



SAM TOBIN

THURSDAY, AUGUST 8, 2019



# Home Office loses final bid to stop investigators probing G4S detention centre



A general view of D Wing on the official opening of Brook House Immigration Removal Centre in West Sussex, in March 2009

**T**HE Home Office has failed in a bid to challenge a High Court ruling on the terms of an investigation into alleged abuse at scandal-hit Brook House immigration removal centre.

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Two former detainees at Brook House, identified only as MA and BB, successfully argued that a full independent investigation into “systemic and institutional failures” was needed “to ensure fact-finding, accountability and lesson-learning.”

They brought their case after a BBC Panorama programme, broadcast in September 2017, featured undercover footage of detainees suffering alleged assaults, humiliation and verbal abuse by officers at the G4S-run centre near Gatwick airport.

The footage appears to show one detention custody officer holding MA down while whispering in his ear: “Don't move, you fucking piece of shit. I'm going to put you to fucking sleep.”

BB, who alleges that officers used excessive force on him after he threatened to kill himself, later said: “The abuse shown on Panorama wasn't even half of what really went on.”

Fourteen members of G4S staff were sacked or resigned following the broadcast, and the Home Office asked the Prisons and Probation Ombudsman (PPO) to carry out an investigation.

In June, the High Court found that there was “a real risk amounting to an overwhelming probability that former G4S staff will not attend voluntarily to give evidence” and ruled that “the PPO must have a power to compel witness attendance.”

Ms Justice May held that “the egregious nature of the breaches,” which she said had been “repeated events, in front of others, where the perpetrators were managers and trainers, as well as ordinary officers,” required the PPO to have such powers.

The lawyers for MA and BB announced today that the Court of Appeal had rejected the Home Office application to challenge Ms Justice May’s ruling.

After considering the application without an oral hearing, Lord Justice Bean ruled: “I do not consider that there is any realistic prospect of success in the proposed appeal.”

The judge said it was “difficult to see how a satisfactory investigation could be carried out in the present case without the alleged perpetrators of the abuse being required to give evidence.

“The special investigation should be permitted to proceed without further delay.”

MA's lawyer, Nicholas Hughes of Duncan Lewis, told the Morning Star he welcomed the development:

“A thorough, independent and effective investigation into the culture of abuse in Brook House IRC, with the powers conferred under the Inquiries Act, is long overdue and essential to ensure that the horrific treatment of our client at the hands of G4S staff in Brook House is vital to ensure that lessons can be learned and to protect some of the most vulnerable individuals in society from further abuse.

“There have been numerous investigations into immigration detention over the years, none of which having the power to compel witnesses, or having effective victim participation, and none of which have prevented immigration detainees from being bullied, subjected to racist abuse, or being physically assaulted.

“It has been over two years since our client suffered appalling abuse at the hands of G4S staff in Brook House IRC, as revealed by the BBC Panorama Documentary, during which we have fought a lengthy legal battle to ensure that these abuses and the culture which allowed them to take place are revealed and lessons are learned. We hope that, following this decision, the investigation can take place without any further delay.”

A spokeswoman from the Equality and Human Rights Commission, which intervened in the case, said: “No one should ever be subjected to the inhumane and degrading treatment that detainees at Brook House experienced.

“We supported this case as there appeared to be deliberate acts of humiliation and abuse.

“We welcome the decision to uphold the High Court judgment and urge the Home Office to ensure the investigation is carried out as directed by the court to examine any human rights breaches and put in place sufficient measures so that they never happen again.”