

HIDDEN DESPAIR

The deaths of foreign
national prisoners

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There has been considerable media interest in the recent huge rise in prison suicides, described by chief inspector of prisons Nick Hardwick as 'unacceptable in a civilised society'.¹ But among this growing toll, the suicides of foreign national prisoners (FNPs or FNOs - foreign national offenders), attract virtually no attention. The media tend to make vast generalisations, lumping all FNPs together. But there are vast differences amongst offenders, some of whom may have been victims of human rights abuses in their own country and are terrified of return. Foreign national prisoners are subject to a prison regime which can exacerbate risks of self-harm and suicide through despair, which is by far the greatest killer of this group. Statistics are not easy to access, but according to the Prisons and Probation Ombudsman (PPO), 17 percent of self-inflicted deaths in prison were of FNPs from 2004-13 (they comprise around 13 percent of the prison population).² In this Briefing Paper, we examine some of these deaths since 2000, as part of an IRR project on BME and migrant deaths in custody which includes a forthcoming report, *Dying for Justice*.

Until 2006, foreign prisoners were largely invisible in British prisons. Most prisons did not know which of their prisoners were British and which foreign. But at the end of their sentence, FNPs, unlike British prisoners, can be (and often are) held under Immigration Act powers for deportation, sometimes for lengthy periods. They are often excluded from rehabilitation or pre-release programmes. The specific additional problems foreign prisoners bring with them - language difficulties, lack of family ties, issues around their immigration status and perhaps fear of return home - combine to create isolation, depression and confusion. The 'care and awareness of others' said to be at the heart of a healthy prison³ has too often been lacking, for vulnerable FNPs. And when there is a death, there is often no family in the UK able to hold the prison service or the Home Office to account for failures of care.

Of the six deaths in Lewes prison in 2001-2002, three were of foreign national prisoners with English as a second language. One of these was Iranian **Nariman Tahmasebi** (27), who had fled to the UK after detention in Iran for his political beliefs. Refused asylum here and fearful of return, he was caught trying to board a plane to Canada using the forged travel documents he had arrived with. He was sentenced to six months imprisonment, arriving at Lewes prison on 14 February 2002. He hanged himself from the bars of his cell with a sheet on 20 February. At his inquest, the jury heard that all his interviews with prison staff - on arrival, an induction interview the next day and a health care interview - were conducted in English with no interpreter, although Tahmasebi's English was poor. Despite his telling guards that he had overdosed in Iran after being beaten by prison guards, and that he would contemplate harming himself if he was threatened with return to Iran, they did not treat him as a suicide risk. The inquest did not investigate whether the guards knew he was liable to deportation at the end of his sentence. In any event, he was put in a single

cell and found hanged the following night, dying five days later in hospital without regaining consciousness.⁴ The jury returned a verdict of misadventure.

The 'foreign national prisoners' scandal

In April 2006, a political and media scandal erupted over the revelation that, since 1999, just over a thousand foreign national offenders had been released at the end of their sentence without the Home Office considering whether they should be deported, in accordance with powers of deportation of foreigners committing offences. The fact that many others had been detained for months or sometimes years beyond their release date because of Home Office dilatoriness was not considered scandalous.⁵ Home secretary Charles Clarke, who had given a parliamentary committee inaccurate figures underestimating the numbers, was forced to resign, and under his replacement John Reid, the law was changed to make deportation mandatory for those serving sentences of over a year (except those with a valid asylum or human rights claim). Deportations following a criminal conviction increased five-fold between 2005 and 2008.⁶ Most offenders had committed minor drugs offences or immigration-related document offences. But the tabloids were focusing on the 'foreign rapists and murderers' roaming our streets'. A secret policy was devised, involving the detention of all time-served FNPs for as long as it took to deport them – which could be years – regardless of their mental state. The policy was ruled illegal in March 2011 – but in the meantime, thousands of offenders were rounded up and detained, and those already in prison stayed there. By January 2011 over 1600 FNPs were stuck in prison beyond their sentence, a quarter of them for over a year.⁷

The proportion of foreign national prisoners in the total prison population tripled in a decade to 10,000 in April 2006, or 13 percent

of the prison population. But the increase in numbers did not lead to a commensurate concern about FNPs' treatment in prison. An HMIP thematic report of July 2006⁸ – the first to look at foreign prisoners as a group – condemned the prison service' rejection of national standards for the conditions and treatment of FNPs, who were not given support or coherent planning for release or deportation, or help with their specific vulnerabilities – lack of family ties, language problems, fear of return. On the contrary, HMIP found prison staff to be intolerant of language and cultural differences, and Muslims and BME prisoners reported discrimination. Non-English speakers had the greatest problems.

The crackdown on foreign offenders took its toll in a dramatic rise in prison suicides of FNPs: from an average of three to four a year to eighteen or twenty-three in 2007 (the number went down to eight in 2008.)⁹ **Avtar Singh**, a 39-year-old Indian Sikh, died on 13 November 2007 at Canterbury prison, a prison which specialised in FNPs. He had incurred a debt of £10,000 for travel to the UK and had lived undocumented for several years, working as a building labourer, paying off the debt and sending money to his parents and children in India, but had had to return to India when his mother was diagnosed with cancer. On his return in September 2007 he was arrested at Stansted for using a false passport, sentenced to fifteen months and recommended for deportation. The prison sentence was like a torture to him; it prevented him both from working to earn more money for his family, and from returning home before his mother's death. He told his cellmate his life was over; he had no idea how he was going to feed his children or repay the remaining debt. He hanged himself in his cell. The PPO's investigation¹⁰ found that the Home Office kept FNPs at the prison uninformed about their status, exacerbating frustration and distress.

The service of a deportation notice on Christmas Eve led directly to the suicide of a teenage

Darfuri refugee, **Abdullah Hagar ('Joker') Idris** the following day. Idris was fifteen when he arrived alone in Britain in 2005 seeking asylum from the massacres in Darfur, Sudan, but Essex social services assessed his age as seventeen. He was arrested for affray in 2007 and remanded to HMP Chelmsford. Convicted in July 2007, he was due to be released in January 2008, but was given a notice on 24 December telling him he would be detained for deportation at the end of his sentence. He was not told that Darfuris were not being removed to Sudan at that time and that it was highly unlikely he would be deported. There was no one he could talk to; he had an uncle in the UK but could not contact him as his number was stored in Idris' mobile phone, to which prison staff had refused him access. He told other prisoners that he would rather die here than be killed by the government in Sudan. The PPO found that the needs of FNPs were not being met in the prison, and that the notice – its content and the way it was served – triggered Idris' death.¹¹ In 2010, an inquest jury returned a verdict which was highly critical of the prison's failure to have a formal and managed system for the delivery of deportation documents to prisoners.¹²

Within two months of Idris' death, another young foreign national prisoner, 18-year-old Sri Lankan Tamil **Vinith Kannathasan**, hanged himself at the same prison. Kannathasan and his mother had come to the UK as asylum seekers when he was eight. He had had serious mental health problems from the age of eleven, with spells in young offender institutions and psychiatric hospitals. Despite his telling staff on his arrival at Chelmsford in December 2007 (on remand for sexual offences) that he had bipolar disorder but did not need medication, he was never given a formal mental health assessment or a clinical risk assessment. He was difficult and disruptive and experienced bullying, and he was found hanged in the early morning of 12 February 2008. The prison officer who entered his cell initially thought he was 'playing up'; he was 'on tiptoes' with

a bed sheet round his neck and 'a smirk on his face';¹³ it was only when he touched the freezing cold, stiff body that he realised Kannathasan had actually hanged himself.

The PPO investigation of the death found mental health provision to be 'woefully lacking'.¹⁴ An inspection in July 2007 had criticised the mental health provision at Chelmsford,¹⁵ but so far as FNPs were concerned this reflected a wider national picture: an October 2007 thematic review of mental health care for prisoners had reported on the increasing emotional and mental vulnerability of foreign nationals across the prison estate, which was not being addressed by health care staff.¹⁶

Another suicide, this time in Pentonville prison in March 2008, revealed a failure by prison staff to take seriously enough threats of suicide by those facing deportation. 24-year-old Ghanaian **Delaili Kwadzo Abusah** (known to everyone, including his fiancée, as US citizen **Alfredo Costano Fuentes**), had been arrested for a passport offence in August 2007, and he was known to be a suicide risk since letters he wrote in November 2007 talked of suicide. Served with a deportation notice in January 2008, he said he could not remain in prison after his sentence and would kill himself if he was not either deported or released on his conditional release date in February. His appeal, listed for 27 March, was adjourned; he was taken to court on new fraud charges in early March; temporary admission was refused and the immigration officer who was due to meet him to discuss his case on 28 March didn't turn up. His wish to be moved to an immigration removal centre (IRC), where conditions were not so harsh, was not granted. After two serious attempts in February and March, after which he was not properly risk-assessed owing to staff shortages, he hanged himself on 30 March 2008.¹⁷

Similar failures, exacerbated by a prison's failure to address language difficulties, led to the suicide of 25-year-old Indian

Satnam Singh at HMP Birmingham in Winson Green on 23 February 2010, while on remand on a rape charge relating to his estranged wife. Singh, a Punjabi speaker, was not provided with a professional interpreter for a risk assessment after he was seen chewing electrical cables and exhibiting distress and agitation. During his 37 days in prison he was subjected to 'control and restraint' procedures several times. His parents tried repeatedly to visit, and were repeatedly refused (there was no interpreter, or they had brought the wrong form, or come on the wrong day, or had brought no ID). A mental health nurse who said Singh should be under constant supervision in the healthcare unit was overruled by the deputy governor, and despite two unsuccessful suicide attempts, he was not placed on suicide watch before hanging himself on the third attempt. An inquest jury was critical of the lack of professional interpreting, the lack of communications within the prison and inadequate mental health care.¹⁸

Most of those who killed themselves in prison are young men. **Riliwanu Balogun** was only twenty-one when he died. Sexually abused as a young child, he had been brought to the UK aged seven and left at Southwark social services after his mother died in Nigeria. He had no contact with his father, who was in Africa, or with any siblings, and grew up in care, in different children's homes, where he suffered physical abuse. He was, as the PPO found, deeply troubled, with unresolved grief for his mother and a history of self-harm and suicide attempts. Following a second conviction for a serious assault in 2010 he was given an extended sentence at HMP Woodhill. The Home Office took a decision to deport him, although he had lived for two-thirds of his life in Britain and had nothing in Nigeria. He was transferred to Glen Parva YOI in Leicestershire after becoming infatuated with a female prison officer at Woodhill, but information about self-harm and suicide attempts, and about his immigration status, was not passed on. He was denied a visit from his best

friend, Harry Barnard, on 6 May 2011. He cut his neck superficially with a razor blade on 7 May, and then, although on suicide watch, hanged himself on 8 May, the day after his 21st birthday, after telling a prison officer he had nothing to live for. He died from his injuries on 16 May.¹⁹

The fact that a significant number of young people who have lived for most of their lives in Britain are so distressed at the prospect of deportation that they kill themselves has not led policy-makers to question the propriety of removing such vulnerable young people from the country. In the 1990s, deportation was widely (although not officially) acknowledged to be a double punishment for foreign prisoners, coming on top of the prison sentence. It was very rare for people, particularly young people, who had spent the best part of their life in the UK and had put down roots here, to be deported. Home Office policy acknowledged that children's roots were generally too well-established after seven years for removal to be appropriate. The European Court of Human Rights set out a balancing exercise to be performed by officials and judges in deciding whether to deport offenders, which took account of family, language, cultural and other ties in the host and proposed destination country, the gravity of the offence and the hardship removal would bring. Some judges went further, stating that children remained the responsibility of the state which had educated them and could not be discarded for bad behaviour. The phrase 'virtual nationals' was coined to describe young people educated in the host state. But the 2006 furore over offenders' non-deportation marked the seizure of the agenda by the political Right, and the *Daily Mail*, the *Sun* and the *Telegraph* took up with glee the 'scandal' of human rights for foreign offenders. After 2007, the automatic deportation provisions for offenders meant that appeals could only be fought on asylum or human rights grounds, but the right-wing press excoriated those judges who accepted that respect for the family or private life of

an offender (private life being defined as all the person's ties to Britain) precluded his or her deportation.²⁰ So thorough has been the media demonisation and lumping together of all foreign offenders, no matter how vulnerable, that it has become virtually impossible to resist their deportation unless they can prove it will lead to a real risk of torture or death.

Young trafficking survivor **Tuan Ho**, a Vietnamese national, hanged himself at HMP Chelmsford on 4 July 2011. At the time his age was reported as 18, although the PPO investigation concluded that he was by then 22. He had recently accepted a 'voluntary return' to Vietnam after being convicted of production of cannabis, but on the day of his death his Vietnamese cellmate was transferred to an immigration removal centre (IRC). Although the PPO found no issues with translation or healthcare and decided that there were no prior indications of suicidal intent, it is questionable why a young trafficking survivor was in prison at all.

Home Office policy not to use Immigration Act powers to detain vulnerable people including trafficking victims and those with serious mental illness is routinely violated when it comes to FNPs. The secret policy of blanket detention of all FNPs after the breaking of the FNP 'scandal' in 2006, referred to above, led to the detention of many very vulnerable people, often for months or even years.²¹ But even after the policy was declared illegal, FNPs were still detained for deportation after completing their sentences, despite clear psychiatric evidence that detention was very damaging and could cause suicide. High Court judges have ruled on several occasions that continued detention of extremely vulnerable individuals was inhuman or degrading, violating basic human rights. In one case staff at Harmondsworth removal centre drew up an end of life plan and plans to manage press coverage in the event of a man's death, rather than release him as psychiatrists were demanding.²²

Conclusion

The link between the deportation drive and suicide among foreign national offenders was demonstrated by the huge spike in self-inflicted death in 2007 and their continuing high incidence, particularly in young men. Failure by prisons to tackle language difficulties, to facilitate communication with family or friends, to have decent mental health-care provision or effective communications, internally and with other prisons and agencies, have all played their part. But what stands out in our sample, as in other studies, is the failure of prison staff to recognise the high vulnerability of some foreign offenders, especially young men. Sometimes they have not even been aware of a prisoner's immigration status. These prison deaths have been caused by a profound lack of human awareness towards the particular vulnerabilities of FNPs – manifested by conduct such as reliance on bureaucratic rules (refusal to allow access to a mobile phone on which the number of a prisoner's only UK relative was stored); refusal of visits by family or close friends; failure by immigration officers to communicate decisions promptly, sensitively or (sometimes) at all; unexplained transfers; failure to recognise the genuineness of distress, marking it as 'disruption', 'not genuine' or 'not serious'; failure to act on indications of suicidal intent including earlier attempts. It is hard to avoid the conclusion that these issues are heightened by the political attitude which deems FNPs the scum of the earth.

Notes

- 1 [‘Nick Hardwick refuses to re-apply for chief inspector of prisons role’](#), *Guardian* 2 December 2014.
- 2 PPO, ‘Learning from PPO investigations: risk factors in self-inflicted deaths in prisons’, April 2014.
- 3 HMIP, ‘Suicide is everyone’s concern: a thematic review’, May 1999. The review broke down suicides in prison by ethnic group, finding that between 1996-8, the suicide rate for ‘Black, Asian and Other non-White’ prisoners was lower than their proportion in the prison population, but it did not look at foreign national prisoners.
- 4 See [‘Asylum death deemed misadventure’](#), IRR News 12 May 2005.
- 5 See a Prisons Reform Trust 2004 report, *Foreign prisoners – forgotten prisoners*, which revealed that 400 foreign offenders were still held after the expiry of their sentence because of difficulties arranging their deportation.
- 6 From 1,000 in 2005 to 5,400 in 2008: HO statistics February 2009. They levelled out at between 4,500 and 5,000 in the years from 2009: see The Migration Observatory, *Deportations, removals and voluntary departures from the UK*, June 2014, <http://migrationobservatory.ox.ac.uk/briefings/deportations-removals-and-voluntary-departures-uk>.
- 7 Independent Chief Inspector of Borders and Immigration (ICIBI), *Thematic inspection on how UKBA manages foreign national prisoners*, 2011. The average length of immigration (post-sentence) detention was 190 days.
- 8 HMIP, Thematic Review: Foreign national prisoners, July 2006.
- 9 The figure of 23 appears in the PPO’s report on the death of Avtar Singh, see note 9 below. Other sources give eighteen as the number of suicides in 2007.
- 10 PPO investigation report, March 2008.
- 11 PPO investigation report, November 2008.
- 12 See [‘Darfuri asylum seeker failed by the system’](#), IRR News 10 June 2010.
- 13 PPO investigation report, January 2010.
- 14 PPO report above.
- 15 HMI announced inspection, July 2007.
- 16 HMI thematic review on the care and support of prisoners with mental health needs, October 2007.
- 17 See PPO investigation, December 2009.
- 18 *Birmingham Post* 12 January 2014; PPO investigation January 2012.
- 19 *The Voice* 14 July 2011; *Leicester Mercury* 25 January 2013; PPO investigation September 2012.
- 20 See eg [‘Deportation policy breaches human rights’](#), IRR News 14 January 2010; [‘Foreign criminals, the press and the judges’](#), IRR News 29 June 2011.
- 21 In March 2014, according to Home Office statistics 175 people had been detained under immigration

powers for over a year, and 39 for over two years. A number had been held for over four years.

- 22 See [‘Second immigration detention ruled inhuman or degrading’](#), IRR News 22 December 2011, and more recently, [R \(MD\) v Secretary of State for the Home Department \[2014\] EWHC 2249 \(Admin\)](#), 8 July 2014.

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