



Letter to The Home Affairs Select Committee:

Bibby Stockholm barge: Death of Leonard Farruku

I am the Director of INQUEST, the only charity providing expertise on state related deaths and their investigation. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media, and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question, such as the Hillsborough disaster or Grenfell Tower fire.

I am writing to the Home Affairs Select Committee to:

(a) highlight our concern regarding the lack of independent scrutiny and oversight of conditions on the Bibby Stockholm, including the investigation mechanisms following a death and the need for a full and effective independent investigation (b) to highlight concerns regarding the detention like conditions and safety of asylum seekers and the ongoing risks of further harms and deaths.

INQUEST is working with the family of Leonard Farruku, an Albanian national and an asylum seeker in the UK who died on the Bibby Stockholm on 12 December 2023. This was a death in our view forewarned and such were our concerns that we contacted his family to offer practical advice and support. We explained the legal processes following a death in the absence of this information being provided to them by the Home Office. We have also facilitated legal representation for the family. In addition, I wrote to the Home Office requesting assistance to the family for repatriation of Leonard's body. This was refused and the family were forced to crowd fund.

Prior to and after the death, significant concerns have been raised about the 'prison like' conditions on the Bibby Stockholm¹, the systems in place to assess the suitability of individuals to be accommodated on the barge and their subsequent health and safety.²

Lack of independent scrutiny and oversight

We note the Home Secretary's commitment that the death of Leonard Farruku will be investigated fully.³ However, it is our understanding that - given its Home Office

¹ e.g. <https://www.theguardian.com/uk-news/2023/oct/29/this-is-a-prison-men-tell-of-distressing-conditions-on-bibby-stockholm>

² e.g. <https://www.theguardian.com/uk-news/2023/aug/13/home-office-was-told-about-legionella-on-refugees-berge-on-day-they-boarded>

³ <https://www.bbc.co.uk/news/uk-67751815>

⁴ <https://assets.publishing.service.gov.uk/media/6560ce7e1fd90c000dac3b98/Failure+to+Travel+to+Bibby+Stockholm+Vessel+policy+guidance.pdf>

² [About our inspections \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/about-our-inspections/)

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designation as non-detained accommodation⁴ - the barge falls outside the systems of independent inspection, monitoring and oversight applicable to immigration detention centres provided by His Majesty's Inspectorate of Prisons (HMIP)⁵, Independent Monitoring Boards⁶ (IMB) and, following a death, by the Prisons and Probation Ombudsman (PPO).⁷ We note that the Chair of the UK National Preventative Mechanism has written to the Home Secretary drawing attention to the apparent lack of independent inspection and oversight, seeking further clarification on the justification for this, and reserving the UKNPM's position on whether the conditions on the barge do in fact on analysis constitute a deprivation of liberty."

All deaths in immigration detention are automatically investigated by specialist investigators from the Prisons and Probation Ombudsman.⁸ The purposes of this investigation include promptly securing key evidence (which will later assist the coroner with any investigation they may undertake), ensuring the full facts come to light, provide explanations and insight to bereaved people, and identifying necessary steps to be taken to remedy shortcomings in relevant safeguards.

The conditions on the Bibby Stockholm are not subject to public scrutiny (indeed there have been reports of even Members of Parliament being refused access to the barge⁹). In the absence of the application of the HMIP and IMB inspection and monitoring regime, INQUEST is concerned that that this situation undermines the effective scrutiny of key safeguards to protect life and prevent ill treatment (of the type outlined below) and ultimately will hinder timely action to prevent further harm and deaths on the barge or in other quasi-detention settings.

We note that the PPO Terms of reference gives the Secretary of State for Justice the power to request a special investigation that would normally be outside the remit of the Ombudsman.¹⁰ Given the concerns that we document below we would argue that this is a case of significant public interest warranting independent investigation by those with the necessary skills and expertise. In our view it is vital that the Secretary of Justice should make this request to enable the appropriate robust level of scrutiny rather than merely an internal process of evidence gathering by the Home Office and its contractors (or at best by local police officers lacking the specialism of PPO investigators) which will in due course inform the coroner's inquest.

⁶ <https://imb.org.uk>

⁷ [Prisons & Probation Ombudsman \(ppo.gov.uk\)](https://ppo.gov.uk)

⁸ <https://ppo.gov.uk/investigations/investigating-fatal-incidents/fatal-incidents-team/>

⁹ [MP, mayor and councillors refused entry to Bibby Stockholm as asylum seekers conditions are slammed \(msn.com\)](https://www.msn.com)

¹⁰ <https://ppo.gov.uk/investigations/special-investigations>

Concerns regarding the conditions and safeguards on the Bibby Stockholm

Our concerns about the suitability of the Bibby Stockholm include the following:

- The barge is used to accommodate asylum seekers, a group widely documented to include a high proportion of individuals with complex mental health needs and vulnerabilities. The Royal College of Psychiatrists reports that common mental illnesses in displaced adults include PTSD (31%), depression (31%), anxiety disorders (11%), and psychosis (1.5%).¹¹ The World Health Organisation state that asylum seekers tend to be at elevated risk of suicide.¹² This a cohort inherently unsuited to accommodation in the conditions of the barge, but there are also significant concerns that the safeguards intended to prevent especially vulnerable persons being placed on the barge, and to ensure prompt re-accommodation following a deterioration in mental health, remain not fit for purpose.
- The features of quasi-detention highlighted by the All-Party Parliamentary Group on Immigration Detention's Report of the Inquiry into Quasi-Detention¹³ all appear to be present. This includes: physical and social isolation; the re-traumatising military/prison-like nature of accommodation; prevalence of shared facilities, lack of privacy and conditions causative of sleep deprivation; the difficulty of disclosure of sensitive information in such settings and consequent impact on the ability to access legal rights, healthcare and other support; restriction and surveillance of residents' movements; and the way in which the site is targeted by individuals and groups of the far-right.¹⁴
- Many of those accommodated on the barge are assigned to cabins originally designed for one person but now being shared by two. Others are in living areas converted into multi-occupancy dormitories (4-6 occupancy). Crowded conditions such as these are associated with a range of negative health consequences including anxiety, depression, and psychological distress. They are also associated with increased risk of respiratory illness, including COVID-19 and tuberculosis, as well as infectious disease.¹⁵ We understand that the number of asylum-seekers accommodated on the barge was as December 2023 reported to be around 320,¹⁶ but that the capacity according to the Home Office is 504.¹⁷

¹¹ <https://www.rcpsych.ac.uk/international/humanitarian-resources/asylum-seeker-and-refugee-mental-health>

¹² <https://www.who.int/news-room/fact-sheets/detail/mental-health-and-forced-displacement>

¹³ <https://appgdetention.org.uk/wp-content/uploads/2021/12/211209-APPG-on-Immigration-Detention-Report-of-Inquiry-into-Quasi-Detention.pdf?x85411>

¹⁴ <https://onelifetolive.org.uk/wp-content/uploads/2023/11/Bibby-Stockholm-quasi-detention-27Nov23.pdf>

¹⁵ <https://www.iser.essex.ac.uk/research/news/2023/09/04/bibby-stockholm-legionella-is-not-the-only-health-threat-on-the-asylum-berge>

¹⁶ [Bibby Stockholm: Calls for migrants to be removed after death - BBC News](#)

¹⁷ <https://homeofficemedia.blog.gov.uk/2023/10/19/statement-on-the-bibby-stockholm-19-10-2023/>

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- There is significant social isolation and restrictions are placed on the movement of asylum seekers accommodated on the barge. They are issued with ID swipe cards and are unable to enter and exit the barge (even for example to smoke a – cigarette) without going through airport-style security scans.¹⁸ Significantly, we understand that the barge is berthed beside a secure compound policed by the port police force over which there is no public right of way for security reasons (relating to military uses of the port). Asylum seekers are not able to cross the compound on foot (save for accessing a small tarmac ‘exercise’ area surrounded by a 20-foot-high security fence with a heavy metal gate manned by police) and must take an hourly shuttle bus from the compound which goes to a choice of three stops on Portland and in Weymouth. There have been reports that the buses do not always turn up or leave on schedule and that it is sometimes not possible to board if the bus is already full.¹⁹ ²⁰ There are also no buses between 11pm and 7am.²¹ Those on the barge are not permitted to receive visitors.

Against the above background, we have several significant concerns regarding the adequacy of safeguards to ensure the safety of persons accommodated on the barge:

- Despite the closed/quasi-detention conditions outlined above, those accommodated on the Bibby Stockholm notably do not benefit from the type of safeguards in place in immigration detention settings to try and ensure welfare and to safeguard individuals from the risks of suicide and self-harm associated with detention, such as found in Rules 34 and 35 of the Detention Centre Rules 2001²² and the Assessment Care in Detention and Teamwork (ACDT) framework.²³
- The Allocation of Accommodation policy states that, among other categories of individuals, those with “serious mental health issues where there is a high risk of suicide, serious self-harm or risk to others” are not suitable to be accommodated on the barge.²⁴ However, the adequacy of the operation of the system of screening was heavily criticised by the High Court in the judgment concerning the accommodation at Napier Barracks.²⁵

¹⁸ <https://www.bbc.co.uk/news/uk-66444120>

¹⁹ <https://onelifetolive.org.uk/wp-content/uploads/2023/11/Bibby-Stockholm-quasi-detention-27Nov23.pdf>

²⁰ <https://www.politico.eu/article/uk-controversial-bibby-stockholm-asylum-seeker-berge-speak-out-immigration-boats-pm-sunak-wingless-birds/>

²¹ <https://www.dorsetecho.co.uk/news/23671965.nine-month-maximum-stay-portland-berge-says-home-office/>

²² [The Detention Centre Rules 2001 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2001/1004/contents/made)

²³ [Assessment care in detention and teamwork - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/368822/assessment-care-in-detention-and-teamwork.pdf)

²⁴ <https://assets.publishing.service.gov.uk/media/651e85ee7309a10014b0a882/Allocation+of+accommodation.pdf>

²⁵ <https://www.judiciary.uk/wp-content/uploads/2022/07/Napier-Barracks-judgment.pdf> (see at paras 233 - 239)

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- We also have significant concerns about the selection and screening process for accommodation on the barge and the adequacy of support and rapid re-accommodation if a person's mental health deteriorates and regarding the safeguarding training and adequacy of the procedures for managing and escalating wellbeing needs for residents. We are concerned that staff on the barge (who would for example have responsibility for undertaking welfare checks on an individual about whom there are concerns) do not have the requisite training to perform this role. Again, the High Court²⁶ highlighted analogous features at Napier Barracks that increased the risk of deterioration of mental health and a lack of adequate processes applicable to when someone becomes unsuitable due to a deterioration in mental health.
- We are unclear of what systems are in place to access mental health support outside of 9am-5pm, during which time there is a qualified senior health professional on-site,²⁷ and between the hours of 11pm-7am during which time there is no bus service.
- What (if any) is the training for security staff and any other staff on the barge to deal with mental health crises of the type that will inevitably arise given the cohort and conditions?
- What are the steps that have been taken to address the concerns of the High Court in the Napier Barracks case?²⁸

I hope the above concerns are of interest to the committee. At the heart of this are real concerns about the ongoing risks to the safety and welfare of asylum seekers and the harmful and dehumanising impact of this accommodation.

Best wishes,

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²⁶ <https://www.judiciary.uk/wp-content/uploads/2022/07/Napier-Barracks-judgment.pdf> (see especially paras 237-239)

²⁷ <https://www.gov.uk/government/publications/asylum-accommodation-portland-port/portland-port-factsheet>

²⁸ <https://www.judiciary.uk/wp-content/uploads/2022/07/Napier-Barracks-judgment.pdf>