broken...hands: tender L middle f (finger) + superficial laceration"*.

Dr Frank Arnold (an independent doctor) wrote a medico-legal report on Mr. IJ's injuries noting; *"both great toes are painful on flexion and extension, more so on the right... The limitation of movement on the left are now improving. He is still tender over medial border of the feet from metatarsal heads to the calcaneus (e.g. along the entire sole), more markedly on the right and he still needs as uses a pad for the right heel. Left hand: There is tenderness over the proximal and middle phalanges of the middle and ring fingers. The pain in the feet, and tenderness of the fingers are consistent with these being caught in a door during an occurrence involving detention custody officers on December 10, 2006 at Colnbrook as documented by his written complaint of the following day"*

Mr. IJ made a written complaint to the Home Office on the December 11th 2007, but no response was given.

Status: released from detention, facing redetention and removal.

Case A5

Mr. PS (Jamaica) - Scalding water thrown, put in Segregation before hospitalised.

31 year old Jamaican, Mr. PS alleges that on 25th December 2004 he was assaulted by another detainee at Haslar IRC who threw scalding water onto him whilst he was asleep. Mr. PS says he screamed out in pain but when detention custody officers eventually arrived they dragged him to the segregation unit and were abusive towards him, failing to give him medical treatment. Mr. PS says that half an hour later the IRC Manager intervened and arranged for him to be taken to hospital.

Mr. PS was reported to have scalding causing scarring and traumatic psychological injuries. Mr. PS was removed from the UK on January 28th 2005.

Status: deported.

Case A6

Mr. Gurtoviy (Ukraine) – floored, head pulled back and two fingers put up his nose.

45 year old Ukrainian, Mr. Andrey Gurovii and his wife were detained at Harmondsworth IRC. They had previously been detained at Yarl's Wood IRC during the fire and riot there on February 14th 2002, and say they were traumatised as a result. Mr. Gurovii says that on April 4th 2002 they were told to pack and that they were to be transferred to a detention centre in Scotland and says that he refused to go. He claims that detention custody officers employed by UK Detention Services Ltd threw him down to the floor, pushing his face down and hit his leg, and that one officer pulled his head back and put two fingers up his nose.



Painting: 'Thug Attachment'

A report by Dr. Stuart Turner (an independent doctor) on 31st January 2005 noted exacerbation of Mr. Gurtoviy's depressive disorder. He noted his injuries from the alleged

assault included cuts and bruises to his face and body. A complaint about the alleged assault was made to the Home Office which was investigated but not upheld, although there was some criticism of the way Mr. Guroviy and his wife were dealt with. Mr. Gurtoviy lodged a civil action case regarding the alleged assault which was settled out of court.

Status: released from detention, awaiting decision following further representations to Home Office.

Case A7

Mr. Mostafa (Sudan) – swallowed razor blades, handcuffed, shackled, hospitalised.

34 year old Sudanese, Mr. Mostafa claims that on August 28th 2007 there was an attempt to remove him from the UK. He says that in protest, he repeatedly cut himself with a razor. Mr. Mostafa says that he was tightly handcuffed and shackled. He was taken to Hillingdon Hospital, where his wounds were treated with butterfly tapes. Mr. Mostafa says he was taken from Hillingdon Hospital to Colnbrook IRC where he claims he was assaulted by detention custody officers, stripped naked and kept in Isolation. He says there were two further attempts to remove him from the UK during which he cut himself with and swallowed razor blades.

Dr Frank Arnold (independent doctor) examined Mr. Mostafa in December 2007 and twice in January 2008 and noted: *"The linear scars are typical of self harm with a very sharp blade such as a razor."* In the same medico-legal report, Dr. Arnold notes; *"there is a very substantial likelihood that this man has been subjected to torture [in Sudan]"*

Status: released from detention.



Painting: 'Immigration Control'

Case A8

Mr. Alajaibo (Nigeria) – Beaten unconscious after talking to the media

Nigerian, Mr. Amos Alajaibo said he participated in a "stay outdoors" protest at Haslar IRC. He claims that the next day, on 17th April 2006, detention custody officers brought the detainees indoors, one by one. Mr. Alajaibo says he was asked whether he had spoken with the press, and said he had. He claims he was grabbed and his hands twisted backwards, then rendered unconscious (it is not known whether by head injury or choke hold). He says he recovered consciousness in a van en route to Harmondsworth IRC. He discovered a large and painful swelling of the left thigh which made it impossible to straighten his leg or walk on it for some weeks afterwards. Although he could not walk, only hop, he was denied a wheelchair. In protest, he commenced a hunger strike and then stopped drinking. He went into early (reversible) renal failure and was admitted to hospital at his request and independent doctors' insistence. After reestablishment of urine output, he was discharged to Colnbrook IRC where he stayed on hunger strike until admitted to hospital for re-feeding.

Mr. Alajaibo was examined by Dr. Frank Arnold (independent doctor) who noted serious injuries to all nerves at both wrists, and swelling of thigh due to large blood clot, [possibly from leg banged against van on being thrown in].

Media coverage: Guardian, May 1st 2006, "Detainee 'beaten' after talking to press"

Status: Released from detention

Case A9

Mr. TB (DR Congo) – No police investigation as Colnbrook IRC unable to produce CCTV

19 year old Congolese, Mr. TB, claims that on April 4th 2007 he was in the process of being transferred to the Segregation Unit at Colnbrook IRC when he was thrown to the ground and kicked, including in the face.

Dr Jonathan Fluxman (independent doctor) examined Mr. TB on April 13th 2007 and wrote a report for Colnbrook IRC advising on care for head injury. Mr. TB's injuries are reported to have included abrasions to the forehead, bruise and swelling to the left cheek, nose, left ear and painful jaw.

A complaint about the alleged assault was made to the police on April 12th 2007. The investigation lasted a year and concluded in March 2008 with a decision by the CPS not to take any further action despite Colnbrook

IRC having been unable to produce CCTV footage of the incident for Heathrow Police.

Mr. TB claims that he was assaulted again during an attempt to remove him from the UK on 4th October 2007 and again on 6th November 2006.

Dr. Fluxman examined Mr. TB at Harmondsworth IRC on 25th November 2006 and assessed him as suffering from Post Traumatic Stress Disorder and severe depression. Dr. Fluxman examined Mr. TB again on December 3rd in Colnbrook IRC, noting that Mr. TB's mental health had deteriorated. On December 5th 2006, Dr. Adamu examined Mr. TB, diagnosing severe depression and Post Traumatic Stress Disorder with self harm ideas and prescribed medication.

Status: Released from detention.

Case A10

Mr. BM (Malawi) – Pinned to the floor face-up and kicked over his whole body.



Photo: BM's elbow

Malawian, Mr. BM claims that on November 11th 2007 he was grabbed from his bed by two detention custody officers (DCOs) at Dungavel IRC who dragged him down to the office of the IRC Manager. He says there were about five more DCOs in the office "ready, waiting to beat me up". Mr. BM says he was pinned to the floor face-up and kicked over his whole body, including his head. He put his arms up to protect himself. Mr. BM claims he was assaulted in the presence of the IRC Manager. He says that DCOs banged his head against a wall and his head also hit a coffee table.

Dr Charmian Goldwyn (an independent doctor) examined Mr. BM on November 13th 2007. She noted: *"There is broken skin and red marks in the hand cuff area of the wrists, typical of handcuff damage. He has limitation of movement of his neck and there is pain over both his sterno-mastoid muscles. This is highly consistent with his head being held and twisted as he describes. There are abrasions on his left elbow, which are highly consistent with someone hitting him while he holds his elbows up to protect his face. There are resolving bruises on his forehead, highly consistent with being kicked on the head. He has tenderness over his ribs and back, also highly consistent with being beaten. Mr. BM presents as a very anxious young man. He says that he is not suicidal, but that*

he is feeling very unconfident and frightened since his assault. In my opinion, the injuries that Mr. BM sustained are highly consistent with the assault as he describes. The damaged skin around the wrist is typical of hand cuff damage."

Status: released from detention, facing redetention and removal.

Case A11

Ms BM (Kenya) – legs sat on by guards, dragged to segregation, injuries to hands and abdomen

On June 25th 2005, Ms. BM is alleged to have become distressed at Yarl's Wood Immigration Removal Centre when she learned her Removal Directions were cancelled. She became hysterical and started screaming and shouting and went to her room, throwing clothes around the room. Detention custody officers decided that she should be moved to segregation and tried to persuade her but she refused to comply. They then attempted to handcuff her, took her to the floor, sat on her legs and then dragged her to the segregation unit. Ms. BM has a history of serious mental illness and was very distressed at this time. Her injuries from the alleged assault are reported to be scarring to the back of her hands and two and a half inch horizontal bruise on her left abdomen.

The alleged assault was reported to Riseley police station. Upon further enquiries the police denied any allegation of assault was made. Ms BM made her complaint again by attending Catford police station following her release from detention. A statement was taken on January 20th 2006 and the case was referred back to Riseley police station. Following their investigation police concluded that no crime had been committed.

A civil action was pursued against the Home Office in respect of unlawful detention; the alleged assault and subsequent segregation was treated as aggravating circumstances. The case was settled out of court.

Status: released from detention.

Case A12

Ms JN (Democratic Republic of Congo) – removed naked, attempted suicide, handcuffed during intimate examination.

On October 25th 2003 Ms. JN says she was forcibly removed to another room by two female and two or three male Officers at Yarl's Wood IRC (at that time run by GSL), whilst naked. She was wrapped in a blanket and handcuffed and taken by car to the airport to a plane on which she was to be removed to the Democratic Republic of Congo. She received blows to her back, her arms were twisted and her stomach crushed. Ms JN says she was

pushed her to her knees while she was naked, her arm was twisted behind her back and she was struck on her back. She was left in another room and attempted suicide by tying a torn sheet around her neck, but she was then handcuffed, given a dress and nothing else, and taken to Heathrow. The pilot refused to take her because of the state she was in. Her injuries were reported as being pain, soreness and bruising to the body. She suffered shock and distress and worsening of her post traumatic stress disorder and major depressive disorder. A medical report was written by Dr S.Turner, consultant psychiatrist on 29th April 2004.



Drawing: Ms JNs C&R

After the attempted removal failed she was returned to Yarl's Wood later that morning. She had not been given notice of removal and, therefore, use of force was unlawful. On 29th and 30th October 2003 she was handcuffed to officers from Dungavel IRC (run by Premier Custodial Group Ltd) and taken for an examination of her uterus while remaining handcuffed.

She settled her civil action case concerning the assault at Yarl's Wood and the allegation of article 3 ECHR violation (intimate examination when handcuffed). Settlement was agreed with Premier Custodial Group Ltd (regarding the Article 3 violation) and further settlement was agreed with GSL UK Ltd and Home Office (the latter was also liable because of the unlawful removal) at a mediation meeting.

Status: released from detention.

B - Assaults in transit

See also cases C4, C7, D6, E2, F1, F5, F6.



Etching: 'Revival'

Case B1

Mr. RK (Uganda) – Legs tied together

While being escorted from Colnbrook IRC to Heathrow airport in November 2006 for removal on a Kenya Airways flight to Uganda, 30 year old Mr. RK claims his hands were handcuffed behind his back, his legs tied together and head held down hard. The Kenya Airways pilot refused to fly with Mr. RK and the immigration escorts on-board.

Mr. RK suffered head and neck pains for several days as well as sleeplessness and nightmares. Dr. Charmian Goldwyn (independent doctor) noted that Mr. RK had scars from handcuffing and swellings on his neck. Colnbrook IRC healthcare centre is reported to have said that Mr. RK's injuries were due to him having resisted removal, despite signs of excessive force such as swelling of his neck. Mr. RK's chest, arms and neck were x-rayed at a nearby hospital. Mr. RK was not given the x-ray results.

Status: Subsequently deported.

Case B2

Ms. HY (Sudan) - repeatedly jabbed in her eye, police took no further action



Painting: 'Looking for Signs of Stolen British Citizenship'

35 year old Ms. HY claims that on the May 14th 2007 three immigration escorts employed by G4S came to the reception at Yarl's Wood IRC to take her to Heathrow airport for removal on a flight to Bahrain. She says that the female immigration escort searched her, lifting up her clothes in front of the two male escorts. She was handcuffed for the journey to Heathrow airport and again when she was taken onto the plane. Because of her distress on the plane, the pilot asked the escorts to remove her. On return to the airport the escorts assaulted her with blows all over her body – including her left jaw and ear and her upper thigh, and a repeated jabbing into her right eye. Ms. HY claims the immigration escorts made racist comments.

Dr. Richard Bennett (independent doctor) examined Ms. HY on the June 7th 2007 at Yarl's Wood IRC. Ms. HY's injuries were reported to include bleeding and swelling of the wrists leaving scars, small linear wounds, puncture type lesions, and partial deafness in the left ear. The alleged assault was reported to Heathrow CID who took no further action. A complaint was made to the Detention Services Complaints Section on the July 2nd 2007 relating to excessive force used by the escort; the allegations were not upheld. A request to the Prison Ombudsman

to investigate the complaint was made on the 20th November 2007.

Status: released from detention, facing redetention and removal.

Case B3

Mr. Suren Khachatryan (Armenia) – Punctured lung after being kicked and stamped on.

Armenian, Mr. Suren Khachatryan resisted removal on 4th April 2005 on an Aeroflot flight by clinging to railings near the aircraft at Heathrow airport. The removal was abandoned and he says he was thrown into a security van where he claims he was handcuffed, verbally abused, stamped on, and kicked several times by immigration escorts employed by Global Solutions Ltd. He says he was left in an immigration holding bay without medical support for hours. He suffered a punctured lung.

A complaint about the alleged assault was made to the police who took no further action. A complaint was also made to the Home Office. Mr. Khachatryan was interviewed but no further action was taken.

Status: released from detention, facing redetention and deportation.

Case B4

Ms. ER (Uganda) – escort pressed his knees into her stomach and held her jaw



Painting: 'Seeking Asylum'

34 year old Ugandan, Ms. ER was detained on May 17th 2005 and taken to Yarl's Wood IRC. On 18th July 2005 she was taken into a Kenya Airways plane by immigration escorts employed by Securicor Justice Services Ltd where she says she collapsed on the ground. Ms. ER claims that one immigration escort put his knee in her side, another tried to twist her hands behind her back to handcuff them, and one pressed his knees into her stomach and held her

jaw. She was pulled up by the handcuffs and kicked in the back as she was brought down the stairs to the aircraft after the pilot declined to allow her on to fly on that flight.

Ms. ER was examined by Dr. Frank Arnold (independent doctor) on 27th August 2005. Her injuries included a cut to her thumb, tenderness over her shoulders and in her right knee, bruising on her wrists, and trauma exacerbation. A later assessment by Dr Pourgourides (an independent psychiatrist) diagnosed Post-Traumatic Stress Disorder and depressive episode of moderate severity, mainly in relation to detention.

Status: released from detention, facing redetention and removal.

Case B5

Mr. AM (Republic of Congo) - “bound up like a parcel” with straps around arms and legs.

24 year old Congolese, Mr. AM claims that during a second attempt to remove him from the UK in May 2005 from Southampton airport on an Air France flight, he was “bound up like a parcel”. He says that immigration escorts tied straps around his arms and legs.

Status: released from detention.

Case B6

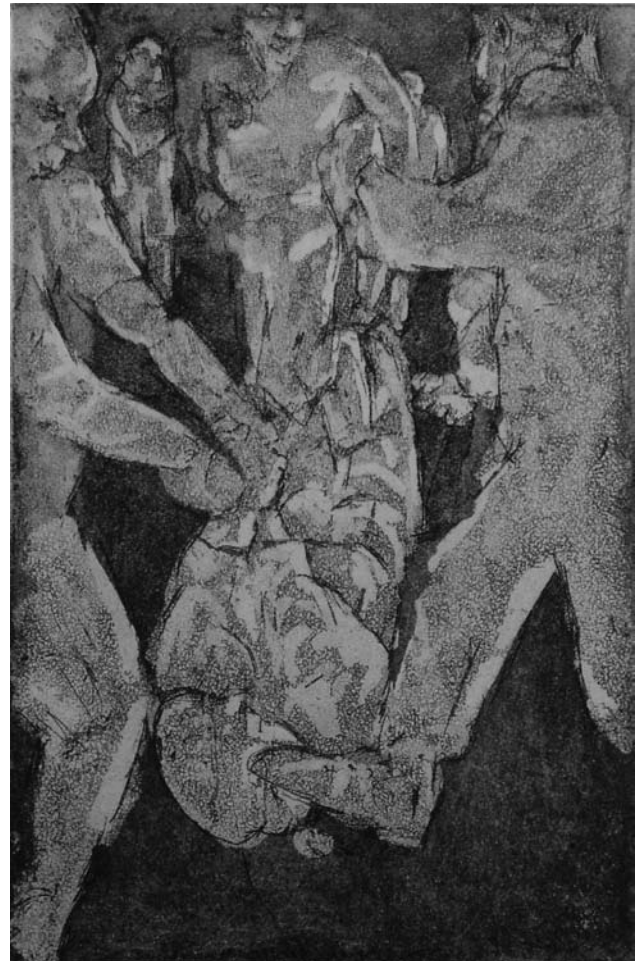
Mr. JG (Cameroon) – denied medication, beaten and subjected to racist abuse.

Cameroonian, Mr. JG says he was arrested on November 19th 2007 and detained at Cardiff Central police station where he claims he was detained with insufficient food or water, and denied his medication for hepatitis C. Mr. JG says he was taken to Heathrow Terminal 4 for a Kenya Airways flight on November 22nd 2007. He says he refused to cooperate as he was not well.

Mr. JG's account; *“I refused to board the plane. They started beating me, kicking me all over. They put me on the floor and continued to kick me every where. I was agonising of pain. I thought that they will kill me. They then dragged me back to the van. I was left with one officer in the van (his colleague returned to the plane with other people) – he called me “bastard”, “Fucking Black” ... “You Fucking Black must fucking go to your fucking country by all means”. I was injured in my hands and was losing my blood from my injuries. These injuries have now left visible marks in my hands. He threatened me that on the next deportation attempt, I will have more injuries. When his colleague came back to the van, they drove me to a detention centre at the airport. As I was getting off the van, they started to beat me again. My hands were twisted and put with extreme force to my back so that I could feel that they were touching the back of my head. This*

was extremely painful. I have never had such pain in my life. They maintained my hands at that position and took me to a room where they removed my shoes and my jacket. I stayed there for up to 45 minutes and I was interviewed by the manager of the detention centre. He asked me to prove that I was sick by giving the list of the medication that I was on. I gave him the list; he told me that he will call the immigration to inform them on my condition. I waited for about 30 minutes and I was then transferred to Colnbrook IRC.”

Status: not known



Etching: 'Flight Encouragement'

Case B7

Mr. AT (Cameroon) – Knee dislocated, restrained in intense pain, police say no case.

Cameroonian, Mr. AT claims that on January 29th 2007 immigration escorts employed by Group4 Securicor drove him from Tinsley House IRC to Heathrow airport. He claims that after waiting several hours in the van, he was driven towards an airport gate at which point the immigration escorts became aggressive. Handcuffs were applied to his right arm. Mr. AT told the immigration escorts that there was no need to handcuff him as he had no intention of obstructing his removal.



Painting: 'Escort Team at Heathrow'

Nevertheless, the immigration escorts started to manhandle him and while his arms were held, one immigration escort punched him in his ribs and on his neck and told him words to the effect of "You will go to your fucking country today, we will fucking show you what illegal people deserve in our country". Another immigration escort held Mr. AT's head down towards his chest. Whilst in this position, with his arms held, someone hit Mr. AT twice with force on his left knee. Mr. AT was unable to see what was used to do this. He experienced intense pain and observed his left knee had shifted to one side. The second handcuff was applied to his left wrist and he was left in this position in intense pain. Eventually Mr. AT convinced the immigration escorts that he had been

injured and asked them to call an ambulance, which they did.

The London Ambulance Service crew who attended noted in the Assignment/Clinical record: "This man has dislocated his left knee. He was being deported. He had four immigration officials with him and he was handcuffed. Patient given Entonox. He moved his leg - knee popped back in - pain gone. Patient refused hospital. He is being taken back detention centre." Mr. AT denies that he refused hospital treatment and asserts that the ambulance crew were unsympathetic after they had had a private conversation with the immigration escorts.

Mr. AT was driven to Colnbrook IRC and had to be assisted into the reception area. A nurse examined his knee, which was now heavily swollen, and refused to accept him in that condition at the IRC. Mr. AT was driven by the same immigration escort officers to Hillingdon Hospital where he was examined in the fracture clinic and found to have: "a large tense effusion in the left knee [and] diffuse tenderness, maximal over the patellar and suprapatellar areas." It was also noted that while "X-rays do not show any obvious bony injury A large effusion is visible on the X-rays." The knee was aspirated and 85 ml of blood was removed from the effusion and Mr. AT's knee was placed in a cylinder cast.

Dr. Douglas Carnall (an independent doctor) examined Mr. AT at Colnbrook IRC on March 6th 2007 and noted the knee injury as well as injuries to other parts of Mr. AT's body: "Examination of the legs reveals the left knee to be still markedly swollen and hot. There was no apparent bruising. He was still able to bear weight on it, and mobilise onto the couch without crutches. He can flex the knee to about 70 degrees. Swelling and bruising are most marked medially. There is about 10 degrees of valgus deformity at the knee. There is still considerable wasting of the left quadriceps muscle. The anterior surface of both the right and left legs, distal to the knees are a mass of mature white stellate scars, at least 20 on each leg, and most about 2cm. in diameter. The dorsal surface of the right wrist is a fine linear superficial scar 20 mm long at the passing over the ulnar styloid. On the ventral surface there are 4 superficial linear scars, 40mm., 40 mm., 30mm., and 20mm. Long. On the left wrist there are several smaller linear scars of 17 mm., 30mm., 7mm., 5 mm., and 12mm long. These are now faint pink, with some depigmentation, and are healing well. ... Mr. AT plainly sustained a severe injury of the left knee when he was struck. The clinical picture is of a lateral dislocation of the patella, with attendant soft tissue damage. The valgus deformity of the left knee is a worrying sign, the most severe interpretation of which is that he has also fractured the tibial plateau. ... The scars on his wrist are consistent with violent application of handcuffs a month ago".

A complaint about the alleged assault was reported to Heathrow Police who responded that there was no case to answer as accounts from the immigration escorts conflicted with account given by Mr. AT.

Media coverage: Independent, October 5th 2007, "British guards 'assault and racially abuse' deportees"

Status: Deported from the UK.

Case B8

Mr SR (Iraq) – suicide attempt, assaulted, killed by bomb after return to Iraq

28 year old Iraqi, Mr SR claimed that on June 17th 2007 whilst being transferred from Campsfield IRC, two male and one female officers grabbed him. He says he shouted "don't touch my neck" because his neck was still painful following a suicide attempt on June 12th 2007. He says he was forced to the ground (face up), handcuffed (behind his back) and lifted into the van by three detention custody officers and three immigration escorts. Here he was pushed down onto the floor, face down, with his knees held forcibly flexed. His head was forced to the floor. He tried to resist, but was overpowered. He was locked into a cage at the back of a van, and driven to Colnbrook IRC.

Dr Frank Arnold (an independent doctor) examined Mr. SR and noted; "*Abrasions, retraumatisation of wrist and neck injuries (from previous suicide attempt). The lacerations of his left wrist (from the suicide attempt) began to bleed during the "control and restraint" episode and were still doing so on arrival at the second IRC. He was then put on suicide watch and in isolation.*"

Status: Killed by a car bomb on September 3rd 2007, two weeks after arrival in Iraq.

Media coverage: Sunday Herald, "The secret scandal of the refugee beggars"

Case B9

Mr. Kasasa (Uganda): Removal A – "You fucking bastard, you are going back to Uganda"

37 year old Ugandan, Mr Duncan Kasasa says he was taken to Heathrow in 2005 and told that the immigration escorts had his medication for his high blood pressure. Mr. Kasasa says he collapsed at the airport, was dizzy, sweaty, and confused because he had not received his medication even though he had told the immigration escorts he needed it. He claims that one of the immigration escorts kicked him and swore at him, saying; "You fucking bastard, you are going back to Uganda, you are just faking it, pretending." Mr. Kasasa says a paramedic took his blood pressure and heart rate, and the next thing he remembered he was back in Colnbrook IRC.

Status: Released from detention, facing redetention and removal.

C - Incidents on aeroplanes

See also cases D1, D2, D4, D6, E3, F1, F5, F7, F9.



Painting: 'Silent Protest'

Case C1

Marlon Legister (Jamaica) – Put in leg restraints, dragged, punched and kicked.

30 year old Jamaican, Mr. Legister, claims he was assaulted on January 23rd 2008 having been taken from Harmondsworth IRC for removal. He says he was handcuffed, put in leg restraints, dragged along the floor of the plane and that an immigration escort put his hands around Mr Legister's throat, almost choking him. He reported that other immigration escorts placed his head in a head-lock and forced their fingers behind his earlobes. He said his tongue got locked between his teeth and he was abused, punched and kicked, and that he nearly fainted. He said he cried out to the other passengers when the immigration escorts allowed him to take a breath. He said he was terrified and started to pray out loud.

Dr. Charmian Goldwyn (independent doctor) noted that Mr. Legister was greatly distressed, that his throat was sore and that he complained of bruising and pain.

Status: unknown.

Case C2

Rigoubert Youmbi (Cameroon) – Legs tied, fingers hammered, returned from Brussels.

33 year old Cameroonian, Mr. Youmbi, claims that on 23rd February 2008 he was unexpectedly woken at 1 a.m. for removal from Colnbrook IRC to Birmingham airport. He says he was handcuffed and that his legs were tied together at the ankles and thighs. When he refused to go, the immigration escorts hit him in the face, punched and kicked him. He says he was carried to the plane shouting, held by the neck and behind his ears.

Mr. Youmbi claims that he was so severely beaten and bleeding during the attempted removal that airline staff in Brussels airport refused to board him on their onward flight. He claims that the assault was witnessed by an airline steward and at least 20 people at Brussels airport. He was brought back from Brussels and detained at Dover IRC.

Mr. Youmbi claims that on the March 1st 2008, he was taken from a music class in Dover IRC by twenty escorts to Colnbrook IRC and escorted from there by six immigration escorts the following day in the same manner as before, including being tied up. This time when he was being dragged on to the plane, he held onto the door and the immigration escorts took a hammer and beat his fingers until he let go. Mr. Youmbi claims that police were present, that they stood by and observed, and that they gave the escorts the hammer.

He said that four immigration escorts accompanied him on the plane and again used excessive force. He says he was so upset that he was incontinent of faeces. He said that staff in Brussels airport were not pleased to see him again, that they sent him back again to the UK, saying that if they saw him again they would send him through to Cameroon.

Dr. Charmian Goldwyn (independent doctor) noted that Mr. Youmbi had a bruise over his right eyebrow, tenderness over his right cheek bone, painful swellings of both wrists and stiffness in the small of his back. Dr. Goldwyn also noted the second to the fifth proximal phalanges of both hands were very tender and stiff.

Status: unknown.

Case C3

John Gavor (Ghana) – carried like a “log”

Ghanain, Mr. Gavor was taken from Colnbrook IRC to Heathrow airport on October 22nd 2007 for removal on the British Airways flight BA081. Mr. Gavor said he told the immigration escorts that he was not willing to be removed as he had just lodged a Judicial Review. Mr. Gavor claims that he was handcuffed and his legs were tied. He claims that three men knocked his jaw, kicked him while he was on the floor, stamped on him, used excessive force on his head, neck, legs and knees. He said he was “carried like a log” into the plane, dropped on the floor and dragged the length of the plane to the last seat at the back where he was lifted up and forcibly seated. Mr. Gavor said the men “were shaking their hands, smiling and laughing saying to each other a job well done”.

Mr. Gavor said he suffered pain in his shoulder, chest, and ribs and his legs were swollen.

Status: deported

Case C4

Mr. RH (Burundi) – Ankles tied with adhesive tape, fingers put in his ears, throat held.



photo: Mr. RH - forearms showing handcuff injuries

Burundian, Mr. RH claims that he was taken from his room at Harmondsworth IRC to Heathrow airport with his hands handcuffed behind his back. His legs were crossed at the ankle and tied together with adhesive tape. He was carried to a van, and beaten and kicked when he struggled. The van was driven close to the plane and he was carried up the steps to a seat in the rear of the aircraft and forcibly held down in the seat with his head forced forwards. The immigration escorts put their fingers in his ears and held his throat so tightly he thought he would suffocate. He tried to scream for help and continued to struggle. The pilot came down the plane to see him and refused to fly him in that state. He had no shoes or shirt on and was struggling and crying out. He was taken down the steps of the aircraft and thrown into the floor of the van. They later pulled him from the floor on to a seat.

From the medical notes in the detention centre healthcare centre; “9/7 Failed removal. It was noted that he had been struggling and that there were lacerations and swelling of his wrists from hand cuff injuries. The examiner noted that he did not think there were any fractures. 12/7 Noted that R was depressed. 16/7 Pain and swelling of the left foot. He was given pain relief.”

Mr. RH was examined by Dr Charmian Goldwyn (an independent doctor) who noted injuries not documented by the medical notes in the detention centre healthcare centre;

“On Examination: ...limitation of all neck movements, flexion, extension, and lateral rotation. Tender over the sterno-mastoid (neck) muscles. This is consistent with having his neck put into forcible flexion. ... There is a healing abrasion on his right cheek. ... He has bilateral limitation of shoulder movements, flexion, extension, internal and external rotation

and abduction. He is tender over the back of his shoulder blade on the right. This is consistent with damage to the muscles surrounding the shoulder, and possibly also the capsule of the shoulder joint. ... His left foot is still slightly swollen and is tender over all the meta tarsal bones. There may be a fracture there. This is consistent with being handled roughly. ... He has considerable pain over the second left toe, which also may be fractured. This is also consistent with rough handling ... both wrist have several cuts which are now healing. These are typical of hand cuff damage. ... His knees are still slightly swollen, this is consistent with rough handling. ... He has considerable pain over the second left toe, which also may be fractured. This is also consistent with rough handling ... both wrist have several cuts which are now healing. These are typical of hand cuff damage. ... His knees are still slightly swollen, this is consistent with rough handling."

Dr Charmian Goldwyn wrote a medico-legal report about Mr. RH's scars, which she found consistent with his account of having been tortured in Burundi.

Status: released from detention, facing redetention and removal.

Case C5

Mr. SW (Jamaica) - kneed in the groin, suffered injury to testes causing blood in urine.

32 year old Jamaican, Mr. SW says he was taken on July 26th 2004 from Haslar IRC to Heathrow airport and on to an Air Jamaica plane by three immigration escorts. He says that he attempted to resist being placed in a seat. Mr. SW claims that the immigration escorts, in attempting to force him to sit, kneed him in the groin area and pushed a knee into his stomach. He says he was handcuffed and dragged towards his seat. Mr. SW says that an air steward intervened and he was taken from the plane to Kilburn police station and subsequently to Haslar IRC.

Dr Tim Bushell (an independent doctor) wrote a medico-legal report on Mr. SW stating that he had suffered injury to his testes causing blood in his urine, cuts and bruises to his hands, wrists and left knee. Mr. SW also had psychological symptoms such as panic attacks and nightmares.

A complaint about the alleged assault was made to Heathrow police station on September 28th 2004. The police took no further action. A complaint was also made to the Home Office on September 28th 2004 and not upheld as an immigration escort disputed Mr. SW's account.

Status: deported.

Case C6

Mr. Kasasa (Uganda): Removal B – Trousers removed, legs tied together, pillow put over mouth.

37 year old Ugandan, Mr Duncan Kasasa says that in an attempt to remove him from the UK in 2005, he was made to wear handcuffs which were extremely tight. He claims that in attempting to force him on the plane, two immigration escorts pushed him towards the plane while the third pulled on the left handcuff. His trousers and shoes were removed and his legs tied together. He was carried onto the plane, punched and forced into a seat. A pillow was put over his mouth to stop him shouting. As other passengers began to board, a flight attendant noticed that he was bleeding from his wrist (from the handcuffs) and required that he be removed from the plane. He was taken back to the van and his hands (still cuffed) were twisted painfully. He states that an immigration escort told him "next time will be worse than that." He was then returned to Colnbrook IRC.

Dr. Frank Arnold (independent doctor) examined Mr. Kasasa at Colnbrook IRC on 27th January 2006 and noted; "Laceration of the left wrist from handcuffs. Pain, weakness and numbness in left shoulder and arm following forcible twisting of his neck." When seen at Colnbrook, he had loss of sensation and weakness of his left hand and arm. This is recorded in the Colnbrook notes as a new problem following the attempt to remove him from the UK on July 31st.

Mr. Kasasa was referred to a local neurologist by Colnbrook clinical staff, and has had further investigations by Dr. Warren of University College Hospital, London; "He has difficulty in going to sleep, and is woken frequently by nightmares about his torture and about the attempt to remove him from the UK. He also suffers from intrusive memories of these events and flashbacks about them. His short term memory and concentration are impaired, and he is more easily distracted since his experiences in detention. ... The neurological deficits in the left arm, hyper-pigmentation at both wrists and tenderness and limitation of movement of the cervical spine present a complex picture of neurological injuries. However, they are consistent with having been sustained by a combination of excessive traction on excessively tight handcuffs and forceful placement of his neck in a stress position during a failed attempt to remove him from the UK."

Media coverage: Independent, October 9th 2007, "Airlines face 'direct action' threat in deportations row"

Status: released from detention, facing redetention and removal.

Case C7

Mr. BG (Guinea) – Escort cleaned and bandaged wrists before he was taken back.



Painting: 'Seasoned Travellers'

50 year old Guinean, Mr. BG claims that on May 18th 2004 he was taken from Tinsley House IRC to Gatwick airport by immigration escorts employed by RSI Immigration International Services Ltd for removal from the UK on an SN Brussels Airlines flight.

Mr. BG says he was handcuffed, pulled from the vehicle, falling out onto the ground, landing on the back of his left shoulder. He says that the immigration escorts picked him up and he was carried up the stairs of the plane. The entire party of five people, including Mr. BG, fell down the steps. There was a second attempt to carry him into the plane and he was placed in a seat near the rear with an immigration escort at either side of him. A lap belt was put across both Mr. BG's arms which remained handcuffed. Mr. BG found the cuffs painful because of cuts to both his wrists. While sitting, his ankles were hooked around the outside of the legs of the same seat and held there by the legs of the immigration escorts on either side of him. Another immigration escort stood in front of him and pulled forcibly on the back of his head and banged it into the back of the seat in front. When he complained in French the same immigration escort came in front of him again and again pushed his head down with both hands, only releasing it when he realised that he was unable to breathe.

The pilot intervened, after which an immigration escort again pushed Mr. BG's neck downwards. Passengers boarded the plane and Mr. BG shouted for help. Once again the pilot came out of the cockpit and asked the entire party to leave the plane. One of the immigration escorts went to the front of the plane and announced that Mr. BG was not wanted in the UK because he sold weapons to children. The immigration escorts then removed the seatbelt and carried Mr. BG out of the plane back to the vehicle. Mr. BG said that on being put into the rear seat of the vehicle, the driver pushed his head

down forwards once again. A female immigration escort removed the handcuffs, cleaned and bandaged both wrists and applied a plaster to his forehead. Mr. BG was driven back to Tinsley House IRC where he was medically examined.

Dr Granville-Chapman (an independent doctor) of the Medical Foundation for the Care of Victims of Torture examined Mr. BG at Haslar IRC on May 25th 2004. Another medico-legal report was written by Dr Simon Owen Johnstone, a consultant orthopaedic surgeon. Mr. BG's injuries, including a 4 cm forehead wound consistent with having his head pushed forward against the seat, diffuse tenderness over neck muscles with neck movement slightly reduced, consistent with forced flexion of the neck, a 6.5cm semi circumferential abrasion on the right palm, a very small linear abrasion on the radial border to the right wrist and hand, and small linear abrasion on the ulnar border to the right wrist and hand, and left wrist and hand eight abrasions - consistent with handcuffing, and reduced sensation in the distribution of the superficial branch of the radial nerve in his left hand.

The alleged assault was reported to Gatwick police but no further action was taken. A complaint was made to the Home Office and it was found that there was justifiable cause for complaint about an inappropriate comment and the Home Office apologised for this. But the investigative officer observed that Mr. BG was disruptive and was a violent detainee who had sought to frustrate attempts to lawfully remove him from the UK and was satisfied that it was necessary to use force.

Mr. BG attempted to pursue a civil action case but it seems that RSI Immigration International Services Ltd was dissolved and hence there is no defendant for him to continue his claim against. Hence BG is without a legal remedy.

Status: not known.

Case C8

Mr. CP (Cameroon) – Could not breathe as escort put her hand over his nose and mouth.

Cameroonian, Mr. CP, claims that he was taken on 4th November 2004 to Gatwick airport for removal from the UK on a SN Brussels Airlines flight by four immigration escorts employed by RSI. He refused to board the plane and claims he was repeatedly punched and kicked. He says this treatment also continued after he had been physically carried on to the plane, when he refused to sit down. When Mr. CP cried out for help to passengers, one of the immigration escorts put her hand several times over his mouth and nose which stopped him from breathing.

Mr. CP says his injuries included cuts on his hands and wrists, which were still visible and painful to the touch several weeks later. He believes he suffered some neurological damage which left him without feeling in his left thumb for several months, for which he had physiotherapy whilst in detention. He suffered psychological damage including sleeping problems, flashbacks of the alleged assault, depression and possible Post-Traumatic Stress Disorder.

Mr. CP says he reported the alleged assault to the police but that they took no further action. He made a complaint to the Home Office and it was not upheld.

Status: deported

Case C9

Mr. AE (Nigeria) – 136 passengers ordered off the plane by British Airways pilot.

40 year old Nigerian, Mr. AE said that he was taken to Heathrow airport in November 2007 for removal from the UK. He said he protested, saying that had a Judicial Review pending. He claims that immigration escorts forced him into the plane, that they hit him, handcuffed him and dragged him. He screamed and the flight crew intervened, requiring him to be taken off the plane.

Mr. AE made a complaint to the Home Office about the alleged assault but got no response. He was later taken to Dover police station where he was interviewed in connection with an allegation made by one of the immigration escorts that had taken him to Heathrow airport. The immigration escort alleged that Mr. AE had hit him against a window and suffered an injury as a result. Mr. AE said he was released on criminal bail and told that he would have to report to a police station on 26th March 2008. He continued to be detained under immigration powers.

Cornelius Katona, MD FRCPsych, (independent psychiatrist) saw Mr. AE in Dover IRC on 12th February 2008 and noted; *“On the Montgomery-Asberg Depression Rating Scale he scored 38, indicating severe depressive symptoms. On the Impact of Events Scale (which measures symptoms related to trauma and stress) he scored 55 which is in the severe range. In my opinion Mr. EA fulfils the criteria of the criteria of the Diagnostic and Statistical Manual of Mental Disorders (DSMIV-TR) for Post-Traumatic Stress Disorder (PTSD). His difficulties in recalling details of his torture experiences [in Nigeria] are characteristic of PTSD (Cohen 2001, Herlihy et al 2002) as are his despair and sense of a foreshortened future. He seemed to me to be minimising rather than exaggerating his distress. ... The experience of detention is in my view further traumatising Mr. EA; his experience of attempted removal has been a further overwhelming trauma.”*

On March 27th 2008, Mr. AE says he was taken to Heathrow airport for removal from the UK on a British Airways flight by five immigration escorts. He claims that the immigration escorts handcuffed him, kicked him, twisted his neck and punched him while he was on the floor. He said the attention of passengers was drawn. According to media reports, passengers were distressed by Mr. AE's situation and one passenger, Ayodeji Omotade, spoke up on Mr. AE's behalf. Mr. AE was taken off the flight by immigration staff and police. Mr. AE said that he sustained back and neck injuries as a result of the alleged assault.

Mr Omotade was then arrested. Extracts from a Daily Mirror article on the 7th April 2008; *“This outraged the other 135 passengers in the economy class section and they complained to cabin crew. Amid riotous scenes in the aisles, 20 police officers boarded to calm everything down. Then the BA pilot took the extraordinary decision to boot off everyone who had witnessed the arrest of Mr Omotade, an IT consultant from Chatham, Kent. The captain took the view they were all guilty of disturbing the flight, although no more passengers were arrested. After the economy class section was virtually cleared, the deportee, aged about 30, was brought back on and the flight left. The passengers were booked on to later flights but Mr Omotade was told by BA staff he was banned by the airline for life. ... Mr Omotade... was handcuffed and kept in police custody for eight hours after his arrest.”*

Media coverage; Daily Mirror, April 7th 2008, “136 BA passengers removed from jet over deportee row”

Status: deported

Case C10

Noreen Nafuna (Uganda) – “He was angry and punched me in my eye”

Noreen Nafuna, a 38 year old Ugandan woman, was detained at Yarl's Wood, following the refusal of her asylum appeal (she claimed to have been detained by the army in Uganda for a year and beaten and tortured during that time).

Ms Nafuna recounts; *“At 10pm I was told that I was needed at the office and I was then told to pack my things. At about 1a.m. a detention centre officer called Julian came into my room and told me that I had 30 minutes to pack my things. I told him that my solicitor has sent in representations and I have his mobile number. Julian said I should ring my solicitor when I got to reception.*

Within half an hour seven detention centre officers came into my room and started packing my things. I got very scared and started sweating. I had removed my nightdress earlier as I was very hot, and had been lying covered with a bed sheet. I was not even wearing knickers as I had an infection. I refused to move. The officers grabbed me from the bed and

handcuffed me to the front. I was struggling and asked them please let me phone my solicitor. A blanket was put over me and I was carried to reception. I was given tracksuit bottoms and a bra to put on. A jacket was put around my shoulders. On arrival at reception I was placed on the floor, the officers put track suit trousers on me and eventually undid the handcuffs. I was lifted on to a chair. I started vomiting, the medication the nurse had given me made me feel sick, but also I was very distressed and I was crying. During this time I kept asking them to check with my solicitor, as he had sent in representations to cancel the flight. They said I could do this at the main reception when the escorts arrived.



Painting "Asylum": a Dirty Word'

Then the escorts arrived. The Yar's Wood officers left and I sat on the floor, I felt frightened. There were two female and two male escorts all white. They told me to put on my shoes. I told them I needed to speak to my solicitor. I refused to move until I had a chance to make a phone call. They tried to lift me, but were unable to do so, then the two male officers took hold of my arms by the handcuffs and dragged me along the floor. I didn't actually remember this bit until I saw the CCTV, I think I was traumatised.

When we got to the exit some Group 4 officers helped them lift me and put me in the back seat of an awaiting car. The track suit trousers came off during this process. I only had a bra on my top and no underpants. I was sat in the car with the two ladies on either side of me. One I came to know by the name of Barbara, and the other I understood to be a nurse. They put something over me, the jacket, to cover my

legs. When we were almost at the airport they gave me some underpants to put on; they helped me put them on because I was handcuffed and couldn't do it by myself.

Eventually we approached Gatwick Airport and parked somewhere but a police officer said we had parked in the wrong place and had to move on. I was told to dress but I said to them I was a mature woman and wanted them to remove the handcuffs so that I could dress myself. They refused. We drove on and collected a sixth male officer, who was younger than Simon and slightly taller. He was of slim build. We stayed in the car whilst the officers went to check in, one by one. Eventually we drove up to the aeroplane. It was an SN Brussels flight which I believe was due to depart at 7.40am. Nigel and Simon went onto the plane and I remained with Barry, Barbara and the nurse. Nigel and Simon returned and said "the pilot's good", which I understood to mean they were ready to take me on to the plane. We sat in the car and watched as passengers were boarding the plane by the front entrance. The escorts wanted me to dress but I said if they were going to remove me they would have to take me naked. I was crying, and as they pulled me, I fell forward between the front seats. At that stage I clung onto one of the seatbelts with both hands and would not let go. I begged them not to take me. I have no recollection of biting anybody (I have not seen any medical record to support the claim that I bit Simon). As I recall Nigel and Simon went in through the front of the car. Nigel pushed the front seat back to try to force me to release my grip, Simon was trying to prise my hands away from the seat belt. During this time both women were hitting me on the head. At this stage the handcuffs broke off. Nigel was giving orders, he told the officers to put two sets of handcuffs on and in the meantime, a belt was tied round my legs. As I recall I was then pulled backwards out of the car and that's when my toe got caught on some metal under the driver's seat. I was aware that blood was coming out from my nose and mouth (I must have been hit there but I cannot remember what happened).

I was carried up to the plane. I started screaming when I was brought to the top of the stairs of the aeroplane. I asked the flight attendant not to open the door. However, he did open it after the officers told him that the pilot had "OKd it".

I was only wearing underpants and a bra. A jacket was placed over my neck and I was held around the neck so that I couldn't make a noise. On the plane I was placed across the back row of seats. Barbara and the nurse sat on me; Barbara on my legs and the nurse on my chest. The nurse placed her hands over my mouth to stop me shouting out. I was finding it hard to breathe. The plane was not full of passengers. Other passengers were sitting a little way forward. A lady in a red suit came up with another woman. I heard her ask if I was still alive as I had stopped moving or making any sounds. Barbara and the nurse got off me then so I sat up. I was crying again.

Then other passengers became aware of what was going on and came up to us and told the officers to leave me alone. Everyone saw me bleeding. Eventually they called the pilot and the pilot came up and said, we are not taking her. He told them to take me off the aeroplane.

The escorts were obviously very angry. I was dragged back down the steps of the plane. The leg restraints come off at some stage, I don't remember when, I did not walk down the stairs. As we reached the car, they let go of me and I fell down on the ground. Simon tried to drag me into the car. I just laid there. Simon said, "You have won". I wouldn't move. At this point Simon stamped hard on my left hip (leaving a large bruise). Then he tried to pull me in the car by the handcuffs, they were digging into me and cut me. I said, 'my brother, don't do this to me'. He was angry and punched me in my eye. Nigel was telling them to hurry and put me in the car.

Two female passengers who had intervened came off the flight bringing blankets and gave them to me. They were obviously horrified at my treatment and the fact that I was nearly naked. I don't know whether they witnessed the further assault on me. We then drove away from the airport. They parked somewhere and got a polythene bag to put on the seat, as I was now bleeding. Barbara was going to remove the handcuffs as they were digging into my skin and I was bleeding. Nigel told her not to remove them. He told me that I was in 'serious trouble'. The nurse said "you can't be here illegally, you have to go back to your country. We are going to have to book a flight for one person only". We stopped somewhere on the way at the office where the escorts worked. Simon put on his sunglasses and would not look at me again. Nigel went inside the office. We waited there for quite some time as they were finding out where I was to be allocated. Eventually they heard I was to be taken back to Yarl's Wood. My wrists had swollen very badly because of the pressure from the handcuffs and eventually, shortly before we arrived back at Yarl's Wood, Barbara removed these. I could see now how badly cut I was and I burst into tears. I knew that friends at Yarl's Wood would see how badly I had been beaten. The driver told me to "shut up".

I believe we arrived back at Yarl's Wood at about 1pm. When I got out of the car, I saw that the polythene bag was soaked in blood. They had not given me a sanitary towel. The escorts told the officers at Yarl's Wood that I was bleeding and they should put me straight into segregation as the other detainees would be upset if they saw me in that state. When I was brought back into Yarl's Wood, I was taken straight up to the Kingfisher Unit and placed in a cell. The door is not locked, but the lights are left on and an officer sat just outside the door watching you. There are many restrictions, you are not allowed to make phone calls or see any other detainees. It is a punishment. I sat at the table with my head in my arms, I was distressed, crying and in a lot of pain. Two of the officers on the wing were clearly upset about the state I was in. I asked one of them, Amanda, for help, and said I needed somebody to pray for me. Eventually the chaplain, Reverend Wright, came in to see me. He was shocked at the state I was in. He asked me what had happened and he held me and prayed for me."

A report prepared by Dr Gray, an independent medical practitioner, set out the injuries; Pain and stiffness to the neck, pain in chest and back, bruising to left thigh and abdomen, handcuff injuries and swelling to the right eye.

A complaint was made to the police and the Home

Office and a civil action pursued. The police investigated but concluded that there was not sufficient evidence to prove assault. A civil action was pursued against the escort company, Securicor Justice Services Ltd. It was settled before trial. The Home Office has recorded the complaint as substantiated in view of the settlement in civil proceedings.

Status: released from detention, facing redetention and deportation.

D - Involving children

Case D1

Ms. NK (Cameroon) – Assaulted in front of her daughter, later granted leave to remain.



Photo: Ms. NK's face



Photo: Ms. NK's wrist

21 year old Ms. NK claims she was slapped in the face and that her wrists were injured by handcuffing while she and her young daughter were being removed from Yarl's Wood IRC to an airport on the March 17th 2006. Ms. NK further claims that she was assaulted again on the 22nd March 2006, during an attempt to remove her from Yarl's Wood IRC; she claims she was held down on the plane with an immigration escort's knee in her back and that her legs were trapped under the metal of a seat.

Dr. Charmian Goldwyn (independent doctor) noted that Ms. NK wrists, ankles and back were injured, resulting in severe sciatica, that some of her hair had been pulled out (see photo). Also, that she had scars on her elbows, arms and wrists (see photo).

Ms. NK claims that the assault on her was witnessed by her young daughter who became very distressed and subsequently started wetting the bed.

Status: granted indefinite leave to remain.

Case D2

Ms. Thompson (Jamaica) – Children detained for 6 months, leg restraints used.



Screenprint: 'First Impressions'

42 year old Christine Thompson and her two children had been held in Yarl's Wood IRC since 17th October 2005 and had been subjected to a number of failed removals during that time. Some six months later, they were taken from Yarl's Wood IRC on April 7th 2006 by immigration escorts to the airport and boarded the plane. Ms. Thompson became distressed and was screaming out. She claims that handcuffs were applied tightly, leg restraints applied, that pressure was put on her neck and that she was kicked in the ankle. The pilot refused to allow the family to fly.



Painting: 'Door-to-door Escort Service'

17 year old Chinisha described the incident thus; "I was taken to the airport with my mum and sister on the 7th April 2006 to be removed to Jamaica. My sister Christina and my mum were put on the plane before me. I was then taken onto the plane by two escorts. I was put in the seats in front of my mum with an escort on either side of me. My mum started shouting and I tried to turn around so that I could see what was wrong. One of the escorts came to the seat in front of

me and pulled my seatbelt very tight so that I couldn't turn around. They held my hands down. When they did this I tried to put my feet up but an escort put his feet over mine to stop me doing this. Then a male escort put his hand around my neck, pressing very hard. I started feeling dizzy. They kept telling me to breath. The captain of the plane came and told the escorts to take us off the airplane. My sister and myself were taken off first and my mum after. At that time I thought that they were going to send my mum to Jamaica so I was shouting. When we got back to Yarl's Wood my neck was still hurting. I was not looked at by any of the medical staff. It was only the next day when my mum was looked at by the doctor that I got to see him too. He gave me some pain killers for my neck".

Dr Frank Arnold (independent doctor) did a medico-legal report on Ms. Thompson's injuries on April 19th 2006; "a) A 5x4 cm tense and tender haematoma above the right ankle anteriorly. She states that this was caused by a kick by an escort. b) Pain and marked tenderness in the right side of her neck (C2-C6) which radiates into her upper right back on passive extension of the neck. She attributes this to unduly forceful restraint during the attempt to remove her. c) Swelling, bruising and 3 recent, healing linear lacerations of the left wrist which are highly consistent with injuries due to forceful traction on handcuffs, as described by her."

There was an earlier assault allegation from when the family were picked up by immigration to be taken to detention. Ms Thompson gave her account:

"At about 3 a.m. on Monday 17 October I was woken by banging on our door. I got up and went to the back window. I looked out and saw what I thought was a policeman who was just standing on the street with his arms folded, looking up at me. The banging continued and I recognised the voice of an Immigration Officer who I knew from East Midlands Immigration Service, shouting to let him in. I asked my eldest daughter Chinisha to let him in and he came into my house with two or three Immigration officers and at least one policeman and one policewoman.

The immigration officer told me that we were being detained and that we would be removed to Jamaica on 19 October 2005. They photographed and fingerprinted all three of us. I was kept in the living room while Christina and then Chinisha were taken upstairs in turn to pack some of their belongings. Christina came down first and was taken outside. Then Chinisha came down and she was also taken outside. I was still in my nightclothes, i.e. pyjama bottoms and a different coloured pyjama top and I was wearing a bra and pants underneath. I was barefoot. I was escorted upstairs by two female immigration officers, the policewoman and the policeman. I asked for my suitcase which was brought to me. I started to hand clothes from the wardrobe to one of the escort officers who handed them to another officer to put into the suitcase. I hadn't finished but one of the officers told me to stand in the corner while they packed.

I went to get a top and bottom to change in to and said I wanted to change. I asked the female officers to tell the man to leave but they did not respond. I then asked the policeman to leave but he did not reply either. I then tried to use one of the wardrobe doors as a screen to undress behind but one of the female escort officers kept pulling this away so that I was in full view. I turned my back, took off my pyjama bottoms and put on a pair of grey trousers. I would not take off my pyjama top while the policeman was there. I then went to pick up some of my clothes that were on the floor and the policeman came over and pulled these clothes from my hands.

The policewoman said that they were going to handcuff me and each of the immigration officers grabbed my hands while she tried to put the handcuffs on me. I was telling them that the handcuffs were too tight and I was moving a little to try and get into a more comfortable position. Suddenly the policeman came towards me. He grabbed me by the hair with his right hand and punched me to the right side of my forehead with his left fist. He said something like, 'here now, bitch' and used other swear words. This policeman then grabbed me by the neck and I was brought down on to the floor. As I was lying face down, and the other officers were securing the handcuffs, the policeman knelt on my back pressing me in to the floor. He then lifted me up by the throat and he was holding me so tight that I felt like I was choking and I began screaming that I could not breathe. He was acting crazy and smiling. I was asking myself what I had done to deserve this.

The next thing I remember is that I was sitting in a van. I was still barefoot. I was sat behind a wire mesh. The two immigration officers sat on the other side of this mesh and Chris was driving. I did not see the police officers. I complained to Chris that the handcuffs were too tight but he didn't reply. One of the women officers told me to shut up. Eventually the van pulled up outside St. Mary's Wharf Police Station where we stayed for a couple of hours. I was never taken into the police station.

At one stage a male officer – I cannot remember if this was an immigration or police officer – came to the van and loosened my handcuffs. About half an hour later another van pulled up and a woman got out. When she saw me she said something like, 'how is she like that?' to the other officers present. I do not know whether she was referring to my bruised appearance – as I had no chance to see or feel my forehead or my neck – or the fact that I was still wearing my pyjama top and had no shoes on. By this time I started to feel a pain above my right eye.

The officers who had been with me took her to one side and spoke with her for a while. When she returned she told me that they were taking me into the other van and that I was to behave. This woman took the handcuffs off me before putting me into the other van. Both of my daughters were there. As the van drove off I remember seeing the policeman who had assaulted me waving.

I and the children arrived at Yarl's Wood Immigration Removal Centre at approximately 12 noon on October 17th. I saw a

nurse on reception who told me that because of the injuries I had that I would have to see a doctor. She did make a note of my injuries, noting on a diagram that there were two red lines on my back, bruising to my wrists and bruising to the right forehead. I did not have access to a mirror until I got to Yarl's Wood and it was only then that I could see the swelling and bruising to my forehead. My right eye was also bloodshot and there were finger-marks on my neck but the nurse did not make a note of this.



Etching: 'Frm Measures'

I was unable to see a doctor until 20 October 2005 as we were taken to the airport on 19 October. Our removal was abandoned however as when the air hostess saw the physical state I was in, she refused to let me on the plane. I continued to have headaches around the area where I was punched and I went to Healthcare about this twice in November. This is also noted in my medical records. I have a thyroid problem which affects my eyes and my condition has worsened since this incident.

I reported the assault to healthcare staff at Yarl's Wood on four occasions but it was only after my solicitor became involved that this was reported to the police"

The police investigation found that there was not sufficient evidence to prove an assault had occurred because the accounts of the immigration officers conflicted with that provided by Ms Thompson. They concluded that the only evidence that might have substantiated her complaint was a bruised eye. However, they concluded that this could have been caused by her thyroid eye disorder. Two doctors have now commented that thyroid eye disease would not be a plausible explanation for a bruised eye. The Home Office investigation into the complaint also concluded the allegation of assault was not proven, but apologised for the failure to conduct a timely investigation into her complaint.

Status: removed to Jamaica on 24th April 2006. From the Home Office file it appears that in order to remove the family, a police escort was provided to the airport, Chinisha was handcuffed and 27 seats were booked on the flight at a cost to the tax payer of £19,000. The family are currently pursuing a civil action in respect of their allegedly unlawful detention.

Case D3

Ms. HM (Rwanda / Ghana) – Child sex trafficking victim restrained, near naked.



Painting: '24 Hour Removals'

Ms. HM's date of birth is unknown but an age assessment by Dr. C. Michie (an independent doctor) states that Ms. HM's age is about 16 years old. On January 13th 2007 Ms. HM claims she was moved from one part of Yarl's Wood IRC to another two days before her proposed removal, although the removal was cancelled due to Judicial Review proceedings. She says that Global Solutions Ltd. male officers were employed to control and restrain her as they removed her from the shower area while she was almost naked. She was handcuffed from behind and carried to another cell, wearing only underpants and holding a blanket, and suffered bruising from the officers' actions. She stayed there for 2 days, with no food for 24 hours.

There was no note of Ms. HM's injuries in the Yarl's Wood IRC healthcare centre records. Medico-legal reports by Dr. L. Kralj (independent nurse specialist with the Helen Bamber Foundation) and Dr. Charlotte Harrison (independent psychiatrist) state that there had been exacerbation of Ms. HM's post traumatic stress disorder.

The alleged assault was reported to Greyfriars police station in Bedford on 16th January 2007 and no further action was taken by the police. A police officer, when attending Ms HM to take details of her complaint told her that Yarl's Wood "is not a holiday camp".

A complaint was made to the Home Office. The allegation of assault was not upheld, although there was some criticism of the use of men handling a near naked female detainee. The complaint was also reported to the Ombudsman who made some further criticisms of use of Segregation and the lack of clothing afford to Ms. HM. Ms. HM is claimed to be a victim of sex trafficking.

Status: a civil claim is being pursued against the Home Office and GSL, who were then managers of Yarl's Wood

Case D4

Ms. TN (Uganda) – racially abused in front of her children and charged with assault.

Ms. TN from Uganda and two children were taken from Yarl's Wood IRC in February 2006 to the airport for removal on an Ethiopian Airlines flight. She says that immigration escorts threatened that they would assault her if she resisted and that she would be handed over to the Ugandan authorities to be put in prison and tortured. Ms. TN claims that the immigration escorts described her and her children as "black monkeys".

Ms. TN says that she was taken to the plane by four male immigration escorts and that two female immigration escorts carried her two children. Ms. TN said she told the immigration escorts that she would not co-operate as she was sick. Ms. TN claims the four male immigration escorts grabbed her, put handcuffs on her, lifted her up and forcibly seated her. A male escort sat either side of Ms. TN; one put pressure on her back and the other pushed her head down by holding her neck. Ms. TN said she felt breathless and in pain. The pilot intervened and told the escorts to remove themselves and Ms. TN from the plane.

Ms. TN says she was threatened by the immigration escorts again in front of her children and was taken to the police station at Gatwick airport and told she would be charged with assault for having hit one of the immigration escorts, that she would get a criminal record which would mean her asylum case would be refused. Ms. TN claims she was locked up in a police van for nearly two hours before being taken back to Yarl's Wood IRC with her children.

Ms. TN says the police interviewed her, dropped the charges against her and would not consider her allegation of assault by the immigration escorts. Ms. TN made a complaint to the Home Office who responded that they could not investigate further as she had not provided enough evidence, and nor could they recover her money that Ms. TN claims was signed for when leaving Yarl's Wood IRC but not given to her.

Status: released from detention, facing redetention and deportation.

Case D5

Mr. EI (Nigeria) - hit with an extended baton in front of his wife and two small children



Painting: 'Family Removals'

40 year old Nigerian, Mr. EI claims that eight officers were involved in a "dawn raid" on 18th April 2007 to take him, his wife and two small children into detention. Mr. EI's wife suffers serious mental illness and became very distressed. Mr. EI says that both he and his wife were handcuffed and that one officer hit him with an extended baton on his left shin after he was handcuffed. He says he was bleeding from his shin which led to scarring and that the alleged assault was witnessed by both his small children. The family were taken to Yarl's Wood IRC.

Mr. EI's injuries were noted in the Yarl's Wood healthcare centre medical notes. A psychiatric report and a social work report were written, mostly relating to the impact of long detention on the family. The family were detained at Yarl's Wood for almost two months despite concerns raised by the social worker that detention was causing harm to the family.

The allegation was referred to the relevant Home Office department by Home Office lawyers when they received a legal document regarding the commencement of civil action proceedings by Mr. EI. The Home Office is yet to respond.

Status: the family are currently pursuing a civil claim against the Home Office for assault and unlawful detention.

Case D6

Ms. AP (Zimbabwe) – Abused by six officers while her baby left unattended.



Etching: 'Baby Removal'

24 year old Zimbabwean, Ms. AP was to be removed from the UK on March 3rd 2004 but representations had been made by her MP to the Home Office which had deferred the removal on a Kenya Airways flight at the last minute. Ms. AP says she was in the immigration detention holding room at the airport with her small child and learnt the news that the removal had been deferred from her husband. However, news of the deferral was not given to immigration escorts employed by Global Solutions Ltd, who would not accept Ms. AP's protestations and took her to Heathrow airport. She claims the immigration escorts tried to force her to go onto the plane. Ms. AP says her arms were twisted and she was placed on the floor. Her baby was with her but left unattended. The escort officers abused her racially. There were six officers involved; two males and four females. The pilot refused to accept her on the plane.

Examination at the Middlesex University Hospital on March 4th 2004 by Dr. Barton recorded pain and limited movement in Ms. AP's shoulder, a graze on her wrist, psychiatric injury and distress from alleged racial abuse. A psychiatric report from Dr Charlotte Harrison (independent doctor) noted exacerbation of Post Traumatic Stress Disorder.

Ms. AP lodged a civil action case, seeking damages against Global Solutions Ltd arising from assault/trespass to the person, racial discrimination, breaches of Articles 3 and 8 ECHR, the Human Rights Act 1998. The case was settled with Global Solutions Ltd out of court.

A complaint about the alleged assault was made to Heathrow police station who took no further action. A complaint was made to the Home Office on June 24th 2004 which was stayed because of the civil claim. The Home Office have recently written to Ms. AP's solicitor to enquire about the outcome of the civil action case.

Status: granted status in the UK to remain on humanitarian grounds

E - Racist abuse

See also cases A4, B2, B6, D4, F1, F5, F6.

Case E1

Mr. GM (Uganda) – Brutally restrained and racially abused.

25 year old Ugandan, Mr. GM claims that four immigration escorts brutally restrained him during removal from Harmondsworth to Heathrow airport on 6th February 2008. Mr. GM says the immigration escorts racially abused him.

Dr. Charmian Goldwyn (independent doctor) noted that Mr. GM had a stiff neck and difficulty in turning his head to the right.

Status: unknown.

Case E2

Mr. AN (Cameroon) – told “Fucking black slave you must go to your country”.

37 year old Cameroonian, Mr. AN says that immigration escorts took him from Colnbrook IRC to Heathrow airport on June 18th 2007 to be removed from the UK on an Ethiopian Airlines flight.

Mr. AN claims he did not enter into any dispute with the immigration escorts. He says that when he got on the plane, the immigration escorts pushed him. He asked the immigration escorts why they pushed him and one of the immigration escorts told him “Fucking black slave you must go to your country”. Mr. AN asked the immigration escort why he said that. He said the immigration escorts then handcuffed him from behind, saying “you must go”. He was forced on to his seat and says he had pain in his wrists because of the handcuffs. He asked them to remove the handcuffs but the immigration escorts refused. He says he told the immigration escorts that he could not fly with his hands tied. The pain became too much and Mr. AN started to cry. He says the immigration escort in front of him then bent his head down under the chair, and punched his head and neck. He says that immigration escorts pressed his ears on both sides and punched him on the cheek causing him pain to the teeth. Another escort behind him pressed his hands against the handcuffs causing more pain. Mr. AN says that at this point he began to shout and that passengers were looking at him and the immigration escorts. The pilot saw him and the immigration escorts. Mr. AN says that suddenly the immigration escorts told him that they had to go back to the detention centre.

Mr. AN says he had headaches, some scratches on his head, pain in his wrists and reduced mobility of his wrists. Prof. Cornelius Katona (independent psychiatrist) wrote

a medico-legal report on 13th July 2007 and noted; *“In my view Mr AN’s recent suicide attempt was serious and that he remains at high risk of serious self-harm. I have no doubt that Mr. AN’s mental state would worsen considerably were he forced to return to Cameroon. His risk of suicide would in particular be very substantially increased should he be forced to return to Cameroon.”*

He submitted a written complaint to the Home Office on 19th June 2007 which was not upheld. Mr. AN was later released from detention.

Although he claims he has always reported to the immigration reporting centre as per his conditions, Mr. AN says he received a letter from the Home Office on October 18th 2007 claiming he had not reported as per his conditions and threatening him with re-detention. Mr. AN says that when he went to report the following week (24th October 2007) he was asked by an immigration officer why he had not reported the previous week on October 17th 2007. Mr. AN said that he had reported, as ever, and produced the ticket stub issued by the machine in the immigration reporting centre dated 17th October 2007 as evidence. The immigration officer asked him for his ticket stub for that day (24th October 2007). Mr. AN gave it to her and she put it in the bin, saying that he is not supposed to have that ticket stub, it is only for Home Office staff. He asked for it back and she refused. He asked her to give him a stamped confirmation of his attendance for that week, and this was refused. Mr. AN remains fearful that it will again be claimed that he has not reported and could be redetained.

Status: released from detention, facing redetention and removal.

F - Complaints

See also cases A3, A9, B2, C5, C7, C8, C9, D2-6, E3.

Case F1

Mr. KM (Uganda) – Police not investigating and told he had dropped the complaint

22 year old Uganda, Mr. KM says he was taken by Group4 Securicor from Colnbrook IRC to Heathrow Terminal 4 on March 5th 2007 for removal on a Kenya Airways flight. He claims that he was put in a black van with tinted windows with four immigration escorts and warned to cooperate. The van was driven around Heathrow as apparently there was no place to park and wait for the flight. During this time, Mr. KM says the immigration escorts discussed their kickboxing qualifications.

Mr. KM says he was put on the plane, threatened and racially abused. He says he asked to go to the toilet in the plane but the immigration escorts refused to allow

him to. When Mr. KM insisted he needed the toilet, he claims that one of the immigration escorts punched him in the back and that he was pushed onto the floor. He says that four immigration escorts kicked him in the stomach and ribs and punched him. He was forced back to his seat, bleeding, and the immigration escorts pushed him down with their knees. Mr. KM says that passengers started screaming and made complaints, and that an air stewardess ordered the immigration escorts to get themselves and him off the plane.

Mr. KM says that immigration escorts put him in handcuffs which they pulled, cutting into his flesh on both wrists. He says the immigration escorts were angry, closed the tinted windows in the van, covered up the CCTV camera and beat him again. They kicked him in the stomach, squeezed his neck, held his head down, and that one of the immigration escorts used his knee at the nape of his neck. Mr. KM says the immigration escorts told him they will be back and will kill him if he doesn't co-operate with removal, called him a "black monkey" and told him he has no right to be in the country.

Mr. KM says his right arm was bruised and swollen, and that he could barely move it. He says he could not move his middle finger, that he had a cut on his left arm from handcuffs, and other minor cuts. He says both his wrists hurt and he had problems moving them. Mr. KM says his neck was swollen and he had a pain which spread to the spinal cord. He says he had a large bruise on his forehead just above left eye and cuts in his mouth.

Mr. KM says the detention centre doctor saw him, prescribed paracetamol and said that the "proper restraint was used". Dr. Miriam Beeks (independent doctor) visited Mr. KM in detention and made a request that an x-ray was taken, which was not acted upon.

Mr. KM was released a few days after his alleged assault. He reported the assault to Uxbridge police station who he says told him that they were not investigating the claim as they had been told that he had dropped the complaint. Mr. KM says he later spoke to an officer at Heathrow police station who said to come back once the x-ray results were available.

Mr. KM says he made a complaint to the Independent Monitoring Board but received no response from them. His asylum claim had been dealt with through the "Fast Track" process and there were outstanding Judicial Review proceedings at the time of the attempted removal. Dr. Frank Arnold (independent doctor) had done a medico-legal report in July 2006 on Mr. KM, noting scars consistent with torture as described by Mr. KM.

Status: released from detention, facing redetention and removal.

Case F2

Ms. EA (Uganda) – Mother with severe depressive episodes attempted suicide.

38 year old Ugandan, Ms. EA was restrained and handcuffed at her home on April 14th 2004 and taken with her young daughter to Oakington IRC where she attempted suicide. She was moved to hospital where she stayed until 18th May 2004. There were outstanding MP representations that had not been answered and therefore removal was arguably unlawful.

Dr. F. Holloway (independent consultant psychiatrist) wrote a medico-legal report on 26th April 2004 and diagnosed Post Traumatic Stress Disorder and severe depressive episodes with a high risk of suicide. Detention, the threat of removal, and forced separation from her child aggravated her vulnerable mental health and may have led to the suicide attempt.

A complaint made to the Home Office was not upheld.

Status: the family are pursuing a civil action against the Home Office for assault and unlawful detention.

Case F3

Ms. SK (Cameroon) – Handcuffed in hospital right up until wheeled into operating theatre.

32 year old Cameroonian, Ms. SK was moved from Dungavel IRC by Premier Detention Services guards to Haremyres Hospital in Glasgow on three occasions in May and June 2004 for treatment and subsequently surgery in relation to a lump on her breast. On each occasion Ms. SK alleges that she was handcuffed throughout the period of stay in hospital, with guards remaining present throughout consultations and right up until she was unconscious and wheeled into theatre for operation.

Ms. SK claims she is a torture victim and had been held in detention for 8 months at Yarl's Wood, Dungavel and Tinsely House IRCs.

Dr Charlotte Harrison (independent doctor) wrote a psychiatric report, mainly dealing with the effects of prolonged and unlawful detention of Ms. SK.

A civil action claim for unlawful detention against the Home Office and against Premier Detention Services for violation of Article 3 regarding handcuffing whilst at hospital was settled out of court with both defendants.

Status: granted Refugee Status.

Case F4

Mr. KM (Uganda): not the same Mr. KM in Case F1 – Rape survivor subjected to abuse of internal anal examination.

28 year old Ugandan, Mr. KM alleges that staff racially and homophobically abused him at Harmondsworth IRC, calling him “nigger” and “batty boy” during 8 months of detention, denied him medical treatment for the effects of rape and torture, forced him through the asylum system without legal representation, confiscated his asylum papers and asthma inhaler. He claims that he was subjected to unwarranted strip searches and the sexual abuse of an internal anal examination, which revealed that no banned items were being concealed. He felt these strip-searches were meant to humiliate him as he had made a complaint to one of the guards about papers relating to his immigration case having been confiscated.

The then Immigration Minister responded on the October 11th 2005 to a written complaint about various alleged incidents of abuse that Mr. KM was subjected to. The Minister did not dispute that the strip-searches took place, or that no banned items were found, but did not uphold the complaint. After the response from the Minister, Mr. KM says he was placed on constant suicide watch and classified as a high risk and dangerous detainee and was almost immediately transferred to Colnbrook IRC. Mr. KM says that there were three attempts to remove him from the UK.

Mr. KM claims to have been jailed by the Ugandan government for his gay rights work and subjected to four months of forced labour, water torture, beatings and rape.

Status: released from detention, facing redetention and removal.

Case F5

Mr. Apollo Okello (Uganda) – Two Assault allegations: Guards in riot gear, “testicular restraint”, loss of CCTV evidence.

25 year old Ugandan, Mr. Apollo Okello says had been given a series of misleading statements from Campsfield House IRC management as to reasons why he was being asked to report to them. He refused to comply. Then in the early hours of the morning on February 17th 2007 he says a large number of detention custody officers employed by GEO came into his room wearing riot gear (the room was shared with another detainee). Mr. Okello claims that without warning they proceeded to assault him by throwing him face down on the ground, and grabbing his groin and squeezing it. He was then carried wearing only his boxer shorts into a cold room with air conditioning on in segregation.



Photo: Apollo Okello

Dr Douglas Carnall (an independent doctor) examined Mr. Okello on February 21st 2007; *“Examination of his scrotum reveals no apparent bruising. There were two small very superficial linear 4mm abrasions, one on either side of the scrotum laterally, about 2cm distal to its junction with the perineum. . . . Such lesions would be consistent with an injury from fingernails a few days before. There was a 8mm contusion overlying the lateral process of the ulna at the right elbow. It was coloured brown, and would be consistent with having been incurred a few days before. . . . There was slight tenderness overlying the ninth, tenth and eleventh ribs anteriorly on the left. . . . His psychological suffering is*

evidently intense. His current mental state is consistent with either depression or post-traumatic stress disorder. His injuries are consistent with his account of being forcibly removed from his room five days before, a process that appears to have included, for want of a better term, “testicular restraint.” Dr Charlotte Harrison (an independent psychiatrist) also wrote a medico-legal report on him.



Screenprint: ‘Hammered with the Party Line’

The alleged assault was reported to Kidlington police station. The police failed to investigate because they were wrongly told by the Home Office that Mr Okello had been removed from the UK. On learning this, Mr Okello attempted to get his complaint looked at again but was unable to make contact with the police officer. The Home Office complaint report notes that the police looked at the matter further and concluded that there was no evidence to support Mr. Okello’s allegations. However this was never communicated to Mr, Okello. A complaint was subsequently made about the investigating police officer to the Independent Police Complaints Commission.

A complaint about the alleged assault was made to the Home Office on March 5th 2007 but it was not upheld. A further complaint was made to the Ombudsman; the outcome, dated December 11th 2007, did not uphold the assault allegation but made a condemnation of the loss

of video and CCTV evidence by Campsfield House IRC despite requests that this should be preserved.

Second assault

Mr. Okello was transported to Heathrow airport from Dover IRC to be removed on a Kenya Airways flight to Uganda on August 20th 2007. Shortly before he was taken on to the plane Mr. Okello says he learned that a barrister was arguing before a judge for an injunction to stop the removal and was hopeful for a positive result. He claims that immigration escorts employed by G4S suddenly received a call and rushed him on to the plane. On reaching the plane Mr. Okello says that he asked that he be allowed to phone his solicitor to ascertain the outcome of the efforts to secure an injunction. He says the immigration escorts refused and tried to force him onto his seat, which he resisted. Eventually he was taken off the flight and placed back in the van where he claims he was assaulted by being punched to his face and ribs. He was subjected to racist abuse including "Black monkeys don't want to go back to their country".

Dr Charlotte Harrison (independent psychiatrist) wrote a report on Mr. Okello's psychiatric injury. Dr Frank Arnold (independent doctor) wrote a medico-legal report on August 25th 2007: *"The injuries to his face are highly consistent with one or more blows to that area from a fist, inflicted not more than 7 days and not less than 24 hours previously. The distribution of tenderness, pain on opening the jaw and loss of nerve function suggests that he experienced either a single blow of considerable force or several lesser blows. The lesions of his wrists and hands are typical of injuries inflicted by traction upon the link between handcuffs and a similar. ... There is a resolving haematoma below the right eye (black eye). The lateral margin of the adjacent eye socket, maxilla, zygoma and temporo-mandibular joint (tm-j) are tender. He has pain on opening and closing his mouth. There is reduced sensation of light touch over the maxillary division of the trigeminal nerve (Vb). There is no deformity of the inferior orbital margin. He is tender over the left lower ribs. Inspiration is painful. There is no sign of serious underlying injury to lung or spleen. There are superficial lacerations and grazes over the radial and ulnar borders of both wrists. The power of grip in the left hand is reduced by pain (right normal). There is marked reduction of light touch sensation over the left thumb. Tinnel's sign (shooting pain in the distal region elicited by gentle tapping on a nerve) is positive over all three nerves crossing the wrist on the right side (radial, median and ulnar) and over the left radial and median nerves."*

The alleged assault was reported to Heathrow police station on August 23rd 2007, who concluded there was no evidence to support the assault. A complaint was made to the Home office who also found the complaint not upheld. The case has been referred to the Ombudsman for further investigation.

Mr. Okello claims to be a victim of torture in Uganda and was detained in the UK at Harmondsworth IRC, Dover IRC, Campsfield House IRC, Dungavel IRC, Dover IRC and Colnbrook IRC.

Media coverage: Independent, October 5th 2007, "British guards 'assault and racially abuse' deportees"

Status: released from detention, facing redetention and removal.

Case F6

Mr. AM (Republic of Congo) - fingers bent back until there was the sound of a crack.



Etching: 'Flight Preparation'

24 year old Congolese, Mr. AM says he was collected on March 19th 2005 by immigration escorts employed by Global Solutions Ltd from Harmondsworth IRC to Heathrow airport for removal from the UK on a British Airways flight. He says he was driven on to the tarmac near the plane, that the van stopped, then another man came and showed him a travel document with his photograph on it. The three immigration escorts took Mr. AM out of the van and

walked him to an isolated place below a set of stairs where he was out of view and where he claims they pushed him against the wall. One immigration escort held him behind his neck and the other two immigration escorts each held one of his hands and bent back his fingers.

The immigration escort holding Mr. AM's left hand bent back the fingers until there was the sound of a crack. The immigration escort who did it said words to the effect of "It's good for you, it serves you right". When the immigration escorts realised they had broken one of his fingers they forced him to the ground and handcuffed his hands behind his back. One of the immigration escorts fell to the ground in taking Mr. AM down, and then stood up angrily and started to beat him and he felt blows landing on him. While on the ground, an immigration escort spat at him and repeatedly called him a monkey. Mr. AM was picked up, dragged, placed into the van, and driven to Campsfield IRC.

Mr. AM was examined by the healthcare centre at Campsfield House IRC on March 20th 2005. On 22nd March he was taken to John Radcliffe Hospital in Oxford where he was x-rayed and found to have fractured the fourth metacarpal shaft on his left hand. His finger was strapped and his hand placed in a sling.

A complaint about the alleged assault was made to Heathrow police station and investigated. A report was sent to the Crown Prosecution Service (CPS). The CPS took

no further action. Mr. AM made a complaint to the Home Office who suspended investigating his complaint until his civil action claim was determined.

Mr. AM's civil action could not proceed as it was not possible to determine from the evidence if Mr. AM's finger had been broken as a result of assault.

Status: released from detention, facing redetention and removal.

Case F7

Ms. MM (Zimbabwe) – bit the hand suffocating her and charged with Actual Bodily Harm

27 year old Zimbabwean, Ms. MM says she was driven from Yarl's Wood IRC to Heathrow airport on April 21st 2005 to Heathrow Airport to be removed on a Kenya Airways flight. She says the immigration escorts told her that they were afraid to escort her all the way to Zimbabwe for fear of their lives and that they would escort her to Nairobi in Kenya where she would make a flight connection to Harare in Zimbabwe.

Ms. MM told the immigration escorts that she was not willing to fly to Zimbabwe. She says the immigration escorts handcuffed her and she started screaming for help. At the door of the plane, one of the immigration escorts was pulling her with the handcuffs and the others were kicking her from behind to get her onto the plane. She was screaming on the plane because, she says, the immigration escorts were assaulting her. The immigration escorts tried to stop her from screaming. They pulled and forced her head against her lap and she says she felt a sharp pain in her neck and back. The immigration escorts twisted her neck three times from right to left and left to right. They threatened to break her neck and pulled and ripped off two of her hair plaits.

One female immigration escort placed her hands over Ms. MM's nose and mouth. Attempting to get the female immigration escorts to remove the suffocating pressure over her mouth, she bit the female immigration escort's hand.

A flight crew member told them to get off the plane. The immigration escorts argued but eventually took her off the plane. One immigration escort kept pulling and dragging Ms. MM with the handcuffs, inflicting more hand injuries. The assault on Ms. MM continued in the van. One immigration escort used handcuffs to bruise her hands. The immigration escorts abused Ms. MM verbally and said "you black people have AIDS, perhaps you have infected us with it" and said they would give an adverse report about her.



Painting: 'Just Doing Their Job'

Ms. MM saw a doctor who gave medication and cream to apply to neck and back. She experienced neck and back pain for some time following the alleged assault and was traumatised. Dr Rob Sword, Hospital Practitioner in Rheumatology, Queen's Medical Centre Nottingham, noted on November 28th 2005; "She [Ms. MM] may well have some spasm, certainly in the trapezius and possibly in some of the Para vertebral muscle tissue, which could be accounting for some of her symptoms ..."

The alleged assault was reported to Heathrow police and Ms. MM was charged with Actual Bodily Harm having bitten an immigration escort's hand. The trial was held on February 21st 2006 at Isleworth Crown Court and the jury found Ms. MM not guilty.

Status: released from detention, facing redetention and removal.

Case F8

Mr. SK (Ivory Coast) – Suicidal detainee assaulted, then himself arrested for assault.

Mr. SK, a 34 year old Ivorian, claims that on September 22nd 2003 an officer at Haslar IRC asked him to go to the Health Centre to sleep overnight, after an attempted suicide the previous day. He refused because he said

he needed the distraction of other detainees and TV as he could not sleep. Mr. SK says that the officer left and returned with about eight other officers who picked him up by the wrists and legs and put him on the floor with his hands behind his back, with one officer sitting on his back and another holding his legs bent. They carried him out of the room and then pushed his head into the floor in the corridor and kicked and punched him in the back. He was taken to an isolation cell. The next day he was removed to Dover IRC. A disturbance broke out at Haslar IRC on Mr. SK's wing by detainees who were distressed by his treatment.



Painting: 'Brute Focus'

Dr. William Scott (an independent orthopaedic surgeon) wrote a medico-legal report on May 27th 2004 and Dr. C. Pourgourides (an independent psychiatrist) wrote a report of Mr. SK's psychiatric injuries on June 9th 2004. Mr. SK's injuries included soft tissue injuries to his neck, back, shoulders and knees, stiffness in his shoulder, tenderness in his neck and knee, and restriction of flexion in lumbar spine. He also suffers from post traumatic stress disorder.

Mr. SK was arrested and investigated for assault. No further action was taken by the police, either against Mr. SK or in respect of his complaint of alleged assault. Mr. SK's complaint was not separately investigated by the Home Office.

Mr. SK lodged a civil action case which went to trial in June 2006; the judge did not find assault proven. There were about five detainee witnesses corroborating Mr. SK's account, but all had been removed from the UK by the time his case came to trial and therefore could not give evidence.

Status: facing redetention and removal.

Case F9

Ms. BG (Cameroon) – refused entry into Cameroon due her poor physical condition



Photo: Ms BG before detention and removal



Photo: Ms BG after return to the UK from Cameroon

29 year old Cameroonian, Ms. BG says she was taken on August 28th 2007 from Yarl's Wood IRC by immigration officers employed by Independent Training Agency to Southampton airport for removal from the UK on an Air France flight. Ms. BG, who has a history of serious mental illness, claims that escorts attempted to force her to take her medication. She was handcuffed and her knees were bound together and she was taken to the plane by four immigration escort officers where she panicked and shouted. The immigration escorts pushed her head down and covered her mouth.

On arrival in Paris she panicked and tried to run away. She was handcuffed at her back, had a belt tied round her knees, and was kned in the groin by her immigration escorts. She was then carried to a French police car and later transferred to another plane. She again had panic attacks and remained handcuffed at the front until the

plane reached Cameroon. At the airport in Cameroon, the authorities refused her entry to the country, apparently because of her poor physical condition. She was taken in a wheelchair to the next plane back to the UK. On arrival in the UK she was taken to Hillingdon Hospital and then back to Yarl's Wood IRC.



Painting: 'In Transit'

Ms. BG's injuries included her wrists and knees being swollen and bleeding. She had bruises on the left thigh and both calves, a laceration on left knee, and vaginal bleeding. She had panic attacks and reports of severe depression and auditory hallucinations.

Dr. Joseph O'Neill examined Ms. BG in Yarl's Wood IRC on September 4th 2007. He noted: "Neck -external rotation limited to 45 degrees to the left due to pain. (Normal range of movement is 90 degrees) ... Tenderness suprapubic area. Left knee - 3 x 3 cm bursa inferomedial to left patella. (Photographs F and H) Left knee - 1 cm horizontal laceration.

(Photographs F and G). Bruises: Right shoulder - 1 cm circular. Lower spine - 2.3 x 2 cm over L3 area. Left thigh - two bruises - 2.5 x 2.5 cm (Photographs D and E) - 2.5 x 2 cm (Photographs D and E). Left calf - 2 x 1 cm. Right calf - 2 x 2 cm Individually they are consistent with her account; together they are highly consistent, as this pattern of injuries is highly unlikely to have been self inflicted."

She has had three psychiatric unit admissions since 2004 and has made numerous serious suicide attempts. She appears to have been on SASH (suicide and self harm) watch at Yarl's Wood IRC until August 27th 2007, the day before her removal from the UK.

The alleged assault was reported to the police. The police claim that when they visited her at her home address she declined to make a formal statement, but she disputes this.

The complaint was investigated by the Home Office who found the complaint not substantiated. The complaint has now been referred to the Ombudsman, raising 13 different points of challenge to the findings, including concerns that the investigators decided that attempts by passengers to intervene and a complaint by the Cameroonian authorities were evidence of hostility and intimidation faced by the escorts, rather than evidence that interventions were made because of concerns regarding maltreatment.

Media Coverage: Independent, 20th October 2007, "Deportation abuses 'should be investigated'"

Status: Released from detention, facing redetention and removal.

PART 3 – Other extracts from the dossier



Etching: 'Last Pitch For Sanctuary'

This part of the report contains extracts from accounts of victims who do not want to be identified by either their real names or initials or who are no longer contactable and therefore their consent has not been possible to obtain. Their names have been changed. The only person who is referred to more than once in this section is "Fatimatu" from west Africa (mentioned three times). These incidents are in addition to the 48 detailed in Part 2.

"Jean-Claude" from central Africa

"The immigration escorts asked him "had he shit himself yet". He felt that they were trying to determine how scared he was."

"Gloria" from southern Africa

"They called me a 'filthy black African pig'. One of them said, 'If I had a gun I'd blow your brains out.'"

"Mary" from central Africa

"You are an animal", "Why did you come to our country? – it is ours", "You always get all the money".

Anonymous man

"He claims he was pushed around on arrival, his arms twisted violently, that he was hit by officers and one of them stood on his back. He says he was called a "monkey". He says he was stripped and left naked overnight in segregation".

Anonymous man

"He says he was called a "fucking piece of shit, go back to your own country" and threatened with having his arms and legs broken to make him go."

Anonymous man

"He says he was beaten and called a black monkey amongst other racist insults".

"Patricia" from west Africa, with her young daughter

A male escort told her "fucking black you have to go".

Anonymous man

"He says he was slapped and told to "go back to your country, you fucking black man" in front of his wife and children".

Anonymous African man

"He says he was removed to an African country where he was not permitted entry. He says he was returned to the UK. He claims he was assaulted. An independent doctor noted his injuries after the removal attempt; "He received bruising to the left side of the neck, making it very painful to turn his head and I also observed bruising to the left temple and in front of the left ear. He also had lacerations to both wrists from handcuffs and swelling of the left wrist for which he had been given a splint to ease the pain." The same doctor also noted that he "has well documented torture scars" which he says were inflicted during imprisonment in his country where he lost eleven members of his family during the genocide. He says the police told him they were going to charge him with Assault. No charges were brought against him."



Etching: 'Asylum Removal'

“Moses” from central Africa

“He claims they handcuffed him, wrapped his legs, punched him in the chest and tried to strangle and suffocate him to stop him from shouting. He says the immigration escort grabbed his lower jaw and rammed a thumb into the bottom of his mouth to stop/prevent him from shouting. He says he bit down on escort’s thumb and was later charged with assault.”

“Jackson” from the West Indies

“He states that he was subjected to verbal abuse (racial and sexual taunts) and assaulted. He was forced to the ground, punched behind both ears, and at the side of his head, heavily knelt upon and kicked, and his neck was twisted. He reports that the immigration escorts told him “you are going to suffer.” The immigration escorts then put him in a van (still handcuffed) and drove him around the airport for an extended period, stopping, starting and turning abruptly, causing pain as he was unable to hold on to any support. He was threatened by the immigration escorts that he would be in danger if he reported these events to the medical centre at Harmondsworth IRC on his return there.”

Dr Frank Arnold (independent doctor) examined him and noted; “The lesions are diagnostic of injuries due to excessive traction on and tightening of handcuffs. The fact that significant pain and nerve damage were present some three weeks after the injury (as recorded in the detention centre notes) suggests that the force used was severe. This is supported by the increasing strength of analgesia prescribed. Pain and tenderness in the head and neck is consistent with blows to the head and force applied to his neck as described by him. It is difficult to understand why the use of such force was necessary after he had been removed from the plane.”

“Jean-Paul” from west Africa

“He says he was assaulted after he was “bounced back” from the country he was being deported to. He says he was beaten by immigration escorts and that a female immigration escort also squeezed his genitals.”

“Peter” from west Africa

“He says that before reaching the aircraft he was kicked from behind and fell to the ground. His arms were taken behind him and his wrists handcuffed. He was placed prone on the ground. He says immigration escorts assaulted him, including kicking him in his face. He started to bleed from his face. He was dragged up from the ground by his neck and walked out of the terminal, put in a van and driven to the aircraft. He says that immigration escorts realised that he would not be allowed to board the flight in that state, with visible blood on him and with him collapsing. Immigration escorts drove him back to the terminal building, put him in a cell where he says his clothes were taken off him. He says he was again assaulted by being punched. He remembers losing consciousness and being revived by being kicked.

Doctors at the IRC noted that he had lacerations and slight swelling around and over the right side of his face, bruising and abrasions on both sides of the face and swelling on the left arm. A doctor recommended that he be sent to hospital for investigation of a possible fracture of his left wrist, but he was not taken to hospital.

He subsequently made two suicide attempts – Detention Custody Officers intervened in time on both occasions.”

Anonymous man

“He was reported to have attempted suicide when detained and was on suicide watch. He claims he was assaulted by being kicked and punched. He claims he was assaulted again in the van when the flight crew refused to allow him to fly”.

“Simon” from southern Africa

“He says he was punched and kicked in the genital area by Detention Custody Officers in the IRC and suffered long term urethral bleeding.”

Anonymous man

“He says he was beaten, pulled on his neck and choked, that his head was held against the van and he was kicked in the groin and legs. He says his penis was pulled and testicles hit. He says that he had blood in his urine and had difficulty walking.”

Luke from eastern Africa

“He claims that he was handcuffed at Heathrow airport and taken down a tunnel directly to the plane. He says that immigration escorts hit and kicked him in his head, chest and genitals. He says that the pilot refused to fly with him on board”.

Anonymous man

“He says he was assaulted at Heathrow airport; his genitals were squeezed, he was punched, his throat was squeezed, and he suffered damage to his thumb.”

“Jean-Claude” from central Africa

“He says he was subjected to further prodding, elbowing and kicks whilst he waited to be removed from the vehicle. He says that when it was time to board the plane the immigration escorts pulled and dragged him out of their vehicle, pulling on the handcuffs. He says the pilot witnessed the scene and was heard to make some comment about the way in which he was being handled. He partially overheard the pilot say “you can not do this”. He was then returned to the escort vehicle where he was subjected to further and continued assault. This carried on at intervals for about ten minutes. He was taken back to the IRC.”

Anonymous man

“He says he was beaten, that rough restraint was used during the flight and that he suffered bruising. He says that passengers and flight crew members protested; the pilot refused to carry him for the connecting flight.”

Anonymous man

"He says his ankles and wrists were handcuffed, that he was thrown onto the tarmac from the escort van and carried onto the plane. He says that the pilot refused to carry him so he was taken off the plane."



Etching: 'Parting Gesture'

"Adam" from eastern Africa

"Mr. X claims he was not resisting his removal. He stated that he then asked to go to the toilet. He was allowed to do so but when he tried to close the door, the escorts refused and insisted on keeping the door open and insisted on watching as he used the facilities. He stated that he found this unacceptable and started to protest that he was not going to use the facilities whilst the door was open and the escorts were watching. When he started to shout he says that the immigration escorts put on handcuffs and twisted them around on his wrists, so that they cut into his flesh. They pushed him back into his seat and forced his head down into his groin, whilst pushing their elbows into his ribs and standing on his feet. He says he continued to protest and other passengers became concerned. The pilot then intervened and the immigration escorts told him to wait 5 minutes and that Mr. X would then 'be quiet'. The pilot then insisted that they left the plane. Mr. X states that when he left the plane he was unable to walk and was carried out. He was taken out of a back entrance at Heathrow and placed back in the vehicle that he had been brought in. Once inside the car he states that he was kicked in the head, ribs and chest. He also states that the escorts verbally abused him by swearing and calling him a 'black monkey'.

An independent doctor noted the man's injuries; "In my opinion Mr. X has marks on his right wrist which would be consistent with having being restrained in handcuffs which had been twisted around. He is tender over his wrist joints. These wounds are now healing and are consistent with injury as described 7 days previously. Mr. X was also exquisitely tender over his 5/6th rib in the mid-axillary line. This is a finding that is diagnostic of a rib fracture. Normal medical procedure would be not to x-ray to confirm as the finding is considered to be diagnostic. In my opinion this injury would be typical of an injury caused by the type of assault Mr. X describes".

Anonymous man

"He says that three male officers picked him up by force and that on the runway, two men held his arms and one his head. He says that when he resisted, two more came and put him on the ground. When he shouted to them that they were breaking his arm, they increased the pressure. One hit his head with his knee so that it hit the ground. He lost consciousness briefly and, when he came to, he found himself handcuffed. On the plane, the steward refused to take him. He says he was taken back to the detention centre. A supporter complained about his treatment by phone which he says resulted in a visit from the officer who he alleges who had injured him, who threatened him with more violence if he spoke to anyone about his treatment."

"John" from west Africa

"He says that officers entered his room and told him to pack. He says he was subjected to control and restraint and forced to the floor. He says that officers knelt on his back. He was handcuffed and taken to another detention center. Dr. Frank Arnold (an independent doctor) examined him and notes that he had sustained injuries to his left hand, his neck and back and behind his right ear."



Painting: 'From Torture Fled, to Torture Returned'

"Fatimatu" from west Africa

"She says officers lifted her up by the handcuffs. They leant her forward in the aircraft seat, leant on her back, hit her with their fists on her back and neck, covered her with a coat and subjected her to racist abuse. She says that passengers objected and she was taken off the flight whilst transiting through a European airport. She says she was seen by a doctor who deemed her unfit to fly and was returned to the UK by Eurostar train. A medico-legal report from the Medical Foundation for the care of victims of torture stated that she had scars on her hands, back pain and tenderness consistent with her account of assault and that her blood pressure would render her unfit to fly."

Anonymous woman

"A woman who had been detained at Yarl's Wood Immigration Removal Centre claims that money was stolen from her bag, which had been taken from her. She claims she was dragged onto a plane by handcuffs, that her neck was squeezed and attempts made to push her head between her knees."

Anonymous woman

"A woman who had been detained at Yarl's Wood Immigration Removal Centre claims that she was beaten by immigration escorts, called a black monkey, and money was stolen from her wallet."

Anonymous woman

"A woman who was prepared to return to her country claims that she was involved in an incident during boarding the aircraft. She says that the pilot refused to take her, that she was assaulted by immigration escorts and robbed of all her money."

Anonymous pregnant woman

"She claims she was assaulted despite being six months pregnant. She says she was allowed to see the midwife when she requested it. She says she was suffering from abdominal pain, headaches and bleeding. She claims that immigration escorts dragged her by the neck and confiscated her phone when she was talking to her lawyer. She was later released."

"Aman" and his pregnant wife from the Middle East

"He says he was separated from his pregnant wife and taken down a tunnel from the waiting room by guards. He says he saw his pregnant wife being held by the plane door. He tried to approach his wife. He says she was forced to the ground and that guards sat on her. He says they were carried onto the plane where there were only flight crew and no passengers. He claims his wife was kicked in the stomach. He says that flight crew brought his wife cushions and water and called an ambulance and the police. He says that his wife was taken to hospital and he was taken to a detention centre."

"Jane" and her 2 year old daughter from central Africa

"A pregnant mother alleges she was hit, verbally abused and sustained bruising to her wrists because her handcuffs were put on so tightly. She also says she was not allowed to comfort her 2 year old daughter during the removal attempt. She says the cabin crew complained to the captain about her treatment and she was taken off the plane. She says she was told by the immigration escorts that next time she would be handcuffed, her legs chained and her mouth covered."

"Jacques" from central Africa

"He says he was handcuffed with his arms in a crossed position. He was then taken to an area of the airport that was not open to passengers. He stated that the escorts then tried to bind his legs together. He resisted this and they laid him down on the floor. One of the escorts then pulled the handcuffs up and yanked his arms above his head and twisted the handcuffs. This action was very similar to the torture he says he suffered in his country. He was taken off the plane. An independent doctor noted: "The scar across the left wrist is consistent with the wearing and tightening of metal handcuffs."

"Joao" from west Africa

"During an attempt to remove him to an African country, a man claims he was assaulted and returned to the UK from a European airport where his flight transited. He was taken to hospital where he was put in a neck-brace and has been left with scars to his face. The detention centre he was taken to described his injuries as "self-harm"."

Anonymous man

"A man claimed that while on the plane, he was wrestled to floor for no reason; handcuffed; punched and kicked several times. He says a small rubber object put over his nose. His solicitor recorded his injuries as including; "muscle and tissue injuries to left shoulder, chest, cuts and severe swelling and bruising to both wrists; paresthesia of both thumbs; injury to left cheek; inflamed throat."

Anonymous man

"A man claims he was handcuffed, forced on a plane and dragged on the ground with men on top of him. He says he could not breathe as they restrained him by placing hands over his mouth."

Anonymous man

"He claims he was put on plane, that they were twisting his arm, strangling him with fingers between his neck and head, preventing him from breathing".

Anonymous man

"He claims that immigration escorts kicked him, verbally abused him, knelt on his genitals, put their knees on chest, gagged him and pinned him at his throat, put a jacket put over his face and dragged him by handcuffs to the plane. He says he was put into a seat with a belt round his neck and through the handcuffs."

Anonymous man

"He says he was beaten, pulled on his neck and choked".

Anonymous man

"He says they attached his arms and legs to drag him by the handcuffs on the plane. They applied something on his nose so that he could not breathe and then obstructed his mouth so that he would stop shouting. The pilot asked the officers to remove him from the plane."

Anonymous man

"He says that 9 immigration escorts bunched around him, that they manhandled him, forcing him to bend over hard, twisted his limbs and neck and throttled him so he thought he would suffocate as he could not breathe".

Anonymous man

"He claims he was pressed under his chin causing breathing difficulties, that his sexual organs were squeezed, that he was kicked in his ribs and stomach, and that his head was stamped on."

Anonymous man

"He claims that handcuffs were applied extremely tightly, that he was dragged by his clothes across the runway to a plane, and that he was dropped on the steps to the plane. He alleges that he was hit on his back, feet and body and repeatedly kicked on his ankles when he got onto plane. He says that a hand was placed over his mouth and nose so he couldn't breathe. His solicitor documented his injuries: bruises and cuts to wrists; bruising on legs; soreness and swelling on neck and throat; pains in right shoulder blade; loss of sensation in left thumb; pain in chest area; psychiatric damage - nightmares, flashbacks, depression, and loss of concentration."

"Angela" from central Africa,

Account from an Independent doctor; "Throughout the ordeal she felt the cuffs digging into and cutting her wrists. The female guard then pushed her head down with both hands on the back of her head, forcing it onto her chest wall. The male guard to her left then put his hand across her throat, making it difficult for her to breathe. His other hand was placed under her chin, "locking" her head and neck. This forced her head in a "hyper flexed" way (i.e. chin being directly on her chest) for an extended period of time. Because of this unnatural, forced position, she felt pain in the lower part of her sternum (breastbone), as well as her neck. All this time the client felt intense pain from the nape of her neck to the sides of the middle of her back, and down the length of her spine. Once in the van, she was subjected to sustained racist and verbal abuse: "You are an animal", "Why did you come to our country? – it is ours", "You always get all the money". It is my opinion that the injuries to her neck are typical of the type of restraint method applied to her."

"Fatimatu" from west Africa

From her solicitor - "She was warned by escorts to be quiet etc as it was a British Airways flight; staff knew there was nothing they could do to stop her removal". During an attempted removal with her young daughter, she claimed that immigration escorts pushed her to her knees, face down on the ground, pulled her arms behind her back, handcuffed her, kicked her several times, punched her in the neck 2 or 3 times, pushed her head down into her chest causing her pain, put their hands over her mouth, kicked her on her feet and punched her upper left arm and right knee. Her injuries were assessed by an independent doctor who noted bruising on the back of her neck; localised avulsion of hair at the hair margin; reduced and painful movements of the neck; pain on opening the jaw; light bruising to the front of the neck; right wrist swollen with a circumference an inch greater than the left wrist; swelling and bruising extending for three inches around the region where handcuffs had been applied; two superficial scuff abrasions on dorsum of the right wrist; inability to fully flex, extend or supinate the right wrist with a loss of approximately 40 degrees in all

these movements; an area of total anaesthesia over the dorsum of the whole right hand; circumferential bruising on right upper arm; bruising on left wrist; large bruise on left upper arm; two and a half inch diameter bruise on right knee.

Anonymous man

"He claims he was pushed around on arrival, his arms twisted violently, that he was hit by officers and one of them stood on his back. He says he was called a "monkey". He says he was stripped and left naked

Anonymous man

"He says he was assaulted six times during removal attempts. He says that during the third assault he was beaten and alleges that officers placed a finger in his anus. He says that during the fourth assault he was verbally abused, kicked, punched and that he urinated as he was refused access to the toilet. He says he was punched in the stomach on return from the airport. He says that during the fifth assault he was forced to kneel while a guard restrained him by the handcuffs as two other guards beat him on the neck and stomach. He says he was subjected to racist abuse, and that he defecated, vomited and urinated on himself."

Anonymous man

"He claims he was pulled to the floor, handcuffed, put in a van and that his fingers were bent making his joints crack, his ears were twisted and squeezed. He says he was verbally abused and threatened not to complain. He claims a mobile phone was used to broadcast screams."

"Fatimatu" from west Africa

Her young daughter started to cry when she saw her mother, who was not allowed to hold or comfort her daughter for several hours. The mother sustained multiple injuries according to an independent doctor who examined her after she had been returned to the detention centre from the airport. He noted that she was unable to care for her daughter for the following week due to her injuries.

Family from a former Soviet republic

"A family say they were taken by immigration escorts, together with a "Medical officer", who they claim gave their young child a 10mg tablet of his mother's medication which is advised not to be given to children. The parents claim that following their protestations, the "medical officer" asked their child to say that his mother gave him the medicine, so that he would not "lose his job." The parents say that the immigration escorts then decided to take the family to the Accident and Emergency Department of the local hospital. The parents claim that their child vomited, and continued to feel unwell for some time thereafter."

“Demet” and her mother from a eurasian country

“The daughter claims that five immigration escorts came in the middle of the night and took them to a plane at Heathrow airport. She says the men held down her mother, placed her in handcuffs, dragged her off the tarmac and up the steps of the aircraft. She says that when it came to her turn one of the immigration escorts told her “You know if you refuse to go on the plane, we’ll put handcuffs on you and tie your feet; tell your mum what I said.”. She says that two more immigration escorts grabbed her hands and forced her to follow her mother through the door of the plane. In the end it was only the intervention of the pilot that halted the deportation.”

Anonymous family

“A family say they were separated when taken for removal in two vans. The father claims he was badly beaten about the head and body, which was witnessed by his daughters who also overheard the immigration escorts talking about injecting him. The father was taken on the plane and one daughter went to see how he was; she says she found him totally unresponsive. The other daughter refused to get out of the van. Both daughters were returned to Yarl’s Wood Immigration Removal Centre and says they did not know what happened to their father. The mother was claimed to have been in Bedford Hospital and that five children were detained in Yarl’s Wood without either parent.”

APPENDIX 1 – The Tables

Notes about statistics in this analysis

1. Some alleged assaults that have been counted as one incident may have involved more than one victim – e.g. a husband and wife and/or children.
2. Many of the children’s ages were not documented in this analysis.
3. Disputed minors are documented in this analysis as an adult unless an independent age assessment stated otherwise.
4. Where “children” were documented in this analysis, two children have been counted, though there may have been more than two children involved.
5. Some victims claimed to have been assaulted more than once. In the majority of cases in this analysis, each assault has been counted separately, though some cases have not.

Table 1

Gender of informants in dossier

Of the number of alleged incidents where the gender of the victim was documented in this analysis, 66% were men and 34% were women.

Sex	Number
Male	153
Female	78
No info	58

Table 2

Age of victims where documented

Age	Total
0-10	2
11-15	
16-17	1
18-21	8
22-29	17
30-39	30
40-49	10
50+	4

Table 3

Five most frequently noted countries where deportees were from

Country	Total
Uganda	29
Nigeria	17
Cameroon	12
Jamaica	10
Dem Republic of Congo	7

Table 4

Regions to which flights to remove a person from the UK were destined, where documented in this analysis

Regional split	Total
Africa	113
Asia	22
Europe	11
Caribbean	10

Table 5

Year of Assault

Year	Total
2001	1
2002	4
2003	4
2004	92
2005	90
2006	21
2007	59
2008	5

Table 6

Detention centres where the victim was detained prior to the incident, where documented in this analysis

Centre	Number
Harmondsworth	50
Yarl's Wood	47
Tinsley	22
Colnbrook	20
Campsfield	20
Dover	8
Haslar	7
Dungavel	7
Oakington	5

Table 7

Events occurring at detention centres

Centre	Number
Harmondsworth	12
Colnbrook	6
Yarl's Wood	13
Campsfield	6
Haslar	3

Table 8

Abuse experienced - all reports

Assaulted/beaten	108
Punched	59
Kicked	52
Choking/gagging	47
Overzealous restraint, including with cuffs	46
Racist abuse	38
Dragged about (by handcuffs/hair/belt)	27
Kneeling/sitting on	26
Children witnessed abuse	13
Children assaulted	5
Sexual assault	7
Woman pregnant at time of assault	4

Table 9

Injuries reported

Bruising/swelling	92
Head/neck/back pain	55
Cuts/bleeding	54
Fractures/dislocations/organ damage	23
Psychiatric damage	21
Self-harm	4

Table 10

Organisations alleged to have perpetrated assaults, where documented in this analysis

Company	Number
Group 4	12
Escorts	10
Wakenhut	10
RSI	8
Loss Prevention International	8
GSL	7
G4S (Group 4 Securicor)	5
UKDS	5
SERCO	4
GEO	2
Premier	2
API	2
Independent Training	1
Prison Officers/IRC staff	5

Table 11

Location of assault during removal (where known)

Airport	93
On plane prior to take off	46
Escort van on way to airport	23
Escort van on return to detention centre	14
Detention centre	12
On plane after take-off	5
During stopover in other country	2

Note: Some experienced assaults in several locations

Table 12

Current immigration status (where known)

	Total
Returned	40
Still detained	7
TA	6
Leave to remain	3

Table 13**Country of origin of detainees**

Uganda	29
Nigeria	17
Cameroon	12
Jamaica	10
Dem. Republic of Congo	7
Lithuania	6
Zimbabwe	6
Afghanistan	5
Congo Brazzaville	5
Iraq	5
Ivory Coast	5
Guinea	4
Sierra Leone	4
Kenya	3
Pakistan	3
Sudan	3
Armenia	2
Burundi	2
Ethiopia	2
Gambia	2
Iran	2
Malawi	2
Rwanda	2
South Africa	2
Albania	1
Algeria	1
Angola	1
Benin	1
Burkina Faso	1
Chad	1
Egyptian	1
Ghana	1
India	1
India	1
Jordan	1
Kurdistan	1
Palestine	1
Sri Lanka	1
Tanzania	1
Turkey	1
Ukraine	1

Appendix 2 – What drives increased detention, deportation and alleged assaults

Detention and deportation affected by legislation that deters asylum immigration

"Refugees were made scapegoats for many countries' domestic problems and blamed for threatening national or regional security, draining resources, degrading the environment, and rising crime. Politicians shamelessly employed xenophobic rhetoric to win electoral support and, with the popular press, peddled images of "floods" of refugees and immigrants pouring into their countries. In the industrialized states, particularly, many governments became obsessed with erecting barriers to keep people out, rather than providing protection." (Human Rights Watch, "Refugees, Asylum Seekers, and Internally Displaced Persons"-)

In the last 10 years there has been a nearly annual production of legislation designed to deter and prevent asylum immigration and resettlement in the UK (Somerville, Will, 2007). The number of asylum applications in the UK is at a 14-year low and in 2007 there were less than a third of the number of applications than there were in 2002 (Home Office: Asylum Statistics).

UK government's deportation targets

In 2004, former Prime Minister, Tony Blair, announced targets on deportations; the government stated that *"the monthly rate of removals to exceed the number of unfounded applications by the end of 2005"* (10 Downing Street website). This was made a "Public Performance target" called "Tipping the Balance". The Immigration Minister Liam Byrne recently announced; *"We now remove an immigration offender every eight minutes - but my target is to remove more, and remove them faster."* (Home Office Press Releases 19 May 2008). Many feel the target is arbitrary as it disassociates immigration policy from individual protection needs. The Independent Asylum Commission (IAC) reported that the Home Office said *"Targets around the number of returns should not and do not affect the way in which an individual application is decided"*. The IAC responded that after their prolonged investigation of the UK asylum system, the Commissioners found the Home Office's statement to be "incredible" and said find it *"a noble but unrealistic aspiration that they 'should not'"* (Independent Asylum Commission (IAC), "Safe Return").

The Home Office says it will continue its programme to clear the legacy of 400,000 to 450,000 unresolved case

records by July 2011 (HM Government, "PSA Delivery Agreement 3: Ensure controlled, fair migration that protects the public and contributes to economic growth"). Some fear this may lead to mass-removals and the Home Office has announced a 60% increase in the number of places in detention in May 2008.

Asylum applications – fell from 85,865 in 2002 to 23,430 in 2007 (Home Office: Asylum Statistics).

Removals – 63,125 people were removed from the UK in 2007, of whom 13,585 had claimed asylum – a similar number were deported in 2002 who had claimed asylum (13,335).

Detention - About 25,000 men, women and children are detained in a year. The Home Office only provides a 'snapshot' statistical account of asylum seekers held in detention on the last day of the quarter being examined. This is different from the number of people who were detained during the quarter.

	2002	2007
Asylum applications	85,865	23,430
Asylum removals	13,335	13,585
Asylum detention Q4 snap-shot	795	1,640

From Home Office statistics we can surmise that there was an average of 1,485 asylum seekers (including dependents) in detention (immigration removal centers [IRCs] and short term holding centres [STHCs] at any one time in 2007. For 2006, the annual Home Office figures indicate that there were at least 21,045 persons detained and released from detention throughout the year. This figure doesn't include the numbers who entered detention at Oakington, who were 2,330 in 2006. By adding these figures we can conclude that the number of asylum seekers and dependents in detention in 2006 was at least 23,375. That figure doesn't account for the numbers of persons held but not removed or released from detention in 2006. The total figure, therefore, must have been considerably greater than 23,375 – perhaps 25,000.

Numbers detained in the fourth quarter "snapshot" more than doubled from 795 in 2002 to 1,640 in 2007.

Despite a 72% fall in asylum applications between 2002 and 2007, there has been 106% increase in the number of applicants detained. We feel the drastically increased ratio of the use of detention may lead to an increase in alleged assaults.

About 25,000 men, women and children are indefinitely detained a year

The Independent Asylum Commission (IAC) reported; “Unlike most European countries and contrary to the recommendation made by the UN Working Group on Arbitrary Detention, there is no legal limit to the time a person may be held in immigration detention in the UK (Welch and Schuster 2005). The Operational Enforcement Manual states that ‘in all cases detention must be for the shortest time possible’. However, those advocating on behalf of detainees have stated that this instruction is not always adhered to in practice. Evidence gathered by Bail for Immigration Detainees (BID) revealed that detention periods of six months were not uncommon and in some cases detention was maintained for over two years, the worst case being a detainee held for just under three years (BID 2002). Up until recently this compares poorly with maximum periods for detention in France (32 days), Spain (40 days), Ireland (30 days) and Italy (60 days) (Cassarino 2008). A recent European directive has just set a maximum of 18 months. Many asylum seekers have been detained indefinitely, even though there is no realistic prospect of the UK being able to effect a removal (Amnesty International 2005).

Who gets detained

Detainees include asylum seekers with claims pending, “refused” asylum seekers, “over-stayers”, ex foreign national prisoners (FNPs), and undocumented migrants (*sans-papiers*). None are in immigration detention because they are accused of any crime.

Many of those detained are desperate and traumatised, having survived war, detention (often without charge or trial), torture, rape or sexual assault in their own country. Many endure perilous journeys only to get unexpectedly detained in the UK, without charge or trial, where they may relive past traumas of imprisonment back home. Some have serious medical problems and many are suffering from post traumatic stress disorder or other related psychiatric illnesses as a consequence of the experiences that led them to claim asylum. Some have become ill in the UK due to destitution, having no right to work or claim any support.

Increasingly large numbers of asylum seekers have been criminalised by working illegally in the UK to support themselves and their families. There is no way to legally enter the UK for the purpose of claiming asylum. Some asylum seekers have been prosecuted for using false documents to enter the UK. Thus, a sizeable number of asylum seekers find themselves classed as Foreign National Prisoners, serving criminal sentences in UK prisons.

According to Home Office statistics, the Q3 2007 “snapshot” of the number of people who had claimed asylum and were detained (excluding those detained in

police cells and prisons) was 1,625, which accounted for 70% of all immigration detainees. Of this total, 84% (1,360) detainees were male, 16% (270) detainees were female and 55 detainees were children (30 boys and 25 girls). At any one time there are approximately 500 immigration detainees held in prisons and whose whereabouts are often unknown and unrecorded in Home Office statistics (AVID).

The UK immigration detention “estate”

There are 10 immigration removal centres (IRCs) in the UK, three of which are run by the Prison Service; the rest are managed by private companies contracted by the Home Office.

IRC	Location	Managed by	Detainees	Capacity
Campsfield	Oxfordshire	GEO Group	Male only	215
Colnbrook	Nr Heathrow	Serco	Male only	313
Colnbrook STHF	Nr Heathrow	Serco	Mixed	40
Dover	Kent	Prison Service	Male only	316
Dungavel	Lanarkshire	Group4 Securicor (G4S)	Mixed + families	188
Harmondsworth	Nr Heathrow	Kalyx	Male only	259
Haslar	Hampshire	Prison Service	Male only	160
Lindholme	Yorkshire	Prison Service	Male only	112
Oakington	Cambridgeshire	Global Solutions Ltd (GSL)	Male only	352
Tinsley	Nr Gatwick	Global Solutions Ltd (GSL)	Mixed + families	146
Yarl's Wood	Bedfordshire	Serco	Woman + families	405
			Total	2,506

STHF: Short Term Holding Facility

In May 2008, the Home Office announced plans for a massive increase in the detention “estate” capacity.

IRC	Location	Plans	Detainees	Planned capacity increase
Brook House	Gatwick	due to open 2009	Mixed	426
Harmondsworth	Nr Heathrow	2 new wings due to open 2010	Male only	370
Yarl's Wood	Bedfordshire	could open 2010	Male only	400
Bicester	Oxfordshire	could open 2012	Male only	800
			Total	1,996

Total capacity	
Current	2,506
Planned	1,996
Total	4,502

In addition to the above-mentioned IRCs, immigration detainees are also detained in prisons, police cells, short term holding facilities (STHFs) and Immigration Enforcement Units around the UK.

"A young woman was held in the holding room who had miscarried a few days previously. She had been collected from a hospital following psychiatric referral, had not eaten for three days and had to be helped to and from the van. She was subject to a live F2052SH self-harm monitoring form because she kept asking for her baby and said she wanted to die. Having been delivered to the holding room in the morning, she was not due to be collected by another vehicle until more than six hours later. Apart from staff who had received first aid training, there was no on-site healthcare." – HM Chief Inspector of Prisons (HMIP) (2004) Report on the unannounced inspections of four short-term holding facilities

The Q1 2008 Home Office "snapshot" of people who had sought asylum states that of 4,215 people who were removed from the UK, 1,210 (29% of the total) left from short term holding facilities (Asylum Statistics).

HM Chief Inspector of Prisons reported that the short term holding facility at Manchester Airport had detained 415 people in two months. Detainees did not have access to fresh air and daylight, sometimes following detention in a similarly poor environment in a police station (HMIP, Report of an unannounced inspection of the residential short-term holding facility at Manchester Airport, 3 and 4 September 2007)

The UK immigration detention and removal industry

Seven out of the 10 Immigration Removal Centres (IRCs) are managed by private companies for the Home Office. Details of contracts between the Home Office and IRC operators are not readily available, being subject to "commercial confidentiality". Occasionally some information comes to light through Parliamentary Questions and inquiries. "Commentators are concerned that private sector companies are less accountable for their actions, less open to public scrutiny and are bound by fewer rules than government agencies" (Bacon 2005).

Detention and escorting costs – £1,230 per detainee, per week.

The Immigration Minister said that average estimated cost of holding a person in immigration removal centres, including costs of escorting and Home Office overheads, for one week in 2005–06 was £1,230 (Hansard, 2nd October 2006). Ms SK (from Cameroon, case F3) was detained for eight months, which, according to the above figure, earned the private companies involved £42,312. Ms SK was later released and granted status in the UK.

Yarl's Wood Immigration Removal Centre was opened in November 2001. It was said to be Europe's largest removal centre and was operated by Group 4 at that time. Within three months, half of Yarl's Wood had been destroyed by fire following a disturbance. In his subsequent inquiry, the Prisons and Probation Ombudsman said, "In April 2002, Group 4's insurers' underwriters issued a claim under the Riot (Damages) Act for £97 million. (This comprised damage (£43 million), loss of revenue and reconstruction.)" (Shaw, Stephen, Prisons and Probation Ombudsman (2004). The claim for £97 million was against Bedfordshire police. There have been major disturbances at Campsfield, Lindholme and Harmondsworth IRCs in recent years.

In Q2 of 2006, 40% of those detained were later released into the community

(Home Office: Asylum Statistics). Many feel this highlights the arbitrary nature of both detention and release, a waste of public funds, and, not least, trauma suffered by detainees. Some asylum seekers have been detained and released a number of times.

A big industry, but has the Home Office justified the use of detention?

– Amnesty International stated, "The UK authorities have argued that detention is necessary to prevent people from absconding at the end of the asylum process. But the organisation is concerned that the authorities are using the risk of absconding as justification for detention without a detailed and meaningful assessment of the risk posed by each individual, if any. For example, prior to being detained, those interviewed for this report had, when instructed to do so by the UK authorities, complied with reporting requirements. Therefore, they presented no risk of absconding. Amnesty International's concern about the lack of official data on the risk of absconding was shared by the Home Affairs Committee who in their report on Asylum Removals said that this risk has not been quantified: "in the absence of adequate statistics, it is difficult to know the extent of the problems caused by absconding. The current situation, in which the Home Office simply does not know – even in broad outline – what proportion of failed asylum seekers abscond is unacceptable." (Amnesty International (2005). An independent study into the risk of detainees absconding found that "90% of released detainees (i.e. who had originally been considered high risk absconders by the Home Office) complied with terms of bail and therefore, according to the researchers, were unnecessarily detained" (Bruegel and Natamba 2002).

In 2005–06 the estimated average cost of an enforced removal was £11,000

(National Audit Office)

Electronic tagging of asylum seekers – “virtual detention”

Some women detainees are released from detention at Yarl’s Wood IRC, run by Serco, and later subjected to tagging, which can involve a “curfew”, also by Serco. The Joint Council for the Welfare of Immigrants (JCWI) said; “like detention, electronic monitoring is in effect a criminal penalty imposed on individuals who have committed no crime” (JCWI - *Electronic monitoring of asylum seekers*)

Amnesty International reported that immigration detention in the UK “is in many cases protracted, inappropriate, disproportionate and unlawful”, and the organisation called on the Government to justify the lawfulness of detention in each and every case. ... Seeking asylum is not a crime, it is a right. Thousands of people who have done nothing wrong are being locked up in the UK. We found that in many cases there was no apparent reason to detain people.” (Amnesty International (2005))

Conditions in detention

“David Wilson, professor of criminology at the University of Central England in Birmingham and a former prison governor, said Yarl’s Wood Immigration Removal Centre, now used to detain women and children, “would equate with a category B facility” and that “the microwave detection units and the pan-and-tilt dome cameras are the sort of equipment you would expect to find in the very highest-security prisons” (Observer, November 4th 2001, “Barbed wire and cameras: how families find asylum”)

Immigration detention is characterised by disturbances, fires, hunger-strikes, self-harm, attempted and actual suicide. Home Office operational guidelines state that detention is considered unsuitable, unless there are exceptional circumstances, for those “suffering from serious medical conditions or the mentally ill” (Home Office 2006). Médecins Sans Frontières found that IRCs lacked a systematic process of identifying and ensuring the release of detainees suffering from serious medical conditions or the mentally ill, in accordance with the guidelines issued (Médecins Sans Frontières (2004)).

Self-harm in detention

In 2007 there were 1,517 immigration detainees on “Formal Self-Harm at Risk” and there were 157 incidents of self-harm requiring medical treatment (NCADC, Self-harm in Immigration Detention).

Suicides in detention

From 2001 to 2006 there were 13 suicides in detention in the UK (IRR 2006).

The HMIP noted that; “the lack of supervision can result in arbitrary or sloppy decision-making ... in one case to

detainees literally lost in the system, three months into what was supposed to be an overnight stay in prison” (HMIP, BIHR Human Rights Lecture). BID noted that “Reports by HMIP about Dover and Haslar published on July 27 show that the recent cuts in immigration and asylum legal aid are leaving many detained without representation, and that people are languishing in unsafe detention centres because of the inefficiencies and chaos of the Home Office.” (BID, July 29th 2004, “Access to courts and lawyers urgently needed to diffuse tensions in immigration detention centres”). Another report states that; “medical emergencies or suicide attempts do not necessarily lead to release; instead they may lead to a detainee being transferred to a high security prison” (Weber 2003). Furthermore, “deaths in immigration detention do not have to be reported to any outside agency. Advocacy groups are concerned that relatives of detainees may not receive adequate support and that deaths in immigration detention may not be brought to the attention of the Prisons Ombudsman” (BID 2005).

Why are detainees so desperate?

The asylum determination process – Many asylum seekers feel their asylum claim has been refused unfairly. During the determination process, “The use of speculative arguments are not only a reflection of flawed credibility assessments but may also result from the application of an incorrect standard of proof, a failure to use country of origin information correctly and the adoption of a ‘refusal mindset’ ” (UNHCR 2006).

Eroded appeal rights, in some cases no appeal rights

– In recent years, asylum seekers’ appeal rights have been eroded. Asylum seekers who are nationals of a country on the “white list” may have no right of appeal at all in the UK. Nigerian males are on the “white list” even though the Home Office’s own Operational Guidance Note on Nigeria says the policy is to grant asylum to a particular political group in Nigeria.

Fast track refusal rates have reached 99%.

Nationalities of asylum seekers who have been refused and deported through fast track include Iran, Libya, DR Congo and Afghanistan (Home Office, FTPG: Harmondsworth Statistics).

“Super fast track” asylum determination process

– Asylum claims that the Home Office thinks are straightforward can be processed through the “super fast track” process, whereby the asylum seeker is held in detention throughout. Initial decisions can be served within three or four working days. Asylum seekers can only seek representation from a designated list of legal representatives and cases are heard in on-site courts. Some “super fast track” asylum seekers are detained on arrival in the UK and may not be fit to be interviewed. Many say they didn’t understand the legal process they have been subjected to, had issues disclosing rape and torture, and had poor legal representation. The Home Office wants to increase the asylum claims determined by

fast-track and says the massive detention expansion plans announced 19th May 2008 “will allow even more fast track cases to be heard.”

“There is a clear crisis in representation at appeal stage with detainees forced to stand before a judge with no legal representation, whilst the Home Office is always represented. This leads to inequality of arms” – BID, “Working against the clock”, July 2006

Justice denied: legal aid cuts, not enough solicitors available and poor representation – *‘Drastic cuts in the amount of available funding reduced the amount of time lawyers could initially spend with their clients from around forty, to just five hours’ (Burnett 2008).*

One perfectly legitimate firm of lawyers refused to submit a medico-legal report of torture scars on a trafficking victim as a part of her asylum claim, which was then refused. After five months of searching, she did manage to find another legal representative; she was released from detention, granted refugee status and received acknowledgement from the Home Office that she had been unlawfully detained for one year.

Punitive cost-auditing of immigration firms providing legal aid and the requirement of the ‘merits test’ (requiring solicitors to confirm that a case has a minimum prospect of 50% for success) resulted in a 40% shortfall in the provision of legal aid services to asylum seekers by 2005 (Davies, Matthew, (ILPA), (HAC 775, 2005, Q 237-245).

Official figures disclosed to BID show that in January and February 2006, 55% of fast track appeals were made by detainees with no legal representation (BID: ‘Detained fast tracking of asylum claims’).

Given that many asylum seekers are destitute, the major effect of legal aid restriction has been that many asylum seekers cannot afford representation. As one applicant recently stated, *“I can’t find a lawyer and so I can’t show the court the danger I’m in back home. This is a legal system which you cannot get into. I am trapped in poverty, and it traps me outside the law” (PAFRAS 2008).*

“A lawyer charged over £3,000 for an application for a judicial review that consisted of little over three pages of A4 paper. . . In such situations asylum seekers may be forced to work ‘without papers’ in secretive and often dangerous conditions so as to raise the funds necessary for legal assistance – no matter what the costs” (PAFRAS 2008).

Tony Blair - *“We have cut asylum applications by a half. But we must go further. We should cut back the ludicrously complicated appeal process, de-rail the gravy train of legal aid, fast-track those from democratic countries, and remove those who fail in their claims without further judicial interference.” Blair, T. (2003)*

“A bogus lawyer who evaded security at two detention centres and took thousands of pounds from desperate asylum seekers is at the centre of a police investigation. . . . Individual detainees have arranged for sums of between £200 and £500 to be paid directly into his bank account, but many have subsequently been deported” (Guardian, July 24th 2007, ‘Police investigate bogus detention lawyer’)

For those seeking asylum, legal aid and good quality representation could literally be a matter of life or death.

Fear of further persecution and extreme hardship if they are deported – Many asylum seekers are terrified of further persecution and extreme hardship if they are deported. The nationalities of the highest numbers of asylum claims made in Q1 2008 were Afghanistan, Iraq, Zimbabwe and Iran (Home Office: Asylum Statistics). There is no systematic form of monitoring the return of asylum seekers (beyond the UNCR monitoring of voluntary returns to Afghanistan), which increases asylum seekers’ fears of harm on return, and increases their anxiety about remaining in the UK.

Fitness to be detained – Decisions to detain are frequently made on a seemingly ill-informed basis. They also frequently ignore important medical facts that should strongly argue against discretionary administrative detention. When taken from IRCs to hospitals, many detainees are handcuffed and guarded by two detention custody officers (DCOs) at their bedside and are sometimes prevented from making or receiving phone calls or from being examined without restraint and in privacy.

Mr OM had been hospitalised when arrested at his local immigration reporting centre, and again later when he took an overdose. Mr OM was arrested again and detained in April and May 2008, during which time he was hospitalised six times. A DCO guarding Mr OM at his hospital bed told him and his independent doctor, a Medical Justice volunteer, that he was forbidden to speak with anyone in the outside world on the orders of the IRC duty manager.

Inadequate healthcare provision in detention

– In October 2006, following a catalogue of suicides and alleged mistreatment, HM Inspector of Prisons published the first ever inquiry into healthcare at Yarl’s Wood IRC and specifically into how a Ugandan woman was reduced to a state of mental collapse during seven months in detention. The Inquiry sought to establish whether the damage she suffered was caused by mistreatment in detention and by attempts to deport her to Uganda, where she had been imprisoned, raped and tortured by soldiers. She was eventually released into a psychiatric hospital for six months. Her ability to ever lead an independent life is in question and she still faces deportation (HMIP (2006), “Inquiry into the quality of healthcare at Yarl’s Wood”).

Alistair Burt MP said the inquiry's findings were "appalling in what it revealed and should be a source of shame to those involved ... the depth of failures revealed and inadequacies of those with care and responsibility for detainees ... [IND's] repeated attempts to removed sick detainees went beyond comprehension and decency." (Burt, A, October 3rd 2006)

Independent doctors volunteering with the Medical Justice network and visiting detainees found:

- Torture victims – retraumatised by detention in the UK.
- HIV+ detainees – instances of denial of medication, HIV tests and results.
- Hunger strikers – detainees in imminent danger of organ failure.
- Tuberculosis – a number of detainees found to have TB and denied appropriate medical care.
- Denial of treatment and access to hospital for serious medical conditions.
- Inappropriate or no provision of anti-malarials for pregnant women and children (often born in the UK).
- Depression and post traumatic stress disorder – many detainees self-harm.

(Medical Justice, 'Beyond Comprehension and Decency')

"The children were sick in detention. My daughter Sylvie said she was going to kill herself in there. She was crying all the time... She would be sucking her fingers and saying 'I'm going to kill myself.'" (Médecins Sans Frontières (2004)

Detention of 2,000 children and babies a year – The IAC reported that "The Home Office does not produce statistics on where minors are detained, their nationalities nor on the number of age disputed cases." (Independent Asylum Commission (IAC), "Fit for Purpose yet?")

Every year 2,000 children in the UK are detained for the purposes of immigration control. These children are not detained as punishment for offences they have committed. Children end up in detention either because they are the sons and daughters of asylum seekers or migrants who are detained with their families, or because they are child asylum seekers or migrants who are wrongly treated as adults and detained. They are the only children in this country who can be locked up indefinitely without the oversight of the courts and without having ever committed a crime. Their detention is not time limited – some children known to Bail for Immigration Detainees (BID) have been detained for six months – and the government's decision to detain them is not subject to judicial scrutiny.

The government has faced mounting criticism of its policy to detain children, including from the UN Committee on the Rights of the Child and the UK Parliamentary Joint Committee on Human Rights (BID, 2008).

Children are very frightened of being deported. Many were born in the UK, had always understood themselves as "British" and are confused as to why they are being

deported to a country they have never been to and do not speak the language of and where they have no family.

Families being split up – Some detainees are being split up from their relatives, partners, spouses and children. New immigration regulations are being brought in that may "ban" a person from the UK for between 1 and 10 years. In some cases, the Home Office has argued that a 10-year separation of a family is not disproportionate. The instability of some countries may mean the person may never see their family in the UK again.

According to Professor Cornelius Katona (2008), there is evidence of high prevalence of mental health problems amongst immigration detainees; 85% have chronic depressive symptoms, 65% suicidal ideation, and 21% psychotic features (Sultan and O'Sullivan 2001), 77% suffer anxiety, 86% depression and 50% post traumatic stress disorder (PTSD) (Keller et al. 2003).

The effects of indefinite detention The fact that detention is indefinite is one of the major causes of anxiety among asylum seekers, and can compound the effect of trauma experienced in the country they are being deported back to. Some detainees say that at least convicted prisoners know when their sentence will end, but their experience as immigration detainees is more akin to that of being held "hostage".

Distruated and ineffective complaints procedure increases anxieties – "The complaints system was distrusted and ineffective" (HMIP (2006), "Harmondsworth Immigration Removal Centre - Serious Concerns"). Detainees' feeling of their inability to pursue effective protest to an independent body increases anxieties regarding ill-treatment in detention.

Detained asylum seekers: probably the most vilified community in the UK – Detainees often complain that the Home Office colludes in the scapegoating of asylum seekers in the media by frequently using inappropriate language to describe them – e.g. incorrectly labelling them all as "illegal immigrants" (Home Office press releases, 19 May 2008) and the much-repeated phrase "removing the most harmful people first", which may imply that everyone subject to immigration control is "harmful" (Parliamentary Under-Secretary of State 2008). Detainees feel this may act as some kind of endorsement for detention custody officers or immigration escorts to be abusive.

Abuse during the deportation process

While publicly "condemning" the perpetrators of genocide, war and human rights abuses, the British government deports victims right back into the world's worst disaster zones and into the hands of the world's most brutal regimes. This led the *Independent* to speak of "The callous hypocrisy of our asylum system".

Given the well-documented lethal cocktail of detainees' fears, what some consider to be the institutionalisation of brutality by legitimising the use of force in removals, and the government's failure to act, we fear abuse against deportees may have reached systemic levels.

Home Office tactics

Since the setting of seemingly arbitrary targets on deportations, there appears to have been a pattern of the Home Office rounding up, detaining and deporting asylum seekers of a given nationality just prior to a "country guidance" case being heard or the judgment being handed down. Many feel this is a cynical and blatant attempt by the Home Office to get rid of as many asylum seekers as possible before case-law goes against against them. Examples include:

Democratic Republic of Congo

Little more than one week ahead of the original planned opening of the Democratic Republic of Congo "country guidance" case ("BK" – Appeal Number AA/04958/2006), the Home Office rounded up and deported 40 men, women and children on a specially chartered flight on 26th February 2007. The case was adjourned, part heard, until the 17th September 2007. The Home Office organised another "deportation charter" flight to the DR Congo on 30th August 2007.

Sri Lanka – Kim Howells, the Foreign and Commonwealth Office Minister, said on June 5th 2007 that: *"repeated incidents of intimidation, disappearances, extra-judicial killings and violence by paramilitary groups in Sri Lanka are a matter of serious concern to the UK and our international partners. Tragically, it is innocent civilians who continue to bear the brunt of the deteriorating human rights situation."* (Hansard, June 5th 2007). The UK Foreign Office suspended aid payments to Sri Lanka and put Sri Lanka on the "don't go to" list of countries in its travel advice for British travellers.

Yet as the judgment was pending in the LP Sri Lankan "country guidance" case, the Home Office was rounding up refused Sri Lankan asylum seekers in the summer of 2007 and detaining them for deportation.

On June 25th 2007 the European Court of Human Rights in the case of NA v the United Kingdom ordered that NA not be expelled by the UK government to Sri Lanka until further notice. But the UK government kept Sri Lankan asylum seekers in detention.

In July 2007, 70 detained Sri Lankans facing deportation went on hunger strike at detention centres across the UK (NCADC, 2007, "Court allows LP's Sri Lanka "Country Guidance" case"). Their fears had been reflected by Edward Davey MP. Highlighting a constituent's case; *"I met a gentleman who was claiming asylum-for the second time, as he had failed the first time. He had been returned, re-arrested, detained and tortured again. I learned from talking to his lawyer that his case was not an isolated one. This country has been sending back as failed asylum seekers a number of*

people who went through that experience. Some managed to escape again and tried to claim asylum again; others have disappeared; still others have been killed." (Hansard, May 2nd 2007).

Mr LP is a Tamil Sri Lankan refugee. The Sri Lankan authorities suffocated him with a petrol soaked polythene bag, hung him up side down and beat him with canes, sticks and plastic pipes filled with sand. The judgment in the LP Sri Lankan "country guidance" was issued on Monday August 6th 2007 – the Asylum and Immigration Tribunal allowed LP's appeal.

The European Court of Human Rights had to order the UK government to not deport hundreds Sri Lankans.

Sudan – In a High Court "country guidance" on Sudan (HMGO), the judge said there were serious errors in the Home Office's case and gave strong indications that his judgment may make it harder for them to return certain Sudanese nationals. In April 2007, just before the judgment was to be handed down, the Home Office rounded up refused Sudanese asylum seekers, including Darfuris, and gave them "removal directions" on a British Airways flight to Khartoum.

Human rights campaigners claim the Home Office is collaborating with the Sudanese government to question asylum seekers fleeing the violence in Darfur. The Times reported that a Darfuri deported from Britain to Khartoum was tortured on arrival by intelligence agents who had apparently been made aware of his return by Sudanese embassy officials in London who had worked with the Home Office to deport him (Times, April 2nd 2007).

The charity Waging Peace said: *"Given the Sudanese government's known complicity in the ongoing genocide in Darfur, it is deeply concerning that the UK is attempting to send people from Darfur back to Sudan. It has a legal obligation under international law to protect Darfuri asylum seekers from persecution"* (Independent, April 13th 2007, "Collaborating with Sudan over refugees").

Zimbabwe – In 2005 the United Nations High Commissioner for Refugees said its directive *"for States to suspend all removals to Zimbabwe [initially made by UNHCR in March 2002] is maintained and remains current and valid"*. Yet the British government had rounded up and detained Zimbabwean asylum seekers.

99 Zimbabwean detainees are reported to have been on hunger-strike and some have claimed they were threatened by staff that they would be the first to be deported.

UK Foreign Secretary Jack Straw said that African leaders needed *"to recognise the scale of the horror that is taking place in Zimbabwe"* (BBC, June 22nd 2005). He told Zimbabwe's neighbours to do more to stop the abuses and said *"no government which subscribes to human rights and democracy should allow this kind of thing effectively to*

go on under their noses.” (G8 Information Centre, June 23rd 2005)



Yet while the foreign secretary said that Zimbabweans were being subjected to a “brutal crackdown” by Mugabe, the Home Secretary was attempting to send Mugabe more potential victims in the drive to deport, seemingly at any cost. The Zimbabwean government branded asylum seekers being forcibly returned from the UK as “trained and bribed malcontents” and “Blair’s mercenaries of regime change”.

“When a woman from a far country, with a black skin, is shunted around the detention estate, having committed no crime, in a situation in which the system does not believe that it owes an explanation to her, to citizens or to representatives, all our civil liberties are at risk. These women have been assaulted by the state’s escort service . . . prevented from seeing an investigation completed into an allegation of assault, . . . removed at night for no reason at all. Return those ladies to Zimbabwe? Some of them probably think that they have never left.” – Alistair Burt MP (Conservative) (Hansard, July 5th 2005)

Patricia Mukandara, a hunger-striker at Yarl’s Wood immigration removal centre, said most of her family, all members of the MDC opposition to Mugabe’s regime, had been killed. If she is sent back, she believes, she faces the same fate. *“If I go back, it’s obvious, I’ll be taken to Chikurubi maximum security prison to be tortured, raped and killed. . . . If I am removed, I know I will die. Those men are waiting for us – they rape us, they infect us, they kill us.”* She said her father, a farm manager in Zimbabwe, was killed by Zanu–PF supporters in March 2000. One of her brothers was killed after fleeing to South Africa, falling ill and being deported; the other was ambushed by Zanu–PF supporters and beaten to death.

In December 2004, the Medical Foundation for the Care of Victims of Torture published a report showing that out of 14 cases they examined, there were indications that 12 asylum seekers had been subjected to excessive and/or gratuitous force in the deportation process. Not long after, the Home Office agreed it would fit CCTV in the vans taking detainees to the airport.

Three Zimbabwean women who had been on hunger-strike at Yarl’s Wood in 2005 said they were taken to the airport in cars without CCTV rather than vans with CCTV, in a convoy of three cars, and assaulted while being taken to the plane and on the way back.



Harris Nyatsanza (photo above) is a Zimbabwean torture survivor who was detained at Harmondsworth detention centre in 2005. When he became too weak to walk during a prolonged hunger-strike, Harmondsworth authorities refused to take him to hospital. A visitor contacted an independent doctor, Dr Frank Arnold, who intervened. Only after a High Court order was issued did Harmondsworth transfer Harris to hospital, handcuffed, on day 28 of his hunger-strike.

Unlawful deportations

Some asylum seekers have been deported unlawfully. In one case a judge said it was not the first time that a deportation had gone ahead despite a high court injunction blocking the removal pending a judicial review of the case (Guardian, August 16th 2006, “Home Office ignored court injunction on deportation”). In some cases the deportee has been brought back to the UK. Apart from any claim brought by the individual deportee, the Home Office does not seem to face any further consequences.

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Glossary

BMA - British Medical Association.

BID - Bail for Immigration Detainees (www.biduk.org), who assist immigration detainees with bail applications.

C&R - Control and Restraint; this is a shorthand for the techniques which are permitted to be used to control and restrain an individual in situations where the use of force is lawful and/or authorised. In the immigration context, the techniques that are approved appear to derive from those developed and used by the prison service.

'Deportation' and 'removal' - these are ways in which the Home Office remove non British Citizens from the UK. Deportation is the procedure used where a criminal court makes a recommendation, or where the Home Office claim that removal is "conducive to the public good". There is a right of appeal to the decision to make a deportation order. In other circumstances where the Home Office claim that a person is in the UK in breach of immigration laws it may use administrative removal powers. The rules on appeals to such decisions are complex but often there will be no in-country right of appeal and judicial review will be the primary way of challenging them. "Deportation" is often referred to regarding cases that are in fact "removals" as the term "deportation" is more commonly used.

Detention centre - immigration removal centre (IRC).

Detention Centre Rules - These are rules governing how detention centres should be run and cover such issues as what should happen where a detainee alleges they are a torture victim, in what circumstances someone can be segregated and so on. They are a statutory instrument.

DCO - Detention Custody Officer; detention centre guards.

DSO - Detention Services Order - policy documents issued by the Home Office which give guidance on specifics on the management of detention centres and how the Detention Centre Rules should be applied in practice.

Healthcare Commission (HCC) - If a complainant is not satisfied by the response of their healthcare provider, they are entitled to raise the complaint with the HCC. However the HCC can only investigate if the provider is registered with them, as all public and private clinical services are required to be. Yarl's Wood, Colnbrook and Campsfield

detention centres are still not registered with the HCC.

HMIP - Her Majesty's Inspector of Prisons, within whose remit immigration detention centres lies.

Home Office - often referred to as UKBA, Borders of Immigration Agency (BIA), Immigration or Immigration Service.

Immigration escorts - individuals employed by private companies, contracted by the Home Office, to escort people being removed or deported to the country they are being removed or deported to.

IMB - Independent Monitoring Boards, appointed by the Secretary of State to monitor prisons and immigration detention centres.

IRC - Immigration Removal Centre, often referred to as "detention centre".

NCADC - National Coalition of Anti-Deportation Campaigns.

Removal - please see 'Deportation' and 'removal' above.

TA - Temporary Admission. Those who are liable to be detained under the Immigration Act can be granted temporary admission by an immigration officer as an alternative. TA will usually require the person to reside at a particular address and present themselves back before the immigration officer on a particular date. There will normally also be a prohibition on working.

UKBA - UK Border Agency; formerly the Border and Immigration Agency (BIA), and some times referred to as the "Home Office" or "Immigration" or "Immigration Service".

UNHCR - United Nations High Commission for Refugees.

Visitors to immigration detainees - members of the public who visit immigration detainees in detention centres, usually on a voluntary basis and as part of a visitors group.

List of illustrations by Lucy Edkins

Brute Exodus
Thug Attachment
Immigration Control
Revival
Looking for Signs of Stolen British Citizenship
Seeking Asylum
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Escort Team at Heathrow
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Just Doing their Job
Brute Focus
In Transit
Last Pitch for Sanctuary
Asylum Removal
Parting Gesture
From Torture Fled, to Torture Returned

Contributors

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Birnberg Peirce & Partners

Leading criminal defence, immigration and civil liberties firm. They have represented many people in immigration detention and advised in relation to complaints and civil actions arising from unlawful detention and alleged assaults, including civil actions against detaining authorities.

Medical Justice

Medical Justice is a network of volunteers who expose and challenge medical abuse in immigration detention. We facilitate the provision of independent medical advice and independent legal advice and representation to immigration detainees. We also seek to negotiate changes to policy and practice within detention centres. Established in 2005, Medical Justice is responsible for approximately 90% of visits by independent doctors to detention centres. We have been involved in over 600 immigration detainee cases and volunteer clinicians have written over 250 medico-legal reports. Medical Justice is entirely reliant on volunteers and donations. For further information: <http://www.medicaljustice.org.uk/>

National Coalition of Anti-Deportation Campaigns (NCADC)

NCADC gives advice and support on setting up anti-deportation campaigns and raises public awareness of the effects of inhumane immigration policies. Established in 1995, NCADC has two full-time workers who handle queries regarding approximately 600 people a month who face removal from the UK. For further information: <http://www.ncadc.org.uk/>

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