

Immigration and asylum

Hundreds of torture victims may sue UK over asylum detention

High court finds in favour of four claimants, and many more may now bring cases against government



 An immigration detention centre. Photograph: Tim Ockenden/PA

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Hundreds of torture victims may sue the government for unlawful detention after a landmark ruling in the high court. Many of these cases could now be reconsidered by the Home Office.

Four asylum seekers who fled rape and torture in their home countries brought a test case against the home secretary for locking them up in immigration centres under the detained fast-track (DFT) system in breach of the government's own rule that torture survivors generally should not be incarcerated.

The judge, Mr Justice Blake, found in their favour and all four are now entitled to claim damages against the government for unlawful detention. The cases of three of them can be reconsidered.

Twenty-one cases were awaiting the outcome of Friday's case, and it is thought that there are hundreds more vulnerable asylum seekers who should never have been detained and who may now bring cases against the government.

The Home Office conceded that it acted unlawfully by failing to identify vulnerable asylum seekers not suitable for DFT, and so failing to use a rule that should prevent survivors of torture and other vulnerable asylum seekers from

being locked up.

The DFT system determines cases very quickly, and campaigners say it fails to give torture survivors time to obtain expert reports about scarring, PTSD and other conditions related to torture, nor to obtain proper legal representation.

Friday's ruling is linked to [a statement](#) issued by the immigration minister James Brokenshire on Thursday announcing the immediate suspension of the detained fast-track system because of concerns about unfairness.

About 800 cases are expected to be reviewed and more than 100 people are expected to be released. Many were released immediately prior to or just after the announcement was made. Last Friday the court of appeal declared the seven-day limit for asylum seekers to prepare their cases as "structurally unfair".

Friday's cases included that of a gay man from Cameroon who experienced torture because of his sexuality. A doctor identified back problems due to torture and found multiple well-healed scars. The doctor referred him to a psychiatric team for assessment for PTSD but the Home Office initially rejected the request to release him and he was held for 14 days.

The second case was a Sri Lankan woman who claimed asylum in January 2015. She had been raped by police, burned with a hot stick and had scarring from self-harm as well as problems of sleeplessness. She was detained for 32 days by the Home Office.

A gay woman from Cameroon was badly tortured because of her sexuality. She was beaten, burned with a cigarette and was found to have scarring on her leg and groin. She was suffering from flashbacks due to torture and low mood. She was detained in January 2015 and held for 32 days.

The fourth case was an Egyptian man who had been tortured because of his membership of the Muslim Brotherhood. His torture included having two toes broken by prison officers.

Toufique Hossain, a solicitor in the case, said the high court ruling was a significant victory. He said some of those who had strong cases and should never have been locked up on DFT had already been forcibly removed from the UK.

"In these cases, our clients were detained on the fast-track system. They are torture victims, rape victims, victims of serious harm. Our clients told the Home Office as best they could of their trauma through the Home Office's own internal system, which we now know clearly didn't work," Hossain said.

"These were four clients but indicative of a significantly wider group of vulnerable people locked up, disbelieved and refused asylum. Some have been removed. Some still languish in detention. Our cases, coupled with the government's change of position, will pave the way for countless unlawful detention claims and reviews to negative asylum decisions."

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