

(In the presence of the jury)

1 MR STUART TRIBELNIG (continued)
 2 Examined by THE CORONER (continued)
 3 DEPUTY CORONER MS MONAGHAN: Good morning, members of the
 4 jury. We're hoping it will be a bit warmer today.
 5 That's good news. We'll wait and see but we're told the
 6 heating has been improved, so there we are.
 7 Before I ask Mr Blaxland to continue with his
 8 questions, when I looked over my notes last night
 9 I noted that I had forgotten to ask two questions that
 10 I wanted to ask. So I'm going to ask those two
 11 questions before I ask Mr Blaxland to continue with his
 12 questions.
 13 Mr Tribelnig, just first of all, whilst you were on
 14 the plane, did you telephone Mr Duckers?
 15 **A. The only time I recall telephoning Mr Duckers was when**
 16 **we were trying to get back to the stand.**
 17 DEPUTY CORONER MS MONAGHAN: When you were ...?

1 **A. When we were trying to get the aircraft -- when I asked**
 2 **for the aircraft to be put back on the stand.**
 3 DEPUTY CORONER MS MONAGHAN: Was it when you were at the
 4 stand or before the stand?
 5 **A. I can't remember exactly at which point.**
 6 DEPUTY CORONER MS MONAGHAN: How many telephones calls did
 7 you make to Mr Duckers?
 8 **A. As far as I'm aware, I only made one call. I think**
 9 **I may have received a call from him, just to confirm**
 10 **that it was me that asked him to take the plane back to**
 11 **the stand, but I can't be sure.**
 12 DEPUTY CORONER MS MONAGHAN: Keep your voice up, please.
 13 **A. Sorry.**
 14 DEPUTY CORONER MS MONAGHAN: So when you telephoned him and
 15 told him you were coming back to the stand, why did you
 16 telephone him?
 17 **A. Well, at some point I was under the impression that had**
 18 **the plane gone back to the stand we would have to get**
 19 **off the aircraft anyway as a matter of course.**
 20 DEPUTY CORONER MS MONAGHAN: He telephoned you back, you
 21 think?
 22 **A. I think he phoned me back just to check it wasn't**
 23 **somebody messing about with him.**
 24 DEPUTY CORONER MS MONAGHAN: Right. Just, secondly,
 25 an important question that I forgot to ask you about.

1 happened up until that point, just so that we have
 2 a clear understanding of it.
 3 First of all, when the paramedic arrived on the
 4 plane, did the paramedic ask you to give him some idea
 5 of what had happened?
 6 **A. I can't remember.**
 7 Q. Do you remember speaking to the paramedic?
 8 **A. I can't remember. I remember speaking to the paramedic,**
 9 **but I can't remember what I said to him.**
 10 Q. Do you remember seeing the captain at any point, the
 11 captain of the plane?
 12 **A. I think the captain was walking around the aircraft.**
 13 **Again, I can't remember exactly where he was stood.**
 14 Q. Well, there's going to be evidence from the captain and
 15 because it's coming I want to give you the opportunity
 16 to see what you have to say about this part of this
 17 statement. Madam, it's page 32 of witnesses volume 4.
 18 DEPUTY CORONER MS MONAGHAN: The page?
 19 MR BLAXLAND: 32. He recorded this:
 20 "As the paramedic checked the deportee's pulse, he
 21 asked generally what happened. One of the G4S guys said
 22 words similar to that he complained he was unable to
 23 breathe and appeared to go unconscious and he has a very
 24 pulse."
 25 That's obviously a mistranscription. There appears

1	Did use sustain any injuries as a result of the incident	1	to be a word missed out. But I think you accept that he
2	with Mr Mubenga?	2	had a weak pulse, is that right?
3	A. I did have a scratch on my hand. I can't remember which	3	A. I can't remember. I don't remember speaking to the
4	hand it was now, but there was a scratch of my hand and	4	captain at all.
5	I did end up with a big bruise on the in site of my leg	5	Q. Did you hear any of your colleagues tell the paramedic,
6	as well.	6	or one of the paramedics, that Mr Mubenga had complained
7	DEPUTY CORONER MS MONAGHAN: A big bruise?	7	he was unable to breathe and appeared to go unconscious?
8	A. There was a bruise on my leg, yes.	8	A. No.
9	DEPUTY CORONER MS MONAGHAN: Can you give us an indication	9	Q. Because, of course, you didn't hear it, so you say, is
10	of size of the bruise?	10	that right?
11	A. It was probably about the size of a cup. I don't know.	11	A. I don't remember hearing any conversation.
12	This was all pointed out to the police when we were --	12	Q. No, you didn't hear Mr Mubenga say he couldn't breathe,
13	DEPUTY CORONER MS MONAGHAN: Sorry, was the bruise visible	13	so you say?
14	at the time you were inspected by the police doctor?	14	A. That's correct, yes.
15	A. As far as I remember, yes.	15	Q. Right. I then asked you whether you had any
16	DEPUTY CORONER MS MONAGHAN: Thank you, Mr Blaxland.	16	recollection of speaking to a police officer on the
17	Examined by MR BLAXLAND (continued)	17	plane. You, is this right, had no recollection of that?
18	MR BLAXLAND: Mr Tribelnig, yesterday afternoon we finished	18	A. I remember the police officer being there, but I can't
19	at the point that I was asking you questions about the	19	remember if I spoke to him.
20	lead-up to your writing your use of force document, your	20	Q. No. Do you remember whether either of your colleagues
21	report. That took place I think at the Holiday Inn near	21	spoke to him?
22	Gatwick, is that right?	22	A. No.
23	A. As far as I remember, yes.	23	Q. At the police station you remember other people being
24	Q. Right. If I can, I just want to review what, if	24	present in the room, is that right?
25	anything, you had said to anybody about what had	25	A. Other people, I think, were in the room, yes.

<p>1 MR BLAXLAND: We know that one of the senior G4S people, 2 Mr Keith Mahony, who I think is in court -- or was in 3 court. I don't know if he still is. 4 DEPUTY CORONER MS MONAGHAN: He is. 5 MR BLAXLAND: He is. He's over there, in the purple tie. 6 Anyway, he's in court. Do you remember seeing him at 7 the police station? 8 A. I think he was there, but I can't be sure. 9 Q. Right. Did he ask you to give just a short version of 10 your account of what had happened? 11 A. I can't remember. 12 Q. Well, does this ring any bells? I'm looking at 13 a document that comes from him and I don't know whether 14 he's going to say this is something that you told him or 15 something somebody else told him, but it's a document, 16 just so that you understand, which was written at 4.50 17 in the morning on 13 October when you were presumably 18 tucked up in bed at whichever hotel it was, is that 19 right, at that time? 20 A. I can't remember what time we was at the motel. 21 Q. By which time he's written a report in relation to 22 something that was said to him about what had happened. 23 It includes this, about the critical part of the 24 incident: 25 "Mr Mubenga emerged from the toilet and prior to</p>	<p>1 UK to Angola on Tuesday, 12 October 2010. That is what 2 it's called. In fact a version -- 3 MR MATTHEWSON: If it helps, I can help with this. In 4 conversation with Mr Mahony, he mentioned in 5 conversation yesterday or the day before that he had his 6 own report. So we said to him -- 7 DEPUTY CORONER MS MONAGHAN: Fine. I am not criticising. 8 It's just that I thought it sounded like a document 9 I had seen. 10 MR MATTHEWSON: It does. There's a reason for that. 11 DEPUTY CORONER MS MONAGHAN: Right. 12 MR MATTHEWSON: The reason being that Mr Mahony will say 13 that he had compiled this report on the basis of what he 14 had been told by Ms Beattie and Mr Cooper, and Mr Cooper 15 has drafted a document that resembles this very closely. 16 That might be what you have in mind. 17 DEPUTY CORONER MS MONAGHAN: That's why I thought I had seen 18 it. Thank you, Mr Blaxland. I didn't mean to 19 interrupt, I just was trying to make sure I was in the 20 right place. 21 MR BLAXLAND: Absolutely, and just to sort of completely 22 join up the dots, if you like, this document -- my 23 learned friend is absolutely correct. This document 24 does appear in volume 6 of the witnesses bundle at 25 page 7.</p>
<p>1 taking his seat became very disruptive to the extent one 2 of the escorts had his shirt ripped by Mr Mubenga. The 3 officers reacted to this extreme change of behaviour and 4 attempted to bring Mr Mubenga under control so that the 5 move could continue and for the safety of others on 6 board, the escorts and Mr Mubenga himself. The 7 escorting officers managed to seat Mr Mubenga, but he 8 continued to be very disruptive and it's believed this 9 included trying to bite the officers. Mr Mubenga also 10 thrust his head towards the seat in front of him, 11 a pillow was placed in front of his head to minimise the 12 risk of harm to Mr Mubenga. The escorting crew 13 struggled with Mr Mubenga for a lengthy period, possibly 14 up to 45 minutes, in their efforts to maintain control 15 of him and manage his disruptive behaviour." 16 Then he continues about -- 17 DEPUTY CORONER MS MONAGHAN: What page is that, please? 18 MR BLAXLAND: It's a document which I have just been handed, 19 literally this morning. 20 Just can you help us with this: that information, in 21 a report drafted by Keith Mahony, quality and contract 22 compliance manager at the time -- 23 DEPUTY CORONER MS MONAGHAN: Is it called a briefing note? 24 MR BLAXLAND: It's a factual report on the death of Jimmy 25 Kelanda Mubenga on an escorted removal by G4S from the</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Sorry, members of the jury, to 2 interrupt the flow, but it's just quite important that 3 I keep a track of the documents. Yes, I see. 4 MR BLAXLAND: It's the same document but, if you turn to 5 page 9, the difference between the document handed to me 6 and the document provided by Mr Cooper is that 7 Mr Cooper's statement is dated 15 October, possibly 8 giving the impression -- 9 DEPUTY CORONER MS MONAGHAN: Okay, let's not just deal with 10 impressions. I have now seen why it was that I thought 11 I had seen it. Thank you. 12 MR BLAXLAND: But it's the same document. We now know that 13 this in fact was written at a much earlier time, hence 14 the questions. 15 DEPUTY CORONER MS MONAGHAN: Yes. 16 MR BLAXLAND: Sorry, Mr Tribelnig. The point is this, isn't 17 it: this information, which contains an account of what 18 took place -- I just want you to think about this. Is 19 this information which you provided to not Mr Mahony, as 20 it turns out, but Ms Beattie and/or Mr Cooper? 21 A. I don't remember speaking to anybody. 22 Q. It's a question that rather unhelpfully lawyers 23 sometimes ask when confronted with the answer, "I don't 24 remember". Does that mean that you are excluding the 25 possibility of having spoken to them or you can</p>

<p>1 definitely say you didn't?</p> <p>2 A. After the incident I just remember I didn't really want</p> <p>3 to talk to anybody. As I said to you yesterday,</p> <p>4 I didn't even phone my partner.</p> <p>5 Q. I understand that, but, just to be clear about it, I am</p> <p>6 going to ask it one more time. Is it your evidence that</p> <p>7 you in fact did not speak to anybody and the first</p> <p>8 record that you made of what occurred was in your Use of</p> <p>9 Force Report during the day on 13 October?</p> <p>10 A. I don't remember speaking to anybody and I wrote the</p> <p>11 report the following day.</p> <p>12 Q. Right. Well, let's move on. Breakfast at the hotel, as</p> <p>13 you told the learned coroner yesterday, all three of you</p> <p>14 were present for breakfast?</p> <p>15 A. I think we were sat round the same table, yes.</p> <p>16 Q. Any discussion at all between you about what on earth it</p> <p>17 was that had caused Mr Mubenga to die?</p> <p>18 A. I do not remember any conversation and, as I've said,</p> <p>19 I didn't really want to talk to anybody about anything</p> <p>20 at that time.</p> <p>21 Q. So nothing at all said --</p> <p>22 A. Not that I remember, no.</p> <p>23 Q. Right. You then come to the process of writing the</p> <p>24 report. What time of the day was it then?</p> <p>25 A. I can't remember what time of the day it was, probably</p>	<p>1 A. I've written quite a few reports, yes.</p> <p>2 Q. All right. Just as with other procedures, you're given</p> <p>3 specific advice, aren't you, about how to go about it,</p> <p>4 what you should include?</p> <p>5 A. From what I remember, yes.</p> <p>6 MR BLAXLAND: Well, there's another document about this.</p> <p>7 Perhaps madam and Mr Tribelnig could look at our</p> <p>8 volume 8 green, green 8, page 5. It's another of the</p> <p>9 Training Matters documents and it's dated, this one,</p> <p>10 apparently April 2007?</p> <p>11 DEPUTY CORONER MS MONAGHAN: So when Mr Blaxland says</p> <p>12 Training Matters, it's similar to the document that you</p> <p>13 have in your file but on a different subject.</p> <p>14 MR BLAXLAND: It's a pun, Training Matters:</p> <p>15 "Report writing techniques."</p> <p>16 I am going to go through this with you. I'm afraid</p> <p>17 the members of the jury don't have it; but I'll take</p> <p>18 this briefly, I hope. It starts off in this way:</p> <p>19 "If officers do not accurately record their action</p> <p>20 following an incident, they may leave themselves open to</p> <p>21 serious complaints, allegations and litigation. Below is</p> <p>22 a protocol that if followed will aid all concerned to</p> <p>23 recall and record an incident with clarity. Officers</p> <p>24 may be questioned months, years, after the event and</p> <p>25 cannot rely on memory alone. You may be a potential</p>
<p>1 early afternoon.</p> <p>2 Q. Early afternoon. You're all in the same room, is this</p> <p>3 right, at the time that report is made? Is that</p> <p>4 correct?</p> <p>5 A. That's correct, yes.</p> <p>6 Q. But you're kept separate, is that right?</p> <p>7 A. We were seated at various seats around the table, yes.</p> <p>8 Q. Now, how often in the past have you had to write these</p> <p>9 reports?</p> <p>10 A. Well, whenever we've had a use of force incident.</p> <p>11 Q. How often is that?</p> <p>12 A. It depends on the job -- I couldn't give you an exact</p> <p>13 number.</p> <p>14 Q. Just give me a rough idea over the period of time? Just</p> <p>15 remind us, how many years had you been in post by</p> <p>16 12 October 2010?</p> <p>17 A. About --</p> <p>18 Q. Two or three?</p> <p>19 A. Yeah, about two or three years.</p> <p>20 Q. I'm not going to pin you down, but just so we have</p> <p>21 a rough idea of how many occasions you had to write</p> <p>22 a Use of Force Report?</p> <p>23 A. I couldn't give you an idea. It could have been 50, it</p> <p>24 could have been 100, it could have been less.</p> <p>25 Q. This is something that you had a lot of experience of?</p>	<p>1 witness under oath in court. Your report must be clear,</p> <p>2 specific and as accurate as possible. It will point out</p> <p>3 that any force was used in a reasonable and necessary</p> <p>4 and justified manner proportionate to the threat."</p> <p>5 So it didn't give you the option of saying, "Well,</p> <p>6 actually we got it all wrong apparently", is that right?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. But the point about this document is that it stressed to</p> <p>9 you the importance of the record that you were keeping;</p> <p>10 that's right, isn't it?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. For the reasons given, that it might at a later stage be</p> <p>13 a very important document if there were any legal</p> <p>14 proceedings; yes?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. The document goes on to give you advice about the way</p> <p>17 that you should write the report and what you should</p> <p>18 include in it. It starts by saying:</p> <p>19 "You should complete a full incident report before</p> <p>20 the end of your shift. Depending on the severity of the</p> <p>21 incident in which you were involved, do not make your</p> <p>22 report out immediately. Take time before you start to</p> <p>23 compose yourself. Make rough notes and review the</p> <p>24 scenario. Keep any notes you make."</p> <p>25 Did you do that?</p>

<p>1 A. Whatever notes that I had would have been given to the 2 police. 3 DEPUTY CORONER MS MONAGHAN: Just pausing there a moment. 4 Do you remember if you made any notes? 5 A. The only notes I would have had is I would have had 6 a piece of paper in my pocket which would have given me 7 detailed timings for collection, any times that he used 8 the toilet, which have enabled me to then fill out the 9 welfare record at a later time as opposed to walking 10 round with handfuls of paper. 11 DEPUTY CORONER MS MONAGHAN: Before you filled in the Use of 12 Force Report, did you take some rough notes about what 13 had actually happened? 14 A. No. 15 MR BLAXLAND: So you didn't do that. So you didn't take 16 time before you -- you may have taken time to compose 17 yourself, but you didn't make rough notes and review the 18 scenario? That didn't happen, did it? 19 A. No. 20 Q. Next it says: 21 "Do not collude..." 22 So you write your own report without speaking to 23 others. You are specifically told that, is that right? 24 A. Yes. 25 Q. So if you were to say, or if you were to have told</p>	<p>1 A. Yes, it is. 2 Q. Right. Quite specific details which you're encouraged 3 to include in the report; that's right, isn't it? 4 A. Yes. 5 Q. Then it goes on -- I don't need to read much further: 6 "What effect did that have on the detainee? Did you 7 use a non-verbal communication, hand signals, gestures, 8 directions? What did you think was going to happen at 9 the scene if you hadn't used force...", and so on. 10 Then there's a section about you recording your 11 prior knowledge of the detainee; in other words, the 12 background. Then there's a section which records what 13 you should put in the report about the detainee's 14 actions: 15 "Verbal responses, non-verbal responses." 16 So you're told to record what the detainee said as 17 well as what he did, is that right? 18 A. I did not have this piece of paper with me when I filled 19 out this report. 20 Q. It's basic stuff, isn't it? 21 A. I made my report on the basis of my knowledge. 22 Q. It's basic stuff, isn't it? 23 A. It's basic as it's on this piece of paper. We're 24 advised to do it, but I couldn't remember every bullet 25 point on this page.</p>
<p>1 anybody, that before you wrote this report, before you 2 had written this report, you had actually colluded with 3 either or both over your two colleagues, Mr Hughes and 4 Mr Kaler, you knew that that would be in breach of the 5 instruction that you had been given; is that right? 6 A. That's my understanding, yes. 7 Q. Right. 8 "Write your report and ensure that you write what 9 you saw/did, not what you thought happened or piece 10 together after the event based on what others may have 11 told you." 12 Then you're given some advice about how you should 13 structure your report, setting the scene: 14 "Approach to the scene of the incident..." 15 There are a series of bullet points: 16 "What did you see? Where were you positioned? 17 Where were your colleagues positioned? Describe the 18 imminent danger. What was the detainee doing at your 19 arrival? For example, stood up, sat down, fighting, 20 stood over someone, running away, escaping. Did you see 21 a weapon? Did you issue commands? If so, what did you 22 instruct, command, eg stop fighting, stop kicking, hand 23 over your weapons, et cetera?" 24 This is all advice about what should go into the 25 report, isn't it?</p>	<p>1 Q. The Use of Force Report in this case was no doubt the 2 most important document of its type that you had ever 3 had to write, is that right? 4 A. Yes. 5 Q. A man had died. It couldn't be more serious, could it? 6 A. No. 7 Q. It was of enormous importance that you recorded all 8 relevant details in that document, wasn't it? 9 A. Yes. 10 MR BLAXLAND: I want, if I could then, just to go to the 11 content of the document itself. You have been asked 12 about it. Again, the jury don't actually have it. 13 DEPUTY CORONER MS MONAGHAN: Volume 2, please, blue, page 3. 14 Whilst you're just looking for that, Mr Tribelnig, when 15 I looked at this report I was impressed by how neat the 16 handwriting was, which was very helpful to me because it 17 made it quite easy to read, but I did wonder whether you 18 made some rough notes first because it's so neat and 19 there are very few mistakes in it. One might think that 20 a first report would be a bit scrappy while you're 21 working it through, but this was the only -- 22 A. As far as I remember, these were the only notes I'd made 23 to this report. 24 DEPUTY CORONER MS MONAGHAN: Thank you. 25 MR BLAXLAND: Mr Tribelnig, just so you know, your writing</p>

1 is reasonably legible but we do also in our bundle have
 2 the benefit of the typed version and typed versions are
 3 always a little bit more easy to follow. Just so that
 4 you understand, I am going to take you through this from
 5 the typed version. So, in the volume that you have,
 6 it's actually at page 19.
 7 You have been asked about one passage in this by the
 8 learned coroner, but I'm going to take you through all
 9 of the relevant section. It starts at the last
 10 paragraph on page 19:
 11 "At this point the passengers were boarding and as
 12 we drew level with his seat he stopped and said he
 13 wouldn't go. As I began to try and talk to him he
 14 lunged at me, ripping my shirt open."
 15 I want to pause there for a moment. There is no
 16 suggestion from you, and never has been I think, that at
 17 any stage did Mr Mubenga punch you?
 18 **A. I was lunged at. I'm not sure how I was lunged at, but**
 19 **my shirt was ripped open.**
 20 Q. You had a ripped shirt at the end of this. You had
 21 a scratch to one of your hands, is that right?
 22 **A. That's correct, yes.**
 23 Q. And you had a bruise, you told us a few moments ago,
 24 quite a large bruise by the sounds of it, on the inside
 25 of your leg?

1 **A. That's correct, yes.**
 2 Q. Inside of your thigh, and you don't know how you got
 3 that?
 4 **A. No.**
 5 Q. But he never punched you?
 6 **A. No.**
 7 Q. Did he kick you?
 8 **A. No. Not that I remember, no.**
 9 Q. So he made a dash for it, is that what it comes to?
 10 **A. I don't know what he was thinking.**
 11 Q. "There was a woman and young child sat in the seats next
 12 us to and I imagined to bear hug Mr Mubenga and force
 13 him backwards away from the women and child so they
 14 could escape from their seats. With the mother and
 15 child gone I was able to release the bear hug and take
 16 control of Mr Mubenga's right arm. Mr Mubenga continued
 17 to struggle with DCO Hughes controlling the head."
 18 This is your first record. What do you remember
 19 DCO Hughes doing to control the head?
 20 **A. I don't remember how he had hold of Mr Mubenga. At the**
 21 **time I was more concerned about getting him away from**
 22 **the rest of the passengers and trying to control the**
 23 **situation.**
 24 Q. Well, the word "controlling the head" of course is
 25 really a technical term, isn't it? You use that term,

1 as part of your control and restraint techniques, don't
 2 you?
 3 **A. That's correct, yes.**
 4 Q. But given that it's here, and this is your first record,
 5 try to remember if you could. Did he have him in
 6 a headlock? Was he behind him, pulling his head back or
 7 holding it? Do you have any --
 8 **A. Mr Hughes was behind Mr Mubenga. I'm not sure how he**
 9 **had hold of him. I referred to the head. It may have**
 10 **been the top half of the torso. I don't remember.**
 11 MR BLAXLAND: "DCO Kaler controlling Mr Mubenga's left arm.
 12 Due to the strength of Mr Mubenga we were forced to
 13 place him against the rear of one of the seats in order
 14 to remain in control."
 15 Now, you have given evidence about that and I would
 16 just like you, if you could, to help us in a little more
 17 detail. I think the members of the jury only have one
 18 photograph which --
 19 DEPUTY CORONER MS MONAGHAN: They only have the -- you have
 20 the three seats, haven't you, showing the table down?
 21 MR BLAXLAND: Yes, with the tray down.
 22 DEPUTY CORONER MS MONAGHAN: Three seats, the middle one
 23 with the tray down.
 24 MR BLAXLAND: This is row 40 that we're looking at in this
 25 picture. There are more pictures. I don't know whether

1 it's possible for you to show us, by reference to this
 2 photograph, whereabouts Mr Mubenga was at the time that
 3 he was against one of the seats, being placed against
 4 the rear of one of the seats.
 5 **A. You can't really see within the picture. It would have**
 6 **been against the corner on the outer edge of the aisle**
 7 **(Indicated)**
 8 DEPUTY CORONER MS MONAGHAN: Can you see that, members of
 9 the jury?
 10 MR BLAXLAND: With his back to it?
 11 **A. No, he was face first.**
 12 Q. Face first?
 13 **A. Yes.**
 14 Q. He was struggling at that point?
 15 **A. Yes.**
 16 Q. You were having some difficulty applying handcuffs, is
 17 that right?
 18 **A. That's correct, yes.**
 19 Q. We know that he had two fractures to the sixth and
 20 seventh left rib -- ribcage; yes?
 21 **A. It's in the report, yes. I'm not sure where they are.**
 22 Q. No, but they're sort of the lower part of the ribcage.
 23 We don't at the moment know precisely whereabouts the
 24 fractures were. We'll have to wait for the pathologist
 25 to give us more information about that. But you said

<p>1 very emphatically yesterday that there was nothing that</p> <p>2 you did which in your opinion could possibly have caused</p> <p>3 two fractures to his ribs. Now, just so that you have</p> <p>4 the opportunity to comment on this, do you think it is</p> <p>5 possible that the force that was being used at the point</p> <p>6 that you were applying the handcuffs was such that his</p> <p>7 ribs broke at that point as he was being pressed against</p> <p>8 the back of the seat?</p> <p>9 A. I wouldn't have said so, no.</p> <p>10 Q. I mean, were you -- what were you doing at that point?</p> <p>11 A. I had hold of the right arm which was outstretched.</p> <p>12 Q. And you were forcing him forward, were you, in order to</p> <p>13 get his arm behind him?</p> <p>14 A. He was being held against the seat.</p> <p>15 Q. But how did that happen?</p> <p>16 A. Mr Hughes was stood behind Mr Mubenga at the time.</p> <p>17 Q. What, pushing him forward?</p> <p>18 A. He would have -- I can't remember. I think he was</p> <p>19 tucked in behind him, so leaning with his body against</p> <p>20 him.</p> <p>21 Q. But using a lot of force?</p> <p>22 A. Enough force to keep him restrained, yes.</p> <p>23 Q. Did he have him in a headlock at that point, Mr Hughes?</p> <p>24 A. No, I can't remember.</p> <p>25 Q. Can we go back to your written account:</p> <p style="text-align: center;">Page 33</p>	<p>1 aisle, away from the edge of the seat, and you have</p> <p>2 actually got him into row 40?</p> <p>3 DEPUTY CORONER MS MONAGHAN: You are going to show us, are</p> <p>4 you?</p> <p>5 A. This picture is row 40?</p> <p>6 MR BLAXLAND: It is, indeed?</p> <p>7 A. He was pinned against the back of the seat, at which</p> <p>8 point we then moved him into that row of seats.</p> <p>9 DEPUTY CORONER MS MONAGHAN: So, as you say, you managed to</p> <p>10 twist his body around.</p> <p>11 A. We tried to twist his body around. We had literally to</p> <p>12 turn his legs round to get him into the seated position.</p> <p>13 MR BLAXLAND: You were one of the people who actually got</p> <p>14 the handcuffs on, the rear stack handcuffs, is that</p> <p>15 right?</p> <p>16 A. I applied the first cuff, yes.</p> <p>17 Q. Right. Have you on previous occasions, Mr Tribelnig,</p> <p>18 applied rear handcuffs, rear stack handcuffs, rigid bar</p> <p>19 rear stack handcuffs, to a disruptive detainee while on</p> <p>20 board an aircraft?</p> <p>21 A. Yes.</p> <p>22 Q. How many occasions have you done it?</p> <p>23 A. I can't remember specifically.</p> <p>24 Q. Just, again, give us a rough idea. We're not going to</p> <p>25 pin you down.</p> <p style="text-align: center;">Page 35</p>
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<p>1 "I applied a cuff to Mr Mubenga's right wrist, but</p> <p>2 due to Mr Mubenga's strength it was approximately</p> <p>3 two minutes before I was able to move Mr Mubenga's right</p> <p>4 arm round to present for a rear stack position. It was</p> <p>5 a further two to three minutes before the left arm was</p> <p>6 presented to enable the remaining cuff to be applied.</p> <p>7 Once the cuffs were applied, Mr Mubenga appeared to</p> <p>8 pause before again beginning to struggle."</p> <p>9 So you provided quite specific and detailed</p> <p>10 information about the process of applying the handcuffs,</p> <p>11 is that right?</p> <p>12 A. That's correct, yes.</p> <p>13 Q. "I decided to move Mr Mubenga back to row 40 which was</p> <p>14 designated for crew rest. As we attempted to re-seat</p> <p>15 Mr Mubenga, he twisted his lower body around to try and</p> <p>16 stop us from re-seating him. I moved round to row 39 to</p> <p>17 take control of the head whilst DCO Kaler had control of</p> <p>18 the left arm and DCO Hughes control of the right.</p> <p>19 Mr Mubenga attempted to the wrap his right leg under the</p> <p>20 seats in front to prevent us from placing him in the</p> <p>21 seat. Mr Mubenga was still struggling and was trying to</p> <p>22 kick out."</p> <p>23 At this point, at this part of your description, are</p> <p>24 you describing him somewhere in the row of seats that we</p> <p>25 can see? In other words, you have moved him from the</p> <p style="text-align: center;">Page 34</p>	<p>1 A. 10, 15, 20 maybe.</p> <p>2 Q. 20 occasions?</p> <p>3 A. There or thereabouts, I don't know exact numbers.</p> <p>4 Q. On how many of those occasions have you gone on to put</p> <p>5 the person in a seat?</p> <p>6 A. Probably the majority of them.</p> <p>7 Q. You are given some advice in the training, aren't you,</p> <p>8 about the desirability or undesirability of people being</p> <p>9 put in a seat with rear stack handcuffs on, aren't you?</p> <p>10 A. We're told it's probably not the best way to do it, yes.</p> <p>11 MR BLAXLAND: I mean, I am going to read -- I am not going</p> <p>12 to ask you to look at the document, it is a document we</p> <p>13 have seen, but I'm going to read from a notice which may</p> <p>14 not have been physically distributed, but --</p> <p>15 DEPUTY CORONER MS MONAGHAN: Can you give us where for the</p> <p>16 record.</p> <p>17 MR BLAXLAND: It's 7A, page 96. It's Mr Eldridge's document</p> <p>18 of 13 October 2009.</p> <p>19 MS HEWITT: Madam, I wonder if the witness could be given it</p> <p>20 out of fairness.</p> <p>21 DEPUTY CORONER MS MONAGHAN: Yes.</p> <p>22 MR BLAXLAND: Absolutely.</p> <p>23 MS HEWITT: He may not have seen it and if he has -- that</p> <p>24 may be an important point.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Thank you, Ms Hewitt. That is</p> <p style="text-align: center;">Page 36</p>
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<p>1 very helpful.</p> <p>2 MR BLAXLAND: I quite agree. Page 96. It's a document</p> <p>3 which is called, "Handcuffing procedure". It starts</p> <p>4 off, if we're looking at it together:</p> <p>5 "Following a recent complaint investigation, the</p> <p>6 UK Border Agency Professional Standards Unit have asked</p> <p>7 that all D&E [that is detention and escorting staff] are</p> <p>8 reminded of handcuffing procedures and in particular the</p> <p>9 period of time detainees are kept in handcuffs with</p> <p>10 their arms restrained behind their back. This is either</p> <p>11 in the back stack position or when a detainee has their</p> <p>12 hands back-to-back as taught in basic control restraint</p> <p>13 training."</p> <p>14 You have told us you used the rear stack method for</p> <p>15 Mr Mubenga, is that right?</p> <p>16 A. That's what I remember, yes.</p> <p>17 Q. Right. The back-to-back method, what is that?</p> <p>18 A. That would be where the wrists are back-to-back, so you</p> <p>19 have your hands forced lower.</p> <p>20 Q. That's a method you use with rigid bar handcuffs as</p> <p>21 well?</p> <p>22 A. It can be used with rigid bar cuffs, yes.</p> <p>23 Q. You have done that, have you?</p> <p>24 A. Yes.</p> <p>25 Q. Just try to be clear about it. In this case, was it</p> <p style="text-align: center;">Page 37</p>	<p>1 it is more difficult to transfer handcuffs from the rear</p> <p>2 to the front due to the confined space."</p> <p>3 Do you remember being advised about that?</p> <p>4 A. I can't remember.</p> <p>5 Q. Paragraph 5:</p> <p>6 "Transferring the handcuffs from the rear to the</p> <p>7 front, if the detainee is seated, could result in the</p> <p>8 detainee slumping forward and therefore may put them at</p> <p>9 risk of positional asphyxia (as completing the move in</p> <p>10 a seated position can take some time to achieve). Also,</p> <p>11 if a detainee is slumped forward some discomfort may be</p> <p>12 caused to the detainee's wrists and could result in</p> <p>13 wrist injury."</p> <p>14 Again, do you remember this being spelt out? This</p> <p>15 is the reason for avoiding, if you can, the use of back</p> <p>16 stack, rear, handcuffs in a seated position?</p> <p>17 A. I can't remember.</p> <p>18 DEPUTY CORONER MS MONAGHAN: Do you remember whether or not</p> <p>19 you saw this document?</p> <p>20 A. Again, I can't remember.</p> <p>21 DEPUTY CORONER MS MONAGHAN: Does it ring only bells?</p> <p>22 A. No. I mean, some of the issues here is stuff that I may</p> <p>23 have heard talked about but I can't be 100 per cent</p> <p>24 sure.</p> <p>25 MR BLAXLAND: It rather looks like as if you didn't actually</p> <p style="text-align: center;">Page 39</p>
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<p>1 back-to-back or rear stack?</p> <p>2 A. As far as I remember, it was back stack.</p> <p>3 MR BLAXLAND: Back stack.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Which is the same as rear</p> <p>5 stack?</p> <p>6 A. Rear stack, yes.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Thank you, just to be sure.</p> <p>8 MR BLAXLAND: Yes. Then the document continues:</p> <p>9 "If a detainee has been handcuffed with their hands</p> <p>10 behind their back due to the initial risk assessment or</p> <p>11 because it was necessary following an initial outburst</p> <p>12 of disruption and/or violence, officers [and this is in</p> <p>13 bold] should transfer the handcuffs to the front of the</p> <p>14 detainee at the earliest opportunity when it is</p> <p>15 practical and safe to do so."</p> <p>16 Then there is a whole section about escorting moves</p> <p>17 and about the fact that CCTV will be used.</p> <p>18 Then it continues, at paragraph 5 -- or paragraph 4</p> <p>19 I should start with:</p> <p>20 "Overseas officers should always attempt to transfer</p> <p>21 the handcuffs to the front before boarding the</p> <p>22 aircraft."</p> <p>23 That's in the case of somebody who has been</p> <p>24 handcuffed before getting on board.</p> <p>25 "Once the detainee is in their seat on the aircraft</p> <p style="text-align: center;">Page 38</p>	<p>1 see this document because there are certain notices</p> <p>2 called D&E notices which were pinned up all over the</p> <p>3 place. This, I think, appears to be an instruction to</p> <p>4 the instructors about what you should be told when you</p> <p>5 have your training.</p> <p>6 DEPUTY CORONER MS MONAGHAN: I see.</p> <p>7 MR BLAXLAND: I just wondered, on the basis of that, whether</p> <p>8 this is specific advice that you were given in maybe</p> <p>9 your refresher course in March 2010; because you did</p> <p>10 have one, didn't you?</p> <p>11 A. Yeah. I don't remember actually going through any of</p> <p>12 the handcuffing stuff as part of the C&R refresher. The</p> <p>13 C&R refresher was purely techniques, from what</p> <p>14 I remember.</p> <p>15 Q. Can I just continue with it because it has been quite</p> <p>16 rightly pointed out that it's only fair that you should</p> <p>17 see the document itself. It concludes in this way:</p> <p>18 "When there's an option, overseas escorts should</p> <p>19 front stack rather than back stack because the detainee</p> <p>20 is more able to be kept upright when seated which</p> <p>21 reduces the possibility of restricted breathing and in</p> <p>22 a worst case scenario positional asphyxia."</p> <p>23 So the point is being made about the connection</p> <p>24 between rear stack handcuffs and positional asphyxia.</p> <p>25 Do you remember that simple point being made? That's</p> <p style="text-align: center;">Page 40</p>
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<p>1 the problem with somebody being put in a seat with their 2 hands handcuffed behind their back, that you're 3 increasing the risk of positional asphyxia? 4 A. I can't remember that point specifically. 5 Q. Did you have that in mind at all at any stage? 6 A. At the time Mr Mubenga was placed in the back stack 7 position, the intention was to try to de-escalate and 8 move the handcuffs to the front. 9 MR BLAXLAND: I am going to come back to -- in just one 10 moment -- the narrative in the document, but I wonder if 11 you remember this. When you were interviewed by the 12 police, towards the very end of your interview, and it's 13 page 184 in the bundle in front of you -- 14 DEPUTY CORONER MS MONAGHAN: The same bundle? 15 MR BLAXLAND: Yes, the same bundle. Just go to that for 16 a moment, page 184. 17 DEPUTY CORONER MS MONAGHAN: I think he has 7A out. 18 MR BLAXLAND: I am sorry, it's the volume 2. If you 19 could -- we're going to go back to your Use of Force 20 Report in a moment, but as we're dealing with the use of 21 handcuffs I want to ask you about page 184. At the very 22 end of the interview, or towards the end of the 23 interview, in which you answered questions, you were 24 asked by DC Rowe, who was interviewing you: 25 "If a removal -- if this happens again, what would Page 41</p>	<p>1 tell you to remove the detainee from the craft? 2 A. That's correct, yes. 3 Q. And that happens? 4 A. It has happened, yes. 5 Q. How many times has it happened to you? 6 A. I think I've only ever had it happen once. 7 Q. Has there been any occasion on which you yourself have 8 decided that you're not going -- that you're going to 9 remove the detainee from an aircraft because he, or 10 possibly even she, has been too disruptive? 11 A. No. 12 Q. Because your priority is to complete the removal 13 successfully, isn't it? 14 A. My priority is to make sure that the situation is 15 contained, the detainee is looked after and make sure 16 that we get the job away, yes. 17 Q. Yes. But you always have the option, don't you, to 18 decide that the situation means that you cannot safely 19 continue? Is that right? 20 A. I've never seen a team remove themselves from 21 an aircraft before. I've never been part of a team -- 22 Q. That's always an option for you, isn't it? 23 A. It would have been. 24 Q. You have that choice. You have that choice, don't you? 25 A. It's -- it could have been an option, yes. Page 43</p>
<p>1 you do differently?" 2 You said: 3 "Initially we would try -- he would have to be 4 restrained. We would then have to make the judgment of 5 whether or not we've got to pacify him by sticking him 6 into his seat which seems to be the main area of 7 concern. Can we get him into the front stack before we 8 sit him down? But, again, this is all working on stuff 9 that we haven't been trained in." 10 DC Rowe says: 11 "Yes, I understand. Okay, so you might not have sat 12 him down?" 13 You said: 14 "No", meaning in fact probably yes? 15 A. Yes. 16 Q. In other words, looking back on it now, what went wrong 17 here was the simple fact that, having felt the need to 18 put on the rear stack handcuffs, you then went on to put 19 him in his seat. That's what you were accepting, that 20 was the wrong judgment call. 21 A. At the time there was no other option. 22 Q. No, but -- well, the way it works is this, Mr Tribelnig, 23 isn't it: the captain has control of the aircraft; yes? 24 A. That's correct, yes. 25 Q. If a detainee is disruptive, the captain is liable to Page 42</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Pause there. Can I follow that 2 up, please. 3 MR BLAXLAND: Certainly. 4 DEPUTY CORONER MS MONAGHAN: Are you saying that you have 5 never come across a situation where the escorting 6 officers have decided themselves that it's appropriate 7 to take a deportee off an aircraft? 8 A. That's correct, yes. 9 DEPUTY CORONER MS MONAGHAN: So the only circumstances in 10 which you have come across it are where either a judge 11 has said get him off -- 12 A. You mean -- 13 DEPUTY CORONER MS MONAGHAN: An order, or the captain has 14 said. So the captain or you have had an order from the 15 court saying he can't be deported? 16 A. That's correct, yes. 17 DEPUTY CORONER MS MONAGHAN: So court order or captain's 18 decision, but never a decision by the escorting team? 19 A. I have never seen it as a decision by a team. 20 DEPUTY CORONER MS MONAGHAN: Thank you. That's helpful. 21 MR BLAXLAND: The point is this, isn't it -- it's the way 22 you approach it -- it's all down to the captain? 23 A. As in? 24 Q. Well, it's the captain's decision? 25 A. If the captain doesn't want us on his aircraft, he can Page 44</p>

1 **throw us off the plane.**
 2 Q. If the detainee is making too much of a fuss, the
 3 captain is liable to get him off; yes?
 4 **A. It could be, yes.**
 5 Q. So your main concern is to stop the detainee making too
 6 much fuss?
 7 **A. Our main concern is to keep him restrained.**
 8 Q. To stop him making too much fuss?
 9 **A. Not to stop him making too much fuss.**
 10 Q. To stop him being so disruptive that the captain decides
 11 to abandon the deportation?
 12 **A. Our job is there to escort Mr Mubenga. We were there to**
 13 **ensure that he didn't cause too much disruption, injury**
 14 **to himself, other passengers, or damage to the aircraft.**
 15 Q. So going back to the passage that I asked you about in
 16 your police interview, when you were asked about whether
 17 or not -- if you like with the benefit of hindsight, you
 18 would have done anything different. When you said,
 19 "Well, maybe we shouldn't have got him into his seat
 20 with his hands handcuffed behind his back", was that
 21 ever something that you considered at the time?
 22 **A. At the time it was not possible.**
 23 Q. Why not?
 24 **A. There were passengers on the aircraft. We'd already**
 25 **struggled to place him into a rear stack hand position.**

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1 **At no time did he stop long enough for us to be able to**
 2 **remove the handcuffs from the rear to the front.**
 3 Q. No, but you always had the possibility just to remove
 4 him from the plane?
 5 **A. When the passengers are getting on the plane, it's a bit**
 6 **difficult to take somebody who's kicking and screaming**
 7 **down an aircraft.**
 8 Q. If needs dictate that and not to do that can create
 9 danger, that's the least bad option, isn't it?
 10 **A. Is it not creating danger to the rest of the passengers?**
 11 Q. You didn't consider at any point putting him on the
 12 ground in the galley? You were near the galley, weren't
 13 you?
 14 **A. There's not a lot of room in the galley.**
 15 Q. I appreciate that, but you never considered that as
 16 an option?
 17 **A. No.**
 18 Q. So the handcuffs go on and you get him into the seat, is
 19 that right?
 20 **A. That's correct, yes.**
 21 MR BLAXLAND: Can I then, please, go back to your Use of
 22 Force Report at page 20.
 23 DEPUTY CORONER MS MONAGHAN: Mr Blaxland, just before you
 24 carry on, we'll take a break about 11.30. So if you can
 25 just keep your eye on the clock and a convenient moment,

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1 whenever, around there.
 2 MR BLAXLAND: Certainly. Now, you had put the handcuffs on?
 3 **A. I placed the first handcuff on the wrist, yes.**
 4 Q. We have heard, and you heard evidence yesterday about
 5 this -- or maybe I think it was when Mr Baldwin gave
 6 evidence -- about the way in which the handcuffs can be
 7 used as what is rather chillingly called pain
 8 compliance; yes?
 9 **A. Yes.**
 10 MR BLAXLAND: You have said that you disapprove of that
 11 effectively because you wouldn't want to do that to
 12 someone?
 13 DEPUTY CORONER MS MONAGHAN: No, what he said was, I think,
 14 about that, if I recall your evidence, is that the
 15 instructions on pain compliance changed, mandibular
 16 thingy, nose and mandibular, and so you were never quite
 17 sure what you were permitted to do. Is that right?
 18 **A. That's correct, yes.**
 19 MR BLAXLAND: No doubt I misunderstood. In terms of the use
 20 of the handcuffs to apply pain, you knew about that or
 21 you know about that; is that right?
 22 **A. I've been made aware of that. I can imagine they're not**
 23 **very comfortable to wear.**
 24 Q. It's not just that, is it? From what Mr Baldwin told
 25 us, that is one of the things the handcuffs are used

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1 for, in order to cause pain in order to make the
 2 detainee more compliant, pain compliance?
 3 **A. They can be used as pain compliance, yes.**
 4 Q. How?
 5 **A. I can't remember. Maybe twist on the wrist. As you**
 6 **said, there's something to do with the nerves in the**
 7 **wrist endings.**
 8 Q. Yes? Or is that part of your instruction in the use of
 9 the handcuffs, that's how they can be used?
 10 **A. I can't remember. As I say, my initial handcuffing**
 11 **course I covered on the initial -- it was done on the**
 12 **initial course. I can't remember if we had any**
 13 **refresher training on the use of handcuffs.**
 14 Q. Do you remember this, that in fact in addition to the
 15 control and restraint training and the PCC training, the
 16 young persons training that you had or the training in
 17 relation to restraint of young persons, there was also
 18 some instruction in the use of handcuffs by police
 19 officers?
 20 **A. I remember the initial training -- the initial handcuff**
 21 **training was done by -- I think it was a police trainer**
 22 **that came in, but that was back in 2007.**
 23 Q. All right. So it may or may not have had reference to
 24 pain compliance. In the past when these handcuffs have
 25 been applied, the rigid bar handcuffs have been applied

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1 by you, have you used them to cause pain to the person's
 2 wrists as a way of controlling that person?
 3 **A. I haven't, no.**
 4 Q. In any event, it was left to Mr Hughes and Mr Kaler to
 5 get him into the seat; is that right?
 6 **A. Mr Hughes moved from behind to his left-hand side.**
 7 **Mr Kaler, from what I think I remember, was across the**
 8 **row of the seats. So the obvious option was for me to**
 9 **move round to the front-end.**
 10 MR BLAXLAND: You moved round to the front. Can I go back
 11 to your Use of Force Report at page 20:
 12 "As we attempted to re-seat Mr Mubenga, he twisted
 13 his lower body round to try and stop us from re-seating
 14 him. I moved round to row 39 to take control of the
 15 head."
 16 This is the point which you were asked about by the
 17 learned coroner. What did you mean by that, when you
 18 wrote that in the report:
 19 "I moved round to row 39 to take control of the head
 20 whilst DCO Kaler had control of the left arm and
 21 DCO Hughes control of the right."
 22 What was the --
 23 DEPUTY CORONER MS MONAGHAN: Let him answer the question.
 24 **A. Right, DCO Hughes was to the right, DCO Kaler to the**
 25 **left. There's not a lot of room between those seats, so**
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1 **we couldn't get all four of us in between the seats.**
 2 **I moved round to the front-end in an attempt to try and**
 3 **prevent Mr Mubenga from either bashing his head off the**
 4 **top of the row in front or cause himself any damage by**
 5 **trying to headbutt any of the staff around him.**
 6 DEPUTY CORONER MS MONAGHAN: I have heard you say that and
 7 I have that noted, but I think Mr Blaxland is trying to
 8 explore with you what you meant when you said "control
 9 the head" and what you were doing to control the head,
 10 if that's what you meant?
 11 **A. I can't remember exactly. I may have had either a hand**
 12 **on the side of his head or it may have been on his**
 13 **shoulders at the time, just trying to prevent him from**
 14 **thrashing around.**
 15 MR BLAXLAND: Right. So you now have a memory, do you, that
 16 you did in fact put your hand on his head?
 17 **A. I can't remember. As I said, I'm not sure how I managed**
 18 **to control him. At the time it was try to prevent him**
 19 **from injuring himself.**
 20 MR BLAXLAND: So would anybody watching this at any point
 21 have seen you with your hands on top of his head?
 22 **A. I don't know. I can't remember if I had my hands on his**
 23 **head at all.**
 24 DEPUTY CORONER MS MONAGHAN: I think you said the side of
 25 the head, didn't you?
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1 **A. Possibly the side of the head.**
 2 DEPUTY CORONER MS MONAGHAN: Do you have a recollection of
 3 that?
 4 **A. No, I don't have a recollection.**
 5 DEPUTY CORONER MS MONAGHAN: What makes you think you might
 6 have put your hand on the side of his head then?
 7 **A. Possibly to try and stop him from thrashing his head**
 8 **around to try and headbutt either of the escorts on**
 9 **either side.**
 10 DEPUTY CORONER MS MONAGHAN: Would you have put your hand on
 11 the top of his head?
 12 **A. No.**
 13 DEPUTY CORONER MS MONAGHAN: On the back of his head?
 14 **A. No.**
 15 DEPUTY CORONER MS MONAGHAN: You're sure about that?
 16 **A. Yes.**
 17 MR BLAXLAND: But if you're trying to stop him from
 18 thrashing his head around, that would be best achieved,
 19 wouldn't it, by putting your hands on either side of his
 20 head?
 21 **A. That's what I just said, yes.**
 22 Q. Is that what you did?
 23 **A. I didn't say that's what I did. I can't remember what**
 24 **I did, but that was probably how it's best achieved.**
 25 Q. Right. Just continuing with the report:
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1 "Mr Mubenga attempted to wrap his right leg under
 2 the seats in front to prevent us from placing him in the
 3 seat. Mr Mubenga was still struggling and was trying to
 4 kick out."
 5 At this point, presumably, he is wedged in the very
 6 confined space of row 40, economy class; yes?
 7 **A. I think as I've moved round the front, they're still**
 8 **trying to get him in between the seats -- or get his**
 9 **legs in between the seats. Although his torso was**
 10 **against the back of the seat and he was half in -- the**
 11 **top end was half in, I don't think his legs were in the**
 12 **row.**
 13 Q. Trying to kick out?
 14 **A. Well, that was the impression I was given, yes.**
 15 Q. "We were able to move his legs round to get Mr Mubenga
 16 seated."
 17 Do you remember seeing any of your colleagues
 18 actually physically taking hold of his legs and putting
 19 him in in order to get him into the seat?
 20 **A. No.**
 21 Q. "At which point Mr Mubenga was attempted to stand up or
 22 lunge forward. The seat belt was then applied, but due
 23 to the handcuffs in the rear stack Mr Mubenga could not
 24 sit back. I placed a pillow against the television in
 25 the rear of the seat in front of Mr Mubenga to give him
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<p>1 something to lean on and prevent him from trying to 2 smash his head off of the screen." 3 Now, the pillow. The whole incident from the 4 beginning of when you first started to restrain him to 5 the point at which the paramedics arrived was estimated 6 to be -- you estimated 35 minutes? 7 A. I estimated 35 minutes in restraints, yes. 8 DEPUTY CORONER MS MONAGHAN: 35 minutes in handcuffs, 9 I think it was? 10 A. That's correct, yes. 11 MR BLAXLAND: The period of time it was appears to have 12 found its way into Mr Mahony's or Mr Cooper's report, 13 whoever it was, as 40 to 45 minutes. During that 14 period, the handcuff period, was the pillow that you 15 have told us about in position throughout that period? 16 A. I can't remember. I remember putting it in position to 17 start with. 18 DEPUTY CORONER MS MONAGHAN: Did it fall to the floor at any 19 stage? 20 A. I don't remember. As I said, once we had him seated 21 I then left to move around the aircraft to speak to some 22 of the other passengers. 23 MR BLAXLAND: Precisely. This is all quite obvious really, 24 but just looking at the photograph the tray wasn't down 25 as far as you know -- in fact, no, you have said quite</p> <p style="text-align: center;">Page 53</p>	<p>1 A. Yes. 2 DEPUTY CORONER MS MONAGHAN: Then you then went off to speak 3 to the passengers? 4 A. Yes. 5 DEPUTY CORONER MS MONAGHAN: You don't know what happened 6 pillow in the meantime? 7 A. No. 8 MR BLAXLAND: But the pillow was held in place by you 9 physically holding it, is that right? 10 A. That's correct, yes. 11 Q. It's not a case of Mr Mubenga being able to wedge it 12 himself and hold it there with his head? 13 A. Well, I think I held it in place in case -- because he 14 was moving his head around so much, I didn't want him to 15 knock it out of the way. 16 Q. He was shouting, was he? 17 A. As far as I'm aware, there was lots of shouting and lots 18 of screaming. 19 Q. Was the pillow resting on the tray at any stage, do you 20 think? 21 A. No. 22 Q. For how long do you think he had his head wedged into 23 pillow? 24 A. I have no idea. 25 DEPUTY CORONER MS MONAGHAN: I think he said resting on the</p> <p style="text-align: center;">Page 55</p>
<p>1 clearly at no point was the tray down? 2 A. That's correct, yes. 3 Q. Is that right? The television itself -- and we don't 4 really need a photograph to show us this -- is embedded 5 into the headrest of the seat in front, isn't it? 6 A. That's correct, yes. 7 Q. You then have, obviously, the seat in front. What did 8 you actually do with the pillow? Was the pillow resting 9 on top of the seat that you were standing immediately in 10 front of? 11 A. The seat I was kneeling on, I was holding it against the 12 screen. 13 Q. You were holding the pillow? 14 A. I held the pillow against the screen. 15 Q. You held it in place. When you went off, as you have 16 told us, and went to speak to the passengers, where was 17 pillow then? 18 A. I can't remember. I don't know whether one of the other 19 escorts had taken control of the pillow or whether I had 20 moved to it one side. I don't remember. 21 DEPUTY CORONER MS MONAGHAN: Just so I am clear, sorry, 22 Mr Tribelnig. You put the pillow on the screen -- 23 A. Against the screen. 24 DEPUTY CORONER MS MONAGHAN: Against the screen to protect 25 Mr Mubenga's head?</p> <p style="text-align: center;">Page 54</p>	<p>1 pillow. I'm not sure he said "wedged". 2 MR BLAXLAND: Let's go back to your report: 3 "Still Mr Mubenga continued to struggle, trying to 4 stand up." 5 He had the seat belt on at that point? 6 A. That's correct, yes. 7 Q. Well, just describe to us how he was trying to stand up 8 with a seat belt on and his hands handcuffed behind his 9 back? 10 A. From my recollection he was trying to lunge up and 11 forward so he's pulling against the seat belt. 12 Q. Forcing himself? 13 A. Yes. 14 Q. What were you doing, trying to force him back down? 15 A. No. 16 Q. What about your colleague? 17 A. My colleagues were trying to restrain him within the 18 seat, trying to keep him within the seat. 19 Q. In other words, pull him down? 20 A. Pull him back into the seat. 21 Q. Pulling him down? 22 A. Back into the seat. 23 Q. How long did that go on for? 24 A. I can't remember. 25 DEPUTY CORONER MS MONAGHAN: I'm just struggling with this</p> <p style="text-align: center;">Page 56</p>

1 a bit, Mr Tribelnig -- sorry, I'm sure it me -- but
 2 I thought he was pushing his head down. Was this before
 3 he was pushing his head down that he was trying to stand
 4 up or --
 5 **A. I'm pretty sure this was before.**
 6 DEPUTY CORONER MS MONAGHAN: How long did that last, where
 7 he was trying to stand up before he was going down and
 8 you put the pillow up?
 9 **A. Again, I can't remember how much time.**
 10 DEPUTY CORONER MS MONAGHAN: I see. Thank you.
 11 MR BLAXLAND: It continues:
 12 "Mr Mubenga began to try and kick out at DCO Hughes
 13 and DCO Kaler and they both took control of Mr Mubenga's
 14 legs."
 15 This is a man with handcuffs on, with a seat belt on
 16 in a small area in the back seat of an aeroplane. How
 17 on earth was he trying to kick?
 18 **A. He was sat down, which would have meant that he didn't**
 19 **have to have all the pressure on his legs. He was able**
 20 **to kick his legs around within the space he was in.**
 21 Q. To either side?
 22 **A. Possibly, yes.**
 23 Q. Of course the point is this, isn't it: once you have the
 24 man in his seat with the handcuffs behind his back and
 25 a seat belt on, there's actually no need for anybody

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1 either side of him to restrain him, is there?
 2 **A. We were always taught once you take control of the**
 3 **detainee, it stays that way until he's calmed down**
 4 **enough that we can release the restraints.**
 5 Q. But he couldn't go anywhere, could he?
 6 **A. He still had a potential then to thrash himself around**
 7 **and do himself even more injury.**
 8 Q. Well, you're at the front with your pillow to help
 9 prevent that, aren't you?
 10 **A. To prevent him from the front end, but there's nothing**
 11 **to stop him from rocking either side.**
 12 Q. So he could have lurched to one side or lurched to the
 13 other side?
 14 **A. He could have lurched to either of the corners of the**
 15 **chairs, he could have lurched into anything.**
 16 Q. So he began to try and kick out at DCO Hughes and
 17 DCO Kaler and they took control of his legs. How?
 18 **A. I don't remember exactly how. I would imagine that they**
 19 **hooked one of their legs over the top of his to pull it**
 20 **to the side so his legs would have been out.**
 21 Q. Splayed out?
 22 **A. That would prevent him from being able to stand up and**
 23 **kick out.**
 24 Q. He couldn't stand up because of the seat belt?
 25 **A. There was nothing to stop him from trying to stand up**

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1 **though, is there?**
 2 Q. "Mr Mubenga again attempted to stand up and had to be
 3 held in his seat by DCO Hughes and DCO Kaler."
 4 So again it has happened, according to you in this
 5 report, is that right?
 6 **A. Yes, according to my report, yes.**
 7 Q. You say:
 8 "At this point I was able to move and speak to some
 9 of the passengers to inform them of what was happening."
 10 So up until this point, would this be right, what
 11 the three of you were doing is doing all that you can to
 12 keep the man down in his seat; is that right?
 13 **A. To keep the man seated yes.**
 14 MR BLAXLAND: I think that's probably a natural break.
 15 DEPUTY CORONER MS MONAGHAN: We'll take a break now,
 16 Mr Tribelnig. As I said before, and as I say to all
 17 witnesses, please don't discuss your evidence during the
 18 course of the break.
 19 Members of the jury, a ten-minute break again for
 20 the wrist relaxation.
 21 (11.30 am)
 22 (Break taken)

1 (In the presence of the jury)
 2 MR BLAXLAND: We had reached the point when you have
 3 recorded that you were able to move away and speak to
 4 some of the passengers to inform them of what was
 5 happening. So no need, presumably, at that point for
 6 you to be involved in controlling Mr Mubenga?
 7 **A. No.**
 8 Q. Then you have recorded:
 9 "Again, Mr Mubenga began to struggle and I returned
 10 to take control of the head. Mr Mubenga continued to

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1 shout and then forced his head down in an attempt to
 2 bite DCO Hughes."
 3 Again, going back to this -- I don't want to overdo
 4 it -- you repeated the point about controlling the head.
 5 You mentioned it earlier on and then you repeated it.
 6 When you returned, because this incident was continuing,
 7 did you then control his head?
 8 **A. As I stated before, I'm sure I probably reached across**
 9 **to try and grab hold of the top of his jacket to stop**
 10 **him from rocking from side-to-side.**
 11 Q. So in fact what you should have written in this report
 12 was:
 13 "At that point I took hold of his jacket"?
 14 **A. Yes.**
 15 Q. Why didn't you write that?
 16 **A. I can't remember at the time.**
 17 Q. Why did you just use this expression "I returned to take
 18 control of the head" rather than describing what you
 19 actually did?
 20 **A. Because as part of a three-man team you would be**
 21 **responsible for the head.**
 22 Q. "Mr Mubenga continued to shout and then forced his head
 23 down in an attempt to bite DCO Hughes."
 24 There's no reference here in this report to
 25 DCO Hughes saying anything, "He's trying to bite me," is
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1 there?
 2 **A. I can't remember without going through the thing again.**
 3 **I thought I had made reference to the fact.**
 4 Q. There's nothing in this report to say that DCO Hughes
 5 said, "He's trying to bite me"?
 6 **A. Without reading --**
 7 Q. You mentioned it in your interview with the police but
 8 not here. This rather raises the question what was it
 9 that made you think that he was attempting to bite
 10 DCO Hughes, doesn't it?
 11 **A. Yes.**
 12 Q. Unless that's what you had agreed you were going to
 13 write before you wrote this report. Had you agreed with
 14 your two colleagues that that's what you were going to
 15 put in the report?
 16 **A. We hadn't agreed to write anything.**
 17 Q. Because this is the point at which you say, "He forced
 18 his head down," yes?
 19 **A. Yes.**
 20 Q. The learned coroner asked you about this yesterday, but
 21 it's important. How far down did he get his head?
 22 **A. I can't remember. I thought it was somewhere around**
 23 **about the mid-table or around the table of the chair in**
 24 **front.**
 25 Q. Where was DCO Hughes's leg?
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1 **A. He would have been sat with his legs wrapped around**
 2 **Mr Mubenga's legs, probably right next to him or not far**
 3 **from him.**
 4 DEPUTY CORONER MS MONAGHAN: Pausing there. So far as you
 5 recall, until the time at which you become aware that
 6 Mr Mubenga was unresponsive, as far as you're aware were
 7 Mr Hughes and Mr Kaler's legs wrapped round Mr Mubenga's
 8 to prevent him kicking?
 9 **A. As far as I'm aware, yes.**
 10 DEPUTY CORONER MS MONAGHAN: Did you at any time see either
 11 of them stand up or rise from their seat in any way?
 12 **A. No. As I say, when I moved away I went to speak to the**
 13 **other passengers.**
 14 DEPUTY CORONER MS MONAGHAN: So they didn't kneel on the
 15 seat in any sense like you did?
 16 **A. Not that I'm aware of, no.**
 17 MR BLAXLAND: At this particular point, the point at which
 18 you have returned and the point at which you say
 19 Mr Mubenga pushed his head down, your explanation being
 20 that he was trying to bite DCO Hughes -- at that point,
 21 just help us with this: Mr Hughes was still sat with his
 22 legs wrapped around Mr Mubenga, is that right?
 23 **A. As far as I recall, yes.**
 24 Q. Well, can I just put this description to you:
 25 Mr Hughes, standing up, with one leg, his left leg,
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1 kneeling on the seat that he had been sitting in?
 2 **A. I don't remember that, no.**
 3 Q. At any stage?
 4 **A. No, not at any stage.**
 5 Q. Are you confident that didn't happen?
 6 **A. I'm not confident it didn't happen. What I said is**
 7 **I didn't see it. I did not witness it.**
 8 Q. You were probably in the best position to see that?
 9 **A. While I was in the seat in front. As I said, I had**
 10 **moved away and I was off speaking to the other**
 11 **passengers.**
 12 Q. The point that his head goes down, at that point --
 13 **A. Yes.**
 14 Q. -- you're there, nobody could be in a better position to
 15 see it than you?
 16 **A. Yes.**
 17 Q. And you didn't?
 18 **A. I didn't see it, no.**
 19 Q. What made you think that he was trying to bite
 20 Mr Hughes's leg?
 21 **A. I can't think of any other reason why he would want to**
 22 **put his head down.**
 23 Q. Did Mr Hughes actually say, "He's trying to bite me"?
 24 **A. Again, I can't remember.**
 25 Q. That's what you told the police?
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<p>1 A. I know that's what I told the police. I can't remember 2 if it was a verbal, "He's trying to bite me," or whether 3 he just made a gnashing with his teeth as if he's 4 signalling, "He's trying to bite me." 5 Q. Right. Is the truth of the matter this, that you had to 6 come up with an explanation for why this man was bent 7 right over for a long period of time and the explanation 8 that you three agreed to give was that it was because he 9 was trying to bite one of them? 10 A. I didn't agree anything. 11 Q. Is the other thing that the three of you agreed that 12 none of you were going to say that he said, "I can't 13 breathe"? 14 A. As I've said, I didn't agree anything. 15 DEPUTY CORONER MS MONAGHAN: Sorry, Mr Blaxland, may I just 16 ask this question? 17 MR BLAXLAND: Indeed. 18 DEPUTY CORONER MS MONAGHAN: Did he say anything that 19 suggested to you he was in danger or he was concerned 20 about his well-being? 21 A. Mr Mubenga? 22 DEPUTY CORONER MS MONAGHAN: Yes. 23 A. No. 24 DEPUTY CORONER MS MONAGHAN: Did he say, "I'm in pain"? 25 A. No.</p> <p style="text-align: center;">Page 65</p>	<p>1 DEPUTY CORONER MS MONAGHAN: About anything that would go in 2 your report? 3 A. That's right. 4 DEPUTY CORONER MS MONAGHAN: I think he has answered that. 5 MR BLAXLAND: Have you ever heard detainees on other 6 occasions say -- there are a certain things that people 7 traditionally shout out. Have you ever heard people 8 shouting out, for example, "You're killing me"? Has 9 that happened? 10 A. That has happened on flights, yes. 11 MR BLAXLAND: This is what you told police in interview 12 about it. It's page 84. I'll just read it and you may 13 want to refer to it. 14 DEPUTY CORONER MS MONAGHAN: The same bundle as the document 15 that we were looking at, so your report, page 84 of that 16 file. Just so he can remind himself. 17 A. Okay. 18 MR BLAXLAND: "We carry out enforced removals and a lot of 19 them will see" -- 20 MS HEWITT: Sorry, madam, I do rise to my feet. What is 21 being read has missed out the important first word of 22 that answer. 23 DEPUTY CORONER MS MONAGHAN: I'm not even there. Please 24 tell me where we are. 25 MS HEWITT: Page 84 of the police interviews. Mr Blaxland</p> <p style="text-align: center;">Page 67</p>
<p>1 DEPUTY CORONER MS MONAGHAN: Did he say, "You're killing 2 me"? 3 A. No. I can't remember what was said. There was a lot of 4 shouting and a lot of screaming. 5 DEPUTY CORONER MS MONAGHAN: Do you remember him saying, 6 "You're killing me"? 7 A. No. 8 DEPUTY CORONER MS MONAGHAN: That would be something quite 9 important, wouldn't it? 10 A. It would have been. 11 DEPUTY CORONER MS MONAGHAN: So if he had said that and you 12 had heard it -- 13 A. Yes. 14 DEPUTY CORONER MS MONAGHAN: -- you ought to have put it in 15 your report? 16 A. Yes. 17 DEPUTY CORONER MS MONAGHAN: Thank you. 18 MR BLAXLAND: Is the position this, that before you wrote 19 these reports you agreed between you, you three, that 20 you were going to say nothing about what Mr Mubenga 21 actually said? 22 A. We didn't agree anything. 23 DEPUTY CORONER MS MONAGHAN: He has said -- Mr Tribelnig's 24 position is there's no discussion at all? 25 A. No.</p> <p style="text-align: center;">Page 66</p>	<p>1 is reading out Mr Tribelnig's answer to a question. He 2 has missed out the first word of the answer which is of 3 great importance and he's missed out the question. 4 I wonder whether he could go back to page 83, have the 5 question read and the answer in full. 6 MR BLAXLAND: Of course. 7 DEPUTY CORONER MS MONAGHAN: Then we'll get the full 8 context. Thank you, Ms Hewitt. 9 MR BLAXLAND: Thank you very much. The bottom of page 83. 10 Let's take the whole passage, shall we? This what the 11 police asked: 12 "Right, because I mean we've said it in the 13 disclosure..." 14 In other words before the interview you were given 15 a summary of what the witnesses were saying. You were 16 told in advance. Your solicitor had been provided with 17 a summary of the matters which may be put to you in 18 interview. It's called advance disclosure. You had 19 that, didn't you? 20 A. Yes. 21 Q. Right. So DC Byrne said to you: 22 "I mean, we've said it in the disclosure [which is 23 a reference to the information you had been given] that 24 witnesses have said that he was shouting that he 25 couldn't breathe. Do you remember him saying that?"</p> <p style="text-align: center;">Page 68</p>

<p>1 "Answer: No." 2 A. Yes. 3 Q. The question: 4 "You don't?" 5 "Answer: I don't remember, no." 6 "Question: Right. What about the other words he 7 used, such as 'you're killing me'? Do you remember that 8 phrase being said at any stage?" 9 "Answer: No. We carry out enforced removals and 10 a lot of them we'll see when you get the disruptives, 11 the patterns all fall into the same: you're trying to 12 kill me, you're trying to do this, you're trying to do 13 that, this isn't right, I shouldn't be doing this, I'm 14 not an animal, you know I'm not a prisoner. We get 15 a lot of this sort of thing which all falls -- rolls 16 into this one. But this particular case, because I've 17 literally been lunged at or therefore attacked, I was 18 more concentrated on containing the situation so that we 19 could get him into restraints and then proceed to sit 20 him. 21 "Question: Obviously it isn't mentioned in your Use 22 of Force Incident Report [DC Byrne said] and that's the 23 reason you're being asked it now, Stuart, do you 24 understand?" 25 "Answer: Yeah." Page 69</p>	<p>1 you think that this was said by Mr Mubenga or it wasn't 2 said by Mr Mubenga? 3 "Answer: Which?" 4 "Question: 'I can't breathe'. 5 "Answer: I don't remember him saying I can't 6 breathe. 7 "Question: What about 'You're killing me', do you 8 remember that being said?" 9 "Answer: I can't remember, no." 10 That is the full passage. 11 MR BLAXLAND: Yes. Can I just ask you to move to another 12 passage at page 99. I asked you in part about this 13 yesterday. You were asked this: 14 "If the witnesses are correct, do you recall at any 15 stage Mr Mubenga shouting, "I can't breathe". 16 "Answer: No, I don't remember. 17 "Question: If that's correct, Stuart, if that's 18 correct, what would you have done if you could recall 19 now, 'I can't breathe'?" 20 "Answer: Well, the guy would have been released -- 21 well, not necessarily released, but any restraint that 22 would have been used would have been removed so that we 23 could then check for me before applying any necessary 24 restraint again." 25 Mr Tribelnig, is the reason that you didn't mention Page 71</p>
<p>1 Just so that we can finish this, you were then asked 2 about, "I can't breathe," and you said: 3 "I don't remember him saying I can't breathe." 4 "Question: What about 'You're killing me', do you 5 remember that being said?" 6 "Answer: I can't remember, no." 7 "Question: Other witnesses have said and it's within 8 the disclosure that weight was actually being applied to 9 him." 10 So the police then went on to deal with that. 11 MS HEWITT: Madam, just for completeness, there's a small 12 section missed out, jumped there. Maybe while we're 13 looking at it and the witness is being asked, for 14 absolute completeness, that small section should be -- 15 DEPUTY CORONER MS MONAGHAN: So above the "I can't breathe" 16 section. 17 MS HEWITT: "Then proceed to sit him." DC Byrne: 18 "Because obviously it isn't mentioned in your Use of 19 Force Injury Report and that's the reason you're being 20 asked it now, Stuart, do you understand?" 21 Mr Tribelnig: 22 "Yes, I understand why I'm being asked the question. 23 If it's not in my incident report it's because I don't 24 remember why. 25 "Question: So what do you think now on 3 March, do Page 70</p>	<p>1 the fact that Mr Mubenga had said he couldn't breathe 2 because you did hear it and you knew perfectly well, 3 having heard it, that you should have done something 4 about it? 5 A. As I said before, I did not hear him say, "I can't 6 breathe." 7 Q. The officer continued, you were asked again about the 8 phrase "you're killing me": 9 "What about the other phrase, 'You're killing me'?" 10 If that was being said how would you -- if the witnesses 11 are correct, would that have changed anything is what 12 I'm asking? 13 "Answer: We would have responded with the fact that, 14 you know, we're not killing you, we're basically 15 carrying out our job." 16 In other words, you would have just said something 17 to him. That's what you were saying, is that right? 18 A. Yes. 19 Q. "Right. As I say, that particular phrase you'll find on 20 the majority of removals that we do. That particular 21 phrase is what they say quite often. 22 "Question: What about the phrase 'I can't breathe', 23 is that said? 24 Answer: I've never heard that one." 25 Is that right? Page 72</p>

1 **A. I've never heard it on a removal, no.**
 2 Q. There were about 20 occasions on which you had applied
 3 handcuffs, is this right, to somebody who was then
 4 restrained in a seat?
 5 **A. Yes. More than 20 -- more than 20 times handcuffs had**
 6 **been applied to someone who had been restrained in**
 7 **a seat.**
 8 DEPUTY CORONER MS MONAGHAN: You told us that was a rough
 9 and ready figure, but it was a significant number of
 10 times?
 11 **A. Yes.**
 12 DEPUTY CORONER MS MONAGHAN: Are you specifically referring
 13 to the back stack or handcuffs in general?
 14 MR BLAXLAND: I was referring to handcuffs in general.
 15 **A. Handcuffs in general could be 50, 60.**
 16 Q. Back stack, 20?
 17 **A. 5, 10, 20. I couldn't give you an exact number.**
 18 Q. On those occasions, detainee bent forward?
 19 **A. He would have to have been, yes.**
 20 Q. So how many times has this happened that the detainee
 21 has been restrained and bent forward?
 22 **A. However many times the handcuffs have been applied to**
 23 **the rear stack.**
 24 DEPUTY CORONER MS MONAGHAN: I think Mr Tribelnig is saying
 25 that every time you're rear stacked handcuffed on

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1 a seat, you will be bent forward?
 2 **A. You physically have to lean forward.**
 3 MR BLAXLAND: Have you had a case like this before, where
 4 somebody throws themselves forward on your version of
 5 events?
 6 **A. Well, been launched at myself?**
 7 Q. Yes, in a seat, rear stack, and then bent right over in
 8 the way that you describe Mr Mubenga was. Has that ever
 9 happened before?
 10 **A. We've had situations like this before, yes.**
 11 Q. The detainee was perfectly okay at the end of it?
 12 **A. Yes.**
 13 Q. Have you had an instance where somebody has been in that
 14 position for about 30 minutes?
 15 **A. The amount of time that they spend in handcuffs would be**
 16 **dictated by them.**
 17 Q. Has there been a previous occasion or occasions on which
 18 somebody has been restrained in handcuffs, bent forward
 19 for a period of about 30 minutes in an aircraft seat?
 20 **A. We've had occasions that have probably gone on longer**
 21 **than that, yes.**
 22 Q. Without any ill-effects?
 23 **A. Yes.**
 24 Q. It didn't occur to you at any of those occasions that
 25 there might be a problem?

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1 **A. No.**
 2 Q. Can we go back to your Use of Force Report, please. We
 3 had got to the point where he forced his head down in
 4 an attempt to bite DCO Hughes. You then said:
 5 "DCO Hughes and DCO Kaler tried to pull Mr Mubenga
 6 up but he continued to push his head down."
 7 Again, you were asked about this yesterday.
 8 Describe to us what they were doing trying to pull him
 9 up?
 10 **A. I can't remember exactly, but I'm sure they had their**
 11 **arms through his arm and trying to pull him back up into**
 12 **the chair.**
 13 Q. Without success?
 14 **A. Without success, yes.**
 15 Q. So he was so strong, from what you could see, that he
 16 was able to hold himself down?
 17 **A. He was quite strong holding himself in the position,**
 18 **yes. He was a very strong person.**
 19 Q. Still trying, so far as you could see, to bite one of
 20 them?
 21 **A. All I could see was the head moving around.**
 22 Q. "He was still shouting and we were trying to talk him
 23 down," you said?
 24 **A. Yeah, this was consistent of -- continuous.**
 25 Q. There's no mention in this report of you saying anything

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1 to them -- any command, "I want him up. Get him up".
 2 Nothing like that in here, is there?
 3 **A. No, not that I can remember from this.**
 4 Q. One of the things that you were specifically advised to
 5 include in the report was any command that you gave, is
 6 that right?
 7 **A. It was on the sheet that we looked at this morning. As**
 8 **I said, I didn't have had sheet with me when I filled**
 9 **out my report.**
 10 Q. But in one sense the fact that you told both of your
 11 colleagues to get him up was vitally important, wasn't
 12 it?
 13 **A. I would say yes.**
 14 Q. Sorry?
 15 **A. I would say yes.**
 16 Q. Because what you're saying is this: if, and you didn't
 17 know and we don't -- we'll hear about it, but if the
 18 fact that he was bent down in the seat had something to
 19 do with the reason that he died, it had nothing to do
 20 with us, it was all him, he was doing it all himself,
 21 it's all his fault. That's what you're saying, isn't
 22 it?
 23 **A. I don't know the reasons behind this.**
 24 Q. Sorry?
 25 **A. I don't know the reasons behind it. I can't explain**

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<p>1 what happened.</p> <p>2 Q. But the --</p> <p>3 A. I can only give you --</p> <p>4 Q. But the explanation you are giving for the fact that the</p> <p>5 man was bent right over is not because you were forcing</p> <p>6 him down but because he was doing it himself?</p> <p>7 A. He put himself in that position, yes.</p> <p>8 Q. Or is the truth that you were actually forcing him down</p> <p>9 into the seat?</p> <p>10 A. As I said, we did not force him down in the seat.</p> <p>11 Q. Have you done it before?</p> <p>12 A. Never.</p> <p>13 Q. Forced people down in the seat?</p> <p>14 A. No, I've never forced anybody down in the seat.</p> <p>15 Q. "He was still shouting and we were trying to talk him</p> <p>16 down. At this point I began to check his circulation by</p> <p>17 squeezing his fingertips."</p> <p>18 This is while you are back in your position in the</p> <p>19 middle of row 39, is that right?</p> <p>20 A. That would have been correct, yes.</p> <p>21 Q. Leaning right over him?</p> <p>22 A. Leaning over the top of the seat, yes.</p> <p>23 Q. So he was bent right down and you were able to get hold</p> <p>24 of his fingers, is that right?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 77</p>	<p>1 A. The row in front, yes.</p> <p>2 DEPUTY CORONER MS MONAGHAN: The row in front. He's in the</p> <p>3 seat behind with his arms behind his back?</p> <p>4 A. That's correct, yes.</p> <p>5 DEPUTY CORONER MS MONAGHAN: I can't see how you would be</p> <p>6 able to reach his fingertips?</p> <p>7 A. This is at the point, as we've just discussed, that he's</p> <p>8 actually leaning right forward. So he's actually pushed</p> <p>9 himself down.</p> <p>10 DEPUTY CORONER MS MONAGHAN: It must be really right forward</p> <p>11 for you to be able to -- well, I don't know, you tell</p> <p>12 me. I'm trying to get a mental image of it.</p> <p>13 A. I'm kneeling up in the seat, moving across the top of</p> <p>14 the seat. So I'm quite a lot higher than he is. He's</p> <p>15 leaning forward in the seat, leaning down, but his hands</p> <p>16 are in a back stack position so they're round the middle</p> <p>17 of his back. So not much further than where I was when</p> <p>18 I was holding his jacket.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Right.</p> <p>20 MR BLAXLAND: So you're leaning right over the top of him?</p> <p>21 A. Leaning over the top of the jacket yes.</p> <p>22 Q. Why did you want to do that at that stage? What was the</p> <p>23 point of that?</p> <p>24 A. I don't know why I did it. It's just one of the checks</p> <p>25 that we do normally when handcuffs are applied.</p> <p style="text-align: center;">Page 79</p>
<p>1 MR BLAXLAND: The man is struggling, is that right --</p> <p>2 DEPUTY CORONER MS MONAGHAN: No, he's unresponsive at this</p> <p>3 point, isn't he? No, I beg your pardon.</p> <p>4 A. No, I'm sure he was still struggling at the time.</p> <p>5 MR BLAXLAND: "He was still shouting and we were trying to</p> <p>6 talk him down. At this point I began to check his</p> <p>7 circulation by squeezing his fingertips."</p> <p>8 So this is a struggling man?</p> <p>9 A. Yes.</p> <p>10 Q. When you say squeezes, there's a technical term for it,</p> <p>11 but you basically touched the fingernail, is that right?</p> <p>12 A. That's correct, yes.</p> <p>13 Q. And it will go white and if the circulation is working</p> <p>14 correctly then --</p> <p>15 A. It will resume its natural colour.</p> <p>16 Q. The blood will come back. That's a basic technique, is</p> <p>17 that right?</p> <p>18 A. It's called capillary reflex.</p> <p>19 Q. In the midst of all this you were able to carry that out</p> <p>20 and be able to see that the circulation was working</p> <p>21 properly?</p> <p>22 A. That's correct, yes.</p> <p>23 DEPUTY CORONER MS MONAGHAN: I am sorry to interrupt again,</p> <p>24 Mr Blaxland, but so I am clear. At this point you're in</p> <p>25 the seat in front?</p> <p style="text-align: center;">Page 78</p>	<p>1 Q. Were you worried that he was unconscious or he might be</p> <p>2 about to become unconscious?</p> <p>3 A. No, I was worried that handcuffs may have been too</p> <p>4 tight.</p> <p>5 Q. But how would that help you? How would the fingertip,</p> <p>6 that's --</p> <p>7 A. If the handcuffs are restricted, as far I'm aware.</p> <p>8 Q. -- to do with circulation. Is that not a test to see</p> <p>9 whether or not somebody is still -- the heart is working</p> <p>10 properly?</p> <p>11 A. I can't remember completely what the test is for, but</p> <p>12 I was using it I think to check to make sure the</p> <p>13 handcuffs weren't too tight.</p> <p>14 Q. What conclusion did you come to?</p> <p>15 A. Well, his fingers resumed their natural colour from what</p> <p>16 I could tell.</p> <p>17 Q. You know about the injuries to his wrist, don't you?</p> <p>18 A. Yes.</p> <p>19 Q. From which we can -- he had bruising to his wrists as</p> <p>20 a result of the handcuffs?</p> <p>21 A. That's correct, yes.</p> <p>22 Q. Did it occur to you that it might be an idea to release</p> <p>23 his handcuffs at that point?</p> <p>24 A. At the point he was still struggling.</p> <p>25 Q. Let's continue.</p> <p style="text-align: center;">Page 80</p>

<p>1 "We managed to bring his head back up to the cushion 2 on the screen." 3 Well, you had had to hold the cushion against the 4 screen, hadn't you? 5 A. Initially, yes. 6 Q. You have then had to go and test his fingers, is that 7 right? 8 A. That would have been correct, yes. 9 Q. His head is below the cushion, is that right? 10 A. Yes, I would imagine so. 11 Q. How did the cushion get back into position? It's not on 12 a tray according to you? 13 A. No, it's not on a tray. 14 Q. How is it supported when his head was below it? 15 A. I was probably holding it with one hand. 16 Q. So you're leaning over the seat, just so we can imagine 17 this, holding the cushion in place with one hand? 18 A. Yes. 19 Q. While with the other hand you reach right over, get hold 20 of his fingertips and squeeze them, is that right? 21 A. Yes. 22 Q. All the while holding the cushion? 23 A. Yes. 24 Q. Or is it the case that in fact his head was thrust into 25 the cushion which was on the tray?</p> <p style="text-align: center;">Page 81</p>	<p>1 "As the plane began to push back from the stand, at 2 approximately 20.15, he appeared to give up struggling. 3 I checked for a pulse as he became non-responsive. 4 I found a pulse but it was weak. At this point we sat 5 him upright and continued to try and get a response. He 6 was still breathing and had a shallow pulse but remained 7 unresponsive." 8 We know how long the whole restraint incident 9 occurred. For how much of that time do you think he was 10 in the position that you have described, head right 11 down, apparently trying to bite one of your colleagues? 12 A. Again, I don't know how long time-wise. 13 Q. Are we talking 10 minutes, just give us a rough idea, 14 15 minutes? 15 A. 5 minutes, possibly 10 minutes. I don't know. 16 DEPUTY CORONER MS MONAGHAN: Just hold on a second. The 17 estimate you gave in your report, fairly soon 18 afterwards, was that the handcuffs were applied for 19 35 minutes? 20 A. Yes. 21 DEPUTY CORONER MS MONAGHAN: I think you said 35 minutes, if 22 I have the right report. We know that the handcuffs 23 weren't applied for the whole of the incident because 24 you told us it took about 5 minutes, or thereabouts, to 25 get them on?</p> <p style="text-align: center;">Page 83</p>
<p>1 A. As I said the tray was not down. 2 Q. He had, Mr Mubenga did, a deep bruise to his left cheek, 3 didn't he? 4 A. I don't know. 5 MR BLAXLAND: Well, we do know, and -- 6 DEPUTY CORONER MS MONAGHAN: Pause there. Do you remember 7 being told about that? 8 A. I don't remember seeing it. 9 MR BLAXLAND: All right. If that is to be the evidence, is 10 there anything that happened, from what you can 11 remember, that might account for that? 12 A. No. 13 Q. Nothing? 14 A. No. 15 Q. Nothing that you did? 16 A. No. 17 Q. What about deep bruising to his right shoulder? 18 A. No. I can't account for that. 19 Q. Nothing you saw would account for that? 20 A. No. 21 Q. What about bruising over the midline of the neck, 22 anything that could account for that? 23 A. I can't think of anything that may account for that. 24 Q. We have reached point where you managed to bring his 25 head back up to the cushion on the screen and then:</p> <p style="text-align: center;">Page 82</p>	<p>1 A. That's correct, yes. 2 DEPUTY CORONER MS MONAGHAN: So there is 35 minutes after 3 you got the handcuffs on? 4 A. There or thereabouts, yes. 5 DEPUTY CORONER MS MONAGHAN: There or thereabouts. I'm just 6 trying to clarify the timing. For most of that period, 7 whilst the handcuffs were on, was Mr Mubenga in his seat 8 or not? 9 A. The handcuffs were applied while he was still standing. 10 I can't be sure how long it took to physically get him 11 into the seat. 12 DEPUTY CORONER MS MONAGHAN: Can you give us a rough 13 approximation? 14 A. It could have been another 5, possibly 10 minutes. He 15 was putting up a lot of struggle. 16 DEPUTY CORONER MS MONAGHAN: Thank you. 17 MR BLAXLAND: The point at which you got him back up and you 18 realised that he had become unresponsive, you said in 19 the report: 20 "I found a pulse but it was weak. At this point we 21 sat him upright and continued to try and get a response. 22 He was still breathing and had a shallow pulse." 23 Can you turn to your interview at page 91 in the 24 bundle, please. This is what you said about this part 25 of the incident when you were questioned about it,</p> <p style="text-align: center;">Page 84</p>

1 starting at the bottom of page 90:
 2 "Question: At what point then did you decide it
 3 would be a good idea to start checking his pulse and
 4 checking his welfare, for want of a better word? We
 5 weren't go into the details of how you checked his pulse
 6 and vital signs so to speak, but at what point did you
 7 think that you needed to do that?
 8 "Answer: Well, once he physically stopped moving and
 9 was quiet, and stopped shouting, we were still trying to
 10 talk to him. The minute we realised we were not getting
 11 any response from talking we tried moving him to see if
 12 we could get any movement from him."
 13 I just at this point, Mr Tribelnig, want to ask you
 14 this: this is the point at which he's gone quiet?
 15 **A. That's correct, yes.**
 16 Q. Is that right? You know perfectly well that there are
 17 a number of witnesses who say in addition to saying,
 18 "I can't breathe" that he said repeatedly, "Help, help
 19 me."
 20 **A. I don't remember those words being said.**
 21 Q. Somebody says it was sound about 50 times, "Help me"?
 22 **A. There was a lot of shouting and a lot of noise. I don't**
 23 **remember what was said.**
 24 Q. Anyway, let's continue. You said:
 25 "Once we sat him up in the chair we realised that
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1 his face was -- well, the eyes were open."
 2 Then I'm just going to miss out the next passage.
 3 If Ms Hewitt wants me to read it I will, but I'm going
 4 to move to the bottom of page 91. The officer asked
 5 you:
 6 "What changed your mind and think we'd better start
 7 checking his vital signs for want of a better word?"
 8 DEPUTY CORONER MS MONAGHAN: Pause there.
 9 MS HEWITT: The problem about reading passages out is this
 10 is a continuum of conversation really between the two of
 11 them and to miss just a couple of questions out --
 12 I have not been given notice of this. I do look at the
 13 next question and wonder whether in fact it should be
 14 read out in full.
 15 DEPUTY CORONER MS MONAGHAN: Mr Blaxland will do that, I'm
 16 sure.
 17 MR BLAXLAND: I'm very happy to do that. We're going to
 18 pick up where we left off and I'm going to just repeat
 19 this because of course the members of the jury, I'm
 20 afraid, don't have a copy of this. Let's start again:
 21 "He physically -- once he'd physically stopped
 22 moving he was quiet and stopped shouting, we were still
 23 trying to talk to him. The minute me realised he were
 24 not getting any response from talking we tried moving
 25 him to see if we could get any movement from him. Once
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1 we sat him up in the chair we realised that his face
 2 was -- well, the eyes were open.
 3 "Question: Well, I hope I'm making myself clear but
 4 I'm trying to find out, Stuart, what I'm trying to find
 5 out, Stuart, is that you said that, when push back
 6 occurs and he goes quiet, your assumption was he'd
 7 realised his fate, so to speak, and that he was going to
 8 be flown out of the UK?
 9 Answer: Yeah, for want of a better word.
 10 "Question: So what changed your mind? I'm asking
 11 you the question, Stuart, what changed your mind and
 12 think we'd better start checking his vital signs for
 13 want of a better word?
 14 "Answer: The minute we realised he was unresponsive.
 15 "Question: How long would you estimate that was?
 16 "Answer: One minute, two minutes tops, probably not
 17 even that long. As soon as we've spoken to him we've
 18 had no response from him. We tried to sit him up and
 19 then we've ended up actually having to force him up so
 20 he's sat upright. That's when we've realised that he
 21 was unresponsive."
 22 Your two colleagues had been trying to force him up
 23 for a while, hadn't they?
 24 **A. They pulled him back up so his head was against the**
 25 **cushion, yes.**
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1 Q. Just resting on the cushion?
 2 **A. He was leaning against the cushion.**
 3 Q. Leaning forward. When you said "we tried to sit him up"
 4 and "we ended up actually having to force him up", did
 5 that involve you?
 6 **A. I think I may have put hands on his shoulders to try and**
 7 **help pull Mr Mubenga back up to a seated position.**
 8 Q. Right. Did you do that at any earlier stage?
 9 **A. What, try to assist with the pulling up?**
 10 Q. You see, you have said in your Use of Force Report that
 11 your two colleagues had been trying to pull him up?
 12 **A. Yes.**
 13 Q. You have told the police in interview, and you have
 14 given evidence about this, that you actually gave the
 15 command as the senior officer, "I want him up. Get him
 16 up"; yes?
 17 **A. That's correct, yes.**
 18 Q. At that point did you yourself do anything to try to get
 19 him up or force him up?
 20 **A. For want of a better word, I didn't want to put my hands**
 21 **anywhere down near his shoulders or near his face.**
 22 Q. You have just told us that that's exactly what you did
 23 at the point when he became unresponsive?
 24 **A. At a later stage, yes. At that point we thought he has**
 25 **resigned himself to the fact he was leaving and he's**
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<p>1 just gone quiet and started sobbing or crying possibly.</p> <p>2 Q. Wailing?</p> <p>3 A. Crying, tears.</p> <p>4 Q. So if I can just finish with the report, going back to</p> <p>5 page 20 in our bundle:</p> <p>6 "I found a pulse but it was weak. At this point we</p> <p>7 sat him upright and continued to try and get a response.</p> <p>8 He was still breathing and had a shallow pulse but</p> <p>9 remained unresponsive. He circulation appeared to be</p> <p>10 fine as his fingertips resumed their natural colour when</p> <p>11 pinched. I attempted to check his pupils but due to the</p> <p>12 aircraft being in darkness before take-off was unable to</p> <p>13 tell."</p> <p>14 As part of the process of checking him, you have</p> <p>15 told us that -- was it one of your colleagues used the</p> <p>16 sweat from his brow to wet his hand and place that in</p> <p>17 front of Mr Mubenga's mouth?</p> <p>18 A. Yes.</p> <p>19 Q. Is that something that you've seen done before?</p> <p>20 A. I can't think that it's anything I've ever seen done</p> <p>21 before, no.</p> <p>22 Q. Had you been told about that?</p> <p>23 A. I can't remember.</p> <p>24 Q. Did you do it yourself?</p> <p>25 A. I did it myself afterwards, yes.</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. Were you speaking to him?</p> <p>2 A. I was trying to get a response from Mr Mubenga, yes.</p> <p>3 Q. He was breathing; yes?</p> <p>4 A. Yes.</p> <p>5 Q. But was his breathing shallow?</p> <p>6 A. I can't remember off the top. I think I mentioned in</p> <p>7 the statement I think his breathing was shallow, yes.</p> <p>8 Q. What are you meant to do if somebody has shallow</p> <p>9 breathing, as a trained first aider?</p> <p>10 A. Just continue to monitor his breathing to make sure his</p> <p>11 airway is clear.</p> <p>12 Q. I'm going to ask you to look at a different document.</p> <p>13 I have finished with the Use of Force Report. I am</p> <p>14 going to ask you to look at a different document which</p> <p>15 is in green 6. Can you go to page 606, towards the end.</p> <p>16 This is a document called, "First Aid Made Easy,</p> <p>17 a comprehensive first aid manual and preference guide".</p> <p>18 Do you remember ever being given a document of this type</p> <p>19 or maybe even this document?</p> <p>20 A. I can't remember.</p> <p>21 Q. Were you given a handout as part of first aid training?</p> <p>22 A. Again, I can't remember. It may have been something</p> <p>23 that was given to us on the initial course.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Does this look familiar?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 91</p>
<p>1 Q. Have you ever had trouble with a detainee in the past</p> <p>2 when you've been a bit worried and checked for his</p> <p>3 breathing in that way?</p> <p>4 A. No.</p> <p>5 Q. I want to ask you just a few questions about the period</p> <p>6 from which he, to use the neutral expression, became</p> <p>7 unresponsive. He was sat up in his seat?</p> <p>8 A. Yes.</p> <p>9 Q. You took the handcuffs off almost immediately?</p> <p>10 A. Handcuffs were released, yes.</p> <p>11 Q. You didn't apply the handcuffs to his front, did you?</p> <p>12 A. No.</p> <p>13 Q. So can we take it at that point you realised that there</p> <p>14 was absolutely no possibility of him doing anything</p> <p>15 untoward?</p> <p>16 A. No.</p> <p>17 Q. Why can't we assume that?</p> <p>18 A. The handcuffs were removed from the rear and the arms</p> <p>19 were brought back in front of him in a controlled</p> <p>20 fashion. If anything had started again, it would be</p> <p>21 a case of trying to get him -- relocating the handcuffs</p> <p>22 in a front stack position.</p> <p>23 Q. So his arms were still being held, were they, by</p> <p>24 Mr Kaler and Mr Hughes at that point throughout?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 90</p>	<p>1 MR BLAXLAND: I'm going to take you to page 608 because it</p> <p>2 may be that what's contained here is absolutely basic to</p> <p>3 all first aid. There's a page here called, "Emergency</p> <p>4 Action Plan". The first thing that you're advised to do</p> <p>5 in a case of somebody who is in need of assistance is,</p> <p>6 firstly, try to get a response by shouting and gently</p> <p>7 shaking or tapping the casualty. Is that something that</p> <p>8 is standard and you are advised to do, one of the first</p> <p>9 things as part of basic first aid?</p> <p>10 A. Yeah, I tried to talk to Mr Mubenga but got no response.</p> <p>11 Q. And gently shaking. You got no response; right?</p> <p>12 A. Yes.</p> <p>13 Q. The next thing is, "Airway":</p> <p>14 "Open the airway by tilting the head back and</p> <p>15 lifting the chin."</p> <p>16 A. Yes.</p> <p>17 Q. You left him in his seat?</p> <p>18 A. He was sat fully back with his head back against the</p> <p>19 back of the seat.</p> <p>20 Q. "Normal breathing?" Look listen and feel for no more</p> <p>21 than 10 seconds. If you're not sure if breathing is</p> <p>22 normal, treat it as though it is not."</p> <p>23 His breathing was shallow here, wasn't it?</p> <p>24 A. I'm not an expert on respiratory systems, but I would</p> <p>25 say his breathing was shallow.</p> <p style="text-align: center;">Page 92</p>

1 Q. You realised there was a problem, didn't you?
 2 **A. To me he had become unresponsive, yes.**
 3 Q. The next step is meant to be dial 999 now, but that
 4 clearly wasn't appropriate. After that:
 5 "Resuscitation. Give 30 chest compressions, then
 6 2 rescue breaths. Continue giving a cycle of 30
 7 compressions to 2 rescue breaths."
 8 In other words, apply cardiopulmonary resuscitation,
 9 CPR; yes?
 10 **A. Yes.**
 11 Q. This is basic first aid. If somebody has a problem with
 12 their breathing, you move straight to CPR; yes?
 13 **A. That's what it says here.**
 14 Q. I mean, you have been trained in first aid. It's not
 15 just, "This is what it says here." You have had first
 16 aid training?
 17 **A. A basic course and then we've had refreshers since then.**
 18 DEPUTY CORONER MS MONAGHAN: Pausing there. On your basic
 19 course and your refreshers, would you have been given
 20 this sort of guidance about what to do if you had
 21 concerns about somebody's breathing?
 22 **A. We would have been given guidance towards it. As to**
 23 **exactly how it's conducted I couldn't say.**
 24 DEPUTY CORONER MS MONAGHAN: Were you told that if you were
 25 not sure if somebody was breathing normally, treat it as

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1 though they're not and do these things, resuscitation?
 2 Were you told that?
 3 **A. We were told that, yes.**
 4 DEPUTY CORONER MS MONAGHAN: You were told that. Thank you.
 5 MS HEWITT: I hesitate to interrupt. One knows from reading
 6 the expert evidence we are going to, and reviewing
 7 evidence of the experts on this, that this isn't
 8 an entirely straightforward --
 9 DEPUTY CORONER MS MONAGHAN: Uncomplicated thing.
 10 MS HEWITT: -- uncomplicated topic. I know Mr Blaxland
 11 isn't trying to ask questions that -- there's nothing
 12 misleading about the questions, but at the same time
 13 I am very conscious that all of this witness's answers
 14 have to be subject to that evidence. In particular one
 15 knows we're going to be having evidence about what
 16 normal breathing means and how that is to be interpreted
 17 and so on. So I'm just raising a slight concern about
 18 where it's going.
 19 DEPUTY CORONER MS MONAGHAN: Sure. I think the point at the
 20 moment is -- we are going to hear medical evidence in
 21 due course about all sorts of things like breathing, how
 22 you can tell about breathing, what's a right response
 23 and so on. I think at the moment what we're exploring
 24 is simply what Mr Tribelnig understood to be the
 25 position with Mr Mubenga.

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1 MS HEWITT: Yes.
 2 DEPUTY CORONER MS MONAGHAN: And what he had been trained to
 3 do --
 4 MS HEWITT: He has already given evidence on that in answer
 5 to your questions, madam. That's all I would remind
 6 you.
 7 DEPUTY CORONER MS MONAGHAN: Thank you.
 8 MR BLAXLAND: Precisely. Because your explanation,
 9 Mr Tribelnig, of not doing anything; in other words, not
 10 giving him CPR, was that your understanding was that
 11 that could somehow -- if you gave CPR to somebody whose
 12 heart was still working, that might upset the heart
 13 rhythm?
 14 **A. That was an answer I gave, yes.**
 15 Q. That's what you said. That's your explanation?
 16 **A. Yes.**
 17 MR BLAXLAND: What I'm pointing out is that the basic
 18 medical advice is that if there is a problem with the
 19 breathing, the breathing is not normal, then you move
 20 straight to CPR.
 21 MS HEWITT: It comes to the point that my concern about that
 22 being put is that we know what the expert says about
 23 that. It's really not a question that seems to fit with
 24 what the expert will know. I don't want to give
 25 evidence myself about that in front of the jury.

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1 DEPUTY CORONER MS MONAGHAN: No. I think you have probably
 2 explored that as much as you can and, as I say, members
 3 of the jury, bear in mind we'll hear expert evidence in
 4 due course about that. We have heard what Mr Tribelnig
 5 says about it and about what he thought he knew and so
 6 on.
 7 MR BLAXLAND: Where you were there when the paramedic
 8 arrived?
 9 **A. Yes.**
 10 Q. You were on the scene. Do you say that right up until
 11 the moment that the paramedic arrived he still had
 12 a pulse; yes?
 13 **A. As far as I'm aware. At this point I wasn't monitoring.**
 14 **He was being monitored by the escort --**
 15 Q. You were with him right up until the moment the
 16 paramedic arrived and he still had a pulse?
 17 **A. He still had a pulse, yes.**
 18 Q. You were still checking that?
 19 **A. I wasn't checking, but the team were.**
 20 DEPUTY CORONER MS MONAGHAN: The other two?
 21 **A. The other two, yes.**
 22 MR BLAXLAND: So you did no further checks yourself?
 23 **A. No.**
 24 Q. In which case I'm not going to ask you about that. You
 25 were asked in interview about why you didn't put him in

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1 the recovery position, weren't you?
 2 **A. Yes.**
 3 Q. What explanation did you provide?
 4 **A. The explanation was provided that I didn't know what was**
 5 **wrong with him, I didn't know if he could possibly have**
 6 **been faking. To try to remove him from the seat, we'd**
 7 **have ended back to square one having to try to restrain**
 8 **him again.**
 9 Q. So you put, if you like, your own safety ahead of the
 10 possible need to revive him? Would that be a fair way
 11 of summarising it?
 12 **A. At the time my assessment was he was still breathing, he**
 13 **still had a pulse. He was still breathing, he was still**
 14 **alive. I didn't know what was wrong with him. I called**
 15 **for medical assistance and then we just continued to**
 16 **monitor him.**
 17 Q. Did you really think that he was still capable, at that
 18 point, of launching some attack on you?
 19 **A. It's still a possibility, yes, as far as I was**
 20 **concerned.**
 21 Q. Mr Tribelnig, I have taken you through the Use of Force
 22 Report. I want to ask you now about something that the
 23 learned coroner asked you about at an earlier stage.
 24 She asked you directly whether or not you felt under any
 25 pressure to get a removal, to complete a removal. You

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1 said you didn't feel under any pressure. She then
 2 reminded you of something that you had said in your
 3 interview. I want to return to it, if you don't mind.
 4 It's at page 175.
 5 DEPUTY CORONER MS MONAGHAN: It's volume 2 blue, 175.
 6 MR BLAXLAND: It's really starting at page 176, three lines
 7 down. The officer, Mr Byrne:
 8 "Is there any pressure placed on the DCOs to
 9 complete, successfully complete, removals?"
 10 **A. Sorry, which page?**
 11 MR BLAXLAND: 176.
 12 DEPUTY CORONER MS MONAGHAN: He's not quite there yet. 176,
 13 three: entries down from the top. Do you have that?
 14 **A. Yes.**
 15 DEPUTY CORONER MS MONAGHAN: Do you want to do that again,
 16 Mr Blaxland, because the witness wasn't with you.
 17 MR BLAXLAND: Certainly.
 18 "Question: Is there any pressure to complete,
 19 successfully complete, removals?
 20 Answer: Other than the fact if we don't go anywhere
 21 you don't get paid.
 22 "Question: Right, but any external then outside the
 23 removal team, is there external pressure applied?
 24 "Answer: No. Well, I mean, you always get the
 25 co-ordinator shouting at you, you know, you've got to

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1 make this flight, you've got to do this, you've got to do
 2 that. And I think that they're probably getting that
 3 from higher up. I don't know how high up it goes. All
 4 I know is that I'm there with my team. I have to do my
 5 utmost to make sure that we get the job away so that the
 6 boys get paid and that we get paid. Now if I get
 7 a phone call at any time that says we can't do that,
 8 then because the job's been cancelled then, you know,
 9 tough, we've been told a job's been cancelled. That's
 10 it, end of, right."
 11 It continues:
 12 "You know I could phone up with an issue, I'm stuck
 13 at Wilson James, I can't get through the gate because
 14 we've got people in front of us, and all we'll get is
 15 well, try and make the flight. I've been driving across
 16 the airport to stand saying, 'Look, I can see the plane,
 17 it's on the runway, it's taking off'. And they have
 18 said, 'Go to the stand'. I'm like, 'What's the point,
 19 the plane's gone', you know."
 20 Then the officer:
 21 "Let's be specific in relation to Mr Mubenga's
 22 removal on 12 October. Did you have any pressure on you
 23 from your bosses to make sure that removal went ahead?"
 24 "Answer: To say other than the fact that we're going
 25 to lose the money if we didn't go."

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1 There was then a discussion about how much you
 2 personally would have lost as a result of the flight
 3 being abandoned and it was calculated it would be about
 4 £170, is that right?
 5 **A. It's in the statement, yes.**
 6 Q. But that's right, isn't it, that you would have -- it's
 7 in the statement, but you presumably were telling the
 8 police the truth?
 9 **A. If the job hadn't gone, then we wouldn't have got paid.**
 10 DEPUTY CORONER MS MONAGHAN: Pause there.
 11 MS HEWITT: I am not seeking to detract from the important
 12 point that Mr Blaxland is exploring, not at all, it's
 13 just at the start of that passage, where it starts:
 14 "Is there any pressure placed on the DCOs to
 15 complete successful removals -- successfully complete
 16 removals."
 17 The answer is:
 18 "Other than the fact that if we don't go anywhere we
 19 don't get paid."
 20 To look at that in isolation looks as though that is
 21 the answer being volunteered out of nowhere by the
 22 witness, but what is important to note that for quite
 23 a number of pages before that in the interview there has
 24 already been a lot of questioning about pay structure
 25 and the question of whether you're paid if removals

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1 don't go ahead. Just to be absolutely clear about it,
 2 it seems to me and I will certainly be corrected if
 3 anybody thinks I'm wrong, when it comes to this point
 4 and the witness is being asked, "Is there any pressure
 5 placed on?", the answer, "Other than the fact that we
 6 don't (inaudible)"; in other words, other than the
 7 things we've just been talking about:
 8 "Right, any external then, outside the removal team,
 9 is there any pressure?"
 10 A little later on when the answer comes, "Other than
 11 the money", that is against the background of that
 12 having all been previously discussed at length in the
 13 interview. It does seem to me that is an important
 14 context, but, as I say, I don't seek to detract from
 15 where Mr Blaxland is going on it as long as it's
 16 understood that that had already been discussed in the
 17 interview. I hope I am not confusing matters by --
 18 DEPUTY CORONER MS MONAGHAN: I understand the point
 19 Mr Blaxland is pursuing at the moment which is simply --
 20 importantly, which we have already explored, that if
 21 a deportation doesn't go ahead you lose what could be
 22 a significant amount of money?
 23 **A. That's correct, yes.**
 24 DEPUTY CORONER MS MONAGHAN: £170 is not a small amount of
 25 money, given what your earnings were?

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1 **A. That's correct, yes.**
 2 DEPUTY CORONER MS MONAGHAN: You can pick this up again this
 3 afternoon if you want to as well, Ms Hewitt.
 4 MR BLAXLAND: Indeed, to underline that, the expression that
 5 you used, to repeat it, when it came to the point is
 6 "I have to do my utmost to make sure that we get the job
 7 away so the boys get paid and that we get paid". Of
 8 course if the captain tells you to get off the plane,
 9 you lose money, don't you?
 10 **A. That's correct, yes.**
 11 Q. You do your utmost to avoid the captain telling you to
 12 get off the plane, don't you?
 13 **A. The context that this was responding to or replied to is**
 14 **it's not a case of utmost with regards to the captain on**
 15 **the aircraft, utmost to make the correct times, the**
 16 **correct pick-ups, the right time, the right stand, the**
 17 **right aircraft.**
 18 Q. Well, just to go back to something I explored with you
 19 earlier. You said you hadn't heard the expression
 20 "carpet karaoke" before this incident happened, but you
 21 did understand, because you had been told, that, call it
 22 carpet karaoke or call it something else, there had been
 23 a practice of detainees being forced down in their seats
 24 to shut them up. You knew that, didn't you?
 25 **A. We've been made aware of that, yes.**

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1 Q. Right. You were still doing it, weren't you?
 2 **A. We did not force Mr Mubenga down in his seat.**
 3 Q. When you came -- when it eventually -- had you done it
 4 before?
 5 **A. Done what before?**
 6 Q. Forced somebody down in their seat.
 7 **A. He was not forced down in his seat. I have never forced**
 8 **anybody down.**
 9 DEPUTY CORONER MS MONAGHAN: He said he didn't -- I think
 10 the question is probably put differently. Has there
 11 been any time -- we know what you say about
 12 Mr Mubenga -- where you have or you have seen anybody
 13 push a detainee down into the seat?
 14 **A. I've never seen that happen, no.**
 15 DEPUTY CORONER MS MONAGHAN: And you have never been
 16 involved in such a thing?
 17 **A. I have never been involved in anything like that.**
 18 MR BLAXLAND: But you have seen detainees being bent forward
 19 in their seats with no ill-effects in the past, haven't
 20 you?
 21 **A. Only for the application of handcuffs.**
 22 Q. Sorry?
 23 **A. Only because the handcuffs have been applied. I have**
 24 **never seen anybody forced forward or down in their seat.**
 25 Q. Had you got to the position where you just ignored the

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1 training because you thought it was a load of nonsense?
 2 **A. Ignored what training?**
 3 Q. The training about the positional asphyxia.
 4 **A. I didn't ignore any training.**
 5 Q. Sorry?
 6 **A. I didn't ignore any training.**
 7 Q. You felt that everything you did on that day was
 8 perfectly correct, did you?
 9 **A. Yes.**
 10 Q. Although, to be fair to you, Mr Tribelnig, when you were
 11 specifically asked that question, as we were reminded,
 12 you did raise the question as to whether or not he
 13 should ever have been put in his seat in handcuffs,
 14 didn't you, as something else you could have done?
 15 **A. And I said to you before, at that time there was no**
 16 **other option.**
 17 Q. Right. Would you do the same again?
 18 **A. Depends on the circumstances you're in.**
 19 Q. Would you ever do the same again after that experience?
 20 **A. As I say, it would depend on the situation you're in.**
 21 Q. But even though it was dangerous --
 22 DEPUTY CORONER MS MONAGHAN: He has answered that, hasn't
 23 he?
 24 MR BLAXLAND: Thank you.
 25 DEPUTY CORONER MS MONAGHAN: That's it, Mr Blaxland?

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1 MR BLAXLAND: Yes, thank you.
 2 DEPUTY CORONER MS MONAGHAN: Who is next? I don't know if
 3 you have had discussions amongst yourselves. There's so
 4 many of them, members of the jury, I lose track about
 5 what order we're going in.
 6 MR SANDERS: Madam, I don't have any questions. Thank you.
 7 DEPUTY CORONER MS MONAGHAN: Mr Matthewson?
 8 MR MATTHEWSON: Just a couple.
 9 Examined by MR MATTHEWSON
 10 MR MATTHEWSON: Mr Tribelnig, first, you were asked earlier
 11 on about the text messages that you had received on to
 12 your phone and I think in some cases you had forwarded
 13 on to others.
 14 **A. That's correct, yes.**
 15 Q. Mr Blaxland, and indeed the coroner, read out some of
 16 those texts to the jury.
 17 **A. I read the text messages.**
 18 Q. Of course you did. Then I think Mr Blaxland read some
 19 out during the course of his questioning of you.
 20 **A. That's correct, yes.**
 21 Q. These text messages. People that you said you forwarded
 22 them on to, you were asked whether or not those people
 23 were from G4S. I think your response was three or four
 24 of them were?
 25 **A. Yes.**

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1 Q. Do you mean three of the four of the people that you
 2 were forwarding these texts on to were fellow employees
 3 at G4S?
 4 **A. Some of them were and some of the messages I received**
 5 **had come from fellow G4S employees.**
 6 Q. There was one very obvious one with G4S in his name,
 7 wasn't there, but there were others?
 8 **A. Yes.**
 9 Q. But the other people who were not G4S employees were
 10 just personal friends of yours, were they?
 11 **A. That's correct, yes.**
 12 Q. Of course G4S hasn't operated this contract for a couple
 13 of years but it was operating it at the time. At the
 14 time it would issue you with telephones, wouldn't it?
 15 **A. We had work phones, yes.**
 16 Q. This Blackberry telephone upon which these texts were
 17 found, was it a work phone or a personal phone?
 18 **A. It was my personal mobile phone.**
 19 Q. Was there any way that G4S would have been able to know
 20 what was on your personal phone?
 21 **A. No.**
 22 Q. The second thing I want to ask you about was the point
 23 that's made by a number of the passengers and BA staff
 24 who saw the incident unfold and it's been suggested to
 25 you that those people say that Jimmy Mubenga was heard

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1 to say, "I can't breathe" during the restraint.
 2 **A. That's in the statements, yes.**
 3 Q. That is. Your evidence is that Jimmy was shouting but
 4 you can't recall what he was saying?
 5 **A. I can't remember exactly what he was saying.**
 6 Q. May I just refer you to one of the bundles. It's green
 7 bundle 5. I am going to ask you to turn to page 100 so
 8 you understand what document it is that you're looking
 9 at. On that page, do you see there's a police filled in
 10 sheet which tells us what this document this and it
 11 says:
 12 "Use of Force PowerPoint Printed Version."
 13 Do you see that?
 14 **A. That's correct, yes.**
 15 Q. If you go over the page, you will see a slide. So this
 16 is a PowerPoint presentation we're looking at which
 17 says, "Use of Force Principles". Do you see that?
 18 **A. Yes.**
 19 Q. Is this a PowerPoint presentation that you recognise?
 20 Is it something that you have seen?
 21 **A. This, I think, is the presentation we would have had**
 22 **during the initial course and our refreshers.**
 23 Q. Page 119, please. In fact if we start at page 117. You
 24 see there's a title slide, "Handling confrontational
 25 situations" and there's a slide on page 118 entitled,

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1 "How judgment is affected by stress"?
 2 **A. Yes.**
 3 Q. Then just over the page -- this is the one I want to ask
 4 you about -- there is a question at the top of the slide
 5 which says or asks:
 6 "What does adrenaline do for us?"
 7 Do you see that?
 8 **A. Yes.**
 9 Q. Do you remember being told about the effects of
 10 adrenaline during incidents of this sort?
 11 **A. I would be -- it would have been covered as part of the**
 12 **training.**
 13 Q. Now, there are two lists, "Positive effects" and
 14 "Negative effects of adrenaline". One of the negative
 15 effects that is listed is auditory exclusion. Do you
 16 see that?
 17 **A. Yes.**
 18 Q. Do you know what auditory exclusion is? Do you remember
 19 being trained about it?
 20 **A. I vaguely remember being told about it.**
 21 Q. What's your vague recollection of it then?
 22 **A. That when you're quite hyped up you're hearing tends to**
 23 **become muffled and you can't pick up particulars.**
 24 Q. Do you remember being told that if you were in the
 25 middle of a violent incident that other people may hear

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1 things and you may not because of the adrenaline flowing
 2 through you?
 3 **A. That is -- I believe that is a possibility, yes.**
 4 Q. But just to be clear, this is training that you remember
 5 having and this term "auditory exclusion" is something
 6 that you do remember?
 7 **A. I would have seen this as part of the training, yes.**
 8 Q. I want to move on to a third point and I want to refer
 9 to green volume 8, if I may. Page 5 is a document that
 10 Mr Blaxland referred you to and asked you questions
 11 about.
 12 DEPUTY CORONER MS MONAGHAN: This is the report writing.
 13 Thank you. The jury don't have this, yes.
 14 MR MATTHEWSON: It may be that I'm being a bit dim but could
 15 we just, for the benefit of the jury, if they hadn't
 16 picked up on this -- I may not have done. Do you
 17 remember you were referred to documents previously that
 18 you said were distributed around the workplace on notice
 19 boards and so on?
 20 **A. Yeah, the notices.**
 21 Q. Yes. To be honest, I can't remember if this was you or
 22 Mr Duckers that covered this. Can you help us. This
 23 document entitled, "Training Matters", is this
 24 a document that would have been given to you? Is it
 25 a document that you were referred to during the course

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1 of training or is it a document that was just put up on
 2 the walls in the hope that you would look at them some
 3 day?
 4 **A. I think this may have been given to us during training,**
 5 **a copy of this.**
 6 Q. So can you just flesh that out a bit. Would a trainer
 7 say, "In addition to the materials that you have and
 8 we've seen, here are some up-to-date briefing notes that
 9 we'd like you to look at" or would you be taken through
 10 it point by point? How would you come to know what's on
 11 this document?
 12 **A. I can't remember as part of the initial training**
 13 **package. I would imagine that we would have gone**
 14 **through it.**
 15 Q. Certainly in answer to Mr Blaxland's questions your
 16 answers certainly were that you were familiar with the
 17 concepts that are in these documents or certainly this
 18 document?
 19 **A. Yes.**
 20 Q. Now, do you remember Mr Blaxland referred you to five
 21 paragraphs in, the paragraph starting, "Your report..."
 22 Do you see that:
 23 "Your report must be clear, specific --"
 24 **A. That's correct, yes.**
 25 Q. He picked out the second and second sentence there:

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1 "It will point out that any force was used in
 2 a reasonable, necessary and justified manner
 3 proportionate to that threat."
 4 Do you see that?
 5 **A. Yes.**
 6 Q. You understand the point that Mr Blaxland was making and
 7 actually it's a fair point that, if you take that
 8 sentence out of context, it appears to be saying that in
 9 every report you have to say that force was used in
 10 a reasonable way. Do you see that?
 11 **A. Please explain.**
 12 Q. All right. What Mr Blaxland was saying is if you read
 13 this sentence and it's talking about report that you
 14 will complete after an event, what you're told is it,
 15 the report, will point out that any force was used in
 16 a reasonable, necessary and justified manner
 17 proportionate to the threat.
 18 **A. Yes.**
 19 Q. Do you see that?
 20 **A. Yes.**
 21 Q. I think Mr Blaxland's point is this doesn't give you any
 22 option when you're writing your report to say anything
 23 other than the force used was reasonable, proportionate
 24 and so on?
 25 **A. That's correct, yes.**

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1 Q. Do you follow?
 2 **A. Yes.**
 3 Q. But of course you see the sentence before it:
 4 "Your report must be clear, specific and as accurate
 5 as possible"?
 6 **A. Yes.**
 7 Q. Do you see that? Now, as a result of your training and
 8 as a result of the training you were given in relation
 9 specifically to report-writing techniques, were you left
 10 with the impression by your training that you were
 11 entitled to say anything other than the truth in those
 12 reports?
 13 **A. No.**
 14 Q. When indeed you sat down to draft those reports, did you
 15 write the truth or did you write what you thought G4S
 16 wanted you to write or whatever anybody else wanted you
 17 to write?
 18 **A. I wrote the truth based on my experience.**
 19 Q. Is that the case with the report written in relation to
 20 Mr Mubenga?
 21 **A. Yes.**
 22 Q. Fourthly, can I ask you once again about your training.
 23 You were referred -- it's probably best to refer to this
 24 so there's no confusion -- to bundle blue 2, page 184.
 25 Are you with me?

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1 **A. Yes.**
 2 Q. In the second paragraph, in response to the question:
 3 "So at the point of him, oh let's say then if you
 4 a removal, if this happens again, what would you do
 5 differently?"
 6 The whole section has been read out. It's only the
 7 last sentence that I want to ask you about -- well, in
 8 fact it's probably better if I just remind you what it
 9 says:
 10 "Initially we would try -- he would have to be
 11 restrained. We would then have to make the judgment
 12 whether or not we've got to pacify him by sticking him
 13 into his seat which seems to be the main area of
 14 concern. Can we get him in to the front stack before we
 15 sit him down again. This is all working on stuff that
 16 we haven't been trained in."
 17 Do you see that?
 18 **A. Yes.**
 19 Q. What you appear to be saying there is suggesting that
 20 the training that you were given or that there was an
 21 absence or a lack of training that you had been given in
 22 relation to this point. Do you see that?
 23 **A. I think I see where you're coming from, yes.**
 24 Q. Now, can you tell us whether that is a criticism either
 25 (a) of the quality of the training that you had actually
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1 received from your trainers at G4S or (b) whether it was
 2 a criticism of the fact that the training you had
 3 received just didn't really cover the interior of
 4 aircraft? Do you see the distinction I'm drawing, or
 5 was it something else?
 6 **A. No. I have no problems at all with the quality of**
 7 **training that is delivered by the instructors at G4S.**
 8 **I have no argument with that all. I had mentioned on**
 9 **several occasions to the instructors that I felt that we**
 10 **needed particular training -- specific training in the**
 11 **particular areas that we are most likely to have issues**
 12 **with.**
 13 Q. Because of course when you were restraining people on
 14 an aircraft, you weren't doing it in the circumstances
 15 that you had been trained to do it; in other words, in
 16 a very large dojo, I think about twice the size of this
 17 courtroom in fact?
 18 **A. It's an obviously large room. Obviously you're not**
 19 **going to have mats around you all the time but the area**
 20 **is pretty much a sterile environment.**
 21 Q. Your point is that it's all very well doing it in
 22 a large dojo with mats, but it's a different matter when
 23 you have seats in the way in a kind of a confined space
 24 and the other particular problems that an aircraft
 25 interior throws up. That's your point, is it?
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1 **A. That's correct. You have the issues of the other**
 2 **passengers on the aircraft and other potential hazards**
 3 **around you.**
 4 Q. Thank you. Finally, in relation to the money that you
 5 were paid, we understand the way in which you were paid.
 6 You were paid by the hour. You are only paid by the
 7 number of hours you actually worked so that if
 8 a deportation was terminated you would lose the hours
 9 that you would have otherwise earned, do you see?
 10 **A. That's correct, yes.**
 11 Q. There's been a suggestion that that might affect the way
 12 in which you do your job.
 13 **A. No, it didn't affect the way it did my job.**
 14 Q. That has been your answer, but yesterday, I think, you
 15 were saying that it's true that -- you accepted that you
 16 would lose money if a job was terminated but I think
 17 then you said you would get put back into the pool and
 18 selected for another job or you didn't use those words
 19 but it's words to that effect?
 20 **A. From what I remember, how the system used to work, you**
 21 **would have one, two, possibly three jobs backed up one**
 22 **behind the other. At any point any job went down you**
 23 **could be selected for another one at potentially short**
 24 **notice.**
 25 Q. Forgive me for perhaps using a simple analogy. Is what
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1 you're saying that, yes, let's say you're a black cab
 2 driver. If a passenger terminates their journey halfway
 3 through, of course you don't get the full fare that you
 4 would have got but you can pick up another passenger and
 5 earn the same amount of money doing something else. Is
 6 that the point you are making?
 7 **A. You would still earn money doing something else, yes.**
 8 Q. Have you or would you ever compromise the safety of any
 9 detainee or any member of staff because you thought you
 10 might get paid a little bit less if you didn't?
 11 **A. No.**
 12 MR MATTHEWSON: Thank you very much.
 13 DEPUTY CORONER MS MONAGHAN: Are there any other questions
 14 from anybody else besides Ms Hewitt?
 15 MS BALLARD: Yes, madam.
 16 DEPUTY CORONER MS MONAGHAN: Then we'll break for lunch.
 17 Before we do, I have two questions if I can just ask you
 18 before lunch, then it means that anybody who wants to
 19 ask questions about that can ask you about them. First
 20 of all, whilst Mr Mubenga was seated, did you hear
 21 Mr Hughes say anything?
 22 **A. I can't remember what was said.**
 23 DEPUTY CORONER MS MONAGHAN: Is that now you can't remember
 24 or do you think you couldn't remember --
 25 **A. I can't remember at the time. I just remember I was**
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1	trying to speak to Mr Mubenga and pretty much ended up	1	some questioning.
2	pleading with him to try and calm him down.	2	
3	DEPUTY CORONER MS MONAGHAN: Did you hear Mr Mubenga say	3	
4	anything?	4	
5	A. No. As I said, there was lots of shouting and lots of	5	
6	noise.	6	
7	DEPUTY CORONER MS MONAGHAN: Secondly, the issue with your	7	
8	work telephone. On the night, 12 October and	8	
9	13 October, did you have your work phone with you?	9	
10	A. I would have had it while I was at work and I think,	10	
11	yes, I probably would have had it up until the point it	11	
12	was taken off me.	12	
13	DEPUTY CORONER MS MONAGHAN: Which was 18 October or	13	
14	thereabouts?	14	
15	A. Yeah. I'm pretty sure after the incident I just turned	15	
16	the phone off.	16	
17	DEPUTY CORONER MS MONAGHAN: So your employers didn't take	17	
18	it back from you?	18	
19	A. No.	19	
20	DEPUTY CORONER MS MONAGHAN: You turned it off and waited	20	
21	and then gave it to the police when they asked for it?	21	
22	A. Yes.	22	
23	DEPUTY CORONER MS MONAGHAN: That's great. Thank you very	23	
24	much. That's it. We'll now break for lunch until	24	
25	2 o'clock, members of the jury, and we'll carry on with	25	
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<p>Page 121</p>	<p>1 Q. Then you sit him up and he doesn't respond, and his eyes 2 are open? 3 A. His eyes were open, yes. 4 Q. It's at that point that you check his pulse? 5 A. At that point we were checking his pulse. I can't 6 remember now whether or not we checked it before while 7 he was still in the down position. 8 Q. Right. Were you the first person to check his pulse if 9 you can recollect? 10 A. I think I may have been, yes. 11 Q. That was the pulse in the neck, is that right? 12 A. That's right, the one to the side of the jaw bone. 13 Q. I think you estimate in your interview that it was about 14 1 to 2 minutes maximum after the plane had started 15 moving that you did this check, is that about right from 16 your recollection now? 17 A. I can't remember an exact time. 18 Q. Does that sound roughly right? 19 A. The plane was moving back, I would say possibly, yes. 20 Q. The pulse you detected was weak at that point? 21 A. Yes, again, I'm not entirely sure what a pulse is 22 supposed to feel like, but I would imagine, after such 23 a struggle, it would have been faster, stronger and 24 racing. 25 Q. Did you ever recheck the pulse, that's what I'm not Page 123</p>
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<p>1 (In the presence of the jury) 2 Examined by MS BALLARD 3 MS BALLARD: Good afternoon, Mr Tribelnig. My name is 4 Ms Ballard and I ask questions on behalf of the London 5 Ambulance Service. 6 I'd like, please, just to clarify your pulse and 7 breathing checks and when they actually took place in 8 respects of movements of the aircraft; all right? 9 A. Okay. 10 Q. So the plane starts moving, the lights are dimmed and 11 it's at that point that Mr Mubenga stops struggling, is 12 that right? 13 A. That's correct, yes. 14 Q. The impression you formed was that he had sort of given 15 up the fight, so to speak, he had realised where he was 16 going and he was calming down? 17 A. Resigned himself, yes. 18 Q. You try and speak with him and there's no response? 19 A. That's correct, yes. 20 Q. So he's sat up and his eyes are open? 21 A. At the time -- initially when we tried to speak to him 22 his head was still down and he was still leaning against 23 the pillow. Page 122</p>	<p>1 clear about, you personally? 2 A. I checked the pulse. I'm sure Terry and then Colin also 3 checked his pulse as well. I possibly rechecked his 4 pulse before I actually went round to speak to the crew, 5 just to be doubly sure. 6 Q. If you had have done, would that also have been in the 7 neck? 8 A. Yes. 9 Q. The breathing check that you and is it Mr Hughes 10 performed? 11 A. I remember Mr Hughes performing it as well, yes. 12 Q. You think possibly you did as well, I think? 13 A. Yes. 14 Q. That was done with the sweat of the brow on the hand? 15 A. That's correct, yes. 16 Q. Is the reason that you did that to check the breathing 17 because the breathing wasn't obvious? 18 A. I can't remember why we did the check. It was just to 19 carry out. We had a pulse and we just wanted to make 20 sure that he was still breathing. 21 Q. Your assessment of his breathing at that point was that 22 it was shallow, is that right? 23 A. It was shallow. It was low, yes. 24 Q. It was what, sorry? 25 A. It was shallow and low, as in not what I would have Page 124</p>
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1 **expected it to be.**
 2 Q. The circulation check you performed at that time is when
 3 you squeezed the fingertips, you said?
 4 **A. That was conducted possibly prior to the initial pulse**
 5 **check and I think it was checked again after.**
 6 Q. And it was checked by you?
 7 **A. Yes, I checked his fingers the first time.**
 8 Q. When you're squeezing the fingertips and watching for
 9 the return of normal circulation, and you say that's the
 10 capillary refill?
 11 **A. I think that's what it's called.**
 12 Q. Do you know how long it took for the circulation, for
 13 the fingertip to go pink again?
 14 **A. I can't remember. Really I think it was pretty much**
 15 **straightaway.**
 16 Q. Had you been taught that the importance of that test is
 17 assessing the speed with which the colour returns?
 18 **A. No, I don't remember that, no.**
 19 Q. So would you at the time, do you think, have been able
 20 to know whether it was greater or less than 2 seconds?
 21 **A. I couldn't tell you. I can't remember, sorry.**
 22 Q. You couldn't check his pallor, his paleness, could you?
 23 **A. No.**
 24 Q. And you couldn't check his pupil size at that point?
 25 **A. No.**

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1 DEPUTY CORONER MS MONAGHAN: That was because the lights
 2 were dim, is that right?
 3 **A. The lights were dim. Can I just explain that when I did**
 4 **the initial capillary check the reading light was on and**
 5 **I was able to see with that.**
 6 MS BALLARD: Thank you. Can I please just ask you now
 7 a broad chronology of when the first male ambulance crew
 8 member arrives. You recollect him performing an initial
 9 assessment, kneeling in the seat that Mr Kaler was
 10 occupying; is that right?
 11 **A. No. From what I remember, he think he come and he was**
 12 **kneeling in the seat next to me or I vacated my seat so**
 13 **he could come round the front.**
 14 Q. So you recollect it was from your seat?
 15 **A. Yeah, he was in front of Mr Mubenga.**
 16 Q. Broad sequence, is this right, that he shakes or calls
 17 to him?
 18 **A. I can't really remember.**
 19 Q. Assesses for a pulse in the neck and puts a probe on his
 20 finger?
 21 **A. I remember the probe going on the finger.**
 22 Q. Then he lifts him out the seat?
 23 **A. Yeah. From that point I think it was when his two**
 24 **associates arrived, that was when they removed him out**
 25 **of seat.**

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1 Q. Can you help us, please, with the speed of that. It
 2 appears from what you're saying that it was quite
 3 a quick response getting Mr Mubenga out of his seat?
 4 **A. Again, I don't really have any idea of time. I remember**
 5 **the probe going on the finger and I think at the time**
 6 **Mr Kaler was still sat in his seat. So he would have to**
 7 **vacate his seat before they tried to remove him from**
 8 **where Mr Mubenga was sat.**
 9 Q. When Mr Mubenga was removed from his seat, he was put on
 10 the floor and compressions were started. Did you see
 11 that at all?
 12 **A. I remember him being placed on the floor. I think at**
 13 **that point I was moved away and I was stood the other**
 14 **side of the aircraft.**
 15 Q. Yesterday you offered up an explanation of a potential
 16 cause for the rib fractures which you know have been
 17 suffered?
 18 **A. Yes.**
 19 Q. But just so I am correct in understanding, you have no
 20 medical background as you said I think on more than one
 21 occasion?
 22 **A. Yes, other than the first aider course.**
 23 Q. I see. So that's complete speculation on your part?
 24 **A. That's the only explanation I can give for it.**
 25 MS BALLARD: I am grateful, madam. Thank you.

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1 Examined by MR BALYSZ
 2 MR BALYSZ: Mr Tribelnig, just a number of questions on
 3 behalf of British Airways really by virtue of
 4 clarification. You attended the flight together with
 5 two of your colleagues, so there were three of you with
 6 Mr Mubenga?
 7 **A. That's correct, yes.**
 8 Q. In answer to a question by the learned coroner
 9 yesterday, you said that, "The whole time we have
 10 a detainee in custody he is our responsibility"?
 11 **A. That's what I'm led to believe, yes.**
 12 Q. You're not only led to believe that, but that's how you
 13 acted at the time?
 14 **A. At the time, Mr Mubenga was our responsibility.**
 15 Q. You have come on to the flight. You have come on to the
 16 flight, as I understand it, before the passengers?
 17 **A. That's correct, yes.**
 18 Q. You take your seats?
 19 **A. Yes.**
 20 Q. Your seats are specifically positioned so that you're
 21 surrounding Mr Mubenga?
 22 **A. That's correct, yes.**
 23 Q. The three of you -- and you have been taken through it,
 24 so I don't repeat it -- have been trained, trained
 25 particularly in looking after Mr Mubenga?

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1 **A. Yeah, trained on how to handle or deal with a detainee,**
 2 **yes.**
 3 Q. How to handle him in the event that he tries to escape?
 4 **A. That's correct, yes.**
 5 Q. And how to handle him in the event that he turns
 6 aggressive and/or violent?
 7 **A. That's correct, yes.**
 8 Q. Would the impression be correct from your evidence that
 9 you are in charge of Mr Mubenga, aren't you?
 10 **A. I'm responsible for him, yes.**
 11 Q. I'd just like to take you -- unless I'm asked to do so
 12 I'm not going to start taking you through the various
 13 pages, unless you want to. In your interview with the
 14 police, page 68, and also in a statement which you
 15 prepared or was prepared for you, page 229, you said the
 16 following. Let's have a look at page 68 first. I see
 17 you turning to it, so let's look at page 68 first.
 18 Really I'm taking it piecemeal, just so that I'm not too
 19 long on my feet. I will be happy read more if need be.
 20 In essence what you say here, a third of the way down
 21 the page:
 22 "When I say he lunged --
 23 You are being asked about that initial stage. You
 24 go to the toilet, you are coming back as you explained.
 25 "When I say he lunged at me, yes, of course, I was
 Page 129

1 afraid of him at the time."
 2 DEPUTY CORONER MS MONAGHAN: I'm terribly sorry but are we
 3 page 68?
 4 MR BALYSZ: Yes, page 68, witnesses volume 2, so it's
 5 blue 2.
 6 DEPUTY CORONER MS MONAGHAN: I am looking at the wrong
 7 volume, sorry, my fault.
 8 MR BALYSZ: I have been asked to read the question and
 9 I will do. I'll take it from the top of page 68, if
 10 I can, Mr Tribelnig. A question from
 11 Detective Constable Byrne:
 12 "Obviously the incident that happened afterwards is
 13 what we're going to talk about now. At any stage did
 14 you feel threatened by him?"
 15 That's the question you were asked. The answer you
 16 give is:
 17 "Only when he lunged at me to start with.
 18 "Question: Right.
 19 "Answer: When I say lunged at me, yes, of course,
 20 I was afraid of him at the time.
 21 "Question: Right.
 22 "Answer: And then we had to kick into the training."
 23 At page 229, so if we just go to page 229 together,
 24 about a third of the way down the page there, you say:
 25 "I obviously felt threatened and afraid at the time
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1 but you react by letting your training kick in."
 2 How important was your training in a circumstance
 3 such as that?
 4 **A. It would be really, really important, yes. The training**
 5 **I'm referring to here is where we actually tried to**
 6 **contain the situation by grabbing hold of Mr Mubenga.**
 7 Q. So you went automatically into training. Is the
 8 impression correct, because these are your words, not
 9 mine, that when your training kicks in you go almost
 10 automatically into a mode to carry at your training and
 11 the fear you felt leaves your mind?
 12 **A. I wouldn't have said that, no.**
 13 Q. Maybe I'm pushing it too far. It's your words. What
 14 I want to ask you about is would it be right to say that
 15 for those in that cabin at that time, who hadn't had the
 16 benefit of the type of training that you had had,
 17 firstly, and who hadn't had the experience of these
 18 types of similar incidents in the past, what they
 19 witnessed occurring was very frightening?
 20 **A. I would imagine so, yes.**
 21 Q. We had a situation, is it right, that the jury get
 22 impression, where there are four grown men, for want of
 23 a better phrase, to an onlooker fighting?
 24 **A. That would probably be the impression that they would**
 25 **see, yes.**
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1 Q. In addition to the fighting, to the onlooker, and I say
 2 the cabin crew and the passengers who had come on, they
 3 also have the addition of screaming and shouting?
 4 **A. Yeah, I would imagine so, yes.**
 5 Q. Would it be right to say that the reason for your
 6 training is that it's for you to deal with these types
 7 of situations and try and contain them?
 8 **A. That's what the training is geared around, yes.**
 9 Q. I'm going to use an extreme example, during that period,
 10 by which the three of you detention and custody officers
 11 are grappling -- I'm trying to use a neutral phrase --
 12 with Mr Mubenga, as you described, if somebody was to
 13 intervene, even with the best of intentions to try and
 14 help you, without the type of training that you have,
 15 would it be fair to say that they would do more harm
 16 than good?
 17 **A. There is potential to say that, yes.**
 18 Q. They would expose themselves to risk?
 19 **A. That's correct.**
 20 Q. They would expose you and your colleagues to risk?
 21 **A. Yes.**
 22 Q. And they would expose Mr Mubenga to risk?
 23 **A. That's correct, yes.**
 24 Q. I want to move on from that extreme example, if I may,
 25 and move on to the question of first aid, medical
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<p>1 attention. There comes a stage, you have told us about,</p> <p>2 where, about the time that the plane is being pushed</p> <p>3 back, Mr Mubenga stops struggling; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. At that stage, at that stage, do I understand your</p> <p>6 evidence correctly that you and your colleagues monitor</p> <p>7 him, i.e. check his pulse, to see if he is -- a neutral</p> <p>8 phrase -- okay?</p> <p>9 A. Yes.</p> <p>10 Q. Forgive the loose language. There then comes a stage</p> <p>11 where you decide -- and listen to my words carefully</p> <p>12 because ultimately it's your evidence. I don't want to</p> <p>13 put words into your mouth; all right? There comes</p> <p>14 a stage where you decide that potentially Mr Mubenga</p> <p>15 might not be okay?</p> <p>16 A. My understanding is that I didn't know what was wrong</p> <p>17 with him. I wanted to get him to medical help as</p> <p>18 quickly as possible.</p> <p>19 Q. What you said to the learned coroner yesterday is that</p> <p>20 at that stage you spoke to the crew and asked for the</p> <p>21 plane to be brought back to the stand?</p> <p>22 A. That's correct.</p> <p>23 Q. The note I have is that you wanted him checked by</p> <p>24 paramedics?</p> <p>25 A. I asked for the plane to be put on a stand and for the</p> <p style="text-align: center;">Page 133</p>	<p>1 called."</p> <p>2 A. Yes.</p> <p>3 Q. "While we waited, Mr Mubenga's airway was open."</p> <p>4 A. Yes.</p> <p>5 Q. "And we continued to monitor him."</p> <p>6 A. That's correct, yes.</p> <p>7 Q. So during that period where the aircraft is going back</p> <p>8 to the stand, you have asked for it to go back so</p> <p>9 paramedics can come on board?</p> <p>10 A. That's correct.</p> <p>11 Q. You haven't asked the British Airways crew to help you</p> <p>12 with any first aid, have you?</p> <p>13 A. No.</p> <p>14 Q. You have gone back and you and your colleagues have</p> <p>15 continued to monitor him, haven't you?</p> <p>16 A. While the plane is being pushed back to the stand, yes.</p> <p>17 Q. During that period, and we can maybe deal with it fairly</p> <p>18 shortly, you didn't feel it necessary for either</p> <p>19 yourself or your colleagues to administer first aid to</p> <p>20 Mr Mubenga?</p> <p>21 A. At the time we felt he was in a position where it was</p> <p>22 literally get the medics on board to get him checked</p> <p>23 out. I didn't know what was wrong with him.</p> <p>24 Q. You didn't know what was wrong with him, but your</p> <p>25 assessment -- and these are your words from this</p> <p style="text-align: center;">Page 135</p>
<p>1 paramedics to be called, yes.</p> <p>2 Q. The crew had no hesitation to do as you asked, did they?</p> <p>3 A. I spoke to the crew and then I returned back to stand</p> <p>4 near to where Mr Mubenga was. I don't know what the</p> <p>5 course of events was after that.</p> <p>6 MR BALYSZ: When you went back, you deal with it at page 233</p> <p>7 of your statement. So let's have a look at that</p> <p>8 together.</p> <p>9 MS HEWITT: It's a very long statement and the jury may</p> <p>10 think there's lots they haven't heard of but it's --</p> <p>11 DEPUTY CORONER MS MONAGHAN: The statement's not 233 pages</p> <p>12 long, thankfully, and if it was we wouldn't make you</p> <p>13 read it. It's just that the file goes up to 233 pages</p> <p>14 so it's at the end.</p> <p>15 MR BALYSZ: Mr Tribelnig, there's all sorts of other things</p> <p>16 in there, isn't there?</p> <p>17 A. Well, I've not been through this particular folder.</p> <p>18 I imagine there's quite a lot in here, yes.</p> <p>19 Q. Let's look at page 233, which in fact is page 18 of your</p> <p>20 statement as we can see bottom left-hand side.</p> <p>21 A. Yes.</p> <p>22 Q. What you say here, and I want to confirm that this is</p> <p>23 your position as we understand it:</p> <p>24 "I then went and poked to the crew to have the</p> <p>25 aircraft put back on the stand and the paramedics</p> <p style="text-align: center;">Page 134</p>	<p>1 morning. You said:</p> <p>2 "At the time my assessment was he was still</p> <p>3 breathing, he still had a pulse. He was still</p> <p>4 breathing, he was still alive. I didn't know what was</p> <p>5 wrong with him, I called for medical assistance,</p> <p>6 i.e. wanted paramedics on board, and then we just</p> <p>7 continued to monitor him."</p> <p>8 A. That's correct.</p> <p>9 Q. During that period at no stage did you ask</p> <p>10 British Airways for any assistance, did you?</p> <p>11 A. I was unaware of any assistance that they would be able</p> <p>12 to assist us with.</p> <p>13 Q. Let's put it in a different way. You didn't think that</p> <p>14 he needed first aid treatment because if he needed it,</p> <p>15 you would have given it to him, wouldn't you?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. In fact, if I understand your evidence correctly, but</p> <p>18 it's your evidence, you thought there was still a chance</p> <p>19 that he might be faking it?</p> <p>20 A. There was the potential, yes.</p> <p>21 Q. That was one of the reasons you gave to Mr Blaxland for</p> <p>22 not taking him out of the seat and placing him into the</p> <p>23 recovery position, for example?</p> <p>24 A. That's correct, yes.</p> <p>25 Q. That was an assessment for you to make, wasn't it?</p> <p style="text-align: center;">Page 136</p>

1 **A. It was an assessment for myself and for the team, yes.**
 2 **Are you talking about for me?**
 3 Q. Yes.
 4 **A. It's an assessment I said. I didn't suggest that we**
 5 **kept him in the seat. I just said we needed to keep**
 6 **monitoring him.**
 7 Q. There's no implied criticism of any of these questions
 8 that I ask you. I am just trying to clarify what
 9 occurred.
 10 **A. Okay.**
 11 Q. Had you felt it necessary to put him into the recovery
 12 position, I presume you would have done so?
 13 **A. That's correct, yes.**
 14 Q. But the reality is you felt he was safe in the seat with
 15 his airway open, being monitored by your and your
 16 colleagues?
 17 **A. That's right, yes.**
 18 Q. When I used that extreme example beforehand, as to
 19 somebody not becoming involved in you restraining
 20 Mr Mubenga, when it comes to your assessments as to what
 21 is best for Mr Mubenga when it comes to first aid, it
 22 would be right to say that the same applies, doesn't it?
 23 **A. I wouldn't say that, no.**
 24 Q. It doesn't?
 25 **A. I wouldn't say that, no. How do I know that there's not**
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1 **somebody else on the aircraft who is far more trained**
 2 **than I am with access to other equipment?**
 3 Q. Let's pause there for a moment. Mr Mubenga has just
 4 been involved in a very violent incident.
 5 **A. That's correct.**
 6 Q. An incident which you yourself say would have frightened
 7 those who witnessed it?
 8 **A. That's correct, yes.**
 9 Q. Mr Mubenga has gone quiet, hasn't he?
 10 **A. Yes.**
 11 Q. You yourself have not excluded the possibility that he
 12 might be faking it?
 13 **A. That's correct, yes.**
 14 Q. You yourself have made a decision, by virtue of
 15 explanations through answers, to not put him into the
 16 recovery position?
 17 **A. That's correct.**
 18 Q. Because if he is faking it, you would have the situation
 19 erupt again, wouldn't you?
 20 **A. That's correct, yes.**
 21 Q. Those are decisions for you pursuant to your training to
 22 make, aren't they?
 23 **A. That's correct.**
 24 Q. It's not for the BA crew to come in and override those
 25 decisions, is it?
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1 **A. No.**
 2 Q. Because if you are right, if you are right, that he was
 3 faking it, if the BA crew came in and said, "I don't
 4 care what you say as to his condition, we ought to put
 5 him in recovery position," they would be potentially
 6 exposing themselves to risk, wouldn't they?
 7 **A. Potentially, yes.**
 8 DEPUTY CORONER MS MONAGHAN: Pause there. Can I ask
 9 a question about that?
 10 MR BALYSZ: Certainly, madam.
 11 DEPUTY CORONER MS MONAGHAN: As you're being asked
 12 hypotheticals, I'd like to ask you one too. If a BA
 13 cabin crew person had come up to you and said, "I've had
 14 a look at him and I think there's a problem; I think you
 15 need to do something immediately, put him in the
 16 recovery position," whatever, what would your response
 17 have been?
 18 **A. I would have probably taken his advice, yes.**
 19 MR BALYSZ: You are giving that answer I suggest with the
 20 benefit of hindsight. Have a look at page 165 of that
 21 bundle. I am going to start actually from 164 so we get
 22 the whole context. At the top of the page, DC Byrne
 23 says:
 24 "Right, did you think about placing him in another
 25 position other than the seats?
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1 "Answer: No.
 2 "Question: No. Because even if I understand -- and
 3 again I'm not arguing with you Stuart, I understand that
 4 the environment you're working in is confined.
 5 "Answer: Confined space.
 6 "Question: But there's still an aisle. Did you
 7 consider placing him in a recovery position, for
 8 example?
 9 "Answer: No.
 10 "Question: Right. Despite your training, yeah?
 11 "Answer: Despite training, yeah, we were.
 12 "Question: The recovering position is a pretty basic
 13 part of first aid training. Is that a fair thing to
 14 say, do you think?
 15 "Answer: Yeah, recovery position is."
 16 Let me pause there for a moment. Clearly you knew
 17 all about the recovery position, didn't you?
 18 **A. Yes.**
 19 Q. I carry on. DC Byrne:
 20 "You know the recovery position then, yeah?
 21 "Answer: Yes, I know the recovery position.
 22 "Question: Okay.
 23 "Answer: But my concerns would be if we placed him
 24 into a position or a recovery position on the floor and
 25 he had recovered we could be all over the place again
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1 trying to control and restrain him.
 2 Yes?
 3 **A. Yes.**
 4 Q. That was your concern, wasn't it?
 5 **A. Yes.**
 6 Q. It goes on then:
 7 "Right, but you've already decided at this stage
 8 that he's in distress, haven't you?
 9 "Answer: Yeah.
 10 "Question: You've actually decided he is in distress
 11 is the question?
 12 "Answer: Yeah. I'm not sure what's wrong with him.
 13 I phone the paramedics. The paramedics are supposed to
 14 turn up to deal with the situation.
 15 "Question: Right.
 16 "Answer: How I aimed to get round the situation was
 17 to keep him upright in the seat, to keep his head up, to
 18 keep his airway open so he could continue to breathe.
 19 We monitored his breathing. We monitored his pulse. We
 20 monitored his circulation. We had all three."
 21 **A. Yes.**
 22 Q. It would be fair to say, so far as you were concerned,
 23 you had the matter in hand?
 24 **A. Yes.**
 25 Q. The last thing I want to just deal with as well is that

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1 you weren't actually there in isolation, were you? Let
 2 me explain that for a moment. There was cabin crew near
 3 you and around you, wasn't there?
 4 **A. There was crew around, yes.**
 5 Q. You also had the cabin services director come and see
 6 you, didn't you?
 7 **A. I don't remember him coming, but I would imagine he
 8 would have been there.**
 9 Q. You were talking to them, weren't you, and communicating
 10 with them?
 11 **A. Again, I can't remember what I said or who I spoke to.**
 12 Q. I am going to suggest to you that you were communicating
 13 with the cabin crew the fact that Mr Mubenga might be
 14 faking it?
 15 **A. I don't remember having any conversation with the crew.**
 16 Q. All right. Does that mean it didn't happen or does that
 17 mean you can't remember and it may have happened?
 18 **A. I can't remember. I don't remember speaking to any of
 19 the cabin crew.**
 20 Q. Is that in the same way that you can't remember what was
 21 being said during the course of the altercation?
 22 **A. I just can't remember.**
 23 MR BALYSZ: Thank you. I have no further questions.
 24 DEPUTY CORONER MS MONAGHAN: Just following on from that, if
 25 you wouldn't mind, Mr Tribelnig. Did it occur to you to

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1 ask the cabin crew, for example, to see if there was
 2 a paramedic or doctor on the plane as a passenger?
 3 **A. No.**
 4 DEPUTY CORONER MS MONAGHAN: Thank you. Ms Hewitt.
 5 Examined by MS HEWITT
 6 MS HEWITT: I have a few questions and I hope it will only
 7 be filling gaps, turning to matters just for
 8 clarification as opposed to going over anything that has
 9 already been covered unnecessarily.
 10 DEPUTY CORONER MS MONAGHAN: Of course.
 11 MS HEWITT: Mr Tribelnig, can I ask you first of all this.
 12 Could you tell the jury, please, what in October 2010
 13 was your relationship with Terence Hughes,
 14 Colin Kaler --
 15 DEPUTY CORONER MS MONAGHAN: Just pause there. I am sorry,
 16 something is happening over there. Sorry, Ms Hewitt, to
 17 interrupt you so soon, but I didn't want the jury to not
 18 be listening to what you are saying.
 19 (A note was received from the jury)
 20 DEPUTY CORONER MS MONAGHAN: Thank you. Can I just ask this
 21 because it a BA cabin crew question and in case
 22 Mr Balysz wants to come back? Sorry to interrupt you so
 23 early on.
 24 The jury have asked:
 25 "Did British Airways cabin crew do the normal checks

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1 for take-off, for example, seat belt on, table up, sat
 2 upright?"
 3 **A. I can't remember. I would have imagine they would have
 4 done. Whether or not they come past us, I'm not sure.**
 5 DEPUTY CORONER MS MONAGHAN: You have no recollection?
 6 **A. No.**
 7 MR BALYSZ: Can I assist the jury with that, possibly
 8 through a question. Mr Tribelnig, whilst this is all
 9 occurring, i.e. first of all the altercation and
 10 thereafter from the stage that Mr Mubenga goes quiet and
 11 is in his seat, passengers are coming on to the aircraft
 12 and the cabin crew are preparing for take-off in the
 13 normal way, aren't they?
 14 **A. That's correct, yes.**
 15 Q. To be fair, as best they can taking into account the
 16 situation which is occurring on the back row with
 17 yourselves?
 18 **A. That's correct, yes.**
 19 MR BALYSZ: One matter, forgive me, madam, if I can?
 20 DEPUTY CORONER MS MONAGHAN: No, please do.
 21 MR BALYSZ: One matter which I forgot to ask you about is in
 22 relation to you being in control of the situation. It
 23 would be right to say that at one stage during the
 24 altercation, for want of a better phrase, you think you
 25 have Mr Mubenga under control, is that right?

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1 A. Yes.

2 Q. As a result of that, you then leave your colleagues with

3 Mr Mubenga and you yourself take it upon yourself --

4 forgive the double use of the word -- to go and speak to

5 the passengers?

6 A. To speak to some of the passengers, yes.

7 Q. And to explain what you were doing, the fact that they

8 may be hearing some noises, and really to try and

9 reassure them; isn't that the case?

10 A. That's correct, yes.

11 MR BALYSZ: Thank you, madam.

12 DEPUTY CORONER MS MONAGHAN: I hope not to interrupt you,

13 Ms Hewitt, so soon.

14 MS HEWITT: I will start again. My first question,

15 Mr Tribelnig, was about the relationships, if you had

16 any, with the other two detention and custody officers,

17 Terence Hughes, Colin Kaler, as of October 2010. First

18 of all, Mr Hughes, had you worked with him before on any

19 other jobs?

20 A. I can't remember any specific jobs that I worked with

21 him on. The chances are I would have seen him at some

22 point on maybe a charter job or something where there's

23 a load of us en masse.

24 Q. Was he a friend of yours, would you say?

25 A. Somebody I knew.

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1 Q. You just knew him?

2 A. Yeah.

3 Q. The same question for Colin Kaler?

4 A. We worked the same. Again, it was somebody that I knew

5 probably through work, maybe worked with him on

6 a charter or something like that, but I don't remember

7 any specific jobs where I've been on the job with them

8 as such.

9 Q. I should ask the same question I think probably about

10 Mr Duckers whom we heard from?

11 A. Again, he's another person. He was in it as a driver.

12 I wouldn't class any of them as close personal friends.

13 We were work colleagues.

14 Q. The next matter I want to ask you about is the start of

15 your evidence. You were answering the coroner's

16 questions concerning your understanding at the time, in

17 October 2010, about your own personal accountability for

18 using force in the course of your job.

19 A. Yes.

20 Q. You told the jury that you understood that personal

21 accountability and the need that you had to justify any

22 use of force. Is that correct?

23 A. That's correct, yes.

24 Q. You had that understanding in October 2010?

25 A. It's the sort of thing that is drummed into you when you

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1 start doing your Use of Force Reports, that whatever you

2 put in your statement must be factually correct and it's

3 your responsibility.

4 Q. You said you understood that you could face a criminal

5 liability for the use of force?

6 A. That is made clear to you, yes.

7 Q. Did that, in your understanding, apply to any use of

8 force whatever or only if the use of force resulted in

9 some injury or harm?

10 A. Any use of force whatsoever.

11 Q. So even if there was no effect, no adverse effect from

12 the use, you still had to account for the use of force?

13 A. That's correct, yes.

14 Q. Would that include, for example, any decision made to

15 handcuff a detainee?

16 A. Yes. There was -- if I remember rightly, there were two

17 ways of doing this. If you had a passive handcuff,

18 there was a set form for a passive handcuff. If there's

19 any handcuffing which involved physically putting hands

20 on somebody, it would require a use of force.

21 Q. So either way there would be paperwork to be filled in?

22 A. There would be, yes.

23 Q. Prior to this event, had you been required by G4S to

24 fill in incident reports or that paperwork in relation

25 to any incident you had been involved in at all in which

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1 use of force had been adopted?

2 A. Any incident? Even on a charter flight, if you had to

3 deal with more than one passenger, you would fill in one

4 per person stating what you did and when you did it.

5 Q. The form and the paperwork that you had to complete in

6 relation to any use of force, did that require you to

7 record whether you yourself had suffered any injury in

8 the use of force?

9 A. I don't think there's anything in particular on the form

10 that states any injuries that you sustained.

11 Q. Is there a separate form that you have to fill in for if

12 you suffer an injury yourself?

13 A. I don't know. I haven't seen it.

14 DEPUTY CORONER MS MONAGHAN: I am quite happy for you to

15 take him to that. It might help the jury to know.

16 MS HEWITT: I am going to cover this matter in particular.

17 There will be a red file.

18 DEPUTY CORONER MS MONAGHAN: I thought you were looking at

19 the hand to the body outline figure to the use of force.

20 Is that not it?

21 MS HEWITT: I believe page 15, madam, of --

22 DEPUTY CORONER MS MONAGHAN: It was page 13 of

23 Mr Tribelnig's Use of Force Report.

24 MS HEWITT: No, page 15.

25 DEPUTY CORONER MS MONAGHAN: Sorry, I beg your pardon.

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<p>1 MS HEWITT: That's the one, the file in which your statement 2 is, Mr Tribelnig, your Use of Force Incident Report. 3 It's page 15 of that file. There's a further document. 4 It's headed, "Accidents/Near-miss Report". Do you have 5 that? 6 DEPUTY CORONER MS MONAGHAN: I don't think you're looking at 7 the right page, are you? 8 A. Sorry, 15, yes. 9 MS HEWITT: Does that remind you about this? This appears 10 to be form that your yourself have completed in relation 11 to these events on 12 October 2010 in which you record 12 a minor abrasion to your right hand? 13 A. That's correct. 14 Q. Whilst restraining a detainee in the way you have 15 explained a little bit earlier in your evidence? 16 A. Yes. 17 Q. Was that a form then that you knew about prior to 18 12 October 2010 or not? 19 A. Yeah, I think I said -- I think I had seen this form 20 before. 21 Q. I didn't hear that, sorry? 22 A. This is a form that I think I have seen before, yes. 23 Q. Certainly in relation to this incident, you have 24 completed this form recording the injury you'd suffered? 25 A. Yes.</p> <p style="text-align: center;">Page 149</p>	<p>1 about any use of force, if when you are completing it 2 you are aware of a specific injury that the detainee has 3 suffered as a result, would you be required to make note 4 of that as well? 5 A. That would be on the Use of Force Incident Report form. 6 I think it's page 2. As you open the pages, there's 7 a section there that says, "Any injuries sustained to 8 the detainee". 9 Q. So you knew about that paperwork. This incident of 10 control and restraint with Mr Mubenga was taking place 11 on aeroplane as you have described. You have said 12 already in your evidence that you were -- I am putting 13 words I think into your mouth, but you were not always 14 aware of precisely who was there because you were 15 concentrating on what was happening. But were you aware 16 that there were passengers around you as this situation 17 took place? 18 A. I was aware that there were passengers on the plane, 19 yes. 20 Q. And members of the crew? 21 A. Well, the crew would have been there otherwise we 22 couldn't have been on the aircraft. 23 Q. When you're on a plane undertaking a deportation, have 24 you ever known your actions, the actions of other 25 detention and custody officers, for example, to be</p> <p style="text-align: center;">Page 151</p>
<p>1 Q. A minor injury you had suffered in relation to 2 controlling Mr Mubenga? 3 A. That's correct, yes. 4 DEPUTY CORONER MS MONAGHAN: Are you moving off from that? 5 MS HEWITT: Yes. 6 DEPUTY CORONER MS MONAGHAN: There may be an explanation for 7 this, but just so we're clear. I think in the evidence 8 you gave earlier on today you said you had some 9 abrasions, a little cut I think you described it as, and 10 a large bruise on your inner thigh? 11 A. Yes. 12 DEPUTY CORONER MS MONAGHAN: I can't see -- this is not 13 a trick question -- any reference to that in this part 14 of the document. 15 A. The only thing I can see on here is the date it was 16 dated was the date of the injury -- the date of the 17 occurrence and at that point I probably hadn't taken my 18 clothes off, sorry. 19 DEPUTY CORONER MS MONAGHAN: Thank you. 20 MS HEWITT: It bears the date 12 October in two places. Can 21 you remember whether you did in fact complete that form 22 recording your injuries before completing the Use of 23 Force Incident Report or can you not remember? 24 A. I don't remember, sorry. 25 Q. Certainly when you're completing required paperwork</p> <p style="text-align: center;">Page 150</p>	<p>1 filmed by passengers on mobile telephones? 2 A. I can't think of any instances myself, but I have been 3 made aware that sometimes it has been filmed on mobile 4 phones. 5 Q. You are aware it could happen? 6 A. It could happen, yes. 7 Q. I ask you those questions because it was put to you by 8 Mr Blaxland that in effect, as this matter developed, 9 what you did was that you ignored your training in the 10 way in which you acted towards Mr Mubenga, ignored it 11 and acted contrary to your training, thereby putting 12 Mr Mubenga at risk of harm. I think it was suggested 13 that really was because you were reluctant to abandon 14 the deportation in case you lost money. 15 A. That's how it was put, yes. 16 Q. The consequences for you of ignoring your training and 17 doing something contrary to your training, deliberately 18 so, were what as far as you understood it in 19 October 2010? 20 A. Sorry? 21 Q. What would the consequences to you have been of 22 deliberately ignoring your training simply in order to 23 make sure that a deportation went ahead and you didn't 24 lose money? 25 A. The consequences of?</p> <p style="text-align: center;">Page 152</p>

<p>1 Q. Of ignoring it.</p> <p>2 A. Ignoring it, you would end up in a whole world of</p> <p>3 trouble.</p> <p>4 Q. Is it something you would expect to get away with?</p> <p>5 A. No.</p> <p>6 MS HEWITT: Can I ask you something about the control and</p> <p>7 restraint episode that took place itself then.</p> <p>8 DEPUTY CORONER MS MONAGHAN: I wonder before you move on to</p> <p>9 that, so that you can come back to it if you need to,</p> <p>10 just picking up on a question that you have already</p> <p>11 explored. So if you wouldn't mind, Ms Hewitt.</p> <p>12 MS HEWITT: Certainly.</p> <p>13 DEPUTY CORONER MS MONAGHAN: Can you turn up the red bundle.</p> <p>14 It's something you have already looked at. I want to</p> <p>15 give you the opportunity if you need to ask some</p> <p>16 questions and clarify the questions. Turn up the red</p> <p>17 bundle, page 176. This an FME report, forensic medical</p> <p>18 examination report. It looks as though it's been</p> <p>19 undertaken just after 1.00 am on 13 October. That,</p> <p>20 again, records only a thumb injury in this case, but</p> <p>21 a scratch and pretty much what you have described</p> <p>22 already on your right thumb or your right hand.</p> <p>23 A. Yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Again, it doesn't record any</p> <p>25 bruising.</p> <p style="text-align: center;">Page 153</p>	<p>1 this to you, just to give you a clue forensic medical</p> <p>2 examiners have what I think they describe body maps,</p> <p>3 which are essentially bits of the body like that drawn</p> <p>4 on, so they can draw a picture, whatever, a sign</p> <p>5 wherever the injury is. If we have a look at yours,</p> <p>6 Mr Tribelnig. It was the inside thigh, was it, did you</p> <p>7 say?</p> <p>8 A. That's correct. I can't remember which one. I think it</p> <p>9 was my right thigh.</p> <p>10 DEPUTY CORONER MS MONAGHAN: If we look at the external part</p> <p>11 of your legs -- sorry, the back of your legs, at 192,</p> <p>12 there's nothing there marked?</p> <p>13 A. No, I know. I can see there's nothing marked.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Have you had a look through</p> <p>15 this?</p> <p>16 A. I haven't seen this before, no.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Okay. Then at page 195 --</p> <p>18 that's Mr Hughes, so that doesn't help us.</p> <p>19 MS HEWITT: It's the four pages starting at 189.</p> <p>20 DEPUTY CORONER MS MONAGHAN: I took you to the wrong page.</p> <p>21 I think the only map we have there, if you like, is at</p> <p>22 page 192 which is the one I looked at. You can't see</p> <p>23 anything there?</p> <p>24 A. No.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Do you remember pointing out to</p> <p style="text-align: center;">Page 155</p>
<p>1 A. I think I remember being in with this FME and I pointed</p> <p>2 out the bruise to him, but he didn't put it on the</p> <p>3 paperwork for what ever reason. I don't know why.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Are you sure about that?</p> <p>5 A. Yeah, I pointed out the scratch -- because obviously</p> <p>6 I had to be stripped down to my underwear.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Pausing there, when you were</p> <p>8 examined by the forensic medical examiner, were you</p> <p>9 required to take your clothes off?</p> <p>10 A. Yes.</p> <p>11 DEPUTY CORONER MS MONAGHAN: Was the bruise visible at that</p> <p>12 stage?</p> <p>13 A. I think so, yes. I think it might have been at this</p> <p>14 point. I remember speaking to an FME and I pointed out</p> <p>15 the bruise, but for whatever reason it didn't go on to</p> <p>16 the paperwork. I can't remember if there was more than</p> <p>17 one.</p> <p>18 DEPUTY CORONER MS MONAGHAN: Thank you. As I say, if you</p> <p>19 want to deal with that then you're welcome to.</p> <p>20 MR BLAXLAND: Madam, to complete that, if you would forgive</p> <p>21 me, because on that subject there are of course some</p> <p>22 medical drawings, as there very often are with this, at</p> <p>23 page 189 onwards which actually identify where the --</p> <p>24 DEPUTY CORONER MS MONAGHAN: Let's look at that then</p> <p>25 because -- members of the jury, I don't need to give</p> <p style="text-align: center;">Page 154</p>	<p>1 the FME that the bruise was there?</p> <p>2 A. I remember pointing it to the FME that there's a bruise</p> <p>3 on my leg, but for whatever reason it hasn't gone on the</p> <p>4 paperwork.</p> <p>5 DEPUTY CORONER MS MONAGHAN: Thank you.</p> <p>6 MS HEWITT: A few questions about the control restraint</p> <p>7 itself. I am taking you then to the point after which</p> <p>8 you have explained Mr Mubenga lunged at you. You have</p> <p>9 then described yourself and the two other detention and</p> <p>10 custody officers, all three of you, being involved in</p> <p>11 the control of Mr Mubenga standing up on the plane.</p> <p>12 I want to ask you, please, to be clear, from your</p> <p>13 perception, about the level of strength Mr Mubenga,</p> <p>14 first of all, was showing to you during that phase of</p> <p>15 the incident.</p> <p>16 A. Mr Mubenga was a really strong person. It seemed to</p> <p>17 take quite long time to actually grab hold of him and</p> <p>18 keep him in order to enable us to pull his arm out to</p> <p>19 apply the handcuff before attaching the second cuff.</p> <p>20 Q. There were three of you?</p> <p>21 A. Yes.</p> <p>22 Q. And one of him?</p> <p>23 A. Yes.</p> <p>24 Q. Do you want explain that any more, given that you had</p> <p>25 suggested it took some time to, for example, get the</p> <p style="text-align: center;">Page 156</p>

1 handcuffs on?

2 **A. The three of us to physically control him and then try**

3 **to bring his arms round, it was literally a case of grab**

4 **hold of whatever limbs you could --**

5 DEPUTY CORONER MS MONAGHAN: You need to speak up.

6 MS HEWITT: I am sorry, I thought I was doing that.

7 DEPUTY CORONER MS MONAGHAN: I'm having no trouble hearing

8 you, but apparently the stenographer is.

9 MS HEWITT: I see. I'll direct my questions that way.

10 DEPUTY CORONER MS MONAGHAN: I can hear you, but -- thank

11 you.

12 MS HEWITT: Your time estimate, I think you said you can't

13 be sure of time?

14 **A. No.**

15 Q. You have also seem to have said that it was minutes

16 rather than seconds, certainly, for the handcuffs to be

17 placed on. During that time, again from your point of

18 view, were you exerting real effort in order to control

19 and handcuff Mr Mubenga?

20 **A. We had to put a lot of effort into controlling the arm**

21 **to start with, to enable us to get handcuff on, and then**

22 **there was even more effort required to be able to**

23 **present the arm for further handcuffing.**

24 Q. You were asked on behalf of British Airways about how

25 this might have appeared to observers and perhaps

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1 especially observers who knew nothing about control and

2 restraint and such like. Was it, would you expect,

3 visually to have looked like a very physical process?

4 **A. Yes.**

5 Q. The handcuffs you used and applied to Mr Mubenga were

6 the rigid bar handcuffs. I don't think we have had this

7 question. Did you have any choice about which handcuffs

8 you used or are you provided with only one sort?

9 **A. No, we're only issued with the rigid bar handcuffs.**

10 Q. You have said already use of control and restraint, it's

11 a three-man operation from the guards' point of view,

12 the officers' point of view. This expression of

13 controlling the head, is that something that is used

14 when describing the technique itself? Is there a member

15 of the three-man team who is in charge of controlling

16 the head?

17 **A. In a general scenario you would have someone who would**

18 **be responsible for the head.**

19 Q. And the other two members are responsible for what?

20 **A. Control of the limbs.**

21 Q. One right, one left?

22 **A. That's correct, yes.**

23 Q. A few short questions about the training when you are

24 trained in control restraint. You said, I think, just

25 before the lunch break, that as far as the training you

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1 were given in control and restrained was concerned you

2 weren't making any criticism of the instructors who

3 taught you the techniques that you learned in the gym?

4 **A. No, no criticism at all.**

5 Q. So you understood the techniques you had been taught in

6 the gym?

7 **A. Yes.**

8 Q. But you said, I think, that your concern was about the

9 application of those techniques in certain

10 circumstances?

11 **A. That's correct, yes.**

12 Q. You have referred already to the fact that the

13 techniques were taught in a gym with a big open space

14 and physically that's different from inside a plane?

15 **A. Yes.**

16 Q. Can I ask you about this: when you did your training,

17 were you just watching people, instructors, do it or

18 were you required to have go a yourself?

19 **A. We would watch how the instructors broke each move down,**

20 **step-by-step, and then we would then have a go**

21 **ourselves.**

22 Q. And do it yourselves. The instructors would watch you

23 do it, presumably?

24 **A. That's correct, yes.**

25 Q. So in that learning scenario, who was it that acted as

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1 the person being restrained?

2 **A. It would generally tend to be one of the trainees.**

3 **Every now and again we would have one of the instructors**

4 **volunteer.**

5 Q. A physical role play in that sense?

6 **A. Yes.**

7 Q. During that training, the person who was being

8 restrained for training purposes, what level, if any, of

9 resistance did they give during the training to the

10 restraint?

11 **A. No level. They were compliant.**

12 Q. So you practised how the techniques should be carried

13 out?

14 **A. Yes.**

15 Q. During your training then, was there any opportunity to

16 practise how it would be in reality with someone who is

17 actually resisting?

18 **A. I can't remember. During the training it was literally**

19 **go through to make sure we understood step-by-step how**

20 **each of the things moved. I never really dealt with**

21 **a non-compliant in the gym on the mats.**

22 Q. The absence of an opportunity to test out the techniques

23 in an environment such as an aeroplane, was that

24 something that you mentioned at all to your training

25 instructors or not?

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<p>1 A. I mentioned it on several occasions to various 2 instructors. 3 MS HEWITT: If we return then to what you were doing on 4 12 October, you have described already putting the 5 handcuffs on. What you said -- 6 DEPUTY CORONER MS MONAGHAN: Sorry, Ms Hewitt, Ms Ballard is 7 behind you -- 8 MS BALLARD: I don't think any of the computers are picking 9 anything up. 10 DEPUTY CORONER MS MONAGHAN: No. 11 MS BALLARD: I didn't know whether to raise it or not, so 12 apologies if I'm raising it out of turn. But it looks 13 like the system has gone awry. 14 (Discussion re Transcend malfunctioning) 15 DEPUTY CORONER MS MONAGHAN: It is probably sensible to get 16 this sorted out and then we can have a clear run. Is 17 that -- 18 MS HEWITT: I only then have about five minutes or so left. 19 DEPUTY CORONER MS MONAGHAN: So there you are, members of 20 the jury. We were going to take a mid-afternoon break 21 anyway. We might as well do it now so we can kick-start 22 the system. Thank you very much.</p>	<p>1 potential for more injury due to hard surfaces and 2 stuff. 3 Q. It may be I am asking an obvious question. There isn't 4 on a plane a secure separate room, for example, at the 5 back that most passengers don't know about but which can 6 be used in these circumstances? 7 A. No. 8 Q. Certainly if this journey was to go ahead at all, at 9 some point Mr Mubenga was going to have to sit in 10 a seat? 11 A. Yes. 12 Q. And keeping him in a standing position, for example, 13 would not be an option for take-off and the journey 14 itself? 15 A. No. 16 Q. So short of abandoning the process -- and I'll come back 17 to that in a moment. Short of abandoning the 18 deportation altogether, if it was to be continued you 19 had at some point to put him in a seat; is that right? 20 A. That's correct, yes. 21 Q. You described trying and getting Mr Mubenga into the 22 seat in row 40. Again, if I can come back then briefly 23 to your training. As part of your control and restraint 24 training, did you have any direct guidance as to how 25 that was to be achieved in these circumstances?</p> <p style="text-align: center;">Page 163</p>
<p>7 (In the presence of the jury) 8 DEPUTY CORONER MS MONAGHAN: Ms Hewitt. 9 MS HEWITT: As I say, I will not be very much longer but 10 I wonder if I may go back to the beginning because it is 11 an important matter. What I want to ask you and be 12 clear about, Mr Tribelnig, is that -- through the course 13 of your control and restraint of Mr Mubenga, to clarify 14 with you what you saw your options to be at each stage. 15 So before the break we had reached the point where, 16 after the initial part, you had placed handcuffs on him? 17 A. Yes. 18 Q. You have been asked in your evidence then, therefore, 19 about what should happen next, your options at that 20 point, as to what you could do with Mr Mubenga having 21 handcuffed him. Can I ask you this: was there anywhere 22 on the plane, other than a seat, where you could take 23 him or keep him securely? 24 A. Not really. I mean, there was potential for the rear 25 galley, but, with crew and stuff moving around in there,</p> <p style="text-align: center;">Page 162</p>	<p>1 A. I don't believe so, no. 2 Q. But you adapt, do you, and do your best with the 3 techniques that you have been given? Is that what it 4 comes down to? 5 A. Yes. 6 Q. Having reached the stage then when Mr Mubenga was in his 7 seat and handcuffed with his hands behind his back, can 8 I ask you to be clear about this: what did you 9 understand your options and your training to be in 10 relation to the handcuffing? 11 A. My options were, I was led to believe is to try to calm 12 the situation down in order so that we can move the 13 handcuffs from the rear to the front. 14 Q. Calming the situation down, what options do you have 15 there and what, if anything, did you do to try and keep 16 him? 17 A. There were verbal communication. I was constantly 18 trying to talk to him, asking him, up to the point of 19 pretty much begging him, to calm down. 20 Q. Did you, during the course of this, see any stage at 21 which you thought there was an opportunity to move his 22 handcuffs to the front? 23 A. No. 24 Q. What would moving a detainee's handcuffs from the back 25 to the front, in his seat, involve?</p> <p style="text-align: center;">Page 164</p>

1 **A. It would release of the handcuffs and then bringing the**
 2 **arms from the rear back round to be placed in the front.**
 3 Q. So what, in broad terms, would you expect to see from
 4 the situation before you thought it was safe to take
 5 that step?
 6 **A. Lack of aggressive movement. Some sort of**
 7 **acknowledgement from him that he was going to be calming**
 8 **down, so that we could move the handcuffs.**
 9 Q. Did you ever reach that stage?
 10 **A. No.**
 11 Q. You have been asked about the period of time that the
 12 restraint in the seat went on. I think Mr Blaxland
 13 suggested to you that it was, as he put it, incumbent on
 14 you to ensure that the restraint did not go on for too
 15 long.
 16 **A. Yes.**
 17 Q. When it comes to the length of time a restraint goes on,
 18 again, from your training and guidance, is that taught
 19 to you in actual periods of time? In other words,
 20 a restraint should never be for more than 15 minutes,
 21 30-minute, 1 hour?
 22 **A. No.**
 23 Q. From your previous experience in October 2010, what sort
 24 of periods of time had you known restraints to last for?
 25 **A. I've known restraints for hours.**

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1 DEPUTY CORONER MS MONAGHAN: In a seated position?
 2 **A. In a seated position.**
 3 DEPUTY CORONER MS MONAGHAN: For hours in a seated position?
 4 **A. Not necessarily in a rear stack position, but in**
 5 **a seated position.**
 6 DEPUTY CORONER MS MONAGHAN: So on a plane?
 7 **A. Yeah. I have actually travelled all the way to the**
 8 **China with a man in handcuffs before because he refused**
 9 **to comply.**
 10 DEPUTY CORONER MS MONAGHAN: When you say it was in
 11 restraint, does that mean that there was some other hold
 12 or just the handcuffs?
 13 **A. The handcuffs with the gentleman holding on to his arms.**
 14 DEPUTY CORONER MS MONAGHAN: Have you ever held anybody in
 15 restraint for a similar period with handcuffs behind
 16 their back in a seated position?
 17 **A. I can't remember.**
 18 DEPUTY CORONER MS MONAGHAN: Thank you.
 19 MS HEWITT: The last but one point by the learned coroner,
 20 about whether that would also include guards having
 21 hands on the person being restrained. Can I ask you
 22 a little bit more about that because you were asked
 23 whether it was an option simply to step away from
 24 Mr Mubenga once he was in the seat with the seat belt
 25 on. Again, as far as your training goes, was it

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1 an option to you, as team leader, to tell the other two
 2 officers to step away?
 3 **A. We're never trained to step away.**
 4 Q. Again, the reason for that, as you understand it?
 5 **A. The reason, as I understand it, is to ensure that we**
 6 **protect or look after the detainee as much as possible,**
 7 **prevent himself from thrashing himself around.**
 8 Q. Your voice is dropping a bit.
 9 **A. Sorry, to prevent the detainee from thrashing around to**
 10 **cause himself any further injury.**
 11 Q. I said all of these options I was asking you about were
 12 if the deportation was to go ahead. On the question of
 13 whether a deportation should be abandoned at the
 14 decision of the detention and custody officers -- so not
 15 order of the court or the captain of the plane. Again,
 16 as far as your training was concerned, were you given
 17 any rules or guidance as to, first of all, the sorts of
 18 circumstances in which you ought to start to consider
 19 abandoning the deportation?
 20 **A. No. I've never seen a deportation terminated by the**
 21 **escorts.**
 22 Q. I understand you have said already you haven't seen it
 23 happen. If you go back to your training, what I am
 24 asking you is whether you had actually been given any
 25 express rules, or even just general guidance, about the

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1 circumstances in which you ought to consider it?
 2 **A. I don't think so, no.**
 3 Q. Or when it should definitely happen, abandoned?
 4 **A. No.**
 5 Q. As far as your expectation at the time in relation to
 6 the length of time the restraint would last, did you,
 7 when you were dealing with this situation, have
 8 an expectation as to when it might be possible to stop
 9 the restraint; in other words, when the situation might
 10 calm down?
 11 **A. My expectation was that we would calm him down enough**
 12 **before we got anywhere near the runway to be able to**
 13 **move the handcuffs from the rear to the front and**
 14 **obviously --**
 15 Q. Why did you expect that to be the case?
 16 **A. At that point we thought he'd resigned himself to the**
 17 **fact he was actually leaving.**
 18 Q. Keep your voice up.
 19 **A. Sorry.**
 20 DEPUTY CORONER MS MONAGHAN: Did you hear that, members of
 21 the jury?
 22 MS HEWITT: Where did that expectation come from, previous
 23 instance or --
 24 **A. Yeah, previous experience, yes.**
 25 Q. The flight I think was due to take off at 8 o'clock, is

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<p>1 that right?</p> <p>2 A. I can't remember now.</p> <p>3 Q. We'll hear other evidence about that. The last few</p> <p>4 questions then therefore. Once Mr Mubenga became</p> <p>5 unresponsive, you have given evidence already about your</p> <p>6 thinking and first aid matters. What has been mentioned</p> <p>7 in the course of that is the possibility of feigning,</p> <p>8 a deportee feigning or faking illness. Is that</p> <p>9 something that you had ever known to happen before</p> <p>10 12 October 2010?</p> <p>11 A. I have seen people faking it, yes.</p> <p>12 MS HEWITT: Final question --</p> <p>13 DEPUTY CORONER MS MONAGHAN: Before you do, Ms Hewitt, but</p> <p>14 to pick up on that. How common was it?</p> <p>15 A. As I think I mentioned before, things generally tend to</p> <p>16 go in fits and starts.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Fits and starts?</p> <p>18 A. I couldn't give an exact rundown on how common.</p> <p>19 DEPUTY CORONER MS MONAGHAN: You did say that. How would</p> <p>20 you be able to tell the difference between what's a fake</p> <p>21 and what's real?</p> <p>22 A. Just by speaking to the guy, you would get some sort of</p> <p>23 response from him one way or the other.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Thank you, Ms Hewitt. I think</p> <p>25 we dealt with this yesterday. Thank you.</p> <p style="text-align: center;">Page 169</p>	<p>1 MS HEWITT: Can you give me one moment, madam.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Certainly.</p> <p>3 MS HEWITT: I think that covers everything, madam.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Thank you very much.</p> <p>5 MS HEWITT: Thank you.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Can this witness be released</p> <p>7 then? Yes. Thank you very much, Mr Tribelnig. That's</p> <p>8 the end of your evidence. You're free to leave or to</p> <p>9 stay as you wish, but you are formally released.</p> <p>10 A. Thank you, ma'am.</p> <p>11 (The witness withdrew)</p> <p>12 DEPUTY CORONER MS MONAGHAN: Are we happy to start</p> <p>13 Mr Hughes? There is no difficulty with starting</p> <p>14 Mr Hughes now? Is he here? Mr Hughes.</p> <p>15 MS HEWITT: He's not in court, but he's in the building.</p> <p>16 I hope he's waiting outside. He's ready.</p> <p>17 DEPUTY CORONER MS MONAGHAN: I don't think we'll get very</p> <p>18 far, but I can do some of his background so we at least</p> <p>19 can cover that before the morning.</p> <p>20 MR TERENCE HUGHES (sworn)</p> <p>21 Examined by THE CORONER</p> <p>22 DEPUTY CORONER MS MONAGHAN: Can you give us your full</p> <p>23 a name, please?</p> <p>24 A. It's Terence Hughes, Ma'am.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Mr Hughes, I am going to start</p> <p style="text-align: center;">Page 171</p>
<p>1 MS HEWITT: The final couple of questions from me. After</p> <p>2 the event, we have heard you were taken to the police</p> <p>3 station in the early hours of the morning, straight</p> <p>4 after the incident. Can you remember now when it was,</p> <p>5 after leaving the plane, that you learned that</p> <p>6 Mr Mubenga had died?</p> <p>7 A. I think we were sat in the police station at the time.</p> <p>8 Q. That evening, before you were allowed to leave?</p> <p>9 A. Before we left, yes.</p> <p>10 Q. We have heard already that management staff from G4S</p> <p>11 came to the police station and indeed made the</p> <p>12 arrangements for you to go to a hotel to stay that</p> <p>13 night.</p> <p>14 A. That's correct, yes.</p> <p>15 Q. Your clothes, I think, had been taken from you as part</p> <p>16 of the police investigation?</p> <p>17 A. Yes.</p> <p>18 Q. Jan Beattie, I think we have heard her name, for</p> <p>19 example, did she bring you some new clothes to wear?</p> <p>20 A. I think they nipped off to one of local superstores to</p> <p>21 get us up something to wear.</p> <p>22 Q. She and others at G4S made the arrangements for where</p> <p>23 you could stay, by this time in the early hours of the</p> <p>24 morning?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 170</p>	<p>1 by asking a few questions about your background and your</p> <p>2 employment history. Can you tell us first, please, when</p> <p>3 you first became a DCO?</p> <p>4 A. August 2002.</p> <p>5 DEPUTY CORONER MS MONAGHAN: At that stage, who were you</p> <p>6 employed by?</p> <p>7 A. Loss Prevention International, LPI.</p> <p>8 DEPUTY CORONER MS MONAGHAN: Can you just tell us firstly</p> <p>9 how you got that job?</p> <p>10 A. It was through an ex-naval rating that I knew. He was</p> <p>11 doing it and I was a milkman at the time.</p> <p>12 DEPUTY CORONER MS MONAGHAN: He put you in touch with them?</p> <p>13 A. He said to me that there were going to be employing</p> <p>14 people in this line of work and would I fancy it.</p> <p>15 DEPUTY CORONER MS MONAGHAN: Just before I come to what</p> <p>16 happened then, can you tell us -- you have told us you</p> <p>17 were milkman before that. Can you tell us something</p> <p>18 more about your employment history. Had you done any</p> <p>19 sort of work that was like a DCO job?</p> <p>20 A. No, I served in the Royal Navy between 1977 and 2001,</p> <p>21 just short of 24 years in the navy.</p> <p>22 DEPUTY CORONER MS MONAGHAN: What was your job then?</p> <p>23 A. I was a missile man, a gunnery rating. Then, on</p> <p>24 completion of that, I become a civil engineer for</p> <p>25 approximately six or eight months and my boss at the</p> <p style="text-align: center;">Page 172</p>

1 **time ripped us all off. He went missing with all the**
 2 **money and I managed to get myself a job as a milkman.**
 3 DEPUTY CORONER MS MONAGHAN: That was presumably for
 4 a fairly short time before you took up work with LPI?
 5 **A. Yes, approximately six months I was doing that job for.**
 6 DEPUTY CORONER MS MONAGHAN: When you found employment with
 7 LPI, can you tell us something about the recruitment
 8 process?
 9 **A. Yeah. The recruiting day that we went to, it was on**
 10 **a Sunday. We went up to Aldershot to the office and we**
 11 **were given various scenarios. They did checks on us.**
 12 **They were asking us questions about our feelings towards**
 13 **immigrants in general. It was just basically getting**
 14 **a grasp of the job that we were being offered and you**
 15 **had to put forward scenarios that you've been involved**
 16 **in in the past year. Oh, grief, I can't remember.**
 17 DEPUTY CORONER MS MONAGHAN: Perhaps I can help you. I know
 18 it's quite a long time ago now. You had your day which
 19 was on a Sunday?
 20 **A. Yes.**
 21 DEPUTY CORONER MS MONAGHAN: Was that a sort of interview or
 22 did you have to have an interview after that?
 23 **A. The whole day was interview-based and then part of that**
 24 **day I had to go for a one-on-one with one of the senior**
 25 **members of the company and he asked me some indepth**

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1 **questions with reference to how I felt about the job**
 2 **that may be offered to me at the end of the day.**
 3 DEPUTY CORONER MS MONAGHAN: That included asking you how
 4 you felt about immigrants or immigration in general?
 5 **A. Yes, it did.**
 6 DEPUTY CORONER MS MONAGHAN: What did you say about that?
 7 **A. I said I've got no problems at all with anyone trying to**
 8 **better their life.**
 9 DEPUTY CORONER MS MONAGHAN: When were you told that you
 10 were going to be offered a job formally with them?
 11 **A. At the end of the day we were told that we'd be -- if we**
 12 **were going to be offered a job, they would contact us**
 13 **within 24 to 48 hours. Presumably for the director and**
 14 **the members of his company to have a chat about all of**
 15 **us, and I was offered a job that evening.**
 16 DEPUTY CORONER MS MONAGHAN: So you were offered a job on
 17 the same evening --
 18 **A. As the assessment day, yeah.**
 19 DEPUTY CORONER MS MONAGHAN: Did you have to undertake any
 20 training after that before you were sent off to
 21 undertake the task that you were employed to do?
 22 **A. Yes, yes. Various training packages were put in place**
 23 **for us, the first aid at work. We had to do a C&R**
 24 **course.**
 25 DEPUTY CORONER MS MONAGHAN: That's control and restraint?

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1 **A. Control and restraint. We had to do a quick cuff day**
 2 **and I used the rigid bars. We had to do driver training**
 3 **in the various vehicles we were using.**
 4 DEPUTY CORONER MS MONAGHAN: Let's break that down a little
 5 bit, if you can. The first aid training, how long did
 6 that last?
 7 **A. I think it was about a week.**
 8 DEPUTY CORONER MS MONAGHAN: The control and restraint?
 9 **A. The same again, approximately a week.**
 10 DEPUTY CORONER MS MONAGHAN: The cuff -- that was a day?
 11 **A. That was a day.**
 12 DEPUTY CORONER MS MONAGHAN: The driver training?
 13 **A. It was over two to three days for the various vehicles,**
 14 **the vans, the cars. And then we on top of that had to**
 15 **do airside training as well at Stansted, Heathrow and**
 16 **Gatwick to get our airside driving qualifications.**
 17 DEPUTY CORONER MS MONAGHAN: So this whole process took
 18 approximately?
 19 **A. Oh, good grief, six to eight weeks.**
 20 DEPUTY CORONER MS MONAGHAN: Six to eight weeks?
 21 **A. Yes.**
 22 DEPUTY CORONER MS MONAGHAN: Did you start work immediately
 23 after that?
 24 **A. It was -- it was within about three or four days of**
 25 **that, yes.**

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1 DEPUTY CORONER MS MONAGHAN: You hadn't presumably
 2 undertaken any DCO role before then?
 3 **A. No.**
 4 DEPUTY CORONER MS MONAGHAN: They didn't let you do --
 5 **A. No, we weren't allowed.**
 6 DEPUTY CORONER MS MONAGHAN: Was there some sort of
 7 an accreditation process?
 8 **A. Yeah, we had to fill in a CRB check form, enhanced CRB.**
 9 **We couldn't get the licence from UKBA, I believe it is,**
 10 **until that had come back.**
 11 DEPUTY CORONER MS MONAGHAN: When you got the licence, that
 12 was the -- I think we have heard it described as
 13 accreditation which allowed you to perform certain
 14 functions that ordinary people don't have the power to
 15 do?
 16 **A. Yes.**
 17 DEPUTY CORONER MS MONAGHAN: Like search?
 18 **A. Yes.**
 19 DEPUTY CORONER MS MONAGHAN: And detain people?
 20 **A. Yes.**
 21 DEPUTY CORONER MS MONAGHAN: At that stage, you're still
 22 employed by LPI. What was the basis of your employment?
 23 Did you have a contract of employment, paid every week
 24 or how did it work?
 25 **A. Yeah, I had a retainer in them days. Do you want to**

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<p>1 know how much it was?</p> <p>2 DEPUTY CORONER MS MONAGHAN: Yes, please.</p> <p>3 A. It was £996 a month and we were paid approximately £3.40</p> <p>4 an hour.</p> <p>5 DEPUTY CORONER MS MONAGHAN: Was that your only income at</p> <p>6 that time?</p> <p>7 A. No, because I'd done my 22 years in the navy, man time,</p> <p>8 I got my naval pension.</p> <p>9 DEPUTY CORONER MS MONAGHAN: Can you tell us how much that</p> <p>10 is?</p> <p>11 A. After tax then it was £470 a month.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Just to give us an idea,</p> <p>13 because that was some time ago, what is it now?</p> <p>14 A. It's now £290 a month.</p> <p>15 DEPUTY CORONER MS MONAGHAN: It has gone down?</p> <p>16 A. Because of my earnings within this job now and paying</p> <p>17 40 per cent tax on that, because I'm earning over</p> <p>18 £32,000 a year.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Okay. So at that stage you're</p> <p>20 paid a retainer. You're employed by LPI?</p> <p>21 A. Yes.</p> <p>22 DEPUTY CORONER MS MONAGHAN: And when you're working for</p> <p>23 them are you undertaking escorting duties?</p> <p>24 A. It was escorting duties, driving duties. We had</p> <p>25 something in place then called a floating DCO,</p> <p style="text-align: center;">Page 177</p>	<p>1 DEPUTY CORONER MS MONAGHAN: What happened then?</p> <p>2 A. Devastated.</p> <p>3 DEPUTY CORONER MS MONAGHAN: I am sure it must have been</p> <p>4 terribly shocking, and I don't mean to any sense</p> <p>5 trivialise that, but did you continue employment with</p> <p>6 somebody else as a DCO or were you unemployed?</p> <p>7 A. No, I was unemployed.</p> <p>8 DEPUTY CORONER MS MONAGHAN: How long were you unemployed</p> <p>9 for?</p> <p>10 A. Approximately two months, two and a half months.</p> <p>11 DEPUTY CORONER MS MONAGHAN: Did another DCO opportunity</p> <p>12 then arise?</p> <p>13 A. LPI contacted me and said that the work was picking up</p> <p>14 again because the company that had won the contract,</p> <p>15 they were having trouble fulfilling it. They didn't</p> <p>16 have enough manpower and LPI were given more jobs, so</p> <p>17 they needed more people.</p> <p>18 DEPUTY CORONER MS MONAGHAN: So you went back to work with</p> <p>19 LPI?</p> <p>20 A. Yes, I did.</p> <p>21 DEPUTY CORONER MS MONAGHAN: After a break of a couple of</p> <p>22 months?</p> <p>23 A. Yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Was the work exactly as it had</p> <p>25 been before or did it change?</p> <p style="text-align: center;">Page 179</p>
<p>1 a detainee custody officer, at the airport with</p> <p>2 a vehicle in case any teams on the ground got stuck in</p> <p>3 traffic or they were going to be late for whatever</p> <p>4 reason. Then we had someone at the airport to help them</p> <p>5 out, collect travel documents.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Right. But you undertook</p> <p>7 escorting duties as well?</p> <p>8 A. Yes, I did.</p> <p>9 DEPUTY CORONER MS MONAGHAN: That was overseas escorting?</p> <p>10 A. Overseas and in country.</p> <p>11 DEPUTY CORONER MS MONAGHAN: At some point your employment</p> <p>12 with LPI came to an end, I understand?</p> <p>13 A. Yes, it did.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened</p> <p>15 then?</p> <p>16 A. LPI lost the contracts in -- we were given a month's</p> <p>17 notice in July of 2003 and on that day the whole company</p> <p>18 were called up to Aldershot for two meetings in a hotel.</p> <p>19 The first group went in, had their meeting, and then our</p> <p>20 group in, about 45 people, and we were told that we'd</p> <p>21 got a month's notice because, the loss of contract, they</p> <p>22 don't need 80-odd people any more.</p> <p>23 DEPUTY CORONER MS MONAGHAN: You had been there about a year</p> <p>24 by this time?</p> <p>25 A. One day short of a year, yeah.</p> <p style="text-align: center;">Page 178</p>	<p>1 A. No, it was exactly the same.</p> <p>2 DEPUTY CORONER MS MONAGHAN: You were performing exactly the</p> <p>3 same functions?</p> <p>4 A. Exactly the same functions.</p> <p>5 DEPUTY CORONER MS MONAGHAN: Still employed by LPI?</p> <p>6 A. Yes.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Were you still on a retainer?</p> <p>8 A. No. We went back on a paid by the hour because we</p> <p>9 weren't actually full-time -- I was only being used</p> <p>10 part-time when we first went back.</p> <p>11 DEPUTY CORONER MS MONAGHAN: So does that mean that you were</p> <p>12 only paid for the hours that you worked?</p> <p>13 A. Yes, that's right.</p> <p>14 DEPUTY CORONER MS MONAGHAN: There wasn't any basic monthly</p> <p>15 pay you relied upon?</p> <p>16 A. No, there was no retainer, just the hourly rate.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Just the hourly rate.</p> <p>18 Sometimes called a zero hours contract, I think?</p> <p>19 A. Yes. Yeah, that's what it's called nowadays.</p> <p>20 DEPUTY CORONER MS MONAGHAN: Did you need any fresh</p> <p>21 accreditation or did your licence just continue?</p> <p>22 A. It was still in date. I still continued.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Did you have any further</p> <p>24 training at that stage?</p> <p>25 A. No. I was still in date for all my various</p> <p style="text-align: center;">Page 180</p>

<p>1 accreditations.</p> <p>2 DEPUTY CORONER MS MONAGHAN: How long did you continue in</p> <p>3 employment with LPI after that?</p> <p>4 A. I think it was about another year and a half. Year and</p> <p>5 a half, two years, just short of two years.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Then what happened?</p> <p>7 A. Then Securicor -- LPI ceased to trade and we were TUPE'd</p> <p>8 across to Securicor.</p> <p>9 DEPUTY CORONER MS MONAGHAN: TUPE'd across means that you</p> <p>10 were automatically employed by Securicor?</p> <p>11 A. Transferred straight across.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Because LPI lost the contract,</p> <p>13 Securicor won it presumably?</p> <p>14 A. Yes.</p> <p>15 DEPUTY CORONER MS MONAGHAN: When you commenced work with</p> <p>16 Securicor, were you employed on a retainer basis or on</p> <p>17 a zero hours contract?</p> <p>18 A. I TUPE'd on the zero hours contract.</p> <p>19 DEPUTY CORONER MS MONAGHAN: And you continued to be</p> <p>20 employed on that basis?</p> <p>21 A. Yes, I was.</p> <p>22 DEPUTY CORONER MS MONAGHAN: No break in your employment?</p> <p>23 A. No break in the employment.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Did you get any further</p> <p>25 training with Securicor?</p> <p style="text-align: center;">Page 181</p>	<p>1 I live, back down Aldershot way, Bagshott. And my old</p> <p>2 boss asked me if I'd like to go down and join them down</p> <p>3 there, and I jumped at the chance.</p> <p>4 DEPUTY CORONER MS MONAGHAN: So you went to work at ITA?</p> <p>5 A. ITA.</p> <p>6 DEPUTY CORONER MS MONAGHAN: In about 2006?</p> <p>7 A. Yes, it was.</p> <p>8 DEPUTY CORONER MS MONAGHAN: By that stage were you still</p> <p>9 a DCO or had you -- we know you became an SDCO at some</p> <p>10 point. Were you by that stage a senior custody officer</p> <p>11 or still a DCO?</p> <p>12 A. I think I became an SDCO at ITA. I'm not really sure</p> <p>13 offhand. I can't remember.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Can you tell us what the</p> <p>15 process was for becoming an SDCO?</p> <p>16 A. It was having more knowledge of the airport and the</p> <p>17 various immigration rooms where you pick up travel</p> <p>18 documents. We had to do a couple of days airside to</p> <p>19 learn how to get to the various rooms to pick up travel</p> <p>20 documents, do ticketing. And I was shadowed on a couple</p> <p>21 of occasions by a senior to make sure I was doing the</p> <p>22 job properly. He wouldn't be flying, but he would come</p> <p>23 round the airport with me to make sure I knew what I was</p> <p>24 doing.</p> <p>25 DEPUTY CORONER MS MONAGHAN: So it was more about gathering</p> <p style="text-align: center;">Page 183</p>
<p>1 A. No. We did the continuation training or every</p> <p>2 three years I had a refresher for first aid because</p> <p>3 I was just coming out-of-date for that. So I had</p> <p>4 a first aid refresher in 2005. I can't remember what</p> <p>5 month it was.</p> <p>6 DEPUTY CORONER MS MONAGHAN: What about the control and</p> <p>7 restraint training that you had had in 2002, was there</p> <p>8 any refresher for that?</p> <p>9 A. Every year we had a one day refresher.</p> <p>10 DEPUTY CORONER MS MONAGHAN: One day?</p> <p>11 A. One day.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Where did that refresher take</p> <p>13 place?</p> <p>14 A. It varied. Sometimes it was in Aldershot at the army</p> <p>15 camp. Sometimes -- there was a section up by the</p> <p>16 dentist. There was like a dojo, a training room we used</p> <p>17 there with the mats.</p> <p>18 DEPUTY CORONER MS MONAGHAN: I'll come back to what your</p> <p>19 training was. To follow that through, you worked at</p> <p>20 Securicor for how long?</p> <p>21 A. Approximately 11 months, 10, 11 months.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Then what happened?</p> <p>23 A. All our managers and a lot of our staff from the old</p> <p>24 days at LPI, there were starting up a new company called</p> <p>25 ITA and they were based closer to Portsmouth where</p> <p style="text-align: center;">Page 182</p>	<p>1 experience of the process, was it?</p> <p>2 A. Yes, it was.</p> <p>3 DEPUTY CORONER MS MONAGHAN: You didn't have to undertake</p> <p>4 any special training?</p> <p>5 A. No.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Or assessment?</p> <p>7 A. No.</p> <p>8 DEPUTY CORONER MS MONAGHAN: So you then went to work for</p> <p>9 ITA. Did you have any additional training with them?</p> <p>10 A. No, not at all.</p> <p>11 DEPUTY CORONER MS MONAGHAN: What happened then?</p> <p>12 A. We were there for the same again, I think about two, two</p> <p>13 and a half years before they went into liquidation.</p> <p>14 It's a big story to do with the owners there and the</p> <p>15 company collapsed.</p> <p>16 DEPUTY CORONER MS MONAGHAN: What happened then?</p> <p>17 A. Then we were approached by G4S, because Securicor had</p> <p>18 joined up with Group 4 and became G4S, and a couple of</p> <p>19 the managers from G4S approached us. They knew that we</p> <p>20 were going to be out of work and offered us a job.</p> <p>21 DEPUTY CORONER MS MONAGHAN: You worked at G4S then until</p> <p>22 the events we're concerned with?</p> <p>23 A. Yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: That presumably was still on</p> <p>25 a zero hours contract, was it?</p> <p style="text-align: center;">Page 184</p>

1 **A. Yes, it was.**
 2 DEPUTY CORONER MS MONAGHAN: So only paid for the hours that
 3 you did?
 4 **A. Yes, ma'am.**
 5 DEPUTY CORONER MS MONAGHAN: At that stage, were your duties
 6 principally overseas escorting or other roles?
 7 **A. No, we did in country driving, transferring from**
 8 **detention centre to detention centre, picking up at**
 9 **centres, delivering to the airport for other teams,**
 10 **hospital watches.**
 11 DEPUTY CORONER MS MONAGHAN: So a variety?
 12 **A. A variety of different jobs, yes.**
 13 DEPUTY CORONER MS MONAGHAN: Can I come then first of all to
 14 the training you had originally when you started in
 15 2002. You told us that you had control and restraint
 16 training and first aid training?
 17 **A. Yes.**
 18 DEPUTY CORONER MS MONAGHAN: Firstly, as to the control and
 19 restraint, how was that delivered? Was it
 20 presentations, lectures? How did that work?
 21 **A. It was presentations, lectures, hands-on in**
 22 **a gymnasium-type room, learning the different techniques**
 23 **for handcuffing.**
 24 DEPUTY CORONER MS MONAGHAN: Handcuffing?
 25 **A. Yes.**

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1 DEPUTY CORONER MS MONAGHAN: And other forms of restraint?
 2 **A. Yeah, break away techniques, pain compliance.**
 3 DEPUTY CORONER MS MONAGHAN: Holds, were you taught about
 4 holds?
 5 **A. Various holds, yes.**
 6 DEPUTY CORONER MS MONAGHAN: I'll come back to some of the
 7 particular techniques then in a moment as we go through
 8 it. Were you told or given any guidance as to the
 9 circumstances in which force could be used?
 10 **A. We only use force when necessary as a last resort.**
 11 DEPUTY CORONER MS MONAGHAN: Right. Were you told anything
 12 else about, for example, how much force could be used if
 13 it was necessary to use force?
 14 **A. You only used the bare minimum force on any situation.**
 15 DEPUTY CORONER MS MONAGHAN: Were you told what the
 16 consequences might be of using force outside those
 17 circumstances?
 18 **A. I don't know if I was told or not, but you don't -- you**
 19 **don't go outside them guidelines anyway.**
 20 DEPUTY CORONER MS MONAGHAN: Were you told what would happen
 21 if you did?
 22 **A. I can't remember being told, but I know that people had**
 23 **been disciplined and sacked through going above and**
 24 **beyond what their duty required of them.**
 25 DEPUTY CORONER MS MONAGHAN: When you say "going above and

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1 beyond what their duty required of them", do you mean
 2 for using force in circumstances where it wasn't
 3 permitted?
 4 **A. No, it was the language that an officer used in one job.**
 5 DEPUTY CORONER MS MONAGHAN: What was that?
 6 **A. He swore at a detainee in the presence of an immigration**
 7 **officer.**
 8 DEPUTY CORONER MS MONAGHAN: Do you know the words he used?
 9 **A. Yes, I do.**
 10 DEPUTY CORONER MS MONAGHAN: Can you tell us?
 11 **A. He said, "You're fucking going."**
 12 DEPUTY CORONER MS MONAGHAN: He was dismissed for that?
 13 **A. He was dismissed for that.**
 14 DEPUTY CORONER MS MONAGHAN: You have told us about the fact
 15 that people could be disciplined and dismissed. Are you
 16 aware of any circumstances where a DCO was dismissed or
 17 disciplined for using force in circumstances where it
 18 wasn't permitted?
 19 **A. No.**
 20 DEPUTY CORONER MS MONAGHAN: Just so I am clear then -- I'm
 21 sorry to press you on this, Mr Hughes, but it may be
 22 important. You haven't been able to give us an example
 23 of when somebody was disciplined or dismissed for using
 24 force when they ought not to have. Did you understand
 25 what could happen to you if you did use force when it

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1 wasn't permitted?
 2 **A. Yes.**
 3 DEPUTY CORONER MS MONAGHAN: What was that?
 4 **A. We would be disciplined and possibly sacked, depending**
 5 **on the severity of the a situation.**
 6 DEPUTY CORONER MS MONAGHAN: Did you know that it could be
 7 criminal to use force when it wasn't permitted by the
 8 rules?
 9 **A. Yes, I did.**
 10 DEPUTY CORONER MS MONAGHAN: Was that made clear to you or
 11 did you just know that as a matter of common knowledge?
 12 **A. No, in one of the courses we were shown paperwork and**
 13 **I can't remember which books they referred to about the**
 14 **Prison Services and the rules and law dealing with the**
 15 **type of environment that we work in.**
 16 DEPUTY CORONER MS MONAGHAN: And they --
 17 **A. You don't cross them thresholds.**
 18 DEPUTY CORONER MS MONAGHAN: It was made clear to you that
 19 that could be criminal?
 20 **A. Yes, it was.**
 21 DEPUTY CORONER MS MONAGHAN: I'm going to come to the
 22 particular forms of training that you had, but I think
 23 I'll do this tomorrow morning because I don't want to
 24 break up the flow immediately. Just in general terms
 25 for the moment, when you joined G4S, or when G4S took

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1 over your employment, did you have any immediate
 2 training or was it just the ordinary refresher training
 3 carrying on in the usual way?
 4 **A. Just the refresher training.**
 5 DEPUTY CORONER MS MONAGHAN: No fresh training immediately?
 6 **A. No. No, I was still in date.**
 7 DEPUTY CORONER MS MONAGHAN: Did you become aware of any
 8 different policies in place for G4S as compared to ITA,
 9 Securicor and IPL?
 10 **A. LPI. No, I wasn't made aware of any different laws or**
 11 **rules.**
 12 DEPUTY CORONER MS MONAGHAN: So, so far as you were
 13 concerned, things just carried on as they had always
 14 been?
 15 **A. Yes.**
 16 DEPUTY CORONER MS MONAGHAN: I think I'm going to come to
 17 the training tomorrow morning because I don't want to
 18 start what might be an important line of questioning.
 19 That does mean you have been the witness box for a very
 20 short time, but I'm suggesting we stop now. The reason
 21 I'm suggesting we stop now is because I want to get into
 22 the detail of your training tomorrow and don't just want
 23 to start and have to stop immediately.
 24 So you have been in the witness box for a short
 25 time, but you'll understand, I hope, why that is.

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26 I'll let the jury go now.

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1 **A. Yes, I do.**
 2 DEPUTY CORONER MS MONAGHAN: It was importance for us to get
 3 something of your background before we get down to the
 4 detail. So we're going to stop now with your evidence.
 5 Mr Hughes, I have said this to all the witnesses so
 6 you're not being treated in any way differently.
 7 Because you're giving evidence, it means you mustn't
 8 discuss this case or your evidence with anybody
 9 overnight. Is that clear?
 10 **A. I understand.**
 11 DEPUTY CORONER MS MONAGHAN: No discussion of the evidence
 12 while you are giving it to us. Thank you very much.
 13 We'll stop now for the moment. Ms Hewitt, did you
 14 want to say something?
 15 MS HEWITT: I am wondering about the starting time, given
 16 what there is to get through tomorrow.
 17 DEPUTY CORONER MS MONAGHAN: Would there be any difficulties
 18 starting at 9.30 tomorrow? We will try and start at
 19 9.30 tomorrow. If you could be ready for a 9.30 start,
 20 I'd really appreciate it. I can tell you that towards
 21 the end of next week it is going to get into a rhythm
 22 and we're not going to be quite so busy and you then
 23 have a Bank Holiday weekend. So I hope you will get the
 24 opportunity to have a bit of a rest. It's just the
 25 first bit we're struggling to get through.

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