

6 MAY 2021

Minister Philp  
Home Office  
2 Marsham Street  
London, SW1P 4DF

BY EMAIL

Dear Minister Philp,

### **Brook House Inquiry – Update on request for Home Secretary’s Undertaking**

Thank you for your letter dated 20 April 2021. I refer to the terms of the undertaking that you offered in that letter to provide to the Inquiry.

I am sure you will appreciate that the terms that you have offered are not identical to those that I requested in my letter to the Home Secretary dated 23 November 2020. I am concerned that the amended terms will not offer the protection that I intended the undertaking to provide. Crucially, the undertaking was intended to ensure that the Home Secretary could not deploy in immigration proceedings any evidence that an individual had provided to this Inquiry, *unless that individual chose to rely on such evidence in the immigration proceedings, and there was a risk of the immigration decision-maker being misled as a result.*

The wording that you have offered would permit the Home Secretary to use in immigration proceedings, at her discretion, evidence given by an individual to the Inquiry whether or not that individual had chosen to rely on it. The condition for the use of such evidence would be simply that this was “*necessary to ... correct a false impression or assertion*”. I am sure that you will recognise that, in removing the condition that Inquiry evidence can be used only if the individual himself uses it, you have weakened very significantly the protection that would have been offered by the undertaking that I requested.

On receiving your letter, I sought observations from the Inquiry’s Core Participants. I enclose with this letter a letter dated 28 April 2021 from the solicitors’ firm of Deighton Pierce Glyn, submitted on

behalf of representatives of all former detainee and NGO Core Participants. I agree with the points that they make in respect of the effect that the changed wording has made on the protection to be offered by the undertaking.

It is clear to me that the chances of the Inquiry obtaining the co-operation of witnesses who were detained will be substantially reduced if the undertaking remains in the form that you have offered. I would therefore be most grateful if you could reconsider the matter, and could reinstate in Clause (i) the wording that I requested. The amendment that you have made to Clause (ii) does not give rise to any concerns.

The Inquiry is planning to commence its substantive hearings in November 2021. In order for the Inquiry to make efficient progress, and for those hearings to go ahead, it is essential that the Inquiry should, in the very near future, be able to obtain witness statements from individuals who were detained. I would therefore be grateful if you could give urgent consideration to my request for reconsideration of the wording of the undertaking.

I am copying this letter to all Core Participants in the Inquiry.

Yours sincerely,



**Kate Eves**  
**Chair**  
**Brook House Inquiry**