

Government violated Article 3 obligations at immigration detention centre, says Court of Appeal

The Court of Appeal has today found the government acted unlawfully by failing to meet its obligations under the Human Rights Act to fully investigate events during a disturbance at Harmondsworth Immigration Removal Centre in November 2006.

The charity Bail for Immigration Detainees (BID) intervened in the case which was brought by human rights group Liberty on behalf of individuals detained at the centre during the disturbance.

Pierre Makhlouf, Bail for Immigration Detainees' Assistant Director-Legal, says:

'We are delighted that the Court has underlined the government's responsibility to conduct independent investigations into allegations of maltreatment against immigration detainees. Today's decision sends a clear message that the government must be accountable for the actions of its staff and the contractors it employs in detention centres – any allegations of ill-treatment must be properly and independently investigated.'

The disturbance at the detention centre near Heathrow Airport was allegedly started when guards prevented some detainees from watching television news coverage of a damning report on conditions in the centre by Her Majesty's Chief Inspector of Prisons, Dame Anne Owers. During the disturbance that followed uninvolved detainees reported being left in overcrowded, flooded cells without food, water or functioning toilets while fires burned in the centre. Anne Owers' follow-up report at Harmondsworth in 2008 found the centre had 'improved significantly since the last inspection, but there was more still to do'.

According to Pierre Makhlouf,

'We hope this judgment and the continuing concerns of Her Majesty's Chief Inspector of Prisons prompt the government to think again about detaining vulnerable individuals for no reason other than its own administrative convenience.'

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Notes for editors

1. Bail for Immigration Detainees (BID) www.biduk.org is an independent charity working with asylum seekers and migrants in removal centres and prisons to secure their release from immigration detention. During the Harmondsworth disturbance BID was contacted by detainees and reported our concerns about their treatment to the emergency services.
2. In the Court's judgment, *AM & Others v Secretary of State for the Home Department & Kalyx Ltd C4/2008/1754*, two of the three judges found the government had violated the investigatory duties of its Article 3 obligations. All three found that an investigation into the disturbance at this stage should not be ordered given the passage of time.
3. Harmondsworth Immigration Removal Centre is a detention centre near Heathrow Airport which currently has capacity to hold 259 single men as immigration detainees. Some of the men are detained while their asylum claim is heard and will go on to be granted refugee status.
4. Reports on Harmondsworth issued by Her Majesty's Chief Inspector of Prisons are available from her website <http://inspectorates.homeoffice.gov.uk/hmiprison/>

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