

*‘All that fear and all those thoughts
came back to me as anger’*

Resistance to Detention & the Urgency of Abolition



Figure 1: Surround Harmondsworth Demonstration

Submission to the Parliamentary Inquiry on Immigration Detention

By Movement for Justice, By Any Means Necessary

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Figure 2: Photo by Peter Marshall, Detainees hold up signs during Surround Harmondsworth demonstrations

CONTENTS

INTRODUCTION	3
SECTION ONE: BUILDING A MOVEMENT TO END DETENTION, THE ROLE OF MFJ	6
<i>Surround Harmondsworth</i> , resistance united over the razor wire	6
Attempts at repression spread the resistance; Morton Hall uprising	8
Exposing brutality and injustice to the court of public opinion	9
SECTION TWO: THE CHALLENGES AND DANGERS FACING THIS INQUIRY	10
First task, exposing the truth	10
The challenge to go further and be more radical; the limitations of reform	10
SECTION THREE: ORIGIN, CHARACTERISTICS AND PURPOSE OF DETENTION	12
The monstrous growth of immigration detention	12
Expansion and abuse are inherent characteristics of immigration detention	13
SECTION FOUR: TACKO MBENGUE AND THE 2010 UPRISING IN OAKINGTON	20
Tacko Mbengue’s fight for freedom	20
Imprisonment and detention	20
Detained Fast Track makes justice impossible	21
The death of Eliud Nyenze: “We have one moment to show what we’ve been through”	22
Oakington: the illusion of a ‘liberal’ detention regime	24
Deaths in detention are not accidental	26
CONCLUSION AND RECOMMENDATIONS	31



Figure 3: Surround Harmondsworth 4, photo by Phillip Raymond Goodman

Introduction

1. The history of immigration detention is repeatedly punctuated by anger and resistance of all kinds on the part of detainees, and abuses of power by the overseers. Its existence is dependent on racism, and as long as the state continues to hold people against their will and for no crime, that continuous friction and anger will keep sparking into uprisings, and acts of protest both individual and collective. The scandals of inexorable abuse in detention will periodically burst out to international attention, and the reputation and promise of British fairness and equality will be like a forgotten, worn-out, tattered rag.
2. No detainees feel any semblance of fairness or reasoning as to why they are in detention. They want to be free, and they are astounded to find Britain guilty of arbitrary detention, including of some of the most vulnerable people in society. The only choice to maintain one's dignity and identity is to fight back, and because of detainee resistance detention is a fragile system. Resistance to detention, inside and outside, and the dynamism and centrality of the immigrant communities, means there is hope. Immigrant communities have historically provided key leaders in every struggle to build a fair, just and equal society – this is no coincidence; the promise of such a society is what outweighed the many sacrifices in deciding to come to Britain. The task for the movement is to keep fighting and organising widely amongst all our communities.

Movement for Justice By Any Means Necessary (MFJ) is the leading organisation acting on this perspective.

3. For the present inquiry panel into detention, the task is to stand on the truth about the anti-human character of detention and its incompatibility with the principles of a free democratic society, and to lay out in the strongest possible terms the necessity to end detention. Creative steps can be taken, and must be, starting with exposing the full truth about detention. **The Surround *Harmondsworth* demonstrations led by MFJ, continue on the 8th November. We invite the inquiry panel to come, see and hear directly the living struggle at the heart of the inquiries subject.**
4. The horrendous conditions facing all immigration detainees have not been resolved despite being identified in thousands of pages of reports, including the Home Affairs Select Committee's 2013 Inquiry into asylum, nor have the detrimental effects of Detained Fast Track (DFT) on the right of asylum, despite July's High Court ruling that DFT is operated unlawfully.
5. This Inquiry has taken the bold step of identifying the entire field of detention as its remit. It might have been an easier option to focus on one segment of the detention system, for example the sexual abuse of women in Yarl's Wood, deaths in detention or DFT. But this option would not have been able to get at the heart of these interconnected issues and all of the other abuses inherent in detention. Though the expansive remit might be daunting, the opportunities are immense.
6. This panel has a profound civic and moral duty to all those affected by the detention system not to minimise your findings and recommendations in any way to appease those in Government or party leaderships who want to utilise immigrant bashing in the forthcoming general election. Nor to tone down your findings and conclusions to what you feel might be 'possible'. We hope that in this report you feel the power, strength and determination of a movement that will celebrate a bold, broad and deep report with recommendations that this movement can champion and take forward to victory.
7. You have great authority regardless of any statutory status. You can use that authority to call for the abolition of detention and counter the tide of immigrant bashing.

8. Just a decade ago, people across Britain discovered a whole world of lessons about institutional racism from the case of Stephen Lawrence. But this only happened because there was an inquiry actually committed to telling the truth about institutional racism in Britain. This in turn was the case because the hearings of the panel took place in a context in which the long heroic struggle of the Lawrence family, Duwayne Brookes and the stubborn efforts of groups like Movement for Justice had begun to mobilise Britain's black and Asian communities against the institutionally racist practices of the police.
9. There should be great optimism for those prepared to differentiate themselves by speaking the plain truth. A genuinely bold fight to protect the principles of sanctuary and of human and civil rights regardless of race, class, income, sexuality or gender will inspire millions and be a spark for change.

“Brothers and sisters in detention, let’s fight, let’s keep on fighting. If you think that if you are nice that it will make it will make you come out of detention, no; you will see yourself on that flight, going back to the country that you are running away from. What can we do? FIGHT IT!” MFJ leader Maimuna Jawo on Surround Harmondsworth 3 (Full speech in Appendix 7)

Section One: Building a movement to end detention, the role of MFJ

“Asylum Seekers are the strongest people in the world. Because they fight even before they seek asylum. If you are fighting and you don't have a weapon, you go weak. My sisters, the weapon is here now, I've found it, Movement for Justice. Anybody who is ready to fight, join the movement.”

Maimuna Jawo Speaking at MFJ Public Hearing 'Yarl's Wood on Trial 22/11/13'¹

Surround Harmondsworth, resistance united over the razor wire

10. On the 7th June 2014, MFJ held the first of four highly successful *Surround Harmondsworth* demonstrations led by former detainees¹¹ and bringing together supporters and loved ones of current detainees. Ex-detainees and immigrants in general would not ordinarily choose to go near a detention centre. Detention and the threat of deportation is to all intents and purposes a punishment for immigrants; mostly people are encouraged to believe that protesting against detention will be seen as 'bad behaviour' that puts an immigrant at risk, even those with leave to remain. The *Surround Harmondsworth* marches have been powerful, liberating events by breaking that taboo.
11. The first ex-detainees and asylum seekers to break the norms and overcome the stigma of detention were MFJ members. As we marched between Colnbrook and Harmondsworth, with banners and loud voices, over the high fences and razor wire we saw detainees begin to come to their windows; word had begun to spread inside. In the days before, the centre's authorities had been frantically issuing detainees with 'warnings' for holding meetings in one another's rooms and talking about the planned protest. Activities had been cancelled to prevent people mixing. But no threats could dampen the excitement of seeing the integrated crowd that came to march outside. Detainees got on their phones to listen and speak to the demonstration; others found

¹<http://vimeo.com/107634755> or Disc 5

¹¹CD 1 contains all of the videos of ex detainee speakers at the Surround Harmondsworth demonstrations, transcriptions in Appendix 7 and online <http://vimeo.com/channels/816354>

paper and wrote signs to hold at the windows saying to the outside world ‘Let the Freedom Bell Ring’^{III} and ‘We Want Freedom’.

12. Joining in the demonstrations has been an act of practical defiance for current, former and potential future detainees and an opportunity to assert basic rights and dignity as human beings. Each time since, there have been guards inside the centre trying to prevent detainees assembling, or keep them away from windows and threatening reprisals; other guards stand outside to watch and note who appears at the windows, hoping in vain that fear will prevail over defiance among the people they control.

“I was inside there, I know what it means and I want to let our brothers in there know, that we are together, we are with them, and we shall fight”

MFJ leader Frederick Kkonde on *Surround Harmondsworth* demonstration^{IV}

13. When ex-detainees spoke to the crowd they told of the character of a system *designed* to crush the spirits of every detainee, which unintentionally but inevitably produces masses of women and men who hate this system and gain a deep commitment to fight oppression. By our physical presence and our speeches we expressed the anger and aspirations uniting hundreds of thousands of immigrants and asylum seekers who are in detention centres now or have been in the past. People have come to the demonstrations from as far afield as Birmingham, Cardiff, Nottingham, Glasgow, Middlesbrough, Bristol and Leeds. They have grown larger and increasingly integrated, the list of 18 organisations nationally who support them is growing^V; these demonstrations have become the rallying point for a growing national movement to end detention and win real dignity for all.

14. The detainees’ defiance echoes what MFJ leader Maimuna Jawo told the first session of this Inquiry on 17th July, describing her detention in Yarl’s Wood: *“I was very scared... and then I start thinking of what happened, why am I in this prison? **Then all that fear and all those thoughts came back to me as anger”***

^{III}See Figure 2, photo by Peter Marshall

^{IV}Transcription Appendix 7, CD1 and <http://vimeo.com/channels/816354/100727516>

^VSee Appendix 6 for full list of supporting organisations

15. At *Surround Harmondsworth 4* on 13th September Jaffa, an Iranian asylum seeker travelled down from Birmingham with many others of different nationalities. He described how inspired he had been when he saw the previous month's demonstration as a detainee in Harmondsworth. He had decided that if he could get out of detention he would join us on the next demonstration: ***“One month ago, I was inside for two months, and I hear your voices and I say to myself, if I am free I must come with you, be with you”***^{vi}

Attempts at repression spread the resistance; Morton Hall uprising

16. This Inquiry continues in the aftermath of the mass uprising in Morton Hall detention centre on Saturday the 6th September, following the death of a 26 year old Bangladeshi detainee, Rubel Ahmed. Detainees on his wing recounted hearing him on the Friday night screaming for medical help to no avail. The uprising that followed was the most militant and explosive act of mass resistance in a detention centre for years. Several detainees at Morton Hall had already experienced mass struggle back in Harmondsworth, as part of the overnight courtyard protest that followed August's *Surround Harmondsworth 3*. They had held a peaceful overnight sit-out in response to the High Court finding that Fast Track is practiced 'unlawfully', protesting that detainees on Fast Track nevertheless still face deportation. The protest was violently broken up at the time by guards with dogs and batons, and many detainees were sent to other centres including Morton Hall. By the time Rubel Ahmed died there were detainees who had already experienced and led protest, and experienced the system to be wholly uncaring and repressive. They knew that to win justice and prevent other deaths they had to have a mass protest, and call out the world's press.

17. Without the blow the detainees struck for Rubel and for themselves by their bold, day-long protest, the fact and the circumstances of Rubel Ahmed's death would have passed unremarked; there would have been another Home Office cover-up.

18. The Morton Hall detainees requested an explanation from the authorities, but witnesses received deportation tickets in reply. The authorities are frightened of spreading

^{vi} Jaffa's speech is on CD 1, transcript Appendix 7 and online at <http://vimeo.com/channels/816354/107041658>

resistance but they can't stop doing so. The story of each battle is shared by detainees, and as they watch the system threaten, and fail to resolve any issues as people die, it's surely likely that the next time there is a death in detention or some other outrage detainees will be less generous to the authorities, and seek far greater retribution.

19. Exactly a week later, on the 13th September, the MFJ held the fourth *Surround Harmondsworth* demonstration. For the first time the police prevented us going round Harmondsworth on the public pathways that run close to the walls all the way, as we had done on the three previous demonstrations. Inside the centre, guards desperately covered the windows so that detainees could not see a demonstration that they knew was happening (detainees and demonstrators made sure we could hear each other anyway).
20. The authorities feared an uprising in Harmondsworth and Colnbrook. These neighbouring centres on the edge of Heathrow are the stronghold of the detention system. They hold over 1000 asylum seekers and immigrants – between a quarter and a third of all the people in detention. They feared protests of the magnitude of the uprising that led to the closure of Oakington detention centre in 2010, a key moment in the history of detention in the UK, one in which MFJ leader Tacko Mbengue played a central role.

Exposing brutality and injustice to the court of public opinion

21. The movement inside and outside detention is uniting people of all countries, and citizens, and is exposing detention's brutality, abuse and injustice to the court of public opinion.
22. Detainees are brought from all over the country, and often have family and friends who until they knew someone affected, did not realise that the government carried on this practice. They share the anger of the detainees. It is MFJ's firm conviction that immigration detention must be shut down in order to end the *de facto* criminalisation of immigrants, asylum seekers and their families and communities who are a growing and important part of our society. Ending this blight on Britain's commitment to freedom and human rights is essential for the sake of the future welfare and progress of British society as a whole.

Section Two: The challenges and dangers facing this Inquiry

First task, exposing the truth

23. Our method and practice has been that expressed by Dr Martin Luther King in his 1963 *Letter from a Birmingham jail*: “Like a boil that can never be cured as long as it is covered up, but must be opened with all its pus flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured”^{vii}. That is also the first task for this inquiry, but not the only task.
24. The resistance of the growing movement of detainees, ex-detainees and asylum seekers has ensured greater public exposure of the brutality, abuse and injustice of detention. This Inquiry has enabled former and present detainees to speak freely and give their views. We have presented the panel with video testimony and evidence spanning two years about all aspects of the abuse inherent in detention^{viii}. We believe you will respond with an honest exposure of the conditions detainees have to endure. This must be unsparing; every aspect must be held up “To the light of human conscience” however disturbing, including sexual abuse and assault, deaths in detention and the attempts to cover up the truth by deporting witnesses. That alone will be no small accomplishment.

The challenge to go further and be more radical; the limitations of reform

25. You will inevitably be under enormous pressure from many quarters, pressures to ‘be realistic,’ and perhaps most of all pressures from your own understandable desire to see some ‘tangible’ results coming out of your Inquiry. The danger of that approach is indicated by the past history of detention: all new guidelines and protocols introduced in response to criticism and lobbying, and all attempts to alleviate the conditions of detention, however well-meaning, have been undermined, overwhelmed and circumvented by the needs of the system (the pressures of controlling a body of men and women who are going to resist when they are denied their liberty without being

^{vii}<http://www.thekingcenter.org/archive/document/letter-birmingham-city-jail-1?page=1>

^{viii}All these videos can be viewed at <http://vimeo.com/channels/816354>

guilty of any crime, the demands to speed up and increase removals, keep down costs and maintain the contractors' profits) or else they are co-opted into it in some way (this dynamic is easily understood when the history of Oakington is examined in section 4)

26. The fact is that the purpose and functions of immigration detention are more powerful than any attempts to reform it. The multiple abuses in the detention system cannot be eradicated without ending the system altogether, because they are necessary to the purpose of the system.

27. **The fundamental challenge for this Inquiry is therefore to take an axe to the root of the problem and to say what has to be done to eradicate this monstrous system from British society: detention has to end.**

Section Three: Origin, characteristics and purpose of detention

The monstrous growth of immigration detention

28. In the space of a generation immigration detention has evolved at a rapid pace from tiny, almost un-noticed beginnings in the early 1990s into today's devouring, ever expanding monster.
29. MFJ believes that the members of this Inquiry and the two APPGs (All Party Parliamentary Groups) that set it up are disturbed by the inordinate expansion of immigration detention and its abuses of human rights. **Part of the challenge before the Inquiry is to give a frank account of *how and why* this monstrous system has become such a powerful blight on British society.**
30. In the early '90s there were a mere 300 detention places. By September this year the capacity of detention centres (Immigration Removal Centres and Short Term Holding Facilities) stood at 4270 places, up by over 800 in twelve months. In addition there is capacity for another 1000 detainees to be held in prisons, and there are always a number of detainees held in police station cells for up to 48 hours. At any one time there are likely to be over 4000 men and women in detention and over 30,000 in the course of a year.^{ix} And the numbers continue to rise; the Government plans to more than double capacity at Campsfield detention centre for example.
31. Around 30% more of detainees are now held for over four months and many for over a year^x. There are some who have been in detention for over two years. The development of Detained Fast Track has hugely increased the number of asylum seekers in detention, even though the overall number of asylum claimants declined by more than two thirds between 2002 and 2013.^{xi} The majority of detainees are now asylum seekers. They have

^{ix} Association of Visitors to Detention Centres: *Immigration Detention in the UK: "Residential" Detention Capacity*, <http://www.aviddetention.org.uk/images/uk%20detention%20september%202014.pdf>

^x Migration Observatory, Oxford University: <http://www.migrationobservatory.ox.ac.uk/briefings/immigration-detention-uk>

^{xi} Migration Observatory, Oxford University: http://www.migrationobservatory.ox.ac.uk/sites/files/migobs/Briefing%20-%20Migration%20to%20the%20UK%20-%20Asylum_0.pdf

been joined by Foreign National Offenders who are now liable to post-sentence deportation, 'non-citizens' who have often lived in Britain for decades with permanent right of residence or indefinite leave to remain, many with partners, children and families who are British citizens.

32. These changes have been driven by politics and policy far more than by actual increases in immigration. The number of people in detention has grown at a much faster rate than the increase in immigration^{xii} and, as we have seen, the annual number of asylum claims has declined greatly since the early years of this century.

33. By any reckoning the growth of immigration detention is one of the most significant political and social developments in recent British history. Its social repercussions are clearly immense.

Expansion and abuse are inherent characteristics of immigration detention

34. In the early days of detention^{xiii} it was presented, and voted on in Parliament, as something that would be used as an exception and on a short-term basis. Whatever MPs thought they were voting for then, it is no longer possible to harbour such illusions. This Inquiry must draw out the lessons of more than two decades of detention: **immigration detention has an inherent dynamic of expansion and is by its very nature a system of abuse, and neither can be ended except by the abolition of the system itself.**

^{xii} In the early 1990s immigration was generally around 300,000 a year and net migration (immigration minus people leaving) was under 100,000. It rose to just under 600,00 around 2002/4 (net immigration just over 250,000) and fell from around 2009 to around 500,000 a year (net just over 300,000). Net immigration has remained steadily around that level since then (Office for National Statistics: <http://www.ons.gov.uk/ons/rel/migration1/migration-statistics-quarterly-report/may-2014/sty-net-migration.html>). In other words, from the early '90s to the present total immigration has less than doubled, and net immigration has a little more than doubled in a period when the number of people in detention has increased **about ten times**.

^{xiii} The first statutory authority for immigration detention came in the 1905 Aliens Act, a government response to the numbers of Jewish refugees escaping anti-Semitic persecution in Russia. However that part of the Act largely fell into abeyance. The development of immigration detention began around 1970 as a result of controls on Commonwealth immigrants; it started to grow with the opening of Haslar detention centre in 1989 with a capacity of 160. Campsfield followed in 1993 with a capacity of 216 and was the site of a major uprising in 1997. The big expansion began at the turn of the century: Lindholme, the present Harmondsworth centre, Yarl's Wood, Dunvage, Dover and Colnbrook all opened between 2000 and 2004.

35. **There are several key reasons for the built-in expansion of detention. Firstly and most important, is the general drift of immigration policy to the right.** Immigration is presented as a problem and its restriction as the ‘answer’ to a host of social and economic problems. To put it bluntly, immigrants are used as a scapegoat and asylum is seen as the leaky hole in the immigration system that has to be plugged. That policy feeds on itself; when social problems (growing inequality, falling living standards, rising debt, unemployment, job insecurity, lack of housing etc.) persist or increase, the ‘solution’ is presented as the need to get harder on immigrants, so ‘we need more detention space’^{xiv} or we need to create a more hostile environment (i.e. the racist ‘Go Home’ vans).
36. **Secondly, the policies of successive governments** have been designed to push immigrants and asylum seekers to the margins of ‘mainstream’ society by taking away more rights and benefits and treating them as *de facto* criminals, so the authorities increasingly turn to detention (*de facto* imprisonment) as a deterrent and a form of social control. Immigration detention does not only attempt to crush the spirits of detainees, it is designed to inspire fear among all those who could be liable to detention and step up the racist stigmatising of all immigrants.
37. **Finally, commercial factors contribute to this urge to expand,** since detention is run by big, competing corporations with the same drive to maximise profits as any other business, and the same need for ‘economies of scale.’ Decreasing numbers in detention or a lot of empty beds would be commercially unviable for the giant international companies that the British Government, like many others, is now tied to as providers of an enormous range of state functions.
38. **Abuse is an inevitable and inherent part of the system.** MFJ member, Ugandan lesbian Prossie N vividly described this abuse when speaking out after being deported^{xv}.
39. It is obvious that detaining and deporting large numbers of people against their will cannot be sustained unless it weakens and breaks down any expression of resistance among the detainees – especially collective resistance. This can’t just be a matter of

^{xiv} Immigration minister quoted in Home Office 2008 press release, <http://www.globaldetentionproject.org/countries/europe/united-kingdom/introduction.html>

^{xv} Disc 2, <http://vimeo.com/channels/816354/97051854> and see Appendix 3 for transcript

physically suppressing direct and open resistance. That would not be enough and it would be too dangerous by itself, though the threat has to be ever-present.

40. The first and most fundamental job of detention is to destroy detainees' belief in Britain.

As we say in the MFJ Pledge^{xvi}:

“Millions of people across every continent see this country as a beacon of hope, a land of opportunity, and a haven of democratic freedoms. Some come to our nation to improve the lives of their families. Others escape from tyranny and political, religious or ethnic persecution. Britain is the nation that offers the hope of freedom, dignity and equality to women and lesbians and gay men who face brutality, rape, imprisonment and death in their native lands for simply demanding the right to live and love as who they are and to be treated as equal members of their societies.”

41. Detainees have to be taught that everything progressive Britain prides itself on; justice, fairness, equality, respect for human rights, democracy, is a cynical illusion. All men and women may be equal, but “Some are more equal than others.”^{xvii} It's shock treatment for detainees, but for British democracy and Britain's reputation it is a more like national act of self-harming.

42. Detention needs to demean detainees, take away their sense of who they are, drive their past histories of struggle out of their minds, undermine their dignity and break their morale. In other words detention **needs** to inflict psychological damage on detainees. It has to send every detainee a clear message that he or she has no rights or entitlements, and no control over their lives. So there can be no right to privacy, whatever might be written in policy guidelines. So healthcare in detention is terrible, but good healthcare would give detainees a sense that they are entitled to be treated decently.

“The only thing the doctors are for in Yarl's Wood is too write 'fit to fly' if the doctor in Yarl's Wood is not capable of writing that on anybody's paper

^{xvi} Full MFJ Pledge reproduced in Appendix 4

^{xvii} George Orwell, *Animal Farm* (“All animals are equal but some animals are more equal than others”)

then that Doctor is not going to stay there... These are the kind of doctors they want. They don't want anybody who would tell the truth" Maimuna Jawo

43. The experience of abuse is not just individual, it is social. Seeing others suffering abuse and the effects of abuse changes every detainees thinking from the moment they arrive. Detainees in MFJ have described the feeling of horror when, as new arrivals, they spoke to someone who had been there for six or nine or twelve months.
44. Over time the detention authorities have developed manipulative systems of rewards and punishments as part of their techniques of control. They are 'creative' and flexible and vary with the circumstances of different detention centres. Work is an example. Detainees pour scorn on the hypocrisy of system that makes it a crime for them to get a job when they are outside but offers them the 'privilege' of working for insultingly low pay in detention. Detainees may take up the offer because they need money, if only to put credit on their phones, but this demeaning treatment only fuels their hatred and anger against the whole system. And they know that the detention managers can sack you if you refuse to get on a plane or do anything they regard as an act of defiance.
45. Detainees are up against an unaccountable power of an army of officers of one sort or another. Those responsible for the system accept that the managers, officers etc. can only function in that system if they surrender part of their humanity and compassion and accept the 'inferiority' of the detainees. The 'excesses' - deaths, miscarriages, sexual abuse, racial abuse etc. - are accepted as part of the price. This cynical, degrading system is basically the relationship of an abuser to the abused victim. Who can be surprised that sexual abuse flourishes in this environment, or that the Home Office and centre managers attempt to deport women who complain, along with their witness?^{xviii}

"I was sexually assaulted in detention by health care man, three times. First time I was sexually assaulted I kept quiet, I said[to myself]if I say anything,because they didn't accept my asylum claim, they didn't believe my asylum claim, how can they believe this thing? I told this one lady from

^{xviii} Guardian article about Sirah Jeng, witness to sexual abuse at Yarl's Wood facing deportation <http://vimeo.com/channels/816354/107634754> and hear directly from Sirah speaking at MFJ Public hearing putting Yarl's Wood on Trial <http://vimeo.com/channels/816354/107634756> (Disc 5)

Pakistan because I was confused, my body was shaking, I couldn't speak properly, I don't know... Second time I kept quiet again, third time I spoke out because that time was too much. He said I want sex with you in this place, in healthcare. I was shocked and I shouted and I came out from the room... They said we are taking this allegation very seriously, after that they didn't take it seriously, they said I am lying because I want to get out of Yarl's Wood, they give me a ticket after four days."

Four months, eight days I was stuck in Yarl's Wood. I was sexually assaulted. ...I see a solicitor and I told her everything, she speak up and it was put in the Observer newspaper ...they didn't release me, they gave me ticket, my sexual assault case was still on-going. I couldn't go to healthcare, I didn't take my tablets, I had mental health problems, I couldn't eat, I couldn't sleep, even I couldn't speak with my solicitor. I was scared if I speak maybe phone - they are listening.

I told my witness everything, they know she is my witness, and they deport her. She was in detention seven months and after they deport her and she is in Pakistan now." Testimony given by ex Yarl's Wood detainee^{xix}

46. But out of adversity comes strength. The resilience of detainees who keep on asserting their dignity and humanity, who express their hatred of their abusers and know that their abusers fear them, is the bedrock of resistance and the source of the frequent rebellions.

"I'm happy that I am released but I'm more happy that all of the women I was so concerned and kept fighting for are released also. It hasn't been easy, because I've had officers come to my room to threaten me that I would be put in jail, that the things I'm doing are not right. But it's alright I wasn't scared, after everything I've gone through in my life it was a piece of cake for an officer to come and scare me.

"But I just want to encourage everyone that what you're doing is really making a difference. I think all they want is for us to say 'I quit', 'I will go

^{xix} <http://vimeo.com/channels/816354/107634754> or disc 5

back', but we're not going to do that." MFJ leader Stephina speaking on *Surround Harmondsworth 4*^{xx}

47. There is a further, fundamental element to the abusive character of detention. Probably the most frequent complaint made by asylum seekers, especially those in detention is that **WE ARE ALL TREATED AS LIARS.**

*"For me it was too painful to have someone who hasn't known me, ever, to judge me on something I'm telling them. To even come to think that someone is going to tell me that the abuser that has abused me since I was seven years old and at 14 years old they got me pregnant and has a child with that person, and I came here just so I can feel safe, and they are telling me that no, that man was your husband and you are just coming here to be here, that's not right. **If you are going to question [why] I don't have proof of what I'm telling you, who are you to question when you have no proof that I am lying?**"(Stephina speaking on *Surround Harmondsworth 4*)^{xxi}*

48. When asylum seekers say they are treated as liars it is no more than the truth and Stephina nails the reason – **the unfair Burden of Proof in asylum cases.** The burden of proof is put on the asylum seeker, in effect to somehow prove that they are not lying. The Home Office can make any allegations about their credibility without the need to prove anything. It is glaringly obvious that if you are escaping from persecution you are unlikely to have much in the way of 'proof.' This is especially true if you are a woman fleeing a life of abuse.

"If somebody kill someone, you are innocent until you prove yourself guilty, but if you are an asylum seeker you're guilty from the first time. They don't want to listen to you all they want is to put you in detention, the next minute they book a flight for you and take you back to your country. If you die or not, they don't care yet this is

^{xx}<http://vimeo.com/channels/816354/106123616> or disc 1

^{xxi}Hear Stephina's full speech at *Surround Harmondsworth 4* here <http://vimeo.com/channels/816354/106123616> (Disc 1) you can also hear Stephina's original testimony from inside Yarl's Wood on the mistreatment of pregnant and ill detainee's here <http://vimeo.com/channels/816354/102122583>

the country that is saying they are the most supportive of human rights.” (Maimuna Jawo speaking on Surround Harmondsworth 3)

49. It is a general principle in most areas of law in democratic countries that as far as possible there should be a ‘level playing field,’ that there should be some attempt to redress the ‘balance of forces’ between those with power and those without. So a person charged with a crime is presumed innocent until proved guilty beyond reasonable doubt; if an employee takes a claim of discrimination to the Employment Tribunal it is for the employer to prove that they are not discriminating. This principle is denied in asylum cases. That means that every asylum claimant has been through a miscarriage of justice, even those who have ‘won,’ often after being put through hell.
50. Stephina was a victim of abuse not just in her home country but also in the British asylum system and in Yarl’s Wood. This fundamental injustice is inextricably linked to detention and in reality a major ‘excuse’ for it. The burden of proof in asylum cases must be put on the Home Office. That would eliminate any ‘need’ for detained fast track and a large part of the rationale for detention^{xxii}.

^{xxii}See MFJ statement on the Home Affairs Select Committee into asylum for more on the burden of proof and the call to reverse it in asylum cases, Appendix 5 and online at <http://www.movementforjustice.org/2013/07/asylum-inquiry/>

Section Four: Tacko Mbengue and the 2010 Uprising in Oakington

Tacko Mbengue's fight for freedom^{xxiii}

51. Tacko Mbengue joined MFJ a month after his release from Oakington detention centre in June 2010. That was the first time he had been outside a prison or detention centre since arriving in Britain in December 2008, when he was arrested for travelling on an invalid passport. He served six months of a 12-month sentence - thus entering the ranks of 'Foreign National Offenders' liable to post-sentence deportation – and was transferred to Oakington, where he spent a further year.
52. Tacko is now 28, a gay man from Senegal. By the time he was 18 he had been rejected by all his relatives and had no job or means of support. Over the next two years he suffered a series of savage assaults because of his sexuality. Shortly after his 20th birthday he escaped on an open fishing boat with other desperate would-be migrants, one of whom died on the six day journey to the Canary Islands. Later he worked as an orange picker in Spain with other Senegalese migrants but awareness of his sexuality spread in the migrant community and he came under attack again. With his life in danger again he accepted a friend's help to come to Britain.
53. Tacko only learned about asylum in prison and from prison he was on Fast Track in Oakington. He believed it would be dangerous and impossible to claim asylum on the basis of his sexuality. His initial claim (based on his family's connections with the former ruling party) was refused by the Home Office in December 2009 and early in 2010 the refusal was upheld by the Tribunal after a hearing where he was unrepresented.

Imprisonment and detention

54. When Tacko was later free and able to launch a fresh claim based on his sexuality he described this period of his life.

"I was depressed and became kind of suicidal. Most of the time I thought this world would be better without me. I was becoming mentally disturbed. I was like a

^{xxiii}You can hear the two testimonies Tacko made at MFJ public Hearings putting the immigration system on trial here <http://vimeo.com/107611661> and here <http://vimeo.com/channels/816354/107403986> (discs 3&4)

“walking dead”. I did not think I could tell anyone I was gay and that could be a reason for getting asylum.

“I believed that if I told people about my sexuality I would be sent back to Senegal and my life would be in danger, or I might be beaten up in the prison.

“In all the interviews I had and when I had the appeal I have was scared and confused, even though I had an interpreter. I was frightened to let anyone know that I am gay because I had experienced so much violence and all the time I was frightened of what would happen to me if I was sent back to Senegal. I still didn’t understand anything about the asylum system, so even when things were translated I did not understand what was happening. I was constantly asked to answers things I didn’t know or could only guess at, like the dates when things happened.”(Tacko’s Testimony to UKBA on Trial MFJ public hearing on 03/03/13^{XXIV})

Detained Fast Track makes justice impossible

55. This whole situation was the result of detention and the Fast Track system. Like very many people who come to Britain to find an asylum, a place of safety, Tacko did not know there was such a thing as a right of asylum or a legal process for claiming protection. He didn’t know that asylum could be claimed on grounds of sexuality. In detention he was isolated from the country where he hoped to be safe. He knew nothing about the legal or social position of the LGBT community in Britain. All he had to go on was his past life experience. He was a victim of the problems with Fast Track that have been acknowledged by Lord Ouseley in his recent High Court judgement, including the severe problems of legal representation that led Lord Ouseley to find the operation of Fast Track unlawful.

56. Once Tacko was out of detention he joined the Movement for Justice and as a result gained the confidence and knowledge to bring a fresh claim based on his sexuality. He was part of an organisation, had the comradeship of other LGBT asylum seekers and refugees, became familiar with the life of LGBT people in Britain and learned more about the legal system. As part of MFJ he made the decision to speak out about the abuse of

^{XXIV} <http://vimeo.com/channels/816354/107611661> or Disc 3

detention, the racism of the immigration system and the hypocrisy of the governments stated commitment to LGBT rights whilst LGBT people continue to be deported. He spoke out in the press and was elected to the NUS Black Students Campaign Committee. He is a fearless and determined spokesperson for those facing the abuse and racism of the immigration system. Nevertheless the stressful obstacles put in the way of fresh claim meant it was May 2013 before he won leave to remain.

The death of Eliud Nyenze: “We have one moment to show what we’ve been through”

57. As it was, Tacko was in limbo in Oakington after his appeal was refused, a feeling shared by many thousands of asylum seekers and immigrants. He did not know what was going to happen to him or when he might face deportation. He dealt with the fears and depression by busying himself in a passion for physical fitness, working out in the gym every day, and ‘keeping his head down’ - to the point that he was given a paid job (at detention rates) as a trainer in the gym. To outward appearances Tacko was a ‘good’ detainee, a credit to the detention system.

58. Then, on 14th April 2010, Eliud Nyenze died, and that’s when for Tacko and hundreds of other Oakington detainees *‘the fears came back as anger’* and he became one of the main leaders of an uprising. This is Tacko’s account of what happened.

“I witnessed one of my friends, a Kenyan guy, die in Oakington detention centre because of being sick and asking for help and he was not strong enough to get himself off the bed and go downstairs to talk about what was wrong. We were going downstairs and asking the officers to do something, but they didn’t do anything. In the end we had to drag the guy downstairs to show the officers how serious the situation was, and still the officer says, ‘No, I don’t know nothing about this, if he wants a paracetamol we can give him paracetamol, but otherwise there is nothing we can do’. So we dragged the guy back upstairs and helped him with some water and just let him sleep. The next thing we heard the guy is dead.

“What came to our minds, my mind personally, was ‘I might be the next person’.

“I had been in prison and then in detention for two years and I didn’t know when I would come out. I hadn’t heard anything from my caseworker, I never did. The only thing I heard was monthly reports and the only thing they said on the monthly report was if you want to go back to your country there is £500 we can help you with. You have to go back to your country and apply for it. They don’t understand what it’s like for someone to escape his country and come to this country and seek support and freedom, and they treat it as a business deal. So we stood as a group and people started showing their anger.

“We caused an uprising. That’s exactly what happened in there, we have one moment to show what we’ve been through.

“What we did was we stopped the body from being taken out and told the authorities we won’t let the body go out until we have the media to witness what has happened. They tried to send the officers, managers, to come and talk to us and be friendly with us. It didn’t work, and they called the religious leaders, the Muslim leader and the Chaplain, to talk to the people. It didn’t work, so they called some expert people who can talk to people that have been violent or whatever. It didn’t work either and by then we were fed up. People who had friends and relatives outside asked their family and friends to call the media and ask them to come to Oakington - ‘OK, this is what is happening there right now’.

“We managed to have a BBC local editor come down and want to cover what was happening, but they didn’t let him in so what we did - because we already saw how the balance of power changed, we felt like we had got the power in our hands, we were deciding what was happening in the detention centre at that moment - we just said if you don’t let the media in we will go and get the media. So we went through the gates and broke the gates and called out to the media. When we were outside the gate no one tried to escape, we stood there and called to the media. They were some way off, and there was another gate and barriers between us and where they were standing, but they managed to cover everything and saw when

we were breaking the gate and they told the story. Most of the local people hadn't known what was going on in there.

"After that we were moved to different detention centres, the people who were involved with the uprising. I was moved from Oakington to Dover detention centre, which had been a youth prison before. I talked to the people in detention there about what we had done in Oakington, and after three weeks I got released on an electric tag."(Tacko's Testimony to UKBA on Trial MFJ public hearing on 03/03/13)^{xxv}

59. The impact on Oakington is dramatically indicated in the Home Office detention figures for 2010. In the second quarter of 2010 there were 395 detainees in Oakington, by the third quarter there were just 98, in November the centre was permanently closed. Many, like Tacko, were moved to other centres, where they spread the news of what had happened in Oakington to a wider and receptive audience. Many were released because they were seen as too dangerous to keep in detention and they could not all be deported.

Oakington: the illusion of a 'liberal' detention regime

60. Oakington is often spoken of (though not generally by its former detainees) as an unusually liberal and relaxed detention centre. This was commented on by Lord Ouseley in his recent High Court judgement on Detained Fast Track and in the Prison Ombudsman's 2005 report on Oakington. This description is only true in so far as the Oakington regime is compared with Harmondsworth, Colnbrook, Yarl's Wood and the whole of the detention system today. However its history shows a very different side of Oakington and illustrates the real limit of 'liberal' detention.

61. From the beginning Oakington like any other detention centre was a site of resistance and there were regular complaints of racism and brutality. In July/August 2003 there were collective protests by detainees including a hunger strike, sit-down protests and disruption of the roll-call. In the following year the BBC sent two under-cover reporters to work in Oakington, as a result of information from lawyers, the organisation Cambridgeshire Against Refugee Detention and other groups, an ex-detainee and, to

^{xxv} <http://vimeo.com/channels/816354/107611661> or Disc 3

their credit, some serving and former staff at the centre. The outcome was a documentary, *Detention Undercover: the Real Story* that was broadcast on 2nd March 2005 and reported on the racist abuse and behaviour and the brutality of officers and escort staff, and managers' conniving in and encouraging staff to ignore the rules.

62. The BBC's exposure compelled the Immigration Minister to commission a report by the Prisons Ombudsman that was published the following July. The report was highly critical of the conduct of staff and management in Oakington, confirming and expanding on the charges made in the documentary. In his Forward the Ombudsman, Stephen Shaw, commented that:

"... Many of my witnesses pointed out, if this could occur at Oakington – widely regarded as the most benign of all the immigration detention centres – it could happen anywhere.

"... Over 100 staff employed by Non-Governmental Organisations (NGOs), many of them philosophically opposed to the very notion of immigration detention, are actually located on the Oakington site to provide services to the detainees. This report explores how an institution subject to such a high level of independent scrutiny could have harboured unseen a sub-culture of such nastiness."^{XXVI}

63. Mr Shaw's view that the problem in Oakington was one of harbouring a nasty sub-culture (rather than inherent in the system) is the root of his perplexity. It led to him making 54 recommendations, entirely limited to better procedures, new guidelines and protocols, calls for more monitoring and improved training in race relations, raising the 'moral resilience' of staff - and inevitably a *Zero Tolerance* campaign in detention centres with posters reminding staff of their responsibilities. The overall character of this approach was summed up by the suggestion that music and reading material should be provided to detainees in immigration service vans.

64. Nothing changed in Oakington and resistance continued. In December 2006 there were protests when detainees assembled outside the canteen and refused to go in, starting a collective hunger strike. There was a stand-off with officers when a large group of

^{XXVI} Report of the Prisons and Police Ombudsman on Oakington, published July 2005.

Turkish detainees barricaded themselves in a recreation room. Protesters complained about increased overcrowding and being treated like cattle. Significantly, this came after a two-week period in which eight detainees had managed to escape from Oakington - and soon after a major uprising in Harmondsworth. That uprising had been ignited by an officer turning off the TV during a news item about the highly critical report on Harmondsworth by the Prisons Inspector, Ann Owers. Many Harmondsworth detainees were later moved to Campsfield after these events, and as a result a lot of Campsfield detainees were sent to Oakington. Home Office action to maintain control of detention had spread resistance. This is a recurring – and unavoidable - pattern.

65. **Neither the more open regime at Oakington, nor the presence of sympathetic people from NGOs, nor the Ombudsman’s recommendations could alter the fundamental realities of detention. They could not prevent Oakington being a place of abuse and psychological torture where asylum seekers and immigrants were denied basic human rights, just like any other detention centre.** In reality detention centre and UKBA/UKVI staff learn very quickly what their real ‘responsibilities’ are. That is the lesson of the Oakington uprising. The Home Office has only ‘accepted’ that lesson by making ‘security’ tighter and the regime in detention centres and short-term holding facilities more restrictive, more oppressive and repressive, more inhuman. All they have really achieved is making it more difficult to escape. They cannot stop the resistance.

Deaths in detention are not accidental

“...it was only about 15 minutes before another pregnant girl in the room who had come to help the first pregnant girl is having an attack, she's bleeding, her nose is literally bleeding, pouring blood. This guard came laughing, saying ‘Oh what is wrong in this room, something must be wrong in this room, how can it just be this room’. He is laughing and everyone looked at this guy as if they should just jump on him, I wanted to shake him to say how can you be so selfish to speak like this and all the women with there and he was laughing, he didn't even care. That's when one lady said he was there on the day when that Jamaican girl died (Christine Case). Back then they were saying the same thing ‘she'll be okay,

it's just a panic attack' and that's when the lady died." (Stephina from inside Yarls Wood)^{xxvii}

66. **Deaths of detainees are a consequence of the detention system; in that sense they cannot be considered 'accidental'.** Detainees and ex- detainees understand that very well. It is the lesson of Oakington in 2010. Most recently it was the lesson of Morton Hall in September, and it was the lesson of the death of Christine Case earlier this year in Yarls Wood. It is also the lesson from the many people who have died as a result of injuries inflicted on them by 'escorts' in forced deportations like Jimmy Mubenga and Jackie Nanyonjo.^{xxviii}

67. The circumstances, histories and struggles of very many asylum seekers and migrants have left them with serious physical and psychological health problems. The torment of being in limbo, under a regime that brings back the torture and abuse they have fled drives many to consider or attempt suicide. Others have seen their health deteriorate rapidly under the stressful, aggravating effects of detention. Every detainee is a victim of grossly inadequate medical services and gross negligence. Every detainee has a story to tell of being treated with humiliating contempt by 'healthcare' staff, told they are faking their symptoms, being palmed off with a couple of paracetamol, and seeing other detainees go through the same experience. Many are victims of torture whose claims are rejected; even on the rare occasions when it is supported by a detention healthcare doctor; that was the experience of MFJ member Eddie Mubiru^{xxix}. Others are disabled, or pregnant. Inevitably this has proved fatal for many detainees.

68. Eddie Mubiru is a gay man from Uganda who escaped threats to his life and came to Britain in April 2012. He could be described as the 'model' asylum seeker; with huge respect for British justice and Britain's commitment to human rights and LGBT rights. He claimed asylum within a few days of arrival, and was shocked when he quickly found himself in detention and rushed through Fast Track before he had time to prepare his case. He was able to gather an unusually large amount of evidence in a short time, but

^{xxvii} <http://vimeo.com/channels/816354/102122583> or disc 6

^{xxviii} See Appendix 2 for full report on Jackie Nanyonjo and hear the testimony from her friend Eddie Mubiru about her death here <http://vimeo.com/channels/816354/107383243> (Disc 2)

^{xxix} Eddie Mubire testifies to his experience in detention at MFJ's public hearing 'UKBA on Trial' 19/03/13 here <http://vimeo.com/channels/816354/107611662> (disc 4)

not quickly enough for Fast Track, so he ended up with the usual string of refusals and 'negative credibility findings.' Unusually, the detention healthcare accepted that he was a victim of torture, but the immigration authorities still kept him in detention. He had to physically resist several attempts to deport him before he got bail. Here is his account of what happened when he got back to the detention centre after one of these attempted deportations:

"I needed medical attention, because these guards put so much pressure on me. It was the second flight I think, I felt so bad, I felt like I had a problem in my heart. So I called for medical attention but no one would listen to me. It was not until I phoned my lawyer and my lawyer had to write to them and she tried to threaten them that if I'm not attended to ASAP she is going to have to call other organisations like Medical Justice to come in. That's when they referred me to a bigger hospital, outside of detention, which also took another 3 weeks for the referral to go through so that I could be taken for a check-up.

"After the three weeks I was handcuffed on my arms and legs, like a real prisoner... imagine needing medical attention and you are chained like a prisoner and you are given four guards... It looked weird in front of the doctor in the hospital. The doctor said she couldn't treat me in chains... She said she would rather they take me back to detention than treat me in chains. The doctor's room was on the 12th floor, so she said "Is he going to jump out of the window to end his life? So how do you expect him to escape?"...They had to make a phone call back to the office to ask permission to unchain me. It took another hour and a half to wait for permission from headquarters." (Eddie Mubiru testifying at MFJ public hearing 'UKBA on Trial' 19/03/14)XXX

69. Eddie survived, but this is just the kind of history that leads to the deaths of detainees. Detention centres and escorts handle a constant stream of forced deportations. They have built up a body of experience and expertise that has been distilled into refined

^{xxx} <http://vimeo.com/channels/816354/107611662> (Disc 4)

‘tortures.’ They operate with scant regard for official procedures or for the law and use ‘any means necessary’ to effect removals: isolation, restricting access to lawyers, refusing requests for medical help, inflicting acute pain, dangerous physical restraint etc.

70. Deaths in the course of deportation (or later, as a result of injuries), like deaths within detention centres, are an inevitable consequence of the system.
71. The detention system and the ‘escort services’ rely on a triple protection: 1) the decision making autonomy that all immigration and asylum laws gives to immigration officers; 2) racist prejudice meaning that immigrants and asylum seekers won’t be believed; 3) once the detainee has gone no-one will know.
72. If a death is exposed the Home Office will disclaim any responsibility and pin it on the contractor, but not wish them any harm. G4S lost the escort contract after the death of Jimmy Mubenga; but no hard feelings, they have got many more. The contract went to Reliance (now Transcor). It was Transcor’s guards whose brutality led to the death of Jackie Nanyonjo.
73. This is conduct so deeply cynical that it can only be described as depraved. As long as immigration detention lasts it will lead to more deaths and arouse the courageous resistance and defiance of detainees to this brutality.

“I was in detention for five and a half months, I was forced on flights four different times, but I managed to escape those flights. I know what those escorts look like: muscular, tall men, you can never even think of fighting against. But the fact that she managed to fight them the first time and she even tried fighting them the second time shows that she was a true fighter.” (Eddie Mubiru speaking about Jackie Nanyonjo)

74. That is why ‘It could have been me’ is the repeated response of fellow detainees to a death, as it was in Oakington. Detainees and ex-detainees understand, as very few outside do, that these deaths are actually the tip of the iceberg of a dehumanising and brutalising system. That is why the death of a detainee is often the flash point for mass action in a detention centre, as in Oakington, in Dover when detainees heard of the death of Jimmy Mubenga, and most recently in Morton Hall. It is the point where fear turns to anger and hundreds of detainees come together to express their hatred of an

inhuman system and expose something that stands for all the injustice, racism, abuse, psychological torture and physical suffering they have endured.

75. Every time a death in detention is exposed the call goes up: “No More” but if we do not end immigration detention now, and even more if we allow this or any other government to increase the numbers of men and women it holds in detention, there will inevitably be more Eliud Nyenzes, Rubel Ahmeds and Christine Cases.

Conclusion and recommendations

76. **Detention cannot be looked at as an isolated entity, separate from immigration and asylum policy as a whole. Detention is at the heart of an immigration policy that is insanely at odds with reality.** We live in a world that is increasingly interdependent and interconnected. Not even the biggest and richest nations could conceivably detach themselves from the global movement of trade and investment, the ever-faster communications and the creation and destruction of jobs in a globalised labour market. At the same time this world that is coming closer together is a world of stark and often increasing inequalities between countries. People cannot stop moving. Current immigrant-bashing politics that effectively criminalise the majority of people who need to move flies in the face of human and economic reality. These policies are reactionary in the most literal sense of the word. They have profound implications both for Britain and its relations with the rest of the world, especially the countries of Africa, Asia, the Caribbean and Latin America.
77. The policy is equally at odds with the reality of modern Britain, now the most multicultural and integrated nation in Europe. London and several other major centres will be 'majority-minority' cities within a few decades. Not even the extremists of the far right think any longer of using the slogan 'Keep Britain White.' We are intimately connected with societies around the world. Hundreds of thousands of people in Britain are members of multinational families. A huge number of immigrants and thousands of men and women in detention are members of those families, as were Christine Case and Rubel Ahmed.
78. These changes have made British society more outward-looking and contributed enormously to its creativity and dynamism. Detention and the ragbag of demagogic anti-immigrant policies are a destructive, irrational response to a changing nation and a changing world. These policies are inherently racist because the men and women who are liable to detention are identified by coming from a country outside the EU/EEA. In reality they are identified by their 'race', principally by the colour of their skin.
79. Inevitably that is how any immigration raid identifies the people it should question. Detainees look around them at their fellows and know (as we said above), that they

would not be there if they were white. Those liable to detention know it too when they look around them as they 'sign on' at a reporting centre. The families and friends of the detainees also know it to be true.

80. **In the form of detention these policies have created a threat to the future prospects of Britain as a democratic nation.** When any state incarcerates people without charging or convicting them of any crime, it is by definition committing a serious breach of their human rights. When it does that to tens of thousands of people a year and tens of thousands more live under that threat, and this goes on for more than two decades, it is undermining the very concepts of human rights, fairness and justice.
81. If this was now happening to white people there would be an outcry. The state has used racism to carry out an assault on the rights enshrined in the European Convention on Human Rights and the Human Rights Act, and on legal principles fought for and established through centuries of struggle, for example over the right of *Habeas Corpus*.
82. **Such a situation cannot be changed by bringing in a time limit.** A week in immigration detention is a week too long. But in any case, detention has to have an indefinite character. People are detained because they are regarded as some sort of threat and the state wants to hold them until that threat has vanished. With immigration detention, men and women can be held, or are liable to be detained, until they are either deported or secure some right to stay in the country. No country has an absolute time limit. Even the UNHCR allows for 'exceptional circumstances,' which are of course wide open to interpretation. No country prohibits repeat detention of migrants or asylum seekers who have been released before their immigration status is resolved. There are Movement for Justice members who have been detained two, three, even five times.
83. Detention is starting to receive more attention and cause more concern thanks to the on-going resistance of detainees themselves, to the brave men and women who have withstood threats and repression to expose the inherent abuses in detention. That should be no surprise. Thousands of men and women in detention have stood up to persecution, torture and abuse, have taken the decision to leave their countries in order to be free as the people they are. Many have endured terrible struggles to reach a place where they thought they would be safe. Facing the abuse of detention their 'fears come back as anger,' again and again and again.

84. It is time for radical surgery, not tranquillisers and painkillers.
85. This Inquiry has the authority and opportunity to open a process that can lead to a speedy end to detention. It will be a struggle and it will involve friction and controversy, but that is true of any necessary social progress. **The Movement for Justice calls on the Inquiry to take a lead and demand the radical surgery, the ‘root and branch’ approach that the situation requires.**
86. First and foremost, **all forms of immigration detention must end, and end now** – for asylum seekers and for all immigrants. Every detention centre and all detention facilities must be shut down. No more people to be taken into detention and those in detention to be released.
87. Secondly, **the unlawful system of Fast Track must be abolished.** All refusals and removal directions of people on Fast Track should be quashed, because they are the result of an unlawful process; those affected should be able to make new claims. No more ‘expedited’ asylum processes – all asylum cases are complex and require proper consideration.
88. Thirdly, the Inquiry must **address the most fundamental injustice of the asylum system: the Burden of Proof** must be put on the Home Office in asylum cases, not on the asylum claimant. Asylum seekers should not be treated as liars who have to prove they are not lying. This manifestly unfair balance of power makes the operation of Fast Track possible and fills the detention centres with the huge number of allegedly ‘failed’ asylum seekers.
89. Fourthly, the history of struggles in Yarl’s Wood and the experience of women in the Movement for Justice make it abundantly clear that **the rights of women to asylum must be expanded.** Yarl’s Wood is filled by women who are only there because Britain is not recognising their need for protection. This by itself is sufficient reason for the Inquiry to demand that Yarl’s Wood is shut down. The Inquiry should use this opportunity to demand that Britain unambiguously guarantees the right of asylum to all categories of women around the world who face persecution *because they are women*: e.g. women who escape forced marriage, the threat of ‘honour’ killings, female genital mutilation etc (by no means an exhaustive list). Failure to do this undermines all the international declarations on the rights of women that Britain has signed.

90. **A final message.** There is a constant refrain in current political discourse that immigrants are deeply unpopular and feared and asylum seekers are automatically seen as 'bogus.' A wide range of politicians, journalists and pundits back up this argument, pointing to opinion polls showing that immigration is the public's top concern. There are, certainly, many people who, given the current state of the economy and international politics, feel worried and insecure and follow received wisdom or prejudice to fasten on elements of change as the cause of their problems. That in itself doesn't produce demands for immigrant-bashing and 'Hostile Environment' policies, let alone large-scale detention. That requires a political intervention, which has been the role of political demagogues. The mass of the British population is not as profoundly and unilaterally racist as many politicians and editors would have us believe.
91. If that were true, you have to ask why the immigration authorities are so desperate to hide the truth about detention and cover up the deaths, sexual abuse etc.
92. The truth is more contradictory and many people who share received prejudices about immigrants still believe that Britain should be a fair, decent and humane society. However cynical they may be about politicians, they want to believe that at the end of the day there is some idea of justice at work in the system, and even cynical politicians need to keep that hope alive. That is a fundamental weakness in the detention system, one reason why we believe we can win the fight to shut it down.
93. Moreover there is an enormous gulf between holding onto some myths about immigrants and dealing with the reality of actual human beings who they know or come to know about. That has been the experience of the MFJ time and time again.
94. Many of the men and women who are or have been in detention have become stronger fighters because of their experience. Illusions have been cast aside and the determination to fight for freedom and justice for all has been steeled by their struggle. They feel, as three-times Yarl's Wood detainee Juliet told demonstrators at Harmondsworth on 9th August, *"I want everyone to have that zeal, the power to move and fight."*
95. They stand in a long line of immigrants and refugees who have been leaders in the struggle for British equality and British progress, heirs to the run-away slaves in 17th&

18th century Britain who asserted their right to British freedom and *Habeas Corpus*, won the Mansfield decision and sparked the abolitionist movement, to the poor black and Irish immigrants in the forefront of the Chartist movement for the right to vote, to the generations of impoverished 19th & 20th century Jewish and Irish immigrants who played pivotal roles in the growth of the Labour movement and a range of progressive struggles, to the black youth and Asian women workers of the 1970s whose militant struggles led to Britain's modern Equality laws. Throughout those centuries and from Cable Street to Grunwick they have inspired and led masses of British-born people who share the same values.

96. That is our living history TODAY because the migration that was so important to shaping Britain then is even more important now and the fight to end detention is a pivotal issue that will determine the direction that British politics take for the coming generation - and because there are millions of British-born people, especially young people, who are struggling with the effects of economic depression and austerity policies and have lost faith in the current political system, who will rally to our fight for a more just and hopeful future. The spontaneous demonstration by British Bangladeshi youth in Whitechapel in response to the death of Rubel Ahmed and the growing numbers of young white people joining the Surround Harmondsworth demonstrations are small but significant indications of this.

97. **We are calling on this Inquiry to weigh in on our side.** One way or another, this movement goes forward and detention has to end. The struggle and leadership of detainees, immigrants and asylum seekers and mobilisation of our communities will be the determining factor. There will be more, and more explosive uprisings, of that there is no doubt.

98. **The task for this Inquiry is to give positive leadership to those in 'public life', in all parties, who are conscious of the dangerous direction in which the politics of immigrant-bashing, 'Hostile Environment,' detention and unending austerity are taking Britain, and the damage this is doing to the stability of Britain's democratic institutions. You can embolden them, legitimise their concerns, and encourage many more to raise their voices and take a stand.**

***"...this has to stop and it needs to stop now,
its not going to stop tomorrow it needs to
stop today.***

***All detention centres, we don't want things to
change, we want things to STOP."***

(Stephina speaking on Surround Harmondsworth 4)

FOR APPENDICES ...

<http://tinyurl.com/pw93yjy>