

**THE MANSTON INQUIRY**  
**TRANSCRIPT OF THE PRELIMINARY HEARING**  
**HELD AT 14:30 ON 15 JANUARY 2026 AT**  
**DORLAND HOUSE, LONDON**

1 **Sophie Cartwright KC:** Good afternoon, everyone.  
2 Please sit down. I am Sophie Cartwright, Chair of  
3 The Manston Inquiry. I am grateful to all of you  
4 who have attended the first public hearing of the  
5 Inquiry today. In a moment, lead Counsel to the  
6 Inquiry, Miss Clair Dobbin, King's Counsel, will  
7 provide an opening statement in which she will  
8 provide a summary of the work the Inquiry has  
9 undertaken to date to talk about the focus of our  
10 work and how we intend to go about it as we  
11 move towards substantive hearings and matters  
12 of timetabling that need to be addressed.  
13 As Miss Dobbin King's Counsel will explain a little  
14 more detail, The Manston Inquiry was granted  
15 permission to hold public hearings by the Home  
16 Secretary on the 7th of November 2025. The  
17 hearing today is being held in public, but is also  
18 being live streamed with a three-minute delay for  
19 the benefit of those with an interest in our work,  
20 but who cannot be with us today. A transcript of  
21 this hearing will be uploaded to The Manston  
22 Inquiry website, along with the written

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1 inquests and other investigations to achieve their  
2 objectives with candour, promptly and  
3 proactively, and without favour to their own  
4 position to ensure there is the fullest investigation  
5 and understanding of the incident at Manston in  
6 2022.  
7 The Inquiry expects and encourages candour,  
8 transparency and frankness from all Material  
9 Providers and Inquiry Participants. I hope and  
10 expect the full cooperation from all of those  
11 involved in our work, as demonstrated to date,  
12 will continue. This is of vital importance if the  
13 work of the Inquiry is to proceed in an efficient  
14 and an effective way. I will now hand over to Miss  
15 Dobbin King's Counsel, and then we'll invite the  
16 representatives of those who are to make oral  
17 submissions to do so. Miss Dobbin, thank you.  
18 **Clair Dobbin KC:** Chair, the government's decision  
19 to institute The Manston Inquiry was announced  
20 on the 12th of February 2025. The Inquiry  
21 commenced its work on the 17th of March 2025,  
22 and this is the first hearing in it. It is a non-  
23 statutory inquiry and for that reason I will refer to  
24 its participants as Inquiry Participants. And on  
25 behalf of the Inquiry, I would very much like to

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1 submissions that the Inquiry has received for this  
2 hearing on the substantive issues.  
3 I want to thank all Material Providers and Inquiry  
4 Participants for their assistance and cooperation  
5 with the work of the Inquiry to date, including  
6 providing disclosure and for all of the work that is  
7 taking place in the provision of detailed witness  
8 statements. I also want to thank the Inquiry  
9 Participants for their helpful written submissions  
10 for today's hearing, and in particular, for the  
11 commitment to collaboration and assisting the  
12 work of the Inquiry in addressing its important  
13 Terms of Reference to investigate and report on  
14 the decisions, actions and circumstances that led  
15 to the conditions encountered and experienced  
16 by those detained at Manston Short Term Holding  
17 Facility in June to the 22nd November 2022.  
18 The Public Office Accountability Bill, currently at  
19 the report stage in the House of Commons, has  
20 the objective to ensure that public authorities,  
21 officials and those working for public authorities  
22 at all times perform their functions with candour,  
23 transparency and frankness, and will create a legal  
24 duty of candour. Under this duty, public bodies  
25 and officials will be required to assist inquiries,

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1 welcome all of those who represent the Inquiry  
2 Participants and do my best to introduce those  
3 organisations and individuals who appear before  
4 you today. And also, rather inelegantly, I was  
5 going to refer to some of them by reference to  
6 the solicitors who represent Inquiry Participants.  
7 There may be a better way of doing that in the  
8 future, but I hope that for the purposes of today  
9 that that will be sufficient.  
10 So, first, the Duncan Lewis Inquiry Participants are  
11 represented by Mr. Nicholls. The Deighton Pierce  
12 Glynn Inquiry Participants are also represented by  
13 Mr. Nicholls. The Gold Jennings, Wilsons and  
14 Bindman Solicitors Inquiry Participants are  
15 represented by Miss Luh, Miss Benfield and Miss  
16 Profumo. The Bhatt Murphy Inquiry Participants  
17 are represented by Miss Harrison, King's Counsel.  
18 The Home Office is represented by Mr. Mably,  
19 King's Counsel.  
20 The Ministry of Defence is represented by Mr.  
21 Auburn King's Counsel. Mr. O'Mahoney is  
22 represented by Mr. Dunlop, King's Counsel. The  
23 Cabinet Office is represented by Miss Studd,  
24 King's Counsel, and Mr. Harland. His Majesty's  
25 Treasury is represented by Miss Anderson. The

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1 Ministry of Justice and His Majesty's Prison and  
2 Probation Service is represented by Mr.  
3 McGarvey. His Majesty's Inspectorate of Prisons is  
4 represented by Mr. Jolliffe. Mrs. Suella  
5 Braverman, King's Counsel MP, is represented by  
6 Miss Leek, King's Counsel. The UK Health Security  
7 Agency is represented by Mr. Rawat King's  
8 Counsel. Mitie Care and Custody is represented by  
9 Mr. Wright and Miss Milner.  
10 Kent County Council is represented by Miss  
11 White. The Humans for Rights Network is  
12 represented by Miss O'Mara, and as you've  
13 already said, these proceedings are being  
14 broadcast, and this hearing is therefore  
15 accessible. The three-minute delay is lest  
16 something sensitive is said so that there is a  
17 chance to rectify it. But I don't think that anyone  
18 expects that that will happen today. In addition to  
19 some of the submissions you will hear, there are  
20 two organizations who are represented and who  
21 will make renewed applications for Inquiry  
22 Participant status. They are Care4Calais, and  
23 helpfully, they are also represented by Mr.  
24 Nicholls. And INQUEST, again, helpfully  
25 represented by Miss Harrison, King's Counsel.

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1 essence, the core mission of this Inquiry. Those  
2 Terms of Reference were amended to enable the  
3 Inquiry to investigate the circumstances of the  
4 death of Mr. Hussein Haseeb Ahmed, specifically  
5 that it should make determinations and findings  
6 as to how and in what circumstances Mr. Ahmed  
7 came by his death on the 19th of November 2022.  
8 Those Terms mirror section 5(2) of the Coroners  
9 and Justice Act 2009, which apply when a Coroner  
10 is required to discharge the adjectival duty under  
11 Article 2 of the Convention to investigate a  
12 person's death. And as matters stand, the Inquest  
13 into Mr. Ahmed's death has been suspended. In  
14 terms of what this - I was about to say "this  
15 morning", it's this afternoon - in terms of what  
16 this afternoon's hearing will cover, I intend on  
17 behalf of the Inquiry to set out the following: the  
18 background to the Inquiry and some of the  
19 matters which have given rise to it, an update on  
20 the Inquiry's work, encompassing an update on  
21 participants disclosure and the provisional list of  
22 issues and then finally, to say something about  
23 the hearing date.  
24 But before I come to all of that, I just want to turn  
25 to the background and some of the circumstances

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1 I will go on to explain something about the work  
2 that the Inquiry has undertaken thus far, but I  
3 wish to indicate at the outset that the Inquiry  
4 team is grateful to those Inquiry Participants and  
5 their representatives and the evidence providers  
6 who have contributed to its work thus far, and  
7 those who have attended the hearing and  
8 provided submissions to it. We, as an Inquiry  
9 team, look forward to working with all Inquiry  
10 Participants in a way which is collegiate and  
11 constructive, and towards the common goal of  
12 assisting this Inquiry in meeting its Terms of  
13 Reference. And we encourage dialogue to resolve  
14 any issues and, of course, extend that invitation to  
15 all Inquiry Participants.  
16 If I may then just turn to the Terms of Reference.  
17 The original overarching Terms of Reference for  
18 this Inquiry were that it should investigate and  
19 report on the decisions, actions and  
20 circumstances which led to the conditions  
21 encountered by those detained at Manston Short-  
22 Term Holding Facility, referred to as "Manston,"  
23 between the 1st of June 2022 and the 22nd of  
24 November 2022. The Terms provide further detail  
25 as to what this should entail, but this is, in

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1 which have given rise to the Inquiry. As is  
2 apparent from the Terms of Reference, the focus  
3 of this inquiry is the relatively narrow one, trained  
4 as it is on the conditions which pertained at  
5 Manston between the 1st of June and the 22nd of  
6 November 2022. So some six months at that time,  
7 Manston, a former military base in Kent, was  
8 operating as a Short-Term Holding Facility for  
9 those individuals who entered the United  
10 Kingdom on small boats and without the sorts of  
11 formalities or permissions that visitors to the UK  
12 are required to fulfil or have. There are different  
13 and sometimes contested terms to describe these  
14 men, women and children, but for the purposes  
15 of this opening, I intend to refer to them simply as  
16 people.  
17 During the period that this Inquiry is concerned  
18 with, many, but not all of these people claimed  
19 asylum upon their arrival. The arrival of people on  
20 small boats is a divisive and emotive issue in the  
21 United Kingdom, but this Inquiry is not a  
22 commission into migration or the seeking of  
23 asylum, and nor has it been set up to consider the  
24 reasons why specific individuals have come to  
25 enter the UK by boat. Its principal concern is the

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1 conditions in which those men, women and  
2 children were kept upon their arrival at Manston  
3 and why those conditions arose. I wish to say on  
4 behalf of this Inquiry at its very outset that it will  
5 approach all participants and all witnesses,  
6 regardless of who they are, recognising their  
7 inherent dignity and entitlement to a process  
8 which is fair.  
9 The work of this Inquiry is ongoing. And you, of  
10 course, Chair, have not reached any conclusions  
11 about the facts. And it's important to emphasise  
12 that anything I say today about the facts are  
13 provisional observations and based upon what  
14 the Inquiry understands, to be largely  
15 uncontroversial. But the Inquiry is still in the  
16 process of gathering evidence about the  
17 conditions at Manston, from those best placed to  
18 provide that evidence, and also from those  
19 witnesses who can provide vital context about  
20 how Manston came to operate as it did during  
21 those six months. And I am just Counsel to this  
22 Inquiry. The opening does not, in any sense,  
23 represent your views still less any findings.  
24 Chair, I thought that it would be useful to say  
25 something about the legal framework that applied

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1 Where a person is arrested, then they should be  
2 provided with a form IS91 informing them of their  
3 arrest and detention. And it's at this point that  
4 their formal detention commences. There is an  
5 issue in this Inquiry as to how long, in fact, people  
6 had been detained in the sense that they were de  
7 facto detained prior to the service of this form  
8 IS91. And whether there are accurate records as  
9 to how long, in reality, people had been held for  
10 prior to the service of any formal notice.  
11 In terms of unaccompanied people who arrive and  
12 who are under the age of 18, or assert that they  
13 are under that age, and their detention, the  
14 Inquiry understands that there may be a  
15 contested issue between Inquiry Participants and  
16 whether any child could lawfully be detained at  
17 Manston, and it's for that reason that I will  
18 deliberately not get into the specific legal regime  
19 that applies in this context.  
20 It suffices to say here that the Inquiry understands  
21 that an initial process, which was conducted at  
22 Western Jet Foil, was an age assessment in order  
23 that those accepted to be under the age of 18  
24 could be taken to the Kent Intake Unit (rather  
25 than to Manston), and a number of issues arise in

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1 in the context of those individuals who came by  
2 boat to the United Kingdom in order to explain at  
3 the outset why it matters here. During the  
4 relevant period, people who arrived on small  
5 boats or who were intercepted at sea were  
6 initially brought to Western Jet Foil.  
7 This became operational in January 2022 and was  
8 the site at which people were subject to safety of  
9 life at sea, or what's known as SOLAS procedures.  
10 So, for example, to be provided with dry clothing.  
11 People who arrive by small boat do so without  
12 permission, and after the SOLAS procedure, they  
13 become subject to the United Kingdom's  
14 immigration laws. Specifically, paragraph two of  
15 Schedule two of the Immigration Act 1971  
16 empowers immigration officers to examine any  
17 persons arrived in the United Kingdom by ship for  
18 the purposes of determining, and I summarise  
19 here, whether they should be permitted to  
20 remain or fall to be removed. This power to  
21 examine is accompanied by a power to detain  
22 under paragraph 16 one of schedule two, and a  
23 person liable to be detained under that paragraph  
24 can be arrested by, sorry, without warrant, by a  
25 constable or an immigration officer.

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1 this regard. These include, for example, the  
2 overall numbers of people who asserted that they  
3 were under the age of 18, how age assessments  
4 were carried out and the extent to which  
5 unaccompanied children were in fact detained at  
6 Manston, or, if technically not detained, present  
7 there.  
8 After people underwent initial procedures at  
9 Western Jet Foil, they were transferred to  
10 Manston, some 20 miles away. The Inquiry will  
11 consider the reasons for commissioning Manston  
12 as a location for processing people who arrive by  
13 boats. But again, for the purposes of this opening,  
14 it suffices to say that the Inquiry understands it  
15 became operational on the 1st of March 2022.  
16 That there may be vexed issues about the  
17 detention of unaccompanied children at Manston  
18 shouldn't obscure the general point that children  
19 who entered the UK with their parents stayed at  
20 Manston. In other words, that there are a series  
21 of questions that arise by dint of the fact that  
22 there were children present in Manston at all.  
23 You will want, I anticipate, Chair, to consider in  
24 due course the numbers of children who passed  
25 through Manston; the planning for this, what of

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1 any special arrangements were made for children;  
2 the risks children were exposed to and ultimately  
3 the reality of the conditions that they stayed in.  
4 But returning, if I may, to detention more  
5 generally, the Immigration (Places of Detention)  
6 Direction 2021 came into effect on the 23rd of  
7 November 2021. And this Direction specified  
8 where people detained under the provisions of  
9 paragraph 16 should be detained and this  
10 included any Short-Term Holding Facility. The  
11 Direction provided that detained persons should  
12 not be detained at such a facility for more than  
13 five days from the day upon which that person  
14 was detained. There was an exception where  
15 removal directions had been made to remove a  
16 person within a period of not two days. But I don't  
17 think that need complicate things today.  
18 But the reason why I'm setting that out is because  
19 this legal framework is significant in this Inquiry,  
20 because specific rules applied to short term  
21 detention in places like Manston and these were  
22 provided for in the Short-Term Holding Facility  
23 Rules 2018. And important for our purposes,  
24 these rules distinguished between a holding room  
25 and a Short-Term Holding Facility. Specifically,

1 points significantly over capacity. The Inquiry  
2 understands that safe capacity was around 1,650  
3 people, and at the height of the pressure on  
4 Manston, the numbers reached up to  
5 approximately 4,000 people at specific points in  
6 time. To put this into some context, the largest  
7 prison in the United Kingdom detains just over  
8 2,000 prisoners. The detention of people on  
9 immigration grounds is not the same as detention  
10 of people in the criminal justice system. The  
11 former entails very many different considerations.  
12 These include that amongst those arriving will be  
13 people who've experienced trauma and endured  
14 difficult and risky journeys to get to France, and  
15 then a perilous crossing. And I repeat the point  
16 that this includes families with children.  
17 But the fact remains that detaining people and  
18 providing care to them for whatever purpose is a  
19 complex task, usually bounded by a robust legal  
20 framework with strategies to deal with the risks  
21 inherent in detaining people and a workforce  
22 that's trained to deal with the multiplicity of  
23 demands this presents. In this Inquiry, stark issues  
24 arise because people were being detained in large  
25 numbers in conditions which were not intended

1 Rule 6(1) provided that a detained person could  
2 not be detained in a holding room for a period of  
3 more than 24 hours. This was subject to rule 6(2),  
4 which provided that the Secretary of State could  
5 authorise this period to be extended if he or she  
6 determined that exceptional circumstances  
7 required it.  
8 Specific rules that apply to residential facilities did  
9 not apply to holding rooms. The rules set out  
10 some minimum requirements that apply to  
11 detention beyond 24 hours. So, for example, the  
12 need to provide separate sleeping  
13 accommodation to those of different sexes. It's  
14 hardly surprising that there should be a different  
15 legal regime covering the detention of people for  
16 more than a 24-hour period. And it isn't surprising  
17 that there are safeguards and standards that  
18 apply to detention beyond that point. In broad  
19 terms, after 24 hours, people who had been  
20 processed at Manston and claimed asylum and  
21 who had no means of support, ought to have  
22 been bailed and provided with accommodation.  
23 Chair, it appears to the Inquiry that there is no  
24 dispute as to the bare fact that large numbers of  
25 people remained at Manston, and that it was at

1 for detention beyond 24 hours. Moreover, it's  
2 understood to be uncontroversial that a  
3 significant number of people were detained or  
4 remained. And I say this lest there's a dispute as  
5 to whether some people were detained in excess  
6 of 24 hours and sometimes for weeks. Aside that,  
7 the facilities in Manston were not suitable for  
8 living in beyond 24 hours. Those conditions  
9 deteriorated over time as more people arrived in  
10 Manston and couldn't be moved on.  
11 The net result was not simply that people  
12 remained at Manston beyond 24 hours, but that  
13 they were in conditions not designed for staying  
14 in on any sort of long-term basis, and which at  
15 points became overcrowded, squalid and  
16 insanitary. The extent to which conditions  
17 deteriorated and how long people had to stay in  
18 them for will form an important part of this  
19 Inquiry's work. There are obvious issues, subject,  
20 of course, to the limitation that this Inquiry  
21 cannot, per its Terms of Reference, determine  
22 civil liability as to the extent to which the length  
23 of people's detention or the conditions they were  
24 kept in, departed from the legal framework for  
25 detention. The efforts made to ensure that there

1 was compliance with law or whether, at points,  
2 the risks of illegality or actual illegality were  
3 tolerated and why that was the case. This may  
4 encompass the question of whether legality or the  
5 risk of it was unavoidable, or whether it was a  
6 matter of political choice.

7 Putting the legal framework to one side, it is  
8 obviously important that there is a focus on how  
9 the most basic needs of people's daily living were  
10 met. For example, having regard to the fact that  
11 people were largely accommodated in marquees  
12 or sometimes decommissioned buildings on the  
13 Manston site. Questions that go to human  
14 experience. What did people sleep on and where?  
15 How did they remain clean? How did they wash  
16 their children? What access did they have to clean  
17 underwear or clothes? What conditions were the  
18 toilets in? What did people eat and drink? How  
19 were they kept warm or cool? What did they do?  
20 If they were there for days or weeks? These are  
21 some of the questions that this Inquiry, focused  
22 upon the human experience of those at Manston,  
23 will seek to answer.

24 An important related question is the extent to  
25 which conditions put people at risk. If people are

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1 segregating people or how people were  
2 segregated.  
3 A linked aspect to all of this is what it was like to  
4 work at Manston, and the extent to which  
5 conditions also put staff on the ground at risk. I  
6 anticipate that you may hear evidence from those  
7 with oversight responsibilities about how difficult  
8 these conditions were for staff on the ground. I  
9 also anticipate you'll hear evidence from, or about  
10 individuals who worked at Manston, or had  
11 responsibilities for the management or oversight  
12 of Manston, about their frustrations or fears  
13 about conditions, what they tried to do to  
14 improve or resolve the situation, and what the  
15 challenges and obstacles were to running the site  
16 so that its operation was legal and its conditions  
17 decent. But there is evidence to suggest that  
18 there was misconduct on the part of some of  
19 those who worked at Manston. You'll wish to  
20 consider complaints made about staff, or what  
21 staff observed about others who worked there,  
22 how allegations were responded to and any  
23 findings made.

24 Another risk that pertained at Manston was that  
25 of infectious diseases like e-coli, scabies,

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1 being detained beyond very short periods of time,  
2 it does give rise to an array of risks in terms of  
3 keeping them safe, including their mental  
4 wellbeing and physical safety. There is evidence,  
5 but this needs to be developed, that as conditions  
6 in Manston deteriorated, tensions increased on  
7 the part of staff and those detained. It's important  
8 that I make clear on behalf of the Inquiry that  
9 people from different organisations worked at  
10 Manston and of course, on behalf of the Inquiry, I  
11 do not want to suggest that all employees should  
12 be stigmatized by the allegations made against  
13 some employees.

14 But there are questions about the extent to which  
15 staff at Manston were trained to respond with  
16 restraint and discipline in the face of their working  
17 conditions, or to treat people with humanity.  
18 What training they had in terms of keeping people  
19 safe in the broad sense of that term, or were  
20 trained to defuse situations, to maintain order or  
21 to deal with acts of violence. There are also  
22 specific issues that arise in relation to the  
23 appropriateness of steps taken, or the resources  
24 available to staff on the ground to deal with  
25 difficult situations. For example, in terms of

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1 diphtheria and gastrointestinal infections. And  
2 again, you will wish in due course to consider  
3 carefully evidence about people coming to  
4 Manston with illnesses or acquiring illnesses  
5 whilst they were there; the steps that were taken  
6 to maintain standards of cleanliness and  
7 sanitation and what was done in response when  
8 people did become ill or infections broke out. The  
9 fact that a detainee died during the period of his  
10 detention from diphtheria brings this issue into  
11 sharp focus.

12 This was Mr. Ahmed who died at Margate  
13 Hospital on the 19th of November 2022. Mr.  
14 Ahmed had travelled from Iraq. He was 31 years  
15 of age. And on behalf of the Inquiry, I extend  
16 condolences to those who knew and loved him.  
17 The Inquiry has sought to make contact with his  
18 family, and it will continue to do so. It wishes to  
19 speak to them about their ability to contribute to  
20 the work of the Inquiry, or to participate in it, or  
21 even just to be in contact with it in a way which  
22 maintains their safety and which is appropriate to  
23 their circumstances.

24 Within the context of this Inquiry, Mr. Ahmed's  
25 death, how it happened, and whether any

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1 shortcomings on the part of anybody may have  
2 caused or contributed toward it, will be a  
3 particular focus. Inquiry Participants will note that  
4 as regards Mr Ahmed, because the Terms of  
5 Reference for the Inquiry permit consideration of  
6 the circumstances of his death, that this will  
7 encompass his medical treatment outside  
8 Manston to and, for example, issues like  
9 communications between clinicians inside and  
10 outside Manston, or communications between  
11 the National Health Service and staff at Manston.  
12 The Inquiry will consider, as part of its specific  
13 focus on Mr. Ahmed, issues like whether or not  
14 the configuration of medical services at Manston  
15 put people at risk or contributed towards Mr.  
16 Ahmed's death.  
17 The reverse side of the coin about the conditions  
18 at Manston is also the release of people from  
19 Manston as well. The Inquiry will consider  
20 whether people who had been bailed in fact  
21 remained at the site because there was nowhere  
22 for them to go. And the Inquiry is also aware of  
23 evidence that individuals were bailed from  
24 Manston and brought to train stations in order to  
25 make their way to other places. The Inquiry is also

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1 Consideration will be given to questions like;  
2 whether there were accurate predictions about  
3 those numbers, and how the predictions inform  
4 planning; what processes it was intended would  
5 be carried out at Manston for the processing of  
6 people who arrive by boat, including how this  
7 changed over time; how realistic it was that those  
8 processes could be carried out within a 24-hour  
9 window, dependent on the number of people  
10 who could be processed at any one time; whether  
11 or at what point it was known or understood that  
12 there was a risk that people would be detained  
13 for more than 24 hours; the extent to which  
14 people remained in Manston, because there was  
15 a lack of accommodation to which they could be  
16 transferred; any choices which were made or not  
17 made about increasing capacity in this regard.  
18 Linked to this, Chair, there is a need to investigate  
19 and to have clarity about responsibility for the  
20 operation of Manston. There are questions as to  
21 who was ultimately responsible for oversight of  
22 different parts of the operation, and there are  
23 different aspects to this. So, first of all, as regards  
24 the Home Office, the interplay of responsibilities  
25 held by different parts of it. So, for example,

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1 aware that an issue which arose in 2022 was the  
2 number of people from Albania who arrived by  
3 small boat but did not claim asylum. And the  
4 Inquiry will seek to understand the challenges and  
5 the options that were available in order to deal  
6 with this. And the Inquiry will seek to investigate  
7 and to understand whether individuals were  
8 bailed from Manston, despite not having an  
9 address to go to and having no ostensible means  
10 of supporting themselves and whether or not this  
11 did include people who were seeking asylum and  
12 what happened to people after that point.  
13 A central part of this Inquiry's mission is to  
14 understand how or why the conditions at  
15 Manston happened, and there are important  
16 elements to that question which will fall for  
17 detailed consideration. But just for the purposes  
18 of this opening, I can indicate that this includes  
19 the extent to which the numbers of people  
20 arriving in the UK by small boat increased in 2022.  
21 The Inquiry understands that between December  
22 2018 and November 2021, so a three-year period,  
23 approximately 39,000 adults and children crossed  
24 the Channel. Whereas in 2022 alone, over 45,000  
25 individuals cross the Channel by small boat.

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1 between Border Force, Immigration Enforcement  
2 and the National Asylum Intake Unit.  
3 But second, having regard to the different  
4 functions discharged by different organisations at  
5 Manston, including the provision of custodial  
6 services at Manston by Mitie Care and Custody,  
7 the deployment of detention custody officers and  
8 tasks like chaperoning by Management Training  
9 Corporation, the conduct of initial asylum  
10 screening interviews by Global Secure  
11 Accreditation. The guarding of the physical site at  
12 Manston by Mitie SIA, the provision of other  
13 discrete tasks like the supervision of dry clothes  
14 and the supervision of possessions, and escorting  
15 by Interforce. The provision of medical services at  
16 Western Jet Foil and Manston by Medevent.  
17 Third, the Inquiry wishes to develop a clear  
18 understanding of the role of other government  
19 departments at Manston as well. So, taking, for  
20 example, the Ministry of Defence, what  
21 responsibilities it was intended to have or did  
22 have for the operational effectiveness of  
23 processes at Manston, whether that changed over  
24 time, what impact that had, and the requests  
25 made by the Home Office to the Ministry of

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1 Defence for assistance. And then, fourth, the role  
2 of those at the most senior levels of government.  
3 So, for example, insofar as consideration was  
4 given to whether or what forms of government  
5 response were required.  
6 The number of organisations discharging different  
7 functions at Manston appears to raise questions  
8 about whether there was clarity as to who was  
9 ultimately responsible. As I've mentioned  
10 including whether a problem was simply having  
11 too many bits of organisations or organisations  
12 operating within their own remit, as opposed to  
13 operating as a whole system, and whether or how  
14 this contributed to the problems which arose. But  
15 an important part of the why people could not be  
16 moved on from Manston is understood to lie in  
17 the lack of accommodation which was available to  
18 transfer them to. And, as I've already said,  
19 understanding what elections were made or not  
20 made about the provision of accommodation and  
21 for those arrivals will be significant in this Inquiry.  
22 In addition to that, during the course of the  
23 relevant period, a number of reports were written  
24 about the conditions at Manston. The Inquiry has  
25 sought and will continue to seek evidence from

25

1 And as material has been received and reviewed,  
2 as you would expect, Chair, the Inquiry has  
3 expanded the list of potential Material Providers  
4 and made further requests for material. And  
5 again, as you would expect, it's liaised frequently  
6 with Material Providers and other stakeholders in  
7 order to identify and obtain material relevant to  
8 the Terms of Reference. And the position is that  
9 whilst there is disclosure from providers which  
10 remains outstanding, it is hoped that outstanding  
11 material will be received by the end of February  
12 2026. And I think it is the Inquiry's assessment  
13 that it has, in fact, received most of the disclosure  
14 it has sought thus far.  
15 Additionally, whilst undertaking this process of  
16 obtaining relevant material and in order to ensure  
17 that the Inquiry would be able to proceed with  
18 expedition towards a hearing, the Inquiry drafted  
19 and sent requests for draft witness statements,  
20 including corporate and individual statements,  
21 and I understand that at this point in time,  
22 approximately 80 requests for witness statements  
23 have been made and those statements have  
24 started to be submitted to the Inquiry for its initial  
25 review.

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1 those involved in inspections, or who otherwise  
2 provided reports about what they encountered at  
3 Manston, but will also investigate the broader  
4 picture of the response to those reports. So, for  
5 example, the extent to which findings were  
6 accepted and what was done in response at the  
7 time.  
8 I'll turn, then, Chair, to the work of the Inquiry  
9 thus far, recognising that what I've just said is an  
10 outline of some of the issues which the Inquiry  
11 considers will fall for investigation.  
12 Since its inception, the Inquiry has gotten on with  
13 Phase One of its work, and made much progress.  
14 When it commenced its substantive work on the  
15 17th of March 2025, it wrote on the same day to  
16 new and potential Material Providers to request  
17 that steps be taken, pending a formal request to  
18 be made in due course, to locate, identify and  
19 collate all material in their control or possession  
20 which was potentially relevant to the Inquiry's  
21 Terms of Reference. On the 10th of July 2025,  
22 having procured and set up a suitable document  
23 management system, the Inquiry made formal  
24 requests for disclosure and, consistent with its  
25 published Phase One protocols.

26

1 And as was set out in the note that was circulated  
2 in advance of this hearing, the Inquiry will  
3 prioritise the disclosure of statements and  
4 exhibits and then prioritise for disclosure  
5 material, which it has identified as being of  
6 particular importance to the Terms of Reference  
7 of this Inquiry doesn't have the power to compel  
8 disclosure to it, but as matters stand, that hasn't  
9 proved problematic. But that's obviously  
10 something that will be kept under review, and I  
11 don't think I need to go into this for the purposes  
12 of this opening. But Inquiry Participants will know  
13 that there is a detailed protocol which makes  
14 provision for the reduction of certain categories  
15 of information in relation to its onward provision  
16 or disclosure of material to those Inquiry  
17 Participants, and the Inquiry anticipates that it will  
18 start the process of disclosure in February.  
19 The Inquiry team has noted, and is grateful for,  
20 the submission from the Ministry of Defence  
21 about the provision of its disclosure and its  
22 witness statements. The Inquiry first approached  
23 the Ministry of Defence by letter dated the 17th  
24 of March 2025, through the initial approach that  
25 I've alluded to regarding disclosure of Potentially

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1 Relevant Material. And then, like other Material  
2 Providers, it was also sent the letter of the 10th of  
3 July 2025 with a detailed request for such  
4 materials. And I think it's correct that in relation  
5 to witness statement evidence, such a request  
6 was made on the 27th of October 2025. The  
7 Ministry of Defence has indicated to you that by  
8 the 30th of January it aims to make a further  
9 substantive tranche of disclosure, but that there  
10 might be a number of documents which have to  
11 be disclosed after that point, and it may assist if  
12 the Ministry of Defence was to make clearer at  
13 some point, perhaps after this hearing, whether  
14 most of its disclosure will be completed by the  
15 30th of January, or what sort of volume of  
16 material it's suggesting, may be outstanding after  
17 that point. And as regards the provision of its  
18 statement, obviously the Inquiry welcomes that  
19 Sir Ben Wallace's statement is expected to be  
20 provided by the end of January and as it has set  
21 out, there are three others that won't be provided  
22 until the end of February.  
23 I think for present purposes, all that needs to be  
24 said is that the Ministry of Defence will  
25 understand knowing the timetable that you

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1 Chair, in any inquiry, just as is the position in  
2 litigation, too much disclosure can be as harmful  
3 as too little because of the resources it takes to  
4 locate that which actually helps an Inquiry to  
5 deepen its understanding of events. In other  
6 words, the material which shines a light on  
7 something which statements and exhibits do not.  
8 The Inquiry's Terms of Reference expressly state  
9 that the Inquiry should consider no more  
10 evidence than is reasonably necessary to  
11 discharge and address the Terms of Reference. So  
12 the Inquiry will continue to assess the disclosure  
13 that's being provided to try and ensure that the  
14 right balance is being struck, and to identify as  
15 expeditiously as possible where it considers that  
16 there are gaps.  
17 And the Inquiry will seek to assist Inquiry  
18 Participants by seeking, in particular, to identify  
19 that material which is not already exhibited, but  
20 which can be said to further illuminate the issues  
21 or through further light on contemporaneous  
22 events or decision making.  
23 In terms of requests for statements, Chair, you  
24 will have noted that in their submissions, some  
25 Inquiry Participants submit that you should

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1 propose and that across Inquiry Participants there  
2 is support for hearings in the autumn. And of  
3 course, given that this Inquiry relates to events in  
4 2022 and that of itself means there's a need to  
5 press on and that slippage will threaten the  
6 viability of any start dates for any hearings. So it  
7 really is important that the Ministry of Defence  
8 does provide the statements when it says it will.  
9 And Chair, if I can just turn then to disclosure  
10 more generally and it should be apparent from all  
11 that has been said, that there will be a very  
12 considerable body of material upon which you will  
13 be able to draw in order to make findings for the  
14 purposes of a report. That's going to include the  
15 statements from the people who were detained  
16 and able to give firsthand accounts of the  
17 conditions at Manston; evidence in the form of  
18 reports capturing descriptions of  
19 contemporaneous conditions; the  
20 contemporaneous documentary evidence about  
21 the operation of Manston; and then, of course,  
22 those sorts of materials which shed specific light  
23 on decision making or statements from those with  
24 responsibilities for Manston or the response to it.

30

1 provide the request for evidence which have been  
2 made to witnesses to the Inquiry Participants.  
3 Disclosure to Inquiry Participants of the requests  
4 themselves, distinct from the relevant documents  
5 and materials generated by them, is not required  
6 by the Inquiry Rules, 2006, in a statutory inquiry,  
7 and nor is it generally established as a matter of  
8 practice in inquests. Requests for statements can  
9 be very detailed, predicated on an understanding  
10 of underlying material, and little may be served by  
11 having commentary on them.  
12 The provision of statements is also an iterative  
13 process, which may involve the Inquiry seeking  
14 clarification and then asking further questions  
15 when a statement is provided. And in any event,  
16 Inquiry Participants see the product of that  
17 process once a witness statement is produced and  
18 can identify if any additional evidence should be  
19 sought on a specific point, and, as has been  
20 indicated in the note circulated before the  
21 hearing, you do intend to provide an update to  
22 Inquiry Participants setting out which  
23 organisations and individuals have been asked for  
24 a statement, and setting out what progress has  
25 been made.

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1 This takes me to the appointment of Inquiry  
2 Participants. As you've alluded to, on the 7th of  
3 November 2025, the Home Office approved the  
4 Inquiry's Phase One Cost Protocol and granted  
5 permission for the Inquiry to hold public hearings.  
6 And I'll come back to that. The Inquiry then  
7 published its Inquiry Participant Protocol and  
8 opened the application process for Inquiry  
9 Participant status, with applications to be made  
10 by the 8th of December 2025. Thus far, 18 Inquiry  
11 Participants have been appointed, representing a  
12 span of interests or organisations or people who  
13 bring particular knowledge or understanding  
14 about Manston to bear on this Inquiry's work, and  
15 who will therefore be in a position to assist the  
16 Inquiry in meeting its Terms of Reference. But it  
17 remains the position, and it will, that it is the  
18 Inquiry which is charged with the responsibility  
19 for investigating the events at Manston and the  
20 circumstances of Mr. Ahmed's death.  
21 A number of Inquiry Participants have  
22 commented on the fact that certain individuals or  
23 organisations are not an interested – sorry - are  
24 not Inquiry Participants. It might be worth saying  
25 that in terms of process, the Inquiry contacted all

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1 criticism of them. In addition to that, specific  
2 individuals may come, if I may put it this way,  
3 under the umbrella of an existing organisational  
4 Inquiry Participant. So, for example, like a  
5 government department. So, whilst they may not  
6 be a participant in their own right, they may  
7 nonetheless be involved and interested in the  
8 Inquiry's work.  
9 I should also say that a statutory inquiry cannot  
10 force someone to become an Inquiry Participant,  
11 against their wishes and Rule 5(1) of the Inquiry  
12 Rules provides that a chairman can designate  
13 someone, provided that they consent to so being  
14 designated. The Inquiry's protocol states that the  
15 Chair retains a discretion at all times to invite a  
16 person, organisation or entity to become an  
17 Inquiry Participant where it is necessary or  
18 desirable to do so, or to grant a person,  
19 organisation or entity Inquiry Participant status. In  
20 exceptional circumstances, even absent an  
21 application for such status.  
22 To the extent that this protocol suggests you  
23 might consider granting a person or an  
24 organisation Inquiry Participant status absent an  
25 application, this is an exceptional course. It might

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1 Material Providers and organisations and  
2 individuals who had been asked to provide  
3 material or witness statements and invited them  
4 to consider, with reference to the Inquiry's  
5 published Phase Two Inquiry Participant and Legal  
6 Representative Protocol applying for Inquiry  
7 Participant status. And when those applications  
8 came in, extensions of time were also considered  
9 and granted to a number of prospective  
10 participants as well in order to facilitate the  
11 process.  
12 In an inquiry, most organisations and individuals  
13 will seek Inquiry Participant status in order to  
14 have enhanced access to disclosure, and because  
15 of the greater participation in the Inquiry that this  
16 status confers. I mean, that's one of the reasons  
17 why there's a limited window within which to  
18 apply for that status, and the onus is on the  
19 individual or the organisation to assess whether it  
20 is in their interest to apply for that status. The fact  
21 that a person or organisation is not an Inquiry  
22 Participant has no bearing on whether the Inquiry  
23 seeks a statement from them or seeks evidence  
24 from them. The fact that they are not an Inquiry  
25 Participant does not stop the Inquiry making

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1 arise, for example, where a person formerly  
2 detained at Manston hasn't been able to make an  
3 application for an Inquiry Participant status, but  
4 wishes to be one. And there is some exceptional  
5 reason to take this course. But I think, in  
6 summary, in this Inquiry, the fact that some  
7 organisations haven't applied for Inquiry  
8 Participant status hasn't affected the evidence  
9 gathering. And I think it's right that all but one of  
10 the persons or organisations identified as a  
11 potential Inquiry Participant has been asked to  
12 provide evidence in any event.  
13 You'll hear in short order renewed applications by  
14 the two organisations who I have just mentioned.  
15 And I should say that the reasons for not  
16 accepting those applications at the outset was set  
17 out in writing to those organisations, and they  
18 appear at this hearing in order to be able to  
19 address you further in relation to those reasons,  
20 which I'm going to turn very shortly then to the  
21 provisional list of issues. I don't think I need to say  
22 much about it. The list was circulated to Inquiry  
23 Participants in advance of the hearing, so that  
24 they had a chance to consider it and to make

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1 submissions if they thought the Inquiry had  
2 missed any of the issues.  
3 And we've set out in writing, and I think that all of  
4 the Inquiry Participants accept that this isn't  
5 intended to be a prescriptive or very detailed list  
6 of every issue that the Inquiry will look at, we'll  
7 look at, and I think everyone appreciates too that  
8 inquiries are a bit like inquests. They can be wide  
9 at their outset and then narrow as the issues  
10 crystallise, or as some issues become more  
11 significant than was first appreciated. So, the fact  
12 that a matter has been listed as an issue doesn't  
13 mean that there will necessarily, for example, be  
14 oral evidence about it. There may be a variety of  
15 sources of evidence that will enable you to make  
16 a determination about it.  
17 Chair, ten broad issues have been identified in the  
18 List of issues. I won't read them all out. Everyone  
19 has seen what they are, and I think we'll  
20 appreciate that they were intended to be broad  
21 headings under which more detailed issues could  
22 be organised. And we are, of course, very grateful  
23 to the Inquiry Participants for suggesting and  
24 putting forward and further issues that they think  
25 ought to be included. I don't intend today to

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1 Convention, and that if you considered that might  
2 be the position you were required to consult with  
3 the Secretary of State for the Home Department  
4 about that.  
5 And the Inquiry has confirmed to its Inquiry  
6 Participants that you did reach a decision, that  
7 hearings were required and that you consulted  
8 with the Secretary of State. And as you've said, by  
9 letter of the 7th of November 2025, it was agreed  
10 that public hearings could take place in future  
11 phases of its work.  
12 Chair, I understand, but of course this is  
13 something that will form the focus of the work to  
14 come that your position is that the purpose of the  
15 hearings will be to enable you to hear evidence  
16 where in particular, there are disputes of fact;  
17 where there are issues that are not sufficiently  
18 clearly explained on the face of written evidence;  
19 or where it's particularly important that a witness  
20 is afforded the opportunity to come and give oral  
21 evidence because, for example, fairness requires  
22 it because criticisms might be made of that  
23 person. I suppose, in other words, that it's your  
24 intention that these oral hearings be focused  
25 upon building upon the body of documentary

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1 address those, because those are not things that  
2 really lend themselves, I think, to oral  
3 submissions. I think the Inquiry needs to look at  
4 the issues in the round and work through them as  
5 a whole. I suspect there may be some issues that  
6 the Inquiry would say these are really matters of  
7 detail, and I think there are some that the Inquiry  
8 does need to consider whether or not they need  
9 to be more explicitly, at least spelled out in the list  
10 of issues.  
11 And we're also grateful, I should say, as well, to  
12 Mr. O'Mahoney for the clarification as well, about  
13 whether Manston closed or not. And of course,  
14 we can amend the List of Issues to reflect that.  
15 But I just wanted to say that we really are very  
16 grateful for the careful thought that went into the  
17 additions, the suggested additions to the List of  
18 Issues. And can I turn then very briefly to the  
19 other topic, and it's a really important one that  
20 you sought submissions on, which is that of  
21 timetable and your proposal to commence  
22 hearings at the start of September. The Terms of  
23 Reference said that you could convene public  
24 hearings if you considered that they were  
25 necessary in order to comply with Article 3 of the

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1 evidence that you will have and, of course, in  
2 respect of Mr Ahmed, that they'll be focused  
3 upon answering the questions of how and in what  
4 circumstances he came by his death.  
5 And it is really important to emphasise, as is the  
6 position in all inquiries, that it is the witness  
7 statements and the documentary evidence that  
8 comprise the material upon which you can draw  
9 conclusions, and that documentary evidence can  
10 be every bit as important as oral evidence in that  
11 regard. All inquiries, whether they're statutory or  
12 not, face the same tension of wanting to proceed  
13 expeditiously to commence any hearings as soon  
14 as is possible, and to report so that any findings  
15 remain relevant, whilst at the same time  
16 investigating thoroughly, ensuring that disclosure  
17 has been provided, and being able to consider the  
18 evidence gathered before calling witnesses so  
19 that all of the relevant and important points can  
20 be put. And of course, this Inquiry is no different  
21 in seeking to reconcile those tensions.  
22 And Chair, as I understand it, you indicated that  
23 hearings should commence at the start of  
24 September because you were concerned about  
25 the time that had already passed since the events

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1 in 2022, that you consider that starting in  
2 September is achievable because of how long the  
3 government departments have been on notice of  
4 the Inquiry; because of the large number of  
5 statements that have been sought and provided  
6 in draft to the Inquiry; and because of the position  
7 that has been reached as regards disclosure; and  
8 it appears from the submissions that all of the  
9 Inquiry Participants agree that the hearings  
10 should take place in the autumn if they can. And  
11 also, though I have to say, I think Inquiry  
12 Participants are realistic that this will also be  
13 challenging as well.  
14 I don't want to pre-empt any other submissions  
15 that might be made in this regard in terms of  
16 when exactly in the autumn any hearings should  
17 start, but you will have noticed that, and I don't  
18 think I need to go through each individually. But  
19 certainly, on behalf of some Inquiry Participants,  
20 it's been suggested that a date at the start of  
21 October would be preferable. And you're invited  
22 to keep the date under review by other Inquiry  
23 Participants. And the point has also been made  
24 that because it's anticipated that a number of our  
25 Inquiry Participants might cooperate with each

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1 then it really does require disclosure to be  
2 concluded in good time, so that the Inquiry has  
3 that ability to go through the forensic exercise of  
4 examining the evidence in advance of any  
5 hearings.  
6 Chair, I feel I've spoken for a very long time, and I  
7 really want to hand over to those who are going  
8 to make submissions to you. I'll just check if I have  
9 forgotten anything. And I think all I need to do is  
10 to thank Junior Counsel to the Inquiry for their  
11 help. So, I wish to thank Miss Butler, Mr.  
12 Roussanov and Miss McCormack for everything  
13 they did to help. So, thank you.  
14 **Sophie Cartwright KC:** Thank-you. Miss Dobbin,  
15 thank you for that hugely helpful opening. Mr.  
16 Nicholls, can I firstly thank those that you  
17 represent for the purposes of the renewal  
18 application on behalf of Care4Calais. I'm grateful  
19 to your instructing solicitors for the detail in the  
20 renewed application, and I wanted to ensure for  
21 fairness before I reconsider my provisional  
22 minded to determination that you're given an  
23 opportunity orally to say anything else,  
24 additionally that you'd wish to say. But again, Mr.  
25 Nicholls, I make clear that again, in advance of

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1 other in order to ensure effective working  
2 arrangements, that the need for that ought to be  
3 factored in as well. And that is put forward as a  
4 reason for listing the hearing later in the autumn,  
5 rather than earlier in the autumn. And I think  
6 otherwise, there are a number of Inquiry  
7 Participants who are neutral as regards the date.  
8 But I think, Chair, whatever you determine  
9 ultimately about the date, if hearings are going to  
10 proceed in the autumn, I think all Inquiry  
11 Participants and witnesses need to be mindful of  
12 the realities of that, because it will be demanding.  
13 And we've said in the note, and I repeat the point  
14 that this Inquiry will want to be fair to the people  
15 who are giving evidence and ensure that they do  
16 have a List of Issues, that Inquiry Participants are  
17 able to contribute to that List of Issues, and that  
18 witnesses do have a bundle of documents prior to  
19 giving evidence as well. So those are really all of  
20 the practical things that need to be thought about  
21 as well. Before any hearing starts, that process  
22 has to take place in advance.  
23 And obviously, I think if I can just end on the point  
24 that all of those who are providing material just  
25 need to bear in mind that having a hearing date,

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1 today, and after I've heard your submissions, I will  
2 consider with care all of the documentary  
3 evidence you've provided. Thank you, Mr.  
4 Nicholls.  
5 **Mr. Nicholls:** Thank you very much, Chair. Can I  
6 start by thanking you for the opportunity to make  
7 these oral submissions. We, my instructing  
8 solicitors and also Care4Calais are grateful for the  
9 opportunity. I intend to be brief, and I hope I will  
10 not need the ten minutes that has been kindly  
11 allotted to me. Can I start with three short points  
12 by way of introduction? First, sole purpose in  
13 renewing this application for Inquiry Participant  
14 status and for applying initially is to assist your  
15 Inquiry. Their only interest is in seeking to help an  
16 inquiry that they consider to be of great  
17 importance. We, of course, seek to persuade you  
18 that Care4Calais will be best able to do that  
19 through Inquiry Participant status.  
20 Second, by way of introduction, we of course  
21 recognise that whether to designate Care4Calais  
22 as an Inquiry Participant is entirely a matter for  
23 you, exercising your broad discretion. In  
24 particular, we recognise that the line between IP  
25 status and witness status in any inquiry is never

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1 clear cut. It is not fixed, and it necessarily involves  
2 an exercise of judgment. That is a judgment that is  
3 entirely for you.  
4 Third, in your initial ruling on Care4Calais initial  
5 application, you accepted that they have a  
6 significant interest in the detention and or  
7 accommodation of people seeking asylum in the  
8 UK.  
9 In our submission, Chair, the central question  
10 here in respect of Care4Calais is whether, given  
11 that recognised significant interest in the Inquiry,  
12 Care4Calais can best assist you by making  
13 informed submissions and proposals to your  
14 Inquiry. For example, on issues of witnesses,  
15 issues that the Inquiry chooses to pursue and  
16 questions to ask of witnesses based on having  
17 disclosure and being present and represented  
18 where appropriate, in the room, as it were. Or  
19 whether alternatively, you consider that would  
20 not add to what Care4Calais could provide simply  
21 by giving a statement of evidence to your Inquiry.  
22 For reasons I'll come on to in my submission,  
23 Care4Calais will be able to help you, Chair, in a  
24 deeper, more effective way through participant  
25 status, in particular through access to disclosure

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1 And as we've set out in our application,  
2 Care4Calais has a dedicated age dispute team  
3 which has supported a large number of  
4 unaccompanied children who have passed  
5 through Manston and were visually assessed as  
6 adults at the border. Care4Calais has, among  
7 other things, collected data about unaccompanied  
8 asylum-seeking children that it supports and  
9 supported, including regarding their experiences  
10 at Manston and at the border at Western Jet Foil.  
11 Care4Calais can therefore, Chair, in my  
12 submission, assist the Inquiry with its  
13 investigation of the issues that are a core part of  
14 this Inquiry's central focus.  
15 To take another example of underrepresented  
16 groups, Care4Calais has supported many  
17 individuals whose mental or physical health  
18 prevents them from being able or willing to  
19 engage directly in the Inquiry as participants  
20 themselves. Care4Calais have spoken with and  
21 supported a number of such individuals who have  
22 been through Manston itself. Designating them,  
23 therefore, as an Inquiry Participant, would assist  
24 the Inquiry to access that wider body of  
25 understanding from those who cannot or do not

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1 and the ability to make focused and informed  
2 submissions.  
3 Why do I say that? Why are they in this Inquiry on  
4 the participant side of the line, rather than the  
5 witness side of the line? I'm going to group my  
6 brief submissions under three heads: first,  
7 unrepresented groups, second systemic  
8 awareness and knowledge and third, arrival at  
9 Western Jet Foil.  
10 First, please, unrepresented groups. Care4Calais  
11 has significant experience working with groups  
12 who are likely to be underrepresented amongst  
13 the current cohort of Inquiry Participants. And in  
14 my submission, Care4Calais can therefore provide  
15 such groups with a voice within this Inquiry and  
16 provide the Inquiry with an expert understanding  
17 of those groups. By way of example, we note that  
18 CTI emphasized in her opening remarks that the  
19 presence of unaccompanied children at Manston  
20 raises issues of acute concern and is  
21 understandably an important focus for the  
22 Inquiry.  
23 We anticipate that the Inquiry will want to  
24 consider the experiences of unaccompanied  
25 children at both Western Jet Foil and Manston.

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1 wish to participate themselves, but who have  
2 something real and meaningful to offer to this  
3 Inquiry. Given the significant volume of people  
4 who pass through Manston during the relevant  
5 period, thousands and thousands, as we  
6 understand, granting participant status to a single  
7 NGO in order to facilitate that form of  
8 representation and assistance would, in our  
9 submission, be both beneficial to the Inquiry and  
10 proportionate.  
11 Turning next to the issue of systemic knowledge  
12 and awareness, and I will be briefer, Care4Calais  
13 in my submission has a wealth of relevant  
14 knowledge from which to draw and through its  
15 support of people at Manston can provide an  
16 overview to this Inquiry of insight into the  
17 processes and conditions on site. Also it has  
18 considerable experience working with individuals  
19 across a number of other quasi detention and  
20 detention settings, including Napier Barracks, the  
21 Bibby Stockholm and Wethersfield. The  
22 organisation would therefore bring a comparative  
23 perspective that individual Inquiry Participants,  
24 irrespective of their number, will not and cannot.

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1 That's not a criticism, it's just a difference of  
2 perspective.  
3 Care4Calais also operates on both sides of the  
4 France/UK border and therefore has a significant  
5 understanding of the systemic conditions  
6 affecting those who travel to the UK by small boat  
7 in order to seek asylum, including their  
8 expectations and their lack of understanding of  
9 UK border processes. In my submission, these are  
10 likely to be issues of relevance, perhaps central  
11 relevance during the Inquiry's Terms of Reference.  
12 Third, and finally, arrival at Western Jet Foil. As  
13 you'll have seen from paragraphs three to five of  
14 the submissions on behalf of Mr. O'Mahoney;  
15 Manston, Western Jet Foil and Tug Haven were all  
16 designated as holding rooms. That means they  
17 were not intended to provide accommodation,  
18 but nonetheless a number of the DPG Inquiry  
19 Participants, and we presume those represented  
20 by other firms, were detained at Western Jet Foil  
21 in excess of 24 hours, including during the fire-  
22 bombing terrorist attack that took place there on  
23 the 30th of October 2022. The conditions and  
24 processes at Western Jet Foil are therefore, in my  
25 submission, a key issue for the Inquiry to consider

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1  
2 **Mr. Nicholls:** Thank you very much. I'll pass that  
3 all on.  
4 **Sophie Cartwright KC:** Thank you.  
5 **Mr. Nicholls:** Thank you.  
6 **Sophie Cartwright KC:** Miss Harrison, King's  
7 Counsel. This is now an opportunity also for  
8 INQUEST to make a renewal application in respect  
9 of the INQUEST minded to decision. Again, can I  
10 make clear before I hear your oral submissions,  
11 I'm very grateful to the detailed submissions  
12 originally made, but also the additional  
13 information that's been provided through those  
14 who instruct you today. And please now, Miss  
15 Harrison, address any of the additional points that  
16 you've raised that you wish to do so orally.  
17 **Stephanie Harrison KC:** Chair, thank you. And  
18 similarly, INQUEST is grateful for the opportunity  
19 to make this renewed application. INQUEST, as  
20 you are aware, is a charity, a non-governmental  
21 organisation that has a long history and a unique  
22 history of operating in a field concerned with  
23 deaths in custody, and it provides independent,  
24 specialist advice and services, in particular to  
25 bereaved families but other agencies and the

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1 and one about which Care4Calais has intimate  
2 knowledge and can provide assistance.  
3 Care4Calais supported people immediately prior  
4 to being processed at Western Jet Foil, and were  
5 operating during the time of the fire-bombing.  
6 They can provide an important insight into the  
7 processes by Home Office staff, as well as the  
8 mental and physical state of people arriving there  
9 and the impact of the journey and subsequent  
10 processes on them. For those reasons, Chair, that  
11 I've set out, I carefully invite you to grant them  
12 participant status. They would, if granted such  
13 status, use it carefully, responsibly and in order to  
14 assist your Inquiry in the manner that I started  
15 with. Unless I can assist you further, those are my  
16 brief submissions on behalf of Care4Calais.  
17 **Sophie Cartwright KC:** Thank you, Mr. Nicholls.  
18 That's been incredibly helpful. Can I also at this  
19 stage, obviously the determination will follow in  
20 due course, but can I pass on my thanks to  
21 Care4Calais for their interest in the work of the  
22 Inquiry and for their offer of assistance? And in  
23 particular, can I thank Miss Soothill for the clarity  
24 of her submissions that have been received by the  
25 Inquiry?

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1 public more widely on contentious deaths, on the  
2 investigation and inquest process, and with a  
3 particular focus on deaths in custody, including in  
4 immigration detention. It is for that reason that  
5 you recognised that INQUEST does have a  
6 significant interest in the deaths of people in  
7 custody, and this extends to the deaths of people  
8 in immigration detention, so that we meet the  
9 criteria that is set out in the Protocol in paragraph  
10 5(b), but you have nevertheless identified a  
11 number of reasons why, in the exercise of your  
12 discretion, you are minded to refuse INQUEST's  
13 application.  
14 We have made our application essentially on two  
15 grounds. The first ground is that, and we say this  
16 with the greatest of respect, that we are in a  
17 position in circumstances where no one else is to  
18 represent the interests of the deceased, Mr.  
19 Ahmed. The Counsel to the Inquiry, has identified  
20 already the significance of that death that brings  
21 into sharp focus the context of the conditions and  
22 the fact that they did result in not just an  
23 appalling experience for very many thousands of  
24 people, but the actual loss of life for one  
25 particular individual. An individual, like many

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1 others, who no doubt thought he was coming to  
2 the UK to seek safety and refuge, but sadly and  
3 shockingly lost his life.  
4 In that context, we do recognise it's an unusual  
5 position to take, to say that INQUEST can play the  
6 role of acting in the interests of that particular  
7 deceased person. You will have seen from our  
8 submissions that there is precedent, both in the  
9 European Court of Human Rights, in a number of  
10 cases, including cases from the Grand Chamber,  
11 and indeed, domestic authority in circumstances  
12 where the interests of the deceased cannot be  
13 represented by others. Obviously, normally the  
14 family, but also some other relevant body. It is  
15 appropriate to identify and accept what we've  
16 described in our submission as de facto  
17 representation. We say that this is  
18 quintessentially a circumstance in which that  
19 would be appropriate in this particular case.  
20 Nothing that we say in support of that application  
21 in any way seeks to usurp the role of the family.  
22 But unfortunately, this is a case where family  
23 members have not come forward despite your  
24 attempts. And in fact, INQUEST itself made its  
25 usual attempts to try to assist the family to

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1 a witness statement and would intend to do so  
2 with the permission of the Inquiry. But that, again,  
3 is not a substitute in circumstances where you  
4 have such a grave consequence of these of this  
5 treatment and conditions in Manston during that  
6 time that somebody dies, that it would be  
7 appropriate to not have the ability to have a  
8 particular organisation designated to act in that  
9 individual's interests.  
10 The second basis on which we have made our  
11 application, and the two are interrelated, is the  
12 fact and again, as you accept, INQUEST, given its  
13 particular expertise and knowledge, its own  
14 caseload, its long-standing close involvement with  
15 bereaved families and with investigations and  
16 inquests into deaths in custody, is in a position to  
17 assist the Inquiry in looking at what is likely to be  
18 a very significant part of its function, which is to  
19 identify systemic issues that caused or  
20 contributed to the death of Mr. Ahmed. That in  
21 itself is an integral part of the Article two duty. It's  
22 a system's duty, both at a high level and at a low  
23 level in terms of administrative provision as well  
24 as operational issues. And it's in that respect that  
25 INQUEST will have information and knowledge

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1 participate. And that's certainly been followed up.  
2 So, there's nothing that we would seek to do that  
3 usurps or undermines the critical importance of  
4 what would normally be the family's role. Nor do  
5 we in any way doubt the robust and fearless way  
6 in which this Inquiry is going to conduct its task  
7 into this tragic death. And certainly, we recognise  
8 that, given the gravity of that particular  
9 consequence for that particular individual, all IPs  
10 on all sides will, of course, see it as their  
11 responsibility to make sure and to assist the  
12 Inquiry, to come to robust findings and to ensure  
13 that the full facts in respect of that death are  
14 identified.  
15 However, none of that, in fact, constitutes  
16 representing the deceased person's interests,  
17 although it may be of assistance. We say that is a  
18 fundamental element of an Article two compliant  
19 inquiry. It is the rights of the deceased too that  
20 are in play, their Article 2 rights, and it would be a  
21 significant deficit and omission if there were no  
22 one designated body with appropriate standing  
23 and expertise to represent the interests of that  
24 particular person. We fully accept, and as you've  
25 heard from Mr. Nicholls, that INQUEST can make

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1 that would be most effectively deployed by  
2 having the enhanced role of an Inquiry Participant  
3 able to identify disclosure deficits, lines of inquiry  
4 and questions to be put to appropriate witnesses.  
5 And we also have emphasised in that context that  
6 one of the important aspects that the Inquiry will  
7 have to consider is the institutional culture within  
8 the Home Office and its private contractors. That  
9 institutional culture, INQUEST would suggest, and  
10 has put on record, is marked by one of  
11 institutional impunity and is particularly clear  
12 when one considers the long standing and well  
13 documented failure of the Home Office and its  
14 private contractors to actually learn lessons from  
15 past abuse scandals, from other deaths and other  
16 well documented now experiences of  
17 mistreatment for those who are held in  
18 immigration detention. It is in that context that  
19 we say that the combined function of INQUEST,  
20 both to act with respect as a body able to  
21 represent the interests of Mr. Ahmed and to also  
22 assist the Inquiry in looking at systemic and  
23 institutional practices and culture, that there is a  
24 proper foundation here for making the order that

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1 we have sought, and we would invite you to do  
2 so.  
3 **Sophie Cartwright KC:** Thank you. Ms. Harrison,  
4 can I also thank you for the detail that's provided  
5 in paragraph 23 of your submissions, which is also  
6 helpful. As I indicated to Mr. Nicholls, also, I will  
7 take time to reflect on the application, the  
8 domestic and European jurisprudence that you  
9 brought to my attention for further consideration.  
10 But can I also thank INQUEST's Deborah Coles,  
11 again, for their offer of assistance to this Inquiry,  
12 and in particular thank your instructing solicitors  
13 at Bhatt Murphy and in particular Jessie Brennan  
14 and Mark Scott again for the clarity and detail in  
15 the application. I'm grateful to you, Ms. Harrison.  
16 **Stephanie Harrison KC:** Thank you very much.  
17 **Sophie Cartwright KC:** Thank you. Mr. Nicholls, I  
18 think we return again to you. And can I thank you  
19 for doing a lot of the heavy lifting this afternoon  
20 on behalf of the various interested - sorry Inquiry  
21 Participants. My understanding is that you are  
22 going to combine the submissions for the next  
23 Inquiry Participants, and you are to next make  
24 oral submissions in respect of the 75 detainees  
25 represented by Duncan Lewis Solicitors, but also

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1  
2 As you also know, Chair, six of our clients fought  
3 tirelessly against the Home Secretary to secure a  
4 public inquiry into what happened at Manston.  
5 They welcome this first hearing so that the Inquiry  
6 can progress its important work, and they  
7 welcome the Inquiry's efforts to examine how and  
8 why they were mistreated, to identify those  
9 responsible, to hold them to account and to  
10 ensure that lessons are learned and real changes  
11 are made to prevent future recurrence. They are  
12 here, through me and my instructing solicitors, to  
13 assist the Inquiry in its vital endeavours.  
14 As well as representing Duncan Lewis, I separately  
15 act for the Deighton Pierce Glynn participants.  
16 DPG represent a group of 20 people who were  
17 detained at and survived the conditions and  
18 mistreatment at Manston. They include, among  
19 others, unaccompanied asylum-seeking children,  
20 a family with a young child, victims of trafficking  
21 and torture, and individuals with long standing  
22 physical and psychiatric health conditions. Our  
23 clients, the DPG clients, similarly look to the  
24 Inquiry to examine fully, fairly and fearlessly what  
25 went so badly wrong at Manston, why and who

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1 the 20 detainees represented by Deighton Pierce  
2 Glynn Solicitors. So I hope that's correct, Mr.  
3 Nicholls. But it's up to you how you wish to utilise  
4 your time, because, notwithstanding, they're  
5 going to be combined submissions, please take  
6 the time you need to speak to your or speak to  
7 your written submissions.  
8 **Mr. Nicholls:** Thank you, Chair. That is correct. I  
9 did consider simply standing up twice and making  
10 the same submissions twice, but with different  
11 names at the start, but I thought that probably  
12 wouldn't be the best assistance to you. Can I  
13 thank you and your team, Chair for the  
14 opportunity to make these opening submissions  
15 on behalf of a number of those who you have  
16 designated already as Inquiry Participants. As  
17 you've mentioned a moment ago, I act for the  
18 Duncan Lewis participants in the Inquiry. Duncan  
19 Lewis represents 75 people, including men,  
20 women and children, who were detained at  
21 Manston during the period that the Inquiry is  
22 investigating. Those individuals are and were  
23 vulnerable and were subjected to a range of  
24 highly concerning and damaging conditions and ill  
25 treatment.

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1 was responsible. Those participants that I  
2 represent consider that this Inquiry concerns  
3 issues of the greatest importance a failure to  
4 recognise and protect basic human dignity, a  
5 willingness to let vulnerable people suffer  
6 needlessly, a stark instance of what happens  
7 when dehumanisation is allowed to fester and  
8 grow.  
9 The events at Manston, in my submission, remain  
10 a stain on this country's treatment of those who  
11 come here for refuge, safety and protection. And  
12 we consider that this Inquiry is an opportunity to  
13 put that right. Our clients, with that in mind, I  
14 mind, wish to place their trust and confidence,  
15 Chair, in your Inquiry, in your team, in your  
16 process and in my brief submissions I will turn to  
17 now, aim to assist that process with the wish that  
18 your investigation should be as robust as it can  
19 be, as thorough as it can be, and as far reaching as  
20 it needs to be.  
21 Turning then to those brief submissions that I  
22 wish to make, I will, as you've already indicated,  
23 speak just once, raising a number of common  
24 points shared by the separate groups that I  
25 represent. First, briefly, the provisional list of

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1 issues. We thank you, Chair, and of course your  
2 team, for the evident thought and work that has  
3 gone into that document. We have, as CTI has  
4 identified, raised some additional issues to seek to  
5 frame and assist the Inquiry's work. We would  
6 invite the Inquiry where appropriate, to consider  
7 and incorporate those proposals into the existing  
8 list.

9 Next topic, Inquiry Participants. In our written  
10 document, we raised a query about certain  
11 organisations that appeared to us to meet the  
12 criteria for participant status, but who had not  
13 been designated, and that included the  
14 Independent Chief Inspector for Borders and  
15 Immigration, the British Red Cross, relevant NHS  
16 bodies and also the medical subcontractors at  
17 Manston, namely Medevent and IPRS Aeromed.  
18 We have, of course, noted CTI's careful update on  
19 this issue a short time ago as we understand it,  
20 and it is of considerable assistance. Active  
21 consideration has been given to this issue. There  
22 is no sense, as we understand it, that a robust  
23 investigation and criticism is precluded without  
24 Inquiry Participant status and relevant disclosure

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1 because sufficient and timely disclosure is key, in  
2 many respects, the key to our client's effective  
3 participation in this Inquiry and their ability to  
4 assist you, Chair, and your team as they wish to  
5 do.

6 We know that in reality, your Inquiry will face  
7 pressures and competing demands. That is the  
8 nature of public inquiry work. We do not request  
9 perfection, but we do invite the Inquiry to  
10 prioritise disclosure to the Manston victims, to  
11 meet their interests and to assist the Inquiry with  
12 its own work.

13 Penultimate topic, candour. We note, Chair, and  
14 welcome your opening remarks on this issue that  
15 you expect candour, openness, and frankness  
16 from all concerned, and that such candour is of  
17 the utmost importance to the Inquiry's work. We  
18 endorse all of those observations. Evasion, half-  
19 truths, a focus on reputation management, these  
20 are too common, but are the antithesis of an  
21 inquiry such as this that seeks the truth in the  
22 public interest.

23 Final topic. We listened carefully, and we  
24 welcome CTI's recognition that those detained at  
25 Manston were people, human beings. The

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1 is being sought by the Inquiry from those  
2 considered appropriate.

3 In those circumstances, we do not, of course,  
4 press for unilateral designation of further  
5 participants upon you, Chair. But we do request  
6 this: that the organisations that we have  
7 identified are approached for disclosure and  
8 witness evidence where that has not yet been  
9 done. And we ask that our clients are kept  
10 updated on those who are approached and the  
11 material that is being sought. And you have our  
12 written submissions on that point.

13 Turning to my next topic, disclosure. The clients  
14 that I represent welcome the indications from the  
15 Inquiry that it has already sought disclosure from  
16 a number of organisations and individuals, and  
17 that it will provide monthly updates to the  
18 participants on the progress of its requests. We  
19 are, of course, conscious that the process of  
20 disclosure is a matter that will be central to the  
21 Inquiry's work, informed by your team's  
22 overarching knowledge and management of its  
23 own process in undertaking that important work.  
24 We urge the Inquiry to place the Manston victims  
25 at the centre of its thinking. For this reason,

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1 mistreatment of our clients at Manston, and the  
2 deplorable conditions to which they were subject  
3 had the effect of dehumanising them. That  
4 dehumanisation should not be reinforced and  
5 compounded by characterising our clients and  
6 others by their immigration status. They were  
7 people, human beings. Their experiences matter.  
8 They matter. And they should, we suggest, be the  
9 heart of this Inquiry. Those are all comments I  
10 wish to make. Thank you.

11 **Sophie Cartwright KC:** Thank you, Mr. Nicholls.  
12 I'm very grateful to you for those submissions, but  
13 also the assistance provided by both sets of  
14 instructing solicitors. And obviously, you have  
15 identified the importance of the detainees to the  
16 work of this Inquiry. Whilst you've spoken orally in  
17 respect of two of the instructing solicitors  
18 representing those groups, I also make clear that I  
19 have been greatly assisted by the collaboration  
20 that has been undertaken by Gold Jennings,  
21 Wilson's and Bindmans in their joint submissions,  
22 but also to Bhatt Murphy and their joint  
23 submissions in respect of their 36 detainees that  
24 they represent, and also their Human for Rights  
25 Network submissions. And noting, as you've said,

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1 the submissions, you may have common themes  
2 and points to the written submissions I've  
3 received from those other detainees. I'm grateful  
4 to you, Mr. Nicholls.

5 **Mr. Nicholls:** Thank you very much.

6 **Sophie Cartwright KC:** Miss Dobbin, that is all of  
7 the oral submissions that was intended to be  
8 heard. Is there anything else you'd wish to say  
9 before I make a few concluding remarks?

10 **Clair Dobbin KC:** Nothing's been brought to my  
11 attention.

12 **Sophie Cartwright KC:** Thank you very much. So I,  
13 again, want to thank everybody for their  
14 assistance in the preparations for this hearing  
15 today and the wider work that's been taking place  
16 since the spring of last year. I will obviously  
17 consider all of the submissions that have been  
18 made to me orally and in writing, and all of the  
19 written material carefully before I make the  
20 determinations I need to make, but also issue the  
21 required case management directions, including  
22 as to timetable and what will be the date set for  
23 the hearing, plainly, I and my Secretariat and the  
24 Inquiry legal team need to reflect very carefully

1 on all of the submissions that have been made to  
2 me.

3 I, once again, thank all of the Inquiry Participants  
4 for their hard work, but I want to end this hearing  
5 with expressing my personal thanks to the Inquiry  
6 legal Team and the Secretariat for all of their hard  
7 work in preparation for today's hearing, and all  
8 the work that I can assure you has been taking  
9 place since March of last year. That concludes this  
10 preliminary hearing, and I wish everyone a good  
11 afternoon and a good evening. And I leave again  
12 with my thanks for all of the efforts that have  
13 taken place. Miss Dobbin, I'm very grateful to you.  
14 Thank you.