



The Punishment Room: Challenging the Abusive Use of Segregation in Immigration Detention

Posted by [Patrick Page](#) on 20 July 2017

Patrick Page from Duncan Lewis solicitors blogs for Liberty on their landmark challenge to the use of solitary confinement in immigration detention – which reaches court tomorrow.

Pamela* had just showered and was still in her underwear, applying moisturiser, when the immigration officers came into her room to remove her from the UK.

She refused to be taken to the airport, as she still had an outstanding application to remain here – so the officers tried to remove her by force.

One grabbed her neck and head, blocking her windpipe.

“I was filled with fear and tried to get out of her grip,” she said. “I kept telling her ‘I cannot breathe’ but she continued to push my head towards my chest. Eventually I stopped trying to get out of her grip and fell to the floor.”

The officers escorted her to the Kingfisher Isolation Unit – a prison within a prison at the notorious women-only detention centre, Yarl’s Wood – to be placed in solitary confinement.

Pamela, a victim of torture, describes her cell as small, dark and cold, furnished only with a rusty toilet adjoining the bed. This was her punishment for “non-compliance”.

Three months later, she found herself back in the isolation unit. This segregation was completely unprovoked, and was apparently in “preparation for imminent removal... due to previous non-compliance”. The previous non-compliance was “removing her clothing and covering herself with oil” – otherwise known as moisturising after a shower.

For safety, security or stubbornness

Pamela is one of thousands of detainees being placed in isolation for dubious reasons.

The Detention Centre Rules 2001 allow such segregation when “necessary in the interests of security or safety”.

They stipulate that in a privately-run detention centre such as Yarl’s Wood (managed by Serco), solitary confinement can only be authorised by the Home Secretary or – in urgent cases – a manager of the centre.

Pamela’s segregation was not in the interests of security or safety. It wasn’t urgent, and it wasn’t authorised by the Home Secretary.

The vague nature of government policy on solitary confinement, combined with a lack of oversight of its use, has created a dangerous vacuum, opening the practice up to abuse.

In 2015, a powerful [report](#) by Medical Justice found a “widespread use of segregation which contravened the Detention Centre Rules”.

Detainees are placed in units with tender names such as the Eden Wing or Lavender Room – but in reality solitary confinement is being used unlawfully as a form of punishment, to manage detainees with mental health problems or at risk of self-harm, and as a means of aiding the removal process.

Punishment room

The damaging effects of segregation are well established. Medical Justice found it leads to “increased rates of anxiety, social withdrawal, perceptual disorders, hallucinations and suicidal thoughts after relatively short periods”.

For this reason, it is only used as an exceptional last resort in psychiatric hospitals, for the shortest time necessary.

Her Majesty’s Inspectorate of Prisons (HMIP) has also criticised the way solitary confinement is being used in immigration detention.

At Tinsley House immigration removal centre they discovered it was being used in a “punitive and unnecessary” way.

At Brook House and Harmondsworth removal centres they found segregation being used as an “unofficial sanction for non-compliance”. “This is a punishment room”, said one detainee at Harmondsworth.

In response, the Home Office has drafted guidance on solitary confinement – but Liberty slammed it for providing “no reassurance that the bad practice which has come to characterise this system will be mitigated”.

Liberty highlighted that in prison solitary confinement beyond 72 hours must be assessed by the Independent Review Board.

But for immigration detainees, any segregation longer than 24 hours need only be authorised by a senior manager at the centre.

A prisoner who has been segregated longer than 72 hours has the right to challenge their confinement. Immigration detainees do not.

That the guidance mentions the possible isolation of a detainee for being “stubborn” tells you everything about the mindset behind this policy.

Pamela’s challenge

This Friday, the policy will be challenged in court for the first time. Duncan Lewis Solicitors, acting on behalf of Pamela, will argue:

- The Government broke the law by failing to publish a policy on the application of the Detention Centre Rules.
- The failure to allow detainees to challenge their confinement is unlawful.
- The decision to isolate Pamela was unlawful because it was not properly authorised.

This is a power over the powerless, and it is being abused on our watch. We cannot allow it to continue.

**This is not her real name. She wanted to share her story but to remain anonymous.*

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Founded in 1934, Liberty is a membership organisation at the heart of the movement for fundamental rights and freedoms in the UK.