UK: The unlawful killing of deportee Jimmy Mubenga

Barry Mason
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An inquest jury has found that Jimmy Mubenga, who was being deported from Heathrow airport to Angola in October 2010, was unlawfully killed by three G4S security guards.

The jury came to their decision July 9 after eight weeks of the hearing at Isleworth Crown Court and four days' deliberation.

Mubenga came to Britain in 1994. At the time of his death, Mubenga's lawyer explained he had been a student leader in Angola and had to flee the country after coming into conflict with the regime.

Following a long legal battle, Mubenga, his wife and child were given exceptional leave to remain in Britain. He settled in London, got a job and went on to have four additional children with his wife. In 2006, he became involved in a nightclub brawl and was given a two-year prison sentence for actual bodily harm. On his release, he was transferred to an immigration detention centre, but was eventually released. He remained under the threat of deportation.

Following a final application for judicial review in August 2010, he was held in a detention centre and taken to Heathrow airport in October escorted by three G4S security guards and put on a plane bound for the Angolan capital, Luanda.

Once on the plane, he began to struggle and was restrained by the three guards over a prolonged period, pushing his head down towards the floor, a position colloquially known amongst G4S guards as "carpet karaoke". Passengers on the plane reported he was calling out that he could not breathe.

Following the prolonged period of restraint, Mubenga went quiet and limp. The plane, which had begun to taxi down the runway, was diverted back to the airport apron. The G4S guards then began checking for vital signs, but according to witnessed amongst the passengers, they did not apply any form of cardiopulmonary resuscitation (CPR) or call out to ask if a doctor or someone who could give CP was on board.

Paramedics who were called to the plane were unable to revive Mubenga, and he was pronounced dead. After being initially arrested, the G4S guards were released on bail. The Crown Prosecution Service (CPS) announced in July 2012 that it would not prosecute them.

Shortly after the incident, a witness told the *Guardian*, "He just kept saying 'Help me, help me', then he disappeared below the seats. You could see the three security guards sitting on top of him from there. And then it went kind of quiet."

The jury's verdict was:

"Based on the evidence we have heard, we find that Mr Mubenga was pushed or held down by one of more of the guards, causing his breathing to be impeded. We find that they were using unreasonable force and acting in an unlawful manner…. We believe Mr Mubenga died in his seat…before the paramedics boarded the plane."

The three accused are Stuart Tribelnig, Terry Hughes and Colin Kaler. During the hearing, it was revealed that Hughes and Tribelnig had a series of racist "jokes" on their phones and Hughes had 65 texts on his phone that were described by the coroner Karon Monaghan QC as containing "very racially offensive material."

Henry Blaxland QC, counsel for the Mubenga family, said that rather than the explanation given by Hughes that Mubenga was forcing his own head down, the three guards were forcing his head down in an attempt to keep him quiet and to "teach him a lesson."

A CPS spokesperson said, "Following this verdict, we will consider our original decision in light of any new evidence and or information from the inquest,

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including any conclusions reached by the jury."

In a National Coalition of Anti-Deportation Campaigns (NCADC) blog site, Sarah McCarthy explains, "Tribelnig's testimony made it clear that G4S officers are incentivised to ensure that deportations are completed regardless of the level of resistance from the person being removed. The *Guardian* stated that this claim was independently confirmed by several former guards.

"The guards were desperate to avoid an aborted flight because their pay would be cut.… G4S introduced a payment structure for guards that meant they were paid far less if long haul flights were aborted…the result was a built-in incentive for guards to forcefully silence deportees to ensure aircraft took off."

Interviewed by police shortly after Mubenga's death, Tribelnig told them, "You have to get the job away so the boys get paid and you get paid."

The blog continued: "Mubenga's death was not the result of a few rogue guards acting against orders; G4S management were repeatedly warned about the dangers of the technique used. One guard wrote to his manager that the use of this technique needed to stop 'before there was a serious positional asphyxiation incident resulting in a detainee's death. Another wrote a letter to his seniors stating that some guards were 'playing Russian roulette with detainees' lives'…whistle-blowers accused G4S managers of presiding over a macho corporate culture that ostracised staff who showed compassion towards detainees or questioned the safety of their treatment."

G4S no longer has the contract to escort detainees, which was awarded to Tascor, previously known as Reliance Secure Task Management. Tascor describes itself as the "largest private sector provider of secure immigration detainee escorting."

A *Guardian* article of July 9 stated the newspaper had spoken to a Tascor guard and was told: "a number of detainees had been punched and assaulted by guards on a recent charter flight to Lagos."

In February of this year, an online BBC News report dealt with the case of Marius Betondi, who was resisting deportation to his native Cameroon, saying his homosexuality would put him in danger. He claims that in a failed attempt by Tascor guards to deport him on January 18, he was beaten by them, resulting in a fractured nose and bones around his eyes and in need of reconstructive surgery.

Gareth Mitchell, acting for Betondi, said, "Mr Betondi appears to have sustained very serious injuries during this removal attempt. The extent of these injuries raises once again serious questions about the level of force being used by the Home Office's overseas escort contractors."

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