



Survivors Speak OUT network response to the Parliamentary Inquiry into the use of Immigration Detention, 1 October 2014

1. Introduction

1.1 Survivors Speak OUT (SSO) is a UK-based network of survivors of torture who actively speak out against torture and its impact. We are all former clients of Freedom from Torture, a UK-based human rights organisation and one of the world's largest torture treatment centres providing a range of clinical and therapeutic services to survivors of torture and organised violence. The network is supported and facilitated by the charity.

1.2 The evidence provided is based on the first-hand experiences of six men and two women, all survivors of torture, subjected to immigration detention at different periods between 2002 and 2013. Some were detained once, others up to three times. The duration of detention ranged from three days to ten months and detention took place in the following Centres: Harmondsworth, Dungavel, Colnbrook, Portsmouth, Dover, Campsfield House and Brook House.

1.3 In September, four members of SSO and four members of the Service Expert Panel at Freedom from Torture, former and current clients who advise the organisation on service delivery, came together on two separate occasions to collect evidence for the inquiry and agree recommendations for change. The evidence collected focuses on misinformation during immigration detention; lack of safeguards to protect survivors of torture from detention; problems accessing legal rights and representation; poor healthcare including lack of access; and the impact of detention on survivors of torture.

2. Misinformation and betrayal of trust

2.1 None of us were told what was happening when we were being detained. We were not given any information about where we were being taken, why or what would happen next. As we had all experienced detention leading to torture in our countries of origin, to be detained in this way was especially traumatic.

“They lied to me; they told me they were taking me to a better place than the hostel I was at. They told me I would be given a phone card, lunch, underwear, toothbrush, three meals and that things would be better. They then asked if that was ok with me and asked me to sign the paper. So I did, because I didn't speak English and signed it.”

2.2 In three of our individual experiences, we were told by detention officers that we were “being taken somewhere for our own safety”. Two survivors reported detention officers using this same wording in 2005 and a third in 2011 which may indicate a common practice of using deception in this way.

2.3 The experience of torture severely impacts the ability to trust other people and this new betrayal, by those in a position of authority who are supposed to protect you, not only triggers past memories but creates fresh trauma and distrust.

"The first immigration officer you meet destroys your hopes and dreams which demoralises you and traumatises you. Then you are placed in detention without explanation which traumatises you even more. They make you feel like a criminal. This kills your confidence and you fear what you are saying. You hold things back because you are afraid that they will use it against you. It is really hard for you to understand what to expect. The immigration officials you come into contact with make you feel really insecure and this makes it difficult to trust them. If they explain things to you, you would trust them more and have more confidence in explaining things to them."

Recommendations

- Asylum applicants must be informed about what is happening to them at every step of the process, including being given clear and truthful information to prevent unnecessary fear and further trauma.

3. Safeguards to prevent the detention of survivors of torture

3.1 Our collective experiences of being held in immigration detention show that safeguards to prevent survivors of torture from being detained do not work.

3.2 Three of us were detained when we first claimed asylum and were placed into the detained fast track after an initial screening interview:

"I did not have any information. I was in fear which is why I didn't claim asylum straight away. I looked at the internet and booked an appointment in Croydon to claim asylum to get screened... Two gentlemen picked me up and put me in a van. I was so traumatised, I thought "what is happening?" and asked myself "am I a criminal?"

3.3 The initial health assessment on arrival in detention does not work effectively to identify survivors of torture .

"I said I was struggling to sleep and had a headache and was given paracetamol. They didn't ask appropriate questions. At that moment, I knew nothing, I didn't know these were symptoms of torture like I do now, I just felt tired. If a health professional is aware they can ask more questions."

3.4 Detention was continued even where the Home Office was informed of the history of torture. In one person's case, his solicitor arranged for an independent medical report whilst he was in detention. Even after the report was submitted to the Home Office confirming he had been tortured, he was held in detention for a further three weeks.

3.5 Three of us were Freedom from Torture clients when we were detained:

"At the time of detention I was a Freedom from Torture client. The Home Office did not care. I had letters from Freedom from Torture but the Home Office said they didn't believe anything. Even the Home Office psychologists wrote about it, but they still refused to believe."

Recommendations

- All Home office staff should receive appropriate guidance or training on working with vulnerable people so that claiming asylum does not feel like a crime.
- Detention should not be used for applicants in the asylum process as they have committed no crime.
- Torture survivors should not be detained or placed in the detained fast track process and safeguards should work effectively to ensure this. These should include sufficient time for anyone who claims asylum to access an independent health assessment, legal advice and submit a statement before decisions are taken on how their claim is dealt with.
- All frontline staff in detention centres should be trained in identifying victims of torture and those with physical or mental health issues and should be able to initiate processes that secure their release from detention. Detention should be subject to automatic and independent reviews.

4. Access to legal rights and representation

4.1 None of the eight were informed of their rights by officials when they were detained, including the right to apply for bail. Everyone felt the lack of information about the detention process and their rights was disempowering and increased their vulnerability.

4.2 Three people described being prevented or discouraged from accessing advice and representation:

"When I went to sign the first time, I was detained. I asked if I could call my solicitor but they said I didn't have the right to call my solicitor because this was an immigration case and not a criminal case. I begged her but she said I did not have the right to call my solicitor. After I was detained, I had access to my solicitor after a few days."

"Having a solicitor before detention almost worked against me. They said it was suspicious that I had a solicitor and they intimidated me about it. They tried to bully me to change my solicitor. I refused, even though I did not know my rights. I was afraid of having to tell my story again..."

"We had built relationships of trust with them, so to be cut off from them their support and their belief in our case was terrifying, as was the prospect of having to tell our story again."

Recommendations

- People being detained for immigration purposes must be informed of their rights, including their right to bail.
- People must be given access to appropriate legal representation including a representative of their choosing both before and during detention.

5. Access to appropriate healthcare

5.1 Most of us were unable to access appropriate healthcare to meet specific health needs whilst in detention. Two people arrived in detention suffering from serious physical injuries as a result of torture.

"When I got to detention I saw the nurse and explained that I couldn't sleep and I was suffering from bleeding. The nurse said she would book an appointment the next day to see the doctor, but I never saw a doctor. It was three sleepless nights because of pain and depression. During the day, I cried almost all the time, I could not control it. I ended up having major surgery when I was released."

"When I arrived I was in great pain in my knee that I dislocated previously. It took two days to see a doctor who examined me. I was asked a few questions to explain what happened back home. They gave me paracetamol and said they would send a form to immigration to get treatment. It still took two weeks for me to be released after that, and after Freedom from Torture made an application on my behalf. I only saw a doctor when I was released. I was given painkillers, and cream to apply to my swollen knee and told to exercise it regularly. I spent the next two days without eating but no one cared."

5.2 Another person was refused medication despite a letter from her GP confirming that it was essential. Her condition subsequently deteriorated.

"In Yarl's Wood they treat you like you are trying to lie to them. The doctor came once a week and would always say "you look fine, you look good". I was prevented from receiving the medication I needed. I could not sleep and had no appetite and was dehydrated."

5.3 All members felt they were not treated as human beings by healthcare staff. Members described the difficulty of engaging with healthcare staff in a detention setting but also a 'culture of disbelief' around healthcare concerns raised with medical centre staff:

"The detention environment puts a strict barrier between the asylum seekers and the healthcare staff. As an asylum seeker you feel threatened, mistreated, insecure and this makes you less likely to accept the healthcare official. Even if there are genuine healthcare people wanting to help, because you are insecure it creates a barrier between the two sides. People in detention need to be given a sense of security, this will help break down the barrier."

"In the detention there is no real treatment, all they give you is paracetamol. When you are sick, they won't consider any treatment until you are in critical condition. When they realise you are really very sick, they put a chain on you and take you to the hospital, just like a prisoner."

5.4 Both the experience of detention itself and the security measures used when taken to hospital outside of the detention centre can have a harmful impact on vulnerable people.

"When they removed my roommate I was shocked. For the next six days I was sick and traumatised. There was no appropriate treatment. The nurse accused me of doing it on purpose and was physically holding me. Afterwards they took me in an ambulance to hospital. When I was in there I had two security guards on either side of me. It was very uncomfortable when I tried to sleep. It felt like torture, I had to leave the toilet door flung open. There was no privacy at all, even in the hospital. I couldn't say anything because the security people recorded everything, I couldn't tell the doctor. I was afraid of telling the doctor for fear of retribution at detention centre."

Recommendations

- All detainees must be given regular access to objective medical professionals and high standards of care as set by the General Medical Council and British Medical Association.
- Health professionals within detention centres should give full consideration to medical advice or evidence from independent medical professionals and should be trained to support the healthcare needs of all detainees.

6. Mental and emotional support during detention

6.1 We all felt that as if the detention system was intentionally designed to make life as difficult as possible so that we would not pursue our claims:

"Although I was stressed and depressed, nobody ever offered emotional support or counselling. If anything, they just look at you like you are lying and faking the situation. They rely on depression to decide on your fate. They want you to give up and to go home..."

6.2 Members of the group commented on the lack of support available to vulnerable detainees:

"The moment you get into detention, it is like being re-traumatised. There is no privacy. They lock you in at 7 o'clock. Everyone is depressed and there is no one to talk to. There is no psychiatrist or anything to ask you how you feel."

6.3 We also questioned the training of staff and how well prepared they were and are to work with vulnerable people:

"The people at the detention centre are security guards, so anything you ask of them they just say "we are just security". The people who are there have no training in how to handle anything. They do not have the capacity to help anyone in a vulnerable situation."

Recommendations

- All frontline staff in detention centres should be trained in identifying victims of torture and those with physical or mental health issues and should know how to initiate processes to ensure appropriate care and release from detention.
- Confidential, 24-hour psychological support should be available to all detainees and this should be clearly signposted.

7. The impact of detention on torture survivors in the immediate and long term

7.1 For survivors of torture, the constant threat of removal experienced in detention is a form of mental torture. It brings back the fear of torture in full. We discussed how detention is like a "death sentence".

"The difference between being a torture survivor and not being a torture survivor is that you know for sure, you know exactly what is waiting for you in your home country. The fear that I would be deported or removed the next day was constant. I would rather die in detention or on the plane than experience the torture again."

"Brook House is next to the airport. They open the roof so you can see the airplanes in the sky. You see people being deported. This traumatises you. You constantly think you are going to be next."

7.2 We discussed how detention itself also breaks you, because when you seek protection in the UK you feel like you have come to a safe place, but detention makes you lose the trust that any safe place exists.

"You have experienced an extremely difficult situation back home and you have the hope that you have arrived somewhere where you can be treated like a human being, but in fact they take you straight back to prison. Where you have come from and where you are now is no different. In fact, it is slightly worse because at home you have family and people to think of you but here you are completely alone."

"When they removed my roommate I was shocked, they came and pulled her off the toilet physically, she was very small but they grabbed her right off the toilet and I was completely shocked. I hadn't seen anything like that even in my own country."

"I was praying to die in detention because I did not know when I would be released. I had been there for so long and was told that I could be staying for three four years depending on when a country would accept me."

7.3 People detained over ten years ago spoke about suffering from the long term effects of immigration detention including how it delayed their recovery:

"I still have nightmares and flashbacks. There is also an impact on my family. I am still on medication because I cannot sleep. I still have nightmares. I am always afraid when I see people in uniforms even ticket officers on the bus or train. I run away. It would not have been so had I not been in detention."

"Detention had a grave impact on my personality. I tried to take my own life twice... If I wasn't detained ... I think I could have been rehabilitated quicker. ... I still get worried and I still have the images of the detention. You always have it in the back of your mind that you are not really a free person. I received a letter saying that I didn't have to sign in, but I still fear that I have to go and sign on. The 9th is always a date that makes me nervous."

7.4 We all felt that once detained the fear of removal stays forever. You can never feel completely safe anywhere again.

"You lose confidence and faith in the UK. I haven't committed a crime, the only crime I committed was trying to make the world a better place and was tortured for it and sought asylum for it. Whenever I see a van, I freeze up. Sometimes I sweat and get really scared. I still don't like security guards, even the ones in the shops, I get angry and aggressive. Even now, as a British citizen, when I travel abroad I still get scared. I fear they can snatch it away from me just like that."

7.5 We all said that detention had made us feel like a criminal:

"I was not a criminal but I cried a lot because I started seeing myself as one"

Recommendation

- In addition to the above recommendations aimed at ensuring that torture survivors are not placed in detention, those survivors of torture who are detained should be immediately referred to a specialist rehabilitation organisation for treatment and support upon their release.

For further information contact: Kolbassia Haoussou, Coordinator and network member of Survivors Speak OUT, (e) sso@freedomfromtorture.org (t) 0207 697 7139