

1st March 2005

"Asylum Undercover" ; investigation exposes violence & abuse - BBC 1, 2nd March 9.00pm

Background Briefing regarding

Whilst there is appropriate condemnation of a handful of terror suspects detained on the say-so of the Home Secretary, it remains largely unacknowledged that the UK currently indefinitely detains more than 1,500 men, women and children who are not accused of any crime – on the say-so of immigration officials.

For years, a wealth of reports from detainees, anti-detention campaigners, journalists and government officials have been describing the dreadful conditions of detention and violence in removals, but little has changed.

The Medical Foundation for the Care of Victims of Torture (Oct 2004) looked at the cases of 14 immigration detainees claiming excessive force had been used against them during removal : their medical evidence supported the claims in 12 cases of excessive or gratuitous force, including being punched in the head and face and assault to the genitals. One woman, who had disclosed previous torture in her home country, claimed she was dragged on her back up the aircraft steps by handcuffs. A man claimed he was kicked in the abdomen, chest, legs and mouth while on the ground with his hands cuffed behind him, and that after the removal was abandoned, he was handcuffed inside a van and kicked in the chest and abdomen. Verbal abuse included being called "you black bitch" and "dirty". Injuries included loss of consciousness, tooth loose, bleeding from the mouth, testicular pain, nerve damage, and abrasion over the cheekbone from being dragged along the ground.

Allegations by the Daily Mirror which were largely substantiated by the Prison Ombudsman's Inquiry into Allegations of Racism & Abuse at Yarl's Wood (30/04/04) who is operated by Global Solutions Limited (GSL).

GSL officer : "Christina decided to give us some trouble so we showed her Mr Bendy. C and R [control and restraint] over she was an angel. A magnificent transformation". GSL officer : "We had this guy in Campsfield who was a self-harmer. He used to put his head down and run into walls. We had to restrain him on the ground for 24 hours - one on each arm and one on the head and every time he kicked off we cranked a little more". During training of new recruits, and officer explained that Yarl's Wood and Group4 are fined £10,000 for each successful suicide bid "and smaller profits for Group4 mean smaller pay rises for us". A GSL officer told new recruits that the advanced C&R (Control and Restraint) teams are equipped with 'night sticks' : "They are called night sticks because, when you hit someone with them, it's goodnight". GSL officer : "They might die in certain positions. We don't want to kill them. But provided we have done it by the book, we will get away with it". GSL officer : "Healthcare are there in case of emergency, such as if they stop breathing. It happens more often than you might think". GSL officer : "Now they are rowing over in dinghies. Sink them, that's what the navy should be doing". GSL officer description of detainees : "useless scrubbers".

An Eye-witness on flight TE453 from Gatwick to Vilnius (29/04/04) described three Lithuanian women being deported in shackles, along with 3 terrified unaccompanied children, one of which UK Immigration officials had a neck lock - all were screaming in fear and pain. "Cabin staff and passengers alike witnessed the degrading and humiliating scene of the women being dragged the full length of the cabin, one dressed only in her underwear". The witness says she was berated by an Immigration official for 'interfering in government business'. The attempted removal was just 48 hrs before Lithuania became a full member of the EU.

Anne Owers CBE, HM Chief Inspector of Prisons (22/10/03) – "lack of supervision can result in arbitrary or sloppy decision-making ... in one case two detainees literally lost in the system, three months into what was supposed to be an overnight stay in prison" and (27/07/04) "people are languishing in unsafe detention centres because of the inefficiencies and chaos of the Home Office". We note that John Razek Khaled, 34, from Iraq was released from Dungavel Removal Centre after 25 months in detention (http://www.closedungavelnow.com/names_not_numbers.htm)

Seemingly petty charging detainees builds resentment - The Investigation into a disturbance at Harmondsworth Removal Centre confirmed that detainees were suddenly being charged for drinking water from vending machines. Detainees complain that phone credit inside detention centres costs much more than outside. One detention centre was found charging detainees for an advice leaflet that had been provided free of charge by charity Bail for Immigration Detainees. A Harmondsworth officer justified the high cost in the detention centre as "convenience".

Self-Harm is frequent. A detainee at Dungavel Removal Centre attempted suicide by driving a seven-inch iron rod into his stomach - after surgery he was taken back to Dungavel and placed in solitary confinement.

"There were no cameras in there so they gave him a good pasting - I went in there and splattered him". Perpetrators of violence and abuse against detainees have not been adequately held to account.

Lord Bassam said (24/05/04 Lords debate) that "every allegation of assault on detainees by staff is fully investigated and also referred to the police". Indeed, six guards from Harmondsworth were questioned about a detainee who alleges that whilst held in Segregation in February 2004, he was subjected to a series of blows that left him with cuts to the face. But many detainees and solicitors say they find staff and police reluctant to investigate."

Lord Bassam said that 25 investigations were completed and none were fully substantiated. However, some civil actions taken by detainees have been settled, indicating otherwise. Lord Bassam's description of the "very few complaints" contrast with one firm of solicitors, Birnberg Peirce & Partners, who said (23/05/04 : Observer) that they were receiving a new allegation of abuse every day.

One GSL officer described an assault on a detainee who made a formal written complaint - the Prison Ombudsman, in his Inquiry into allegations of racism and abuse at Yarl's Wood, said it was "shocking" that the allegation had never been investigated properly.

Indeed, private profit making companies involved have been awarded with further lucrative contracts, the details of which often remain "commercially confidential".

The Prison Ombudsman Inquiry into allegations by the Daily Mirror stated that "these were startling and hugely worrying allegations. If true, they would have called into question not just the management of Yarl's Wood ... but the fitness of the contractor (GSL) to run any removal centre ... in this country". The Inquiry did conclude that most of the things the Mirror journalist said happened did happen, yet not only does GSL appear to have retained all its contracts to run Yarl's Wood, Tinsley House, and Campsfield House Removal Centres, and Oakington Reception Centre, but were awarded a huge contract of undisclosed value to design, build and manage a 750 bed Accommodation Centre at Bicester, just 30 days after publication of the Inquiry. GSL was a partner in the design and build of Yarl's Wood, which was described in the Prison Ombudsman inquiry into the fire and disturbance at Yarl's Wood on February 14th 2002, as "astonishingly flimsy" and "not fit for the purpose". GSL also hold a contract for "in-country escorting" of immigration detainees, which they estimate involves 90,000 detainee movements per year.

On February 14th 2002 GSL officers pinned a 51 yr old female detainee to the ground which the Prison Ombudsman's Inquiry stated "led directly to the disturbance". He said "C&R [Control and Restraint] involves the use of regulated violence. To apply such violence to a distraught middle-aged woman should have been the absolute last resort". GSL officers put paper over a glass section of a door, preventing male detainees behind it from seeing the C&R of the woman, which the Ombudsman said was "like a red rag to a bull" - that it was "at best naivety borne of inexperience. At worst, it was an act of crass stupidity". GSL allegedly dragged the woman along the floor and locked her into a stairwell. GSL grossly and negligently mis-managed the subsequent disturbance and an order was given that detainees be locked in the burning building, that the then Home Office had decided not to fit sprinklers to.

The Home Secretary's failure to act may encourage contractors to believe their failures and incompetence will be continued to be tolerated.

David Blunkett, the then Home Secretary, visited Dungavel Removal Centre and said he found the conditions "entirely satisfactory". A few weeks later on July 21st 2004, an immigration detainee was found hanged at Harmondsworth Removal Centre. Four days after that, a detainee was found hanged at Dungavel.

The day after Yarl's Wood was half-destroyed by fire in 2002, David Blunkett declared that GSL had acquitted themselves with "dedication and courage". Shortly thereafter, GSL were under investigation for Corporate Manslaughter.

No less significant than racism and violence are the less visible abuses which undermine asylum claims

The Association of Visitors to Immigration Detainees reports that in January 2005, on initial contact 50% of detainees visited had no legal representative. Many are effectively blocked from apply for bail or challenging the lawfulness of their detention and often unable to pursue their asylum or immigration case as detention can hinder gathering the evidence needed to prove their case. This situation has worsened since legal aid cuts introduced in May 2004.

Detainee complaints of access to health care are plentiful. If a detainee does get to go to hospital, they are often handcuffed throughout. Lilian Macer of the Unison described how an asylum seeker was removed from Wishaw hospital : "There were three members of detention staff on the doors and another was co-ordinating. The staff removing him were armed and the patient was unsure what was happening. He did not speak English and there was nobody there to translate. He was practically dragged out. Staff on duty were horrified." Linda Fabiani, the SNP's deputy shadow minister for social justice, highlighted how a Cameroonian was handcuffed to guards throughout her stay at Hairmyres Hospital while she waited for an operation (30 January 2005 <http://www.sundayherald.com/47406>)

Patchy "Independent Monitoring" and non-public Inquiries do not build confidence that impunity is eliminated.

Independent Monitoring Boards (IMBs), whose members are appointed by the Home Office, are under no obligation to publish their findings, from which the Home Secretary may remove confidential information. No IMB report on Yarl's Wood appears on the Home Office website, but a painfully thin one covering 2002 was obtained with the help of Private Eye magazine – despite children as young as a 5 week old baby having been detained there at the time, the report does mention the word "child" once. The Yarl's Wood IMB Chairman said the Daily Mirror journalist "should be ashamed of himself" – the Prisons Ombudsman later confirmed most of the journalist's allegations were true.

The Prison Ombudsman's Inquiry into allegations of racism and abuse relied heavily on GSL's own investigations and the recommendations seemed weak. One GSL officer was reported as saying "I once told him "I will fuck you up tomorrow". I was involved in the C& R team that wrapped him up the next day. It was brilliant". Another GSL officer had told the Inquiry Team that he had witnessed the C&R and was in some doubt whether there was any reason to restrain the detainee at all, and that he was told by other officers to stand in front of the CCTV during the C&R. The Prison Ombudsman did not make any further investigation and only recommended that "IND discuss with GSL the need to investigate" - the same recommendation was made regarding an incident the Ombudsman describes as being "prima facie evidence of a criminal offence"

In his Inquiry into the disturbance and fire at Yarl's Wood, the Ombudsman said he could not substantiate the claim that detainees were locked in the burning building, yet during the trial of detainees the court was told that a GSL officer said they were told to "lock the detainees in the burning building", that the order was obeyed, that he knew who gave the order and if bodies were found he would tell the authorities ; he believed the order was wrong and it was worrying him.

The Ombudsman found descriptions of how detainees were trapped in the building as "extremely disturbing" but his recommendation – that GSL reviews its fire contingency plans - seemed insubstantial, especially as DCC Dixon said there was "no doubt whatsoever" that had there been any deaths, a charge of corporate manslaughter would have been likely. The Ombudsman said "I share others' incredulity that no-one has been able to say with absolute certainty how many detainee were present"

Lessons never seem to be learned

The Ombudsman's Inquiry into the disturbance and fire at Yarl's Wood stated "if the disturbance had not broken out at Yarl's Wood, the same potential existed 40 miles away at Harmondsworth. My purpose in recounting what occurred in such detail, and at such length, is to ensure that such a set of circumstances can never come about again". The Yarl's Wood fire occurred on Feb 14th 2002 but the Inquiry was not released until 16th Nov. 2004.

But meanwhile a similar set of circumstances had indeed occurred at Harmondsworth on 19th July 2004. A Ukrainian asylum seeker was in the shower on C wing, hanging by a shoelace from the shower control button. A large scale disturbance ensued. Sue McAllister, Head of Security Group H M Prison Service said "It is not uncommon for detainees to react aggressively to the death of a fellow detainee and to suspect foul play by staff. Staff might have been expected to anticipate this and to have taken action to defuse the situation." Harmondsworth detainees were sent to various detention centres and prisons across the country – one of them was a Vietnamese man sent to Dungavel was found hanged there three days later.

An Investigation into the disturbance at Harmondsworth was also published on 16th Nov. 2004, nine days after an asylum seeker died having made a serious suicide attempt at Colnbrook Removal Centre, just next to Harmondsworth.

HM Chief Inspector of Prisons had reported 29/08/03 that "We did not find that Harmondsworth was either a safe or respectful environment" and that "The monthly suicide awareness team was unaware of the 11 incidents that had taken place that month and had no input from healthcare staff or suicide liaison officers"

Assaults, disturbances and deaths have been a not infrequent feature in the detention estate and removal process – we are not surprised by the suicides, and neither should the Home Office be.

In the same month as the Yarl's Wood fire, the then Home Secretary said in his Secure Borders, Safe Haven 'white paper' that "The Government, and those agencies and organisations delivering nationality, immigration and asylum services, need to demonstrate that they know what they are doing, and that they are doing it well" – some say it is blatantly evident they do not, or even worse, they do.

Indefinite and arbitrary detention, inadequate access to medical care and legal representation, high levels of assaults, racist abuse, coupled with trauma from possible prior detention and torture in their home country and fear of being sent back to places like Sudan, Somalia and the Democratic Republic of Congo – is a lethal cocktail. Many think there will be more deaths in the future because little about the conditions of detention has changed. The UK is the only European country to detain children and they should not be exposed to an environment of assaults and suicides.

GSL officers dehumanised children to "child male" and "child female". Yarl's Wood has the greatest number of detention places for children in the UK. The journalist who went undercover there reported a GSL officer saying that he was trained in 'PCC' ; "It's a form of C & R for children without the locks and that which can break their bones".

Using private contractors cannot be used as a smoke-screen. The Ombudsman ; "Regardless of any transfer of risk issues, the state simply cannot wash its hands of responsibility for those whose liberty it has removed".

We call for an urgent full public inquiry into the conditions of immigration detention, immediate closure of all immigration detention centres until the Inquiry's findings are publicly available and evidence provide that all recommendations have been acted on in full. We call on an immediate and permanent end to all arbitrary and unjust immigration detention.

SADY response to Mirror Inquiry ; www.geocities.com/sady_campaign/
http://observer.guardian.co.uk/uk_news/story/0,,1268633,00.html
<http://news.scotsman.com/topics.cfm?tid=33&id=850732004>
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