

UK police dismiss spitting case in COVID-19 death of rail worker Belly Mujinga

Michael Barnes

3 June 2020

British Transport Police (BTP) have closed the investigation into a spitting incident at London's Victoria train station, where 47-year-old rail worker Belly Mujinga and a colleague were forced out of the ticket office onto the station concourse by a manager.

On March 21, Belly had pleaded with her manager not to be sent out, as she was in an at-risk category and did not have personal protective equipment (PPE). Her appeal was ignored. Soon after she and her colleague were spat at by a man claiming to have COVID-19. Within days, Belly and her colleague had fallen ill with the virus. On April 5, Belly died in hospital in Barnet, leaving behind her distraught husband, Lusamba Gode Katalay, her 11-year-old daughter and family.

A BTP press release dated May 29 stated that "no further action" would be taken in relation to an "incident" at London Victoria station in March "following a full and thorough investigation. On 11 May, it was reported to BTP that a 47-year-old lady, Belly Mujinga, had been spat and coughed at while working in the ticket hall with two colleagues on 21 March."

BTP continued, "Detectives have conducted extensive enquiries to establish the full circumstances of what happened on 21 March. This has involved reviewing CCTV footage of the incident and speaking to key witnesses. Following a review of all the information, senior detectives have concluded that there is no evidence to substantiate any criminal offences having taken place, and that the tragic death of Belly Mujinga was not a consequence of this incident."

"As a result, the matter will not be referred to the Crown Prosecution Service. No further action will be taken against a 57-year-old man from London who was interviewed in connection with this matter."

The perfunctory nature of the decision, not even a

prosecution for assault, caused widespread anger among transport workers and the public. A petition calling for the arrest and prosecution of the alleged assailant had reached over 400,000 when BTP were forced to issue a further press release on why there would be no action taken regarding Belly.

BTP were forced to make a second statement supposedly revealing more details of why it was not pursuing the case. This claimed that "based on key witness statements and having reviewed the CCTV footage, there is no evidence of anyone spitting in this incident."

In addition, "Senior detectives are confident that this incident did not lead to Belly Mujinga contracting Covid-19. This is because the man in the CCTV footage who detectives interviewed as part of the investigation had a negative antibody test result for Covid-19 in the time after the incident, therefore showing that he had never had the illness. The man's test did not relate to the BTP investigation—he was tested as part of his occupation and the test results were shared with us during the investigation."

If this account is true, then it begs the question as to what was the nature of the "incident" referred to? Was there a confrontation between Belly, her colleague and the 57-year-old man identified? Did the CCTV or witnesses rule out spitting, or was there not enough evidence to prove this one way or another?

From a legal standpoint, whether the man concerned was actually infected with COVID-19 does not mean a criminal offense did not occur. Threatening to spit at someone, especially while claiming to be infected, *is criminal*. In April, William Cawley, 23, was jailed for 10 months after spitting at a London bus driver at Uxbridge, after being told to use the middle door—with front door entry banned due to social distancing

measures after the death of dozens of bus drivers. Cawley shouted he had COVID-19.

Secondly, if Belly wasn't infected by being spat on, she was either infected at work or worked while being infected and, thanks to an absence of a face mask, could have passed the infection on to others.

The petition calling for Justice for Belly now has well over 500,000 signatures and has the support of her family, who have said, "At this time, we are not pursuing a prosecution but are still campaigning to secure protection and support" for transport workers. The petition states "By signing this petition you are helping to call on Govia Thameslink to provide an explanation as to why Belly was still working in direct contact with general public passenger flow whilst as her employer, they were likely aware of just how serious the risk of exposure to COVID-19 was to her, as an individual with a respiratory underlying health condition. We must also know why staff members are not being provided with adequate PPE whilst interacting with members of the public, as we may never unfortunately know if this could have saved Belly."

Angie Doll, managing director of Southern Railway and Gatwick Express, reacted to the decision not to prosecute by saying: "While we note the BTP's conclusions, this does not detract from the tragic loss of our colleague." She added, "We are devastated that this pandemic has affected people across the transport industry, including two of our own colleagues who have sadly passed away due to coronavirus."

Who is the second colleague Doll refers to? It is not common knowledge amongst rail workers nor the broader public. What were the circumstances of their death?

Conservative government Rail Minister Chris Heaton-Harris shed the inevitable crocodile tears, stating that "My thoughts" are with rail workers and that "This outcome does nothing to change the fact that all workers should be treated with compassion and respect. ... We will continue working to protect our front-line transport workers, who are playing a vital role in supporting passengers and keeping our country moving."

As the BTP investigation was initiated, Transport Secretary Grant Shapps prioritised defence of the government's opposition to providing transport

workers with protective gear, saying, "This is not a question of PPE, it's just disgusting..."

Amid Prime Minister Boris Johnson's murderous drive to return millions to work, Belly's colleagues at Victoria Station and the overwhelming majority throughout the rail network have still not been provided with basic PPE such as visors, which her family have insisted could have saved her life.

The BTP decision confirms that the ruling elite and its state forces view rail workers as a replaceable commodity to be sacrificed in order to keep the "country moving"—by which is meant maintaining the flow of profits to the banks and big corporations.

The Transport Salaried Staff Association (TSSA) union, led by General Secretary Manuel Cortes, drew the opposite conclusion to the majority of rail workers who now fear dropping the case sets a dangerous precedent. Cortes wrote, "We are pleased that the British Transport Police investigated this incident as it sends a very strong message that abuse and attacks directed at transport workers are always unacceptable."

Cortes went on to declare, "All transport workers on the front line should have access to masks, visors, hand sanitiser and other protective equipment. Even this week, Belly's GTR [Gavia Thameslink Railway] colleagues at Victoria Station still did not have visors despite other companies providing them. This has to change now. Staff are scared and infection rates remain high."

Left to the TSSA and the other rail unions responsible for the lack of such essential protections, this will not change. Only rail workers acting independently of the unions and fighting on their own behalf will challenge the criminal actions of the rail franchises and the government.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact