

**Torture victims held in UK immigration detention centres launch legal action**

**The UK Border Agency faces a legal challenge from torture victims who accuse it of false imprisonment.**

Torture victims who have been held in British immigration detention centres are to launch a high court legal challenge for false imprisonment against the UK Border Agency.

An investigation by Medical Justice, a network of asylum detainees and doctors, based on a dossier of 50 cases published on Tuesday, claims that torture victims are being routinely held in immigration detention centres in breach of the Home Office's own rules.

The Medical Justice report, **The Second Torture**, says that rule 35 of the 2001 Detention Centre Rules, which should prevent torture victims being locked up in all but exceptional circumstances, is routinely being flouted.

The legal challenge follows strong criticism earlier this year by the United Nations high commissioner for refugees, who said inadequate screening processes meant rape victims and torture survivors who claimed asylum in Britain could find themselves being led off to a detention centre in handcuffs.

Rule 35 requires doctors and healthcare teams in immigration removal centres to report the case of any individual who they are concerned may have been tortured. In cases where there is independent medical evidence that people have been tortured, they should be released.

The dossier shows that out of 50 cases of people who had medical evidence of having suffered torture, only one was released as a result of rule 35. Fourteen of those detained have been given leave to remain in Britain, and the remainder are still having their asylum claims considered.

The 50 cases involve people who have been held in British immigration centres since May 2010. They had fled countries where they had been beaten or whipped, or suffered rape or instrumental rape. Some had injuries and scarring typical of a history of torture.

Two of the 50 were deported back to their original countries, but the remaining 48 have been released in Britain, which campaigners say raises the question of why they were detained in the first place. The dossier shows detainees were held for an average of 226 days at a cost to the taxpayer of about £23,000 per detainee.

"My detention was hell . I wouldn't wish that on any person. It made me feel worthless, useless and that I had no future, which is why I attempted suicide on four occasions during my detention . The damage done to me, remains with me. Detention broke my heart . [it] took everything from me," said one unnamed torture survivor quoted in the report.

A series of five co-ordinated applications for judicial review is to be launched in the high court on Tuesday on behalf of five torture survivors. Their lawyers are either seeking to secure their release from detention or to claim damages for false imprisonment against UKBA, or both.

Natasha Tsangarides of Medical Justice said: "UKBA and their contractors must be brought to account. That they can treat some of the most vulnerable individuals in this way and behind closed doors is a disgrace. All we ask for is that the government implements its own policy."

Lord Avebury, the Liberal Democrat peer, who has repeatedly raised the issue in parliament, said: "Rule 35 is not working, and hasn't worked ever since it was first introduced. This survey is a wakeup call."

But a UKBA spokesman said: "The UKBA takes the issue of detainee welfare seriously and is committed to treating detainees with dignity and respect. Torture survivors are normally considered suitable for detention only in exceptional circumstances, but this does not mean a blanket exemption of such individuals from detention."

He said each case must be considered on its merits and all factors, including a history of allegations of torture, had to be considered before a decision was reached.

(Alan Travis, home affairs editor – [The Guardian](#) – 22/5/12)