

BROOK HOUSE INQUIRY

FURTHER UPDATE FOR PRELIMINARY HEARING ON 14 DECEMBER 2020

(i) Documentary evidence

1. The Inquiry has now received over 24,000 documents, not all of which will be relevant to the Inquiry's work. No firm view on the relevance of some material can be reached until the scope of the Inquiry is fully determined, but the assessors are applying a generous test of relevance to ensure that nothing potentially useful is missed. A substantial tranche of material has now been redacted in preparation for disclosure. Redaction involves the substitution of ciphers for the names of detainees, and the blanking out of irrelevant personal or identifying information (including direct dial telephone numbers, or medical or family information of no potential relevance to any allegation of mistreatment).
2. Redacted material has very recently been sent to the owners of the documents so that they have the chance to apply for any further redaction (for example, on grounds of LPP), or for changes in redactions, before onward disclosure to CPs.
3. A disclosure platform exists and is ready for use. The Inquiry will be using an Epiq Relativity platform. The Inquiry expects to be able to grant access to CPs to the platform, and supply the first tranche of disclosure, early in the new year. The documents will come principally from G4S and the Home Office.
4. Additional material has been requested from the BBC among others. The Home Office has supplied the Inquiry with the personal immigration files of a number of detainees. The Inquiry will be discussing this with the Home Office to make further disclosure of these immigration files more manageable. Some of them are enormous, may go back years and clearly contain material that will not be relevant. It is very important for the Inquiry to ensure that it has every Home Office immigration record that may shed light on the mistreatment of any detainee at Brook House between April and August 2017. But it is also important that the Inquiry's reviewers are not overwhelmed by having to deal with thousands of irrelevant documents.

(ii) Witnesses

5. As Core Participants know, the Inquiry's intention is for its own lawyers to take statements from witnesses. We had hoped that it would be possible to meet witnesses face to face. We have now had to accept that, in order to make progress, we will need to use video conferencing. The Inquiry is now making arrangements to start meetings with witnesses in the week beginning 18 January 2021.

6. The tracing of formerly detained individuals is also continuing. The Inquiry would be very grateful for the assistance from individual or NGO CPs in identifying any other people detained at Brook House between April and August 2017, and in encouraging them to come forward.

(iii) Experts

7. As Core Participants are already aware, the Inquiry has appointed Professor Mary Bosworth and Dr James Hard to provide expert evidence. Professor Bosworth will focus on the culture and management arrangements at Brook House, including issues relating to race, and Dr Hard on medical issues. Their instructions will be finalised after the hearing on 14 December 2020, and once the Chair has ruled on scope.

(iv) Undertakings

8. In order to avoid the risk of witnesses declining to answer for fear of self-incrimination, the Chair has requested undertakings from both the Attorney General and the Home Secretary. The Attorney has invited submissions from Core Participants before making a decision. The deadline for those submissions has now passed, and the Inquiry is awaiting the Attorney and Home Secretary's decisions.

Cathryn McGahey QC

11 December 2020