

# UK: Police refer decision not to prosecute over death of Belly Mujinga to Crown Prosecution Service

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On June 5, British Transport Police (BTP) referred to the Crown Prosecution Service (CPS) their reasons for closing the investigation into events related to the death of rail worker Belly Mujinga. After reportedly being spat at by an individual at London Victoria train station March 21, ticket office clerk Mujinga died on April 5 of COVID-19.

Nearly 1.7 million people have signed a petition demanding justice for Belly. But BTP's decision to refer the findings of their investigation to the CPS is not in answer to demands for the reopening of the case. It is to secure a rubber stamp for their original decision not to pursue charges over what is now only ever referred to as an "incident."

On March 21, management forced 47-year-old Belly onto the station concourse. Her pleas that it was dangerous for her without personal protective equipment (PPE) due to her underlying respiratory condition were ignored. Belly and a colleague were then approached by a smartly dressed man who they said shouted, spat and coughed at them saying he had coronavirus. They retreated to the ticket office but were forced out again onto the concourse.

Soon after Belly and her colleague fell ill and both tested positive for COVID-19. Belly was hospitalised and died on April 5. She left behind her husband Lusamba Gode Katalay and their 11-year-old daughter.

"The man said he had the virus and spat on them. They reported it to their supervisor. Belly came home and told me everything," Lusamba said.

A colleague of Belly's explained, "We begged not to go out. We said, 'Our lives are in danger.'... We were told that we are not even allowed to put on masks."

In their June 5 press release, BTP said of its decision to close its investigation that "in recognition of the wider

public interest in the circumstances of this case, whilst we made the decision not to charge, we have now invited independent review by the CPS of the available evidence, and whether there are any further lines of enquiry in relation to BTP's position on the prospect of meeting the general principle of a successful prosecution."

The statement continued: "Recognising the significance of the case, BTP commissioned its Major Serious and Organised Crime team (MSOC) to undertake an investigation and gather evidence of the incident. Perhaps unusually, given the passage of time between the incident and a report to BTP, the CCTV was still retrievable. Following review of the footage, and extensive enquiries, detectives identified a man they believed could provide information to help them understand more of the circumstances of the encounter with Mrs Mujinga and her colleagues."

A man was interviewed by detectives and "answered all questions put to him in the interview."

The statement refers to "a review of all the information available, including the CCTV footage, witness statements and explanations given in interviews," with "senior detectives" concluding that "there was insufficient evidence to substantiate that any criminal offences had taken place and that the death of Mrs Mujinga did not occur as a consequence of that incident," including "a prosecution based upon the allegation that the man spat deliberately on Mrs Mujinga or said that he had the virus."

Aside from these assertions, the BTP has not made public any facts related to its investigation. In all their statements, BTP have refused to explain what happened, what the video footage did reveal and what was said by eyewitnesses. Media reports have established that a 57-year-old man was contacted by BTP, that he denied

the spitting incident and provided an antibody test to prove he did not have the virus and could not have caused Belly's death.

BTP are in effect calling into question the reports of the incident made by Belly and her colleagues. In response, Lusamba issued a statement June 5 declaring, "We want justice for Belly. Belly didn't lie about being assaulted. Belly and her colleague were confronted and intimidated as front-line workers and their concerns and their fears were ignored. We continue to have questions after the police investigation."

Lusamba explained, "The public reaction to the British Transport Police closing the case into the incident my wife experienced at Victoria Station has taken us by surprise. At the same time, the righteous anger over the killing of George Floyd swelled in America, here in the UK and across the world.

"On Wednesday, thousands of people protested in London to cry it loud that Black Lives Matter. Black lives do matter. Belly's life mattered. It mattered to me, to our daughter, our friends and family, to Belly's colleagues, and now it matters to many thousands of you out there."

Lusamba reiterated, "We want to know why she was sent out to work unprotected on the station concourse that day. We want to know why she was working when she had a respiratory condition. We want justice for Belly's colleagues who still don't have full PPE. And we want justice for the families of all transport and key workers—they should all be eligible for the government's compensation scheme for NHS workers and carers who have sadly died from the virus."

The decision to forward their investigation to the CPS, according to BTP, was to see if there were any other areas of possible prosecution to pursue that they were not aware of. But no trust can be placed in the CPS. Justice for Belly depends upon the independent intervention of the working class.

Workers must demand that the following questions are answered:

What was the nature of the "incident" referred to on March 21? Was there a confrontation between Belly, her colleague and the 57-year-old man? Did the CCTV or witnesses rule out spitting, or was there not enough evidence to prove this one way or another?

The CCTV footage must be made available to Belly's family. With the use of standard video techniques, the anonymity of the alleged perpetrator can be preserved while doing so. Whether the man was 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 a criminal offence.

It must also be said that if Belly was not 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. This points clearly to criminal negligence.

The Transport Salaried Staff Association (TSSA) is representing Belly's family. General Secretary Manuel Cortes immediately accepted BTP's May 29 decision to terminate the case, writing, "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."

Now, while acknowledging that the BTP had sent their investigation to the CPS due to mass public outrage, the TSSA takes no position. Instead, it promotes Labour MPs putting forward early day motions calling for an investigation and making appeals to Conservative government ministers to intervene on Belly's behalf.

This is the traditional mechanism used to divert opposition into safe parliamentary channels where it can be buried. Under conditions of a pandemic, this will have immediate and deadly consequences.

Even as workers lives are threatened, the unions are collaborating with the government's back-to-work drive. Instead of ordering a withdrawal of their members from an infected workplace after Belly's death, the TSSA continued talks with her employers, Govia Thameslink Railway. Now, in alliance with the Trades Union Congress and other rail unions, these are seeking to prepare a full resumption of services on the national rail, metros, London Underground and the bus network to maintain the flow of profits to the financial and business elite.

To ensure that the horrors workers have witnessed over the last three months are not repeated on a greater scale, rail workers must establish rank-and-file safety committees, independent of the unions.

We call on rail and other transport workers to contact the Socialist Equality Party, which will provide every assistance.



To contact the WSW and the Socialist Equality Party visit:

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