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Wednesday, 29 May 2013

(In the presence of the jury)

DEPUTY CORONER MS MONAGHAN: Thank you very much. Can we have then Mr Fenech-Soler. Thank you.

(The witness returned)

MR MICHAEL FENECH-SOLER (continued)

Examined by THE CORONER (continued)

DEPUTY CORONER MS MONAGHAN: Sorry to have kept you, but I'm hoping we'll have saved a little time by the discussions we have had.

Just to pick up then where we left off, please. You told us that the guards had given you some reassurance about Mr Mubenga.

A. That's correct.

DEPUTY CORONER MS MONAGHAN: You then get back on the plane presumably or get on to the plane. What happens next?

A. Well, we go through all our pre-start procedures. Basically setting up various systems and doing performance calculations for the take-off, whereas my co-pilot who was going to be flying the aeroplane, he's loading the route and other things. Then we get

1 together and discuss it all basically.

2 DEPUTY CORONER MS MONAGHAN: The three of you?

3 A. Yeah.

4 DEPUTY CORONER MS MONAGHAN: Okay. Mr Mubenga boards at

5 some point, does he?

6 A. Yes. I think it was Mr Walsham who phoned me to say

7 that he had been -- he was boarded and that if I was

8 happy, we could start the main boarding.

9 DEPUTY CORONER MS MONAGHAN: Did you agree to that?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: So the main boarding was

12 happening. Then what happens next so far as you're

13 concerned?

14 A. I get another phone call to say that there's been a bit

15 of a disturbance, that Mr Mubenga has created a bit of

16 a furore, and so he's stopped the boarding and he's

17 moved passengers away from the rear of the aircraft.

18 DEPUTY CORONER MS MONAGHAN: This is Mr Walsham telling you

19 this?

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: Can you remember, so far as you

22 can -- I think you have had opportunity to refresh your

23 memory from your statements, have you?

24 A. Yes, correct.

25 DEPUTY CORONER MS MONAGHAN: Are you able to help us with

1 what Mr Walsham said to you at that stage?

2 A. Well, unless I can have another read of my statement.

3 I don't think I was specific.

4 DEPUTY CORONER MS MONAGHAN: Have a look at your statement.

5 You're certainly perfectly -- it is page 31. Would you

6 mind giving Mr Fenech-Soler blue volume 4. It's the

7 first substantive paragraph, page 31.

8 A. Yeah, that's exactly what he said.

9 DEPUTY CORONER MS MONAGHAN: So we're looking at page 31?

10 A. I'm looking at page 30 at the bottom, about 10 to

11 15 minutes later, the last paragraph.

12 DEPUTY CORONER MS MONAGHAN: I see, attempting

13 restraining -- that's exactly what he said, and you

14 remember that now?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: So that's your first telephone

17 call with him?

18 A. Correct.

19 DEPUTY CORONER MS MONAGHAN: So he's informing you of what

20 has happened?

21 A. Correct.

22 DEPUTY CORONER MS MONAGHAN: Commotion, fuss, restraint,

23 passengers being moved?

24 A. Yes.

25 DEPUTY CORONER MS MONAGHAN: Then is that the end of that

1 telephone call?

2 A. Yes, it is. He said he would go back and find out and
3 give me an update.

4 DEPUTY CORONER MS MONAGHAN: Did he give you an update?

5 A. Yes, he did. It was literally two minutes later to say
6 that he was back in his seat, he was held down, he was
7 causing a bit of disturbance but the security men
8 assured him that it was under control and that, if I was
9 happy, we could restart boarding.

10 DEPUTY CORONER MS MONAGHAN: What was your response to that?

11 A. I said, "Are you satisfied?" and he said, "Yes", so
12 we -- I said go ahead.

13 DEPUTY CORONER MS MONAGHAN: So, so far as you're aware,
14 boarding recommences?

15 A. Correct, madam, yes.

16 DEPUTY CORONER MS MONAGHAN: Then are you able to tell us
17 what happened then?

18 A. Well, as far as I remember, everything went normally and
19 we were closed up. We called for our push back. There
20 was a delay, I believe there was traffic behind us,
21 something like that, so --

22 DEPUTY CORONER MS MONAGHAN: Push back is when the --

23 A. Because the aeroplane parks nose on to the terminal and
24 we have a tractor that pushes us away. It's in
25 an alleyway, a cul-de-sac if you like, and there's other

1 aircraft going up and down so we have to wait until
2 they're clear. So air traffic said once they have gone
3 past, you can push back.

4 DEPUTY CORONER MS MONAGHAN: When you talk about -- just so
5 we're absolutely clear and the jury is clear and I'm
6 clear -- leaving the stand and push back, are they the
7 same things or different things?

8 A. Yeah, they are the same things. Once the doors close,
9 as Mr Upton said yesterday, we pull the jetty away, the
10 ground crew who are also the tug crew would do some
11 final checks to make sure every door hatch is shut.
12 They then say: right, our checks are complete, you're
13 clear to push back whenever. We then ask air traffic
14 and they give us permission or not as the case may be.

15 DEPUTY CORONER MS MONAGHAN: So you're ready to go so far as
16 you are concerned and I think you said you thought there
17 was a little bit of a delay?

18 A. Yes, I believe there was some traffic behind us that
19 held us up. Once that was clear, then we could push.
20 And we don't normally start our engines on stand, we
21 normally wait until we're moving away from the terminal
22 which is what happened on this occasion. We push back
23 normally. We start the engines normally.

24 DEPUTY CORONER MS MONAGHAN: Pause there, before we get to
25 that stage, if you wouldn't mind. You refer in your

1 statement to technical problems causing delays. Is that
2 the delay you have just described to us?

3 A. No, madam.

4 DEPUTY CORONER MS MONAGHAN: There's something else?

5 A. That occurred once the engines had started.

6 DEPUTY CORONER MS MONAGHAN: So take us through that then.
7 So your push back happens?

8 A. That's correct.

9 DEPUTY CORONER MS MONAGHAN: Then ...?

10 A. They bring it to a halt, they set the parking brake. It
11 takes a while to start the engines. They're pretty big,
12 heavy things. Probably four or five minutes to start
13 both. Various things come online. I seem to remember
14 it was an electrical fault. So we have a central panel
15 that comes up with warnings and a fairly significant
16 warning came up. Bearing in mind that we're going to --
17 our destination didn't have the best maintenance
18 facilities so it's important to look at the implications
19 of that. Is it a good idea to take this problem with
20 us? Because once we get to the other end it probably
21 needed to be fixed. So we decided to sort it out on
22 stand -- not on stand, on our -- once we were waiting
23 for taxi. And we have a radio channel we can call our
24 engineers, the experts, and basically they got us to
25 reset some circuit breakers, basically turn it off and

1 turn it back on again, and that reset it and it all
2 worked.

3 DEPUTY CORONER MS MONAGHAN: Then you continued with your
4 journey?

5 A. Then we asked for clearance to taxi which was given.

6 DEPUTY CORONER MS MONAGHAN: So at that stage, when the
7 technical problems arose, the engines weren't on?

8 A. They were on, madam.

9 DEPUTY CORONER MS MONAGHAN: They were on?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: How far away from the stand
12 were you at that stage?

13 A. 100 yards.

14 DEPUTY CORONER MS MONAGHAN: Just because I don't know
15 anything about aeroplanes I'm afraid. I don't know if
16 the jury does, but how easy or difficult would it have
17 been to get back to the stand at that point?

18 A. It would have been quite simple.

19 DEPUTY CORONER MS MONAGHAN: So you have told us about the
20 discussion with Mr Walsham and the position you had
21 reached at that stage which was, whilst there was still
22 something going on, he was happy with the situation, you
23 were happy, you agreed. You have told us about the
24 steps that followed so far as the plane is concerned.
25 What, if any, further calls did you have with Mr Walsham

1 at that stage?

2 A. Nothing at that stage, madam. It wasn't until we had
3 started taxiing and we had moved beyond our stand,
4 probably a couple of hundred yards, maybe a bit more,
5 I got another phone call on the interphone and it was
6 Mr Walsham again saying that the guards have contacted
7 him to say that they're concerned about the state of
8 Mr Mubenga and I said, "Oh, what's the problem?" He
9 said something to the effect that he was unconscious and
10 not responding and I said, "Is he breathing?" He said,
11 "Well, apparently he has a weak pulse." And I said,
12 "Right, have you thought about PA-ing for a doctor?" He
13 said, "At the moment they say he's breathing", and --
14 but we should go back. So at that point I requested air
15 traffic that we go back to stand or a stand.

16 DEPUTY CORONER MS MONAGHAN: Just so I am clear. By this
17 stage you are about 200 yards away from the stand?

18 A. We have gone beyond it.

19 DEPUTY CORONER MS MONAGHAN: You have gone beyond the stand?

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: By about 200 yards?

22 A. Correct, madam.

23 DEPUTY CORONER MS MONAGHAN: Were the engines on?

24 A. Yes. We were actually moving under our own power by
25 that stage.

1 DEPUTY CORONER MS MONAGHAN: Was this before or after the
2 technical problems that you have described?

3 A. After.

4 DEPUTY CORONER MS MONAGHAN: Just can I ask you to look at
5 your -- you're quite sure about that, are you?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: Can you have a look at page 31
8 of your statement. Just so we get the chronology, which
9 may be very important, very clear, have a look at that
10 paragraph so you can locate yourself.

11 A. Yes. Sorry, you're absolutely right. Yes, Peter did
12 contact me whilst we were dealing with the technical --

13 DEPUTY CORONER MS MONAGHAN: I have to be absolutely clear.
14 The chronology for us could be extremely important. I'm
15 sure you can imagine?

16 A. Absolutely.

17 DEPUTY CORONER MS MONAGHAN: So I need you to be -- think
18 about it if you need to. Reflect on it if you need to.
19 Can you tell me, having refreshed your memory, whether
20 the account you give at page 31 is the accurate one?

21 A. That is the accurate one, madam.

22 MR ANTROBUS: Ma'am, may I also ask, given there's
23 an account at page 35 --

24 DEPUTY CORONER MS MONAGHAN: I was just going to come to
25 that.

1 MR ANTROBUS: Because he refers to a document that might
2 help him in terms of understanding the location.

3 DEPUTY CORONER MS MONAGHAN: That's fine. Thank you. Just
4 bear with me and I'll take you to that. We will follow
5 this up first, so I am again clear about where you were
6 at this stage. So the technical problems you had,
7 I think that was before the engines started?

8 A. They were after the engines had started but we hadn't
9 moved. So the tractor had pushed us back and we'd put
10 our parking brake on.

11 DEPUTY CORONER MS MONAGHAN: That was when you were talking
12 about the 100 yards, were you?

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: So you have told us about that.
15 If you wouldn't mind going to page 35.

16 A. Yes.

17 DEPUTY CORONER MS MONAGHAN: Do we have that map,
18 Mr Antrobus?

19 MR ANTROBUS: Yes.

20 DEPUTY CORONER MS MONAGHAN: Is it the one at 37?

21 MR ANTROBUS: I had interpreted it as being, yes.

22 DEPUTY CORONER MS MONAGHAN: You refer to a map in your
23 statement. Just have a look at page 37 because you may
24 be able to help us with whether or not that was the map
25 you were referring to.

1 A. Hmm, hmm. Correct, yes, madam.

2 DEPUTY CORONER MS MONAGHAN: Now, at page 35, just read
3 through the main paragraph beginning, "Once Carl
4 left ...", if you wouldn't mind. (Pause)

5 A. Yeah.

6 DEPUTY CORONER MS MONAGHAN: So you seem to suggest there as
7 well, if I'm following the chronology -- and, as I say,
8 chronology is important so stop me if I have this wrong.
9 You seem to be suggesting there as well that the
10 conversation with Mr Walsham occurred some time during
11 the technical difficulty time?

12 A. Yeah.

13 DEPUTY CORONER MS MONAGHAN: Is that right?

14 A. That's correct, madam, having thought about it and read
15 this. I maintain that's correct.

16 DEPUTY CORONER MS MONAGHAN: You maintain that's correct.
17 You have a map and it might just -- the jury don't have
18 this. If it becomes important, I'll get it copied for
19 you, but I'll just have a discussion with
20 Mr Fenech-Soler first. You have referred to various
21 positions on the map. Are you able to track for us what
22 you were referring to?

23 A. Yes, madam. The point B is where the tug pushed us back
24 to.

25 DEPUTY CORONER MS MONAGHAN: Can you just point to it on

1 there?

2 A. That one.

3 DEPUTY CORONER MS MONAGHAN: Very close to the A?

4 A. Yes, that's it, madam. It's basically -- we were told

5 to face south. So they would have pushed us on our tail

6 facing north past the stand. So where we're sitting the

7 stand would have been over there.

8 DEPUTY CORONER MS MONAGHAN: Just so I'm clear, "When we

9 pushed pack we moved the tug back, we stopped facing

10 south before mark B", which is the B you've shown us?

11 A. That's right, madam.

12 DEPUTY CORONER MS MONAGHAN: So what is A? Sorry, I have

13 missed what A is.

14 A. No idea. I guess it's a corresponding point.

15 DEPUTY CORONER MS MONAGHAN: That's very helpful. Do you

16 have any observations to make about that? Would you

17 like a moment?

18 MR ANTROBUS: I would, yes.

19 DEPUTY CORONER MS MONAGHAN: Members of the jury, we're

20 going to take a break now. It might be helpful actually

21 have to the map but in any event I just need to deal

22 with a couple of housekeeping matters before we come to

23 some more evidence. I was going to show you the CCTV

24 today, but having had the discussion with the

25 representatives and the police officers we're not going

1 to need to show you that because actually it doesn't
2 tell us any more than Mr Fenech-Soler can. If you just
3 go back to your waiting room. I know it's a bit of
4 an early break, but stretch your legs and have a cup of
5 tea.

25 (10.31 am)

1

(Break taken)

2

(10.43 am)

7

(In the presence of the jury)

8

(The witness returned)

9

DEPUTY CORONER MS MONAGHAN: Thank you very much, members of

10

the jury, sorry to have kept you waiting. Sorry to have

11

kept you waiting, Mr Fenech-Soler.

12

Can we pick up then where we left off, please, in

13

relation to the conversation with Peter Walsham, who is

14

the cabin services director, which, as you told us

15

yesterday was the person with sort of lead

16

responsibility between the cabin and you?

17

A. That's correct, yes.

18

DEPUTY CORONER MS MONAGHAN: He told you that Mr Mubenga was

19

unconscious I think you said, did you?

20

A. He said he appeared to be unconscious.

21

DEPUTY CORONER MS MONAGHAN: I beg your pardon. Did he say

22

anything else to you?

23

A. I said, you know, is he faking it or -- and he said,

24

well -- I said, "Is he breathing?" and he said, "Yes,

25

he's breathing". And I said, "There's no other

1 symptoms?" No. So there was no cause for concern at
2 that point.

3 DEPUTY CORONER MS MONAGHAN: Why did you ask whether he was
4 faking it? What made you think about that question?

5 A. Well, unfortunately experience shows that reluctant
6 deportees try lots of ruses, I think Mr Upton pointed
7 a few out yesterday, to avoid being deported.

8 DEPUTY CORONER MS MONAGHAN: He told you he appeared to be
9 unconscious. Peter said to you, did he, you're sure
10 that he was -- that he was breathing okay?

11 A. Yes.

12 DEPUTY CORONER MS MONAGHAN: You're sure about that?

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: What did you decide to do then?

15 A. Well, I said, you know, "Are you happy to continue?"

16 DEPUTY CORONER MS MONAGHAN: Did you mention calling or
17 tannoying for a doctor?

18 A. I believe I did at some point. Whether it was then
19 or --

20 DEPUTY CORONER MS MONAGHAN: If you want to refresh your
21 memory, it's at page 31 in the first substantive
22 paragraph. We looked at that a little earlier.

23 A. Yes, I did mention it then. I know I mentioned it at
24 some point.

25 DEPUTY CORONER MS MONAGHAN: Looking at that, does it

1 refresh your memory that it was around that time?

2 A. Yes, it does, madam.

3 DEPUTY CORONER MS MONAGHAN: Why would you ask Peter whether

4 he wanted to call or tannoy for a doctor?

5 A. Well, I guess if there was any doubts in his mind, then

6 that would be a sensible thing to do.

7 DEPUTY CORONER MS MONAGHAN: Did you think you had any

8 responsibility for checking the position yourself?

9 A. Well, as I said before, madam, I rely on my crew who are

10 experienced and are probably more experienced in these

11 sort of things than I am myself.

12 DEPUTY CORONER MS MONAGHAN: You understand the warning that

13 you have been advised about. I am going to ask you

14 a question which, if it tends to incriminate you, you

15 needn't answer it, but did you give any consideration to

16 returning to the stand and getting emergency assistance

17 since you were only 100 yards away?

18 A. That's why I had the conversation with him whether he

19 was happy to continue or he thought that it was more

20 serious.

21 DEPUTY CORONER MS MONAGHAN: So in so far this stage of the

22 chronology is concerned, you relied entirely on Peter,

23 did you?

24 A. Correct.

25 DEPUTY CORONER MS MONAGHAN: So your technical problems are

1 sorted and you move off. What happens then?

2 A. Approximately two minutes after we started taxiing, it
3 might have been three, I know it wasn't a huge amount
4 because we were still between the terminal satellites at
5 that point.

6 DEPUTY CORONER MS MONAGHAN: I think you say within a couple
7 of minutes?

8 A. That must be roughly correct. I got another phone call
9 to say that the escorts are actually concerned about his
10 condition and we need to go back to the stand. So
11 I said, "Okay. What is the problem?" And he said,
12 "Well, he's got a very weak pulse". I said, "All right,
13 back to stand it is", which I then I made the call to
14 HAC.

15 DEPUTY CORONER MS MONAGHAN: Let's have a look at that call,
16 if we can. If you can turn to the red bundle, please,
17 and turn to page 87. Members of the jury, this is
18 a transcript of the telephone call or the radio call
19 that Mr Fenech-Soler made. So we'll just have a look at
20 that.

21 A. Thank you.

22 DEPUTY CORONER MS MONAGHAN: You can see at the top track 1?

23 A. Yes.

24 DEPUTY CORONER MS MONAGHAN: As I understand it from my
25 limited understanding of these matters, having read the

1 papers, there are various tracks upon which radio
2 communications can be made, is that right?

3 A. No. You can make a radio call whenever you like.

4 DEPUTY CORONER MS MONAGHAN: So when we see track 1 and
5 track 2, what does that tell us?

6 A. I have no idea.

7 DEPUTY CORONER MS MONAGHAN: There you are. That helpful.
8 I am happy to see that I am no less ignorant than you
9 about that -- or no more. Can you just have a look at
10 the top one which I think is the call we're concerned
11 with.

12 A. Yes.

13 DEPUTY CORONER MS MONAGHAN: 20.22.27, so 8.22 and
14 27 seconds, Heathrow Tower from Speed Bird 77, what is
15 that?

16 A. That's our call-sign.

17 DEPUTY CORONER MS MONAGHAN: "We're holding at the Vikas."
18 What does that mean?

19 A. I would actually have said Vikas. It's a holding point
20 designated on the airfield.

21 DEPUTY CORONER MS MONAGHAN: "We have a medical emergency
22 and we need to go back to stand."
23 So that appears to be -- I don't think there's any
24 dispute about this -- the call from you, 20.22.27, the
25 first call asking for emergency assistance?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: I don't expect you to have the
3 seconds in memory or anything of that sort, but does
4 that generally fit your recollection?

5 A. I'm not sure I told them we were holding at Vikas.
6 I think I said we had a medical emergency and we need to
7 return to stand, and they asked me to explain the
8 nature. I said we would need medical attention as well.

9 DEPUTY CORONER MS MONAGHAN: After some questions from them
10 at 20.22.48, it appears -- we have the tape and we can
11 play it if we need to -- that you say:

12 "Yeah, we have a deportee who's restrained. He's
13 collapsed. He's a very faint pulse and not responding
14 to any stimulus."

15 A. That's correct.

16 DEPUTY CORONER MS MONAGHAN: That rings a bell, does it?

17 A. Yeah.

18 DEPUTY CORONER MS MONAGHAN: So that is what you
19 communicated to them?

20 A. That's correct.

21 DEPUTY CORONER MS MONAGHAN: Is that what you understood the
22 position to be?

23 A. At that point, yes.

24 DEPUTY CORONER MS MONAGHAN: At 20.22 and 48 seconds?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: Just so we can be absolutely
2 sure about the chronology -- and it may be you can't
3 help us any more on this but just so you have the
4 opportunity to, if you can. It's a document that we
5 briefly looked at with Mr Upton but not in this context.
6 If you look at page 53. This is what is called the
7 departure -- take as long as you need.

8 A. Yeah.

9 DEPUTY CORONER MS MONAGHAN: Do you have that?

10 A. Yeah.

11 DEPUTY CORONER MS MONAGHAN: This is what we're told is
12 called I think the departure card, is that it?

13 A. Yes, I never see these.

14 DEPUTY CORONER MS MONAGHAN: You don't see these?

15 A. No.

16 DEPUTY CORONER MS MONAGHAN: Okay. I am going to ask you
17 a question. If you can't help us with it, then just
18 tell us. You may not be able to, given what you have
19 said. In the left-hand column, the right part of the
20 left-hand column, towards the bottom, near the second
21 hole-punch, there's the letters TOB, STD, D&H, ATD. Do
22 you see that? Under D&H it says 19.54. Do you know
23 what that is? As I say, if you don't, that's no
24 problem.

25 A. I wouldn't know for certain but I would assume it's

1 doors and holds.

2 DEPUTY CORONER MS MONAGHAN: Doors and holds. ATD, the same
3 applies?

4 A. Actual time of departure.

5 DEPUTY CORONER MS MONAGHAN: So delay minutes is add 11?

6 A. That's right.

7 DEPUTY CORONER MS MONAGHAN: So it records D&H at 19.54,
8 ATD, which we're told is actual time of departure, at
9 20.11, which was 11 minutes later than anticipated?

10 A. That's correct.

11 DEPUTY CORONER MS MONAGHAN: What would have happened at
12 20.11? Where physically would the plane be at that
13 stage and going?

14 A. On the stand.

15 DEPUTY CORONER MS MONAGHAN: 20.11 it would be on the stand?

16 A. Yes. It wouldn't be connected to the jetty. It was
17 ready to push back and we were waiting for traffic to
18 clear behind us.

19 DEPUTY CORONER MS MONAGHAN: So at 20.11 you move from the
20 stand and the technical problems happen thereafter, do
21 they?

22 A. That's correct.

23 DEPUTY CORONER MS MONAGHAN: I thought you were telling us
24 that the technical problems arose before 20.11?

25 A. No. I said that they arose after we started the

1 engines. The engines weren't started at that point. We
2 were stationary on stand with the engines shut down,
3 waiting to push back, because there were other aircraft
4 behind us blocking the access.

5 DEPUTY CORONER MS MONAGHAN: So you make the call. Then
6 what happens?

7 A. Where are we now?

8 DEPUTY CORONER MS MONAGHAN: Sorry, I beg your pardon. You
9 have made the call that we have just seen at 20.22. If
10 you want to refresh your memory, you can look at
11 page 31.

12 A. Hmm, hmm.

13 DEPUTY CORONER MS MONAGHAN: I think you tell us, just to
14 remind you, if it helps, that you go back down the aisle
15 to look at Mr Mubenga?

16 A. No, not until we got back on stand. It's a very busy
17 part of the airport. I felt it important to remain
18 monitoring the aircraft before I went back.

19 DEPUTY CORONER MS MONAGHAN: You're quite right. You say
20 once you reached the stand that happened. When you went
21 back to the back of the aircraft and saw Mr Mubenga, had
22 the paramedics arrived by that stage?

23 A. Not at that stage.

24 DEPUTY CORONER MS MONAGHAN: How long after that did the
25 paramedics arrive, roughly?

1 A. No more than a minute.

2 DEPUTY CORONER MS MONAGHAN: I think you saw Mr Mubenga at
3 that stage?

4 A. Yes.

5 DEPUTY CORONER MS MONAGHAN: Can you describe what you saw,
6 if you wouldn't mind, please?

7 A. Well, he was sort of sprawled in his seat. He had his
8 head back. His eyes were sort of half open and he had
9 the two escorts sitting either side, but one of them was
10 holding his hand, and the other guy was looking over
11 from the front.

12 DEPUTY CORONER MS MONAGHAN: Did you say anything to the
13 guard at that point or did they say anything to you?

14 A. I said, you know, "How is he?" And they said, "He's got
15 a very faint pulse".

16 DEPUTY CORONER MS MONAGHAN: Was there any further
17 discussion about that?

18 A. Well, I believe the paramedics arrived at that point and
19 I got out of the way.

20 DEPUTY CORONER MS MONAGHAN: Are you able to help us with
21 whether or not you saw the food tray at that stage?

22 A. In my mind I think it was up. I think.

23 DEPUTY CORONER MS MONAGHAN: At page 32 of your statement,
24 again just to help us because chronology may be very
25 important -- almost certainly will be -- you say to us

1 you moved back to Mr Mubenga and then the paramedics
2 arrived within a minute or so.

3 A. That's correct.

4 DEPUTY CORONER MS MONAGHAN: Page 32, bottom of the first
5 paragraph, you seem to suggest that you -- there was --
6 perhaps you can just explain that. You talk about
7 a further conversation with Richard, who is --

8 A. I would think that, you know, time telescoped at that
9 point. So basically what the delay was was just
10 Mr Upton getting the jetty on stand and it takes
11 a finite amount of time. So it didn't take me very long
12 to walk to the back.

13 DEPUTY CORONER MS MONAGHAN: You walk to the back. You see
14 Mr Mubenga?

15 A. Yeah. I asked -- they looked concerned and they said he
16 has a very faint pulse. I could see that there was --
17 the door wasn't quite open yet. That's when I got on
18 the interphone to Mr Barker, but almost simultaneously
19 the doors did open and they came on.

20 DEPUTY CORONER MS MONAGHAN: So the conversation with
21 Richard, when you're chasing up the doctors, occurs
22 pretty much --

23 A. As they came on.

24 DEPUTY CORONER MS MONAGHAN: Were there any further
25 conversations or did you hear the G4S men saying

1 anything else after that?

2 A. I don't think so -- yes, here we go:

3 "He complained he was unable to breathe and he

4 appeared to go unconscious and has a very weak pulse."

5 I think that's what that should say.

6 DEPUTY CORONER MS MONAGHAN: Then you talk about the

7 paramedics treating Mr Mubenga.

8 A. Yes, they put him on the floor, opened his shirt and

9 they applied a monitor patch so they could check his

10 heart.

11 DEPUTY CORONER MS MONAGHAN: Did you see anything --

12 A. Yes, I could see the monitor and there was a return.

13 DEPUTY CORONER MS MONAGHAN: Can you explain that?

14 A. A pulse, a spike.

15 DEPUTY CORONER MS MONAGHAN: A spike. You're sure about

16 that, are you?

17 A. Yes.

18 MR ANTROBUS: Ma'am, may I interrupt, I just notice from the

19 LiveNote that the answer that was given in relation to

20 the question about, "Did the G4S men say anything else

21 other than that":

22 "I don't think so -- yes, here we go:

23 'He complained he was unable to breathe ...'"

24 I think the answer which was given was that he was

25 able to breathe. Can we just confirm that. It is

1 recorded as "unable" to breathe.

2 DEPUTY CORONER MS MONAGHAN: I asked you about whether or
3 not the G4S guys had said anything else.

4 A. Not to me they didn't, no.

5 DEPUTY CORONER MS MONAGHAN: No. From your witness
6 statement, and I think I was asking you about this, did
7 you hear the guards say anything else?

8 A. Yes, I heard them reply to the paramedic.

9 DEPUTY CORONER MS MONAGHAN: Saying?

10 A. Well, what it says here:

11 "Mr Mubenga complained he was unable to breathe and
12 he appeared to go unconscious and he has a very weak
13 pulse."

14 That's all they said. Something like that.

15 DEPUTY CORONER MS MONAGHAN: That's absolutely fine. You
16 see the paramedics and you have told us that you think
17 you saw a pulse. Or you saw some movement on the
18 machine indicating a pulse, did you?

19 A. That's correct.

20 DEPUTY CORONER MS MONAGHAN: You're sure about that?

21 A. Yes.

22 DEPUTY CORONER MS MONAGHAN: Did anything else happen so far
23 as you're concerned after that?

24 A. They decided they needed more room and they moved him
25 into the rear galley.

1 DEPUTY CORONER MS MONAGHAN: They continued to treat him
2 there?

3 A. That's correct.

4 DEPUTY CORONER MS MONAGHAN: Anything else so far as you're
5 concerned?

6 A. I believe I asked Carl, Mr Upton, to organise
7 a high-lift to take Mr Mubenga off at the back of the
8 aircraft. A high-lift is a vehicle that can be raised
9 up on jacks so that it can come up level to the door and
10 it especially for people with mobility problems or
11 emergencies like this.

12 DEPUTY CORONER MS MONAGHAN: Are you able to help us, and
13 you may not, as to how long it took from you making the
14 call to the control tower asking for medical assistance
15 at 20.22 -- how long it took from that time until the
16 paramedics got on? If you're not able to tell us,
17 an approximation?

18 A. Gosh, I don't know. Between 10 and 15 minutes.

19 DEPUTY CORONER MS MONAGHAN: That happily coincide with
20 about what it might be. We'll keep an open mind about
21 that. Do you have a question? We'll keep an open mind
22 about timing because we'll hear some other evidence but
23 we have heard 10 to 15.

24 (A note was received from the jury)

25 DEPUTY CORONER MS MONAGHAN: The question from the jury is

1 you told us that -- you said to Mr Walsham that if he
2 wanted to call tannoy for a doctor, and he said the guy
3 seemed to be breathing okay but he would bear it in
4 mind. That's your statement I'm reading from there.
5 I think that's reflects broadly your oral evidence.

6 A. Correct.

7 DEPUTY CORONER MS MONAGHAN: The jury ask:

8 "As no PA was made for any doctors or nurses on
9 board, did the crew take over to assist in first aid?"

10 A. Negative because at that time there was no obvious
11 concern. They still weren't sure whether he was in
12 a serious condition or not. At that point we assumed
13 that he was either faking it or he was unconscious but
14 he was breathing.

15 DEPUTY CORONER MS MONAGHAN: But we looked -- I suspect --
16 perhaps I'll just be a bit --

17 A. The other thing is that Mr Mubenga has just had a bit of
18 a violent fracas and I would think that my crew would
19 probably be a little bit circumspect about coming too
20 close.

21 DEPUTY CORONER MS MONAGHAN: You tell us about what you
22 know.

23 A. That's all -- what I know is that I was not given cause
24 for concern.

25 DEPUTY CORONER MS MONAGHAN: You just reiterated that you

1 were told he appeared to be unconscious. We saw
2 yesterday that there was specific procedures addressing
3 circumstances where a passenger was unconscious.

4 A. In normal circumstances and this wasn't normal.

5 DEPUTY CORONER MS MONAGHAN: What was abnormal about this
6 circumstance?

7 A. Well, he was a deportee. He was being escorted. He had
8 already displayed a certain amount of violence.

9 DEPUTY CORONER MS MONAGHAN: Did you consider that you had
10 any responsibility to instruct the crew that they ought
11 to undertake a primary survey, I think it's described as
12 or similar, and undertake a medical action plan and so
13 on?

14 A. No, because the escorts are trained in first aid to at
15 least the same level as the cabin crew.

16 DEPUTY CORONER MS MONAGHAN: Thank you. Moving back then to
17 where we were, please. You told us about 10 or
18 15 minutes until the paramedics arrived. Then, as
19 I said, members of the jury, we'll probably hear some
20 evidence about that so we'll keep an open mind.

21 Assuming for the moment it was about 10 or 15 minutes,
22 did you take any steps during that period to ensure that
23 first aid was being administered to Mr Mubenga?

24 A. No, I didn't.

25 DEPUTY CORONER MS MONAGHAN: The same warning applies. You

1 don't have to answer any question that might incriminate
2 you, but can you tell us why, given what you apparently
3 knew by that stage, including that he was not reacting
4 to stimulus, as I think you described it?

5 A. Well, for a start he was with the escorts who are
6 trained in first aid and I felt it important to get us
7 a back to stand as quickly and as safely as we could.

8 DEPUTY CORONER MS MONAGHAN: Just a few more questions, if
9 I may, please. Did you at any time say to one of the
10 cabin crew, "It's more likely he came out of RADA than
11 prison"?

12 A. Negative.

13 DEPUTY CORONER MS MONAGHAN: You're absolutely sure about
14 that?

15 A. Absolutely.

16 DEPUTY CORONER MS MONAGHAN: Was there any internal enquiry,
17 that you're aware of, undertaken by British Airways into
18 what happened during the course of that flight?

19 A. If there was, I wasn't informed.

20 DEPUTY CORONER MS MONAGHAN: No statement was taken from you
21 by BA or anything of that sort?

22 A. No.

23 DEPUTY CORONER MS MONAGHAN: Were any further instructions
24 or guidance given to you consequential upon what
25 happened on that day?

1 A. No.

2 DEPUTY CORONER MS MONAGHAN: I think that's everything
3 I have to ask you. Thank you. If you just stay there,
4 the representatives will have some questions I'm sure.

5 Examiné by MR BLAXLAND

6 MR BLAXLAND: Mr Fenech-Soler, I represent the family of
7 Mr Mubenga. There's only really one issue that I want
8 to ask you about and it relates to a short passage in
9 your statement. Could you go to page 29 of the bundle
10 that you have been looking at which is the first page of
11 your statement. The statement -- we haven't heard this
12 yet -- is dated 11 November 2010; in other words, more
13 or less a month after the incident itself. Had you made
14 any notes yourself about what had happened which you
15 then used to help you remember the sequence of events
16 and the detail when you made this statement?

17 A. I filled in an air safety report but it was fairly
18 brief.

19 Q. Did you have that with you when you made the statement?

20 A. No, I didn't.

21 Q. So the statement was taken by a police officer, is that
22 right?

23 A. That's correct.

24 Q. So you were really just doing the best that you could,
25 a month after the event, to remember the detail of what

1 had happened?

2 A. That's correct.

3 Q. Had you spoken to other people about what had happened

4 in the meantime?

5 A. No, I hadn't. Well, apart from my wife.

6 Q. Sorry?

7 A. Just my wife.

8 Q. But nobody else from --

9 A. From the company, no.

10 Q. Nobody else who had been there at the time?

11 A. No. I didn't see either of my co-pilots.

12 MR BLAXLAND: The one passage that I want to ask you about

13 is at page 32 of the statement -- page 32 in the bundle,

14 page 4 of your statement. I want to try to put this in

15 context. This is the point at which you --

16 DEPUTY CORONER MS MONAGHAN: I am ever so sorry, what page?

17 MR BLAXLAND: 32.

18 DEPUTY CORONER MS MONAGHAN: I beg your pardon.

19 MR BLAXLAND: This is the point at which you have returned

20 to the stand and you yourself have left the cabin, you

21 have walked back down the aircraft in order to see what

22 is going on. At this stage Mr Mubenga was still in his

23 seat, is that right?

24 A. Yes, he was in the central seat at the back.

25 Q. Not long after that, I think you thought about a minute,

1 the first paramedic arrived on the scene, arrived on the
2 aeroplane; is that right?

3 A. Yes, that's correct.

4 Q. Whereabouts were you at that point when he arrived?

5 A. I was standing next to that row, 40.

6 Q. So you were right next door to what was happening?

7 A. That's correct.

8 Q. Just before I take you to the passage in the statement,
9 please tell us again exactly what happened when the
10 paramedic arrived?

11 A. Well, they asked the G4S guys to explain exactly what
12 had happened.

13 Q. Pause there for a moment. At this stage, was Mr Mubenga
14 still in the seat?

15 A. Yes, he was.

16 Q. Now, with that in mind, can I just ask you to go to the
17 paragraph in the middle of page 32. What you recorded
18 is this. You said:

19 "As soon as the paramedic approached the deportee,
20 he checked his pulse, then almost immediately put him on
21 the floor."

22 A. Yeah.

23 Q. So all that happened very quickly?

24 A. Yes, it did, and as he was checking his pulse he asked
25 them what had happened.

1 Q. Did the paramedic himself move Mr Mubenga to the floor?

2 Did he do it on his own?

3 A. I believe another one arrived at that point and they

4 both moved him.

5 Q. Were the guards involved in moving him?

6 A. I couldn't say.

7 Q. Anyway, just continuing with what you have written in

8 the statement:

9 "As the paramedic checked the deportee's pulse, he
10 asked generally what happened."

11 A. Yes.

12 Q. "One of the G4S guys said words similar to that he
13 complained that he was unable to breathe and appeared to
14 go unconscious and he has a very ..."

15 It must be "a very weak pulse"?

16 A. That's exactly right. There's a typo there.

17 Q. So your memory is that in answer to a question from the
18 paramedic of the escorts about what had happened, one of
19 them said that Mr Mubenga had complained he was unable
20 to breathe?

21 A. Yes.

22 MR BLAXLAND: That's all I wanted to ask you. Thank you.

23 Examiné by MS HEWITT

24 MS HEWITT: Perhaps I can come to the same period of time

25 for my questions which are about, first of all, when you

1 went to the back of the plane, having come back to the
2 stand.

3 You said I think in your evidence that when you saw
4 the guards there one of them was sitting next to
5 Mr Mubenga?

6 A. There was one either side.

7 Q. One either side?

8 A. Yes.

9 Q. One of the officers sitting one side of Mr Mubenga was
10 holding his hand?

11 A. Yes, or it might have been his wrist.

12 Q. The third officer was where?

13 A. He was in row 39 looking over.

14 Q. Your description of them, I think you said this already,
15 was that they appeared to look concerned?

16 A. Yes.

17 Q. Is that right? If it were to be suggested by anyone
18 that they were laughing and joking and smirking --

19 A. No.

20 Q. -- would there be any truth in that?

21 A. Negative. None at all.

22 Q. Did you yourself have a chance to talk to the guards
23 before the paramedics arrived?

24 A. Very, very briefly.

25 Q. But you remember the paramedics arriving quickly?

1 A. Yes, they did.

2 Q. The words you have just been asked about by Mr Blaxland,
3 and by the learned coroner, about what you recall the
4 guards saying at that point, I think when you were asked
5 by the learned coroner you couldn't remember today but
6 you refreshed your memory from your statement. Is that
7 fair?

8 A. Yes. It's a long time ago.

9 Q. The statement itself was made about a month after the
10 events?

11 A. Yes.

12 Q. Was that simply the first time you were asked to provide
13 a statement?

14 A. Yes.

15 Q. By the police?

16 A. That's right.

17 Q. So that's the reason why it was a month later?

18 A. Hmm, hmm.

19 Q. What you said about it, if you would look again, please,
20 at that section -- so this is page 32 of the bundle
21 again. You said that they asked generally what had
22 happened:

23 "One of the G4S guys said words similar to ..."

24 Is that right?

25 A. Yes, correct.

1 Q. So even when you were remembering it a month later it
2 was not necessarily verbatim?

3 A. No.

4 Q. You think words similar to that he had complained he was
5 unable to breathe, appeared to go unconscious and had
6 a very, very weak pulse?

7 A. That's correct.

8 Q. I want to ask you about how clear you think you were
9 about that, even at the time of making the statement.
10 The word, for example, "unconscious", that was a word
11 that Peter Walsham had used to you in reporting the
12 matter?

13 A. That's correct, yes.

14 Q. Are you absolutely sure the guards used that word?

15 A. I can't be absolutely sure, no.

16 Q. Could they in fact have used the word "not responding"
17 or "unresponsive"?

18 A. They might have done, yes.

19 Q. Can you be equally sure that they said to you he was
20 complaining he couldn't breathe?

21 A. Fairly sure.

22 Q. Is that something that you might have heard someone else
23 present say?

24 A. That is possible.

25 Q. The only other matters I wanted to ask you about were

1 some evidence the jury may hear in due course. I want
2 to ask whether you think there is any truth in any of
3 these matters, four things really. First of all,
4 I think you made a number of tannoy announcements
5 informing the passengers about what was happening, not
6 least that you were going back to stand and such like?

7 A. That's right.

8 Q. Did you at any point -- not at any point. Before you
9 were told that Mr Mubenga had become unconscious or
10 unresponsive, did you make an announcement saying to the
11 passengers, "Apologies for the slight delay but we have
12 had a bit of a problem with a passenger", effectively
13 referring or that being an oblique reference to
14 Mr Mubenga being restrained?

15 A. Yes, that was purely to explain why we held the boarding
16 up.

17 Q. So that was at that stage, was it?

18 A. Yes.

19 Q. The next matter. If it was suggested that you had
20 indicated maybe to the crew that you were very keen to
21 avoid any delays because you wanted to get back to go to
22 France yourself --

23 A. I don't really see what that --

24 Q. Is there any truth in that?

25 A. I don't remember that and in any case I don't see how

1 it's relevant on the way out.

2 Q. Why not?

3 A. Well, because it makes no odds to coming back, does it,

4 unless it was a massive delay?

5 Q. So if you had made any reference to anyone or a passing

6 reference that you were going to France in due course --

7 A. I don't remember doing that but it's possible.

8 Q. Would it be wrong for someone to have interpreted that

9 comment as meaning that you were very keen to avoid any

10 delays in taking off for Luanda?

11 A. No, that would be wrong.

12 Q. A wrong interpretation?

13 A. Yes.

14 MS HEWITT: The next matter, and if you would go, please, to

15 page 81 of your bundle, the witness statement bundle,

16 volume 4.

17 DEPUTY CORONER MS MONAGHAN: This is not his statement.

18 MS HEWITT: No.

19 DEPUTY CORONER MS MONAGHAN: I wanted to be sure.

20 MS HEWITT: I want to ask you to look, please, at two

21 sections of a note written, we understand, by a member

22 of your crew, Louise Graham. At page 81 -- I will take

23 you to it in a moment -- she's expressing that she

24 complained to you about the situation.

25 A. No, she never complained to me.

1 Q. Pause a minute. That she was ridiculed?

2 A. Not to me she didn't.

3 Q. Let's have a look at what she says. I would like you to
4 comment really whether there's any truth in this and, if
5 so, so what. She says this, at the bottom of page 81.
6 She's talking about expressing concern about the
7 situation that was going on broadly at the back of the
8 plane:

9 "I expressed my concern so many times throughout but
10 was not taken seriously by anyone in authority, most of
11 all the captain."

12 A. Well --

13 Q. Let me read it all to you and then we can go through it:

14 "... and many others. I felt at a complete loss and
15 terrified and neglected. Myself and Ann [I think that's
16 a reference to Ann-Marie, another member of the crew]
17 stood alone to deal with this situation and I was
18 ridiculed by the captain in so much as when I expressed
19 my concern about Jimmy's well-being he responded by
20 saying, it was more likely he had just come out of RADA
21 than prison."

22 A. Well, for a start she never spoke to me. So I don't
23 really see how -- what did she do, come up to the
24 cockpit? When was I supposed to have said that?

25 Q. So Louise Graham never spoke to you directly?

1 A. No.

2 Q. Were you aware that she was expressing these views to
3 anybody?

4 A. No. No, I wasn't.

5 Q. You have been asked already by the learned coroner about
6 whether you made a comment along the lines of --

7 A. Exactly, and I didn't.

8 Q. -- he's more likely to have come out of RADA than
9 prison?

10 A. Not at all. We take these things very seriously.

11 Q. RADA being a reference to an acting school?

12 A. I do know what it is, yes.

13 Q. Over the page, page 83, the final section I want to ask
14 you about. There's a comment that the captain had not
15 at any stage come to see what was going on. Then the
16 words written:

17 "Very important he is commander."
18 Then a couple of lines later:
19 "I asked the captain to stay where we were [or we
20 are] now and get the paramedics on board."
21 Can you see at the side it says "see manual"?

22 A. Well, she didn't speak to me at all.

23 Q. She didn't speak to you at all?

24 A. Well, how did she speak to me? She said I never came
25 down. You know, how did she speak to me? All

1 communication with me was through the CSD.

2 Q. I don't know, if it were to be suggested that there was
3 something in the manual that --

4 A. Well, she didn't mention it to me.

5 Q. Saying that you should do and you didn't do --

6 A. She didn't mention it to me. You know, I followed with
7 what information I had. The information I had was the
8 situation was under control. It only developed into
9 something more serious once we started taxiing.

10 MS HEWITT: Thank you very much.

11 DEPUTY CORONER MS MONAGHAN: Anybody else?

12 Examiné by MR MATTHEWSON

13 MR MATTHEWSON: The suggestion by Ms Graham that she raised
14 specific concerns with you about safety of a passenger
15 and that you had just dismissed it, not only dismissed
16 it but with an inappropriate joke, if it happened it
17 would have been an extraordinary --

18 A. It would.

19 Q. Has it ever happened in the past so far as you're aware?

20 A. Not as far as I'm concerned.

21 MR MATTHEWSON: A captain of an aeroplane ridiculing
22 a person who presents with a concern --

23 DEPUTY CORONER MS MONAGHAN: Is that a question or a closing
24 speech?

25 MR MATTHEWSON: It's a question.

1 A. It might have done, I don't know, I haven't been present
2 at all of them, but it certainly hasn't happened on my
3 flights.

4 MR MATTHEWSON: So the answer to the question has it
5 evidence happened before is no?

6 A. Not so far as I'm concerned.

7 Q. You're familiar with working in aeroplanes and we're
8 not. They are necessarily confined spaces?

9 A. Yes.

10 Q. Is there anywhere on the aircraft where you could have
11 a conversation like that without other people
12 overhearing? Is it likely?

13 A. Possible, but you have to go to one of the galleys.

14 Q. One of the galleys?

15 A. Yes.

16 MR MATTHEWSON: Thank you very much.

17 Examiné by MS BALLARD

18 MS BALLARD: Good morning, sir, I ask questions on behalf of
19 London Ambulance Service. I'm Ms Ballard. You have
20 been asked some questions about the arrival of the first
21 male paramedic. Can I please ask, your recollection
22 while you're standing by seat 40 is you see the male
23 medic come up that aisle; yes?

24 A. Yes.

25 Q. Take a pulse of Mr Mubenga while he's seated, while he

1 remains in his seat and then get him out?

2 A. Yes.

3 Q. Your impression was that was a very quick extraction

4 onto the floor?

5 A. Yes, it was.

6 Q. To take it from that point on, please, do you see chest

7 compressions being started?

8 A. Yes.

9 Q. How close in point in time to him being taken out of his

10 seat?

11 A. Almost immediately.

12 Q. Then can I please ask you about what you saw on the

13 monitor that you could see. You said that you saw -- in

14 your witness statement, please, page 32. It should be

15 in front of you. It's green volume 4. So it's the last

16 main paragraph you have there, the second sentence:

17 "The monitor gave the impression that he had a weak

18 pulse because I could see a trace on the monitor showing

19 a small peak at intervals."

20 A. Yes, that's right.

21 Q. Then you go on to say that in your experience it didn't

22 appear normal, "as I've seen a normal heart rhythm when

23 I have my medical checks evidence three years". So

24 essentially you were comparing what you saw to what you

25 have seen on your own monitors?

1 A. Yes.

2 Q. Presuming that is of course normal. But that is the
3 extent of your experience of reading such monitors?

4 A. Yes, that's exactly right. I'm not an expert.

5 Q. All right. What you saw, what you say in your
6 statement, is a little peak at intervals?

7 A. Yes.

8 Q. So there's a line and then a little upward blip?

9 A. Yeah, and a downward blip and back up.

10 Q. All right. When you say it didn't appear normal in
11 comparison to what you saw, what was it that was
12 different about it?

13 A. Well, it wasn't as extensive as -- it just --

14 Q. They were quite small?

15 A. Yes, whereas the normal one is a big one and then
16 there's a little one and then another big one.

17 Q. So that is what gave you the impression it was a weak
18 pulse because they were quite small?

19 A. I never checked it so, yes, that was just my impression.

20 Q. Can I just, please, ask you then questions about -- just
21 to be clear about this -- the timing and the technical
22 problems. What I don't understand, please, if I can ask
23 you to look at contemporaneous document, page 87 -- so
24 the red bundle in front of you which is just the other
25 bundle. Page 87 on there, you can see track 2 at the

1 bottom.

2 A. Hmm, hmm.

3 Q. The last line with 0428, which is timed at 20.04 hours,
4 which is the report of your plane, is that right,
5 reporting a slight technical problem?

6 A. Yes, because we're blocking the taxiway.

7 Q. So that was at 20.04. Then if you can just keep
8 a finger in that page and flip back to page 53 which is
9 the flight departure card. We have the ATD, which is
10 actual time of departure, 20.11?

11 A. Yeah, I see that.

12 Q. So that would suggest the technical problem occurred
13 before the actual departure time?

14 A. It does, but in my memory I have it the other way round.

15 Q. When do the lights start to dim and the safety
16 demonstration starts? Is that on push back or is that
17 on taxiing?

18 A. It depends. We normally have a discussion, myself with
19 CSD, if it's a very short taxi, in which case he would
20 do it once it's safe, i.e. the doors are shut and the
21 equipments are clear.

22 Q. Do you recollect which it was on this occasion?

23 A. I think it was normal because I knew there was a bit of
24 a queue for take-off.

25 Q. What does "normal" mean?

1 A. He'll wait until we push back.

2 Q. So it was on the push back from the stand, not on the
3 taxiing towards the runway?

4 A. Yes.

5 MS BALLARD: Thank you very much.

6 Examiné by MR ANTROBUS

7 MR ANTROBUS: Mr Fenech-Soler, it's a well-known and
8 understandable rule that the captain has charge of the
9 plane.

10 A. Yes.

11 Q. If the plane's in the air and somebody becomes unruly or
12 becomes unwell, then the staff, the cabin crew, can deal
13 with that situation and they will report back to you, is
14 that right?

15 A. That's right, but they can't restrain -- use restraining
16 devices without my permission.

17 Q. They have to report back before they do that to seek
18 your permission?

19 A. Correct.

20 Q. But that's when they, the cabin crew, are restraining
21 a passenger.

22 A. Yeah. That's actually using a restraint device, like
23 the handcuffs they have.

24 Q. But the expectation, save in exceptional circumstances,
25 is that you keep your post on the flight deck, is that

1 right?

2 A. That's correct, yes.

3 Q. Why is that?

4 A. Because that's where everybody knows where to find me.

5 It's where I can co-ordinate responses best and keep the

6 flow of information going. If nobody knows where to

7 find me and something changes, it causes a big delay.

8 Q. Since 9/11 and the way the planes were used in that

9 incident, is it also a concern that disruption or

10 incidents occurring in the cabin could be, could be,

11 a decoy?

12 A. It's quite possible, yes.

13 Q. To breach the flight?

14 A. Yes.

15 Q. Nobody is suggesting in any way that this was such

16 an incident, but is it right that it's now even more

17 exceptional than it was for a captain to leave the

18 flight deck to go into the cabin?

19 A. That's correct.

20 Q. In relation to incidents?

21 A. Yes, it is.

22 Q. Is that right?

23 A. Yeah.

24 Q. In terms of your role then, delegation is an essential,

25 intrinsic part of your role?

1 A. Yes.

2 Q. Whilst you have the final say-so, you are reliant on the
3 information that's provided to you, is that right?

4 A. That's correct, yes.

5 Q. And would examples be such as loading the aircraft, you
6 have to rely on what you are told as to the weight and
7 the balance of the load?

8 A. Exactly correct, yes.

9 Q. You don't check that for yourself?

10 A. No, I don't.

11 Q. The link between you and the cabin crew is who?

12 A. CSD.

13 DEPUTY CORONER MS MONAGHAN: Cabin services director. That
14 is Peter Walsham I think?

15 A. Yes, sorry.

16 DEPUTY CORONER MS MONAGHAN: That's fine.

17 MR ANTROBUS: On this flight, Peter Walsham?

18 A. Yeah.

19 Q. Mr Walsham would be in charge of the cabin area?

20 A. That's correct.

21 Q. And if issues arose would report to you?

22 A. Yeah.

23 Q. If the CSD requests or requires you, or suggests, that
24 you offload a passenger that has become either
25 disruptive or unwell, is it usual to follow that

1 request?

2 A. Yes, it is.

3 Q. But whilst it be usual to follow it, presumably he has
4 to justify --

5 A. Oh yes, he does.

6 Q. -- why?

7 A. Absolutely.

8 Q. It's quite a serious thing?

9 A. Yes. I mean, you don't go offloading people
10 willy-nilly.

11 Q. In terms of the training, you were taken by the learned
12 coroner yesterday, do you recall, to various parts of
13 the first aid sections of the Joint Procedures Manual.
14 The Joint Procedures Manual is a manual provided to
15 flight crew?

16 A. Yes, it is.

17 MR ANTROBUS: It's a manual, as you said --

18 DEPUTY CORONER MS MONAGHAN: Pause there. The first aid
19 bit -- the joint procedures bit generally is, but the
20 first aid bit he said --

21 A. There's a separate manual.

22 MR ANTROBUS: Appendix 3, yes.

23 DEPUTY CORONER MS MONAGHAN: Sorry, correct it if I'm wrong.

24 MR ANTROBUS: You're quite right, ma'am. In terms of what
25 you will know about and you said you would get questions

1 on a yearly basis on the Joint Procedures Manual, you're
2 not going to be questioned on aspects that don't involve
3 your particular role of the job, are you?

4 A. No.

5 DEPUTY CORONER MS MONAGHAN: Try not to lead too much,
6 Mr Antrobus.

7 A. The questions that we get tend to be of a general nature
8 when it's totally outside our area of expertise, in
9 particular the -- you know, the first aid manual.

10 MR ANTROBUS: Are you ever required to perform first aid?

11 A. I wouldn't think so unless one of my colleagues -- you
12 know, I'm tied up with the aeroplane. So what would
13 normally happen is we get someone into help.

14 Q. Are you trained specifically to carry out first aid?

15 A. Not any more, no.

16 Q. And restraint, are you trained to carry out restraint?

17 A. No. We tend not to get involved in case we get injured.

18 Q. In terms of the discretion to offload a passenger, it's
19 a discretion, ultimately it's a judgment call for the
20 captain in the end?

21 A. Yes, it is.

22 Q. You're not given specific criteria, a checklist, to go
23 through?

24 A. No.

25 Q. In order to exercise that judgment?

1 A. No, that's correct.

2 Q. So in terms of exercising that judgment, what do you
3 rely on?

4 A. I rely on the experience and information I'm getting
5 from my colleagues.

6 Q. In terms of experience, how many years of flying do you
7 have to have undertaken before you become a captain?

8 A. For me personally it took 14 years.

9 Q. In that time you will have flown alongside many other
10 captains I would presume?

11 A. That's right.

12 Q. You will have seen on those occasions how they deal with
13 situations, is this right?

14 A. That's correct.

15 Q. Involving unwell passengers?

16 A. Yes.

17 Q. Or disruptive passengers?

18 A. Yes.

19 Q. But you're also, as you have said, informed by what
20 you're told and advised from the cabin crew via the CSD.
21 In terms of timings and the chronology, you gave your
22 first statement in November 2010, so about a month after
23 this tragic incident. Are you sure that you got the
24 right chronology in terms of timings?

25 A. No, I'm not. It's the best I could come up with.

1 Q. What you said in your second statement -- and can you
2 just turn to page 35. There is that very large
3 paragraph and you have been taken through that in some
4 detail. I just want to refer you -- sorry, members of
5 the jury, to leave you out of this discussion. If you
6 go pretty much just over halfway down, a sentence that
7 starts in the middle of the page:

8 "From leaving point B..."

9 A. Okay.

10 Q. Do you see that? Just read to yourself that sentence.

11 A. Hmm, hmm.

12 Q. What you seem to be describing in that paragraph, and
13 have given evidence on so far, is that the aircraft left
14 the stand and stopped at a point B.

15 A. It was pushed back to a point somewhere near B on the
16 map.

17 Q. It's pushed back by push back tug?

18 A. Correct.

19 Q. Not on its own power?

20 A. No.

21 Q. The technical fault is dealt with and then you are able
22 to use your engines, is this right, to now move the
23 plane under its own power?

24 A. That's correct.

25 Q. Your recollection here is that it was about two minutes

1 maximum before you received the final call from
2 Mr Walsham that you have given evidence about saying
3 that the guards wanted to return to stand?
4 A. That's correct.
5 Q. We have seen that the tannoy -- sorry, the tannoy that
6 was made by you to the control tower was at 8.22,
7 22 minutes past 8. Working back, does that mean, to the
8 best of your recollection, that this discussion took
9 place a very short time before you made that tannoy
10 announcement?
11 A. That's correct.
12 Q. Then, working back again, to the conversation that
13 happened before it, where Peter is describing Mr Mubenga
14 as appearing unconscious on your account, was that just
15 a few minutes earlier?
16 A. Yes. Ten minutes.
17 Q. You say here two minutes.
18 A. No, no. Once we got moving, he then called me within
19 about two minutes.
20 Q. You say once you got moving, do you mean moving under --
21 the plane under its own power?
22 A. That's correct.
23 Q. In terms of what you were told, first of all, Mr Walsham
24 is describing Mr Mubenga as appearing unconscious, is
25 that what you say?

1 A. Yes.

2 Q. But in order to check whether that was right or not, you
3 asked him various questions, did you?

4 A. Yes.

5 Q. What did you ask him?

6 A. I said, "Is he breathing?"

7 Q. You also asked him or you have given evidence so far as
8 to whether he was faking --

9 A. I said, "Do you think he's faking it?"

10 Q. You also gave him the option of calling or tannoying for
11 a doctor?

12 A. That's correct.

13 Q. He didn't do so?

14 A. No, I believe he didn't.

15 Q. What was his response to that?

16 A. He said that he would bear it in mind.

17 Q. The idea being, is this right, that you were going to
18 monitor the situation --

19 A. Correct.

20 Q. -- from that point?

21 A. Absolutely.

22 Q. You weren't just dismissing it and --

23 A. No.

24 Q. -- leaving the matter as resolved? It was to be
25 monitored?

1 A. That's right.

2 DEPUTY CORONER MS MONAGHAN: Did that mean by that stage --

3 were you anticipating monitoring it when you were up in

4 the air, by which time you would have deprived yourself

5 of the opportunity of expert medical assistance?

6 A. No, no.

7 DEPUTY CORONER MS MONAGHAN: What did you have in mind?

8 A. That if he thought it was serious, we would pursue it.

9 If he thought it wasn't, we would carry on.

10 MR ANTROBUS: Then there's the subsequent discussion where

11 Mr Walsham then says to you that the security guards are

12 worried about his condition and they want to go back to

13 stand. As soon as that was said, did that resolve the

14 situation immediately to go back to stand?

15 A. Yes, it did.

16 Q. In terms of what you were being told, was it still

17 a matter of debate as to whether he might be faking it

18 or feigning injury at that stage?

19 A. We were just going back on stand and let the experts

20 deal with it.

21 Q. You couldn't tell?

22 A. No.

23 Q. In terms of some of the questions that you were asked

24 yesterday by the learned coroner, you were asked about

25 the first aid and the procedure to adopt the first aid,

1 the medical action plan. Do you recall that?

2 A. Yes.

3 Q. Where if a passenger becomes unwell, BA staff will then
4 kick in various assessments that are carried out --

5 A. That's correct.

6 Q. -- and a plan. The learned coroner asked you in
7 relation to that as to whether that would always kick in
8 in relation to a medical emergency that occurs to
9 a passenger. You qualified that by saying, "Provided
10 there's no other overriding concerns". What overriding
11 concerns do you have in mind?

12 A. Well, in this particular instance we had a deportee who
13 was escorted. He is with people who are trained in
14 first aid. He has already demonstrated a certain level
15 of violence. I would expect my crew to be slightly
16 circumspect approaching him.

17 DEPUTY CORONER MS MONAGHAN: Pause there. Were you told in
18 terms that G4S officers had first aid training?

19 A. I believe that all the escorts had first aid training.

20 DEPUTY CORONER MS MONAGHAN: What made you believe -- what
21 caused you to believe that?

22 A. It must have been mentioned at some point.

23 MR ANTROBUS: In terms of the situation of a deportee
24 travelling on a British Airways flight, whilst in most
25 respects a deportee is to be treated, and we've seen

1 some of the guidance, as a passenger, the reality is, is
2 it not, that the deportee is different when escorted on
3 a British Airways flight?

4 A. Very much so.

5 Q. Because they are under the custody and control of the
6 security guards?

7 A. Correct.

8 Q. You were asked whether there's any guidance or document
9 to say that and you gave the answer that you weren't
10 aware of any. Can I just refer you to the red bundle
11 and page 52.

12 A. Yes, I see what you mean.

13 Q. We haven't had evidence yet on the nature of this type
14 of communication. I think Mr Walsham will deal with it,
15 but are you familiar as to what this document is?

16 A. Yes.

17 Q. What is it?

18 A. It's a signal from the duty security manager informing
19 us that we have a deportee on board.

20 Q. If you just look down that document, you'll see, is this
21 right, it's the notification from the security duty
22 manager of an escorted deportee and it names who that
23 deportee is, Mr Mubenga?

24 A. Hmm, hmm.

25 Q. It identifies the escorts, Hughes, Mr Kaler and

1 Mr Tribelnig?

2 A. Yeah.

3 Q. And it identifies the seats that they're going to sit
4 in. Then it says:
5 "Please allocate seats at rear of AC ..."?

6 A. Aircraft.

7 Q. " ... and away from any UMS..."

8 A. Unaccompanied minors, people under 18.

9 Q. "... who are travelling. No alcohol to be served to
10 this party. Escorts will remain in effective control of
11 the deportee at all times. Please ensure captain and
12 CSD are briefed."

13 Did you see this?

14 A. No.

15 Q. Will you see this communication?

16 A. No. When I check in a message pops up for me to go to
17 the duty flight manager and he gave me that information.

18 Q. So it was passed on to you orally?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: Pausing there. You may have
21 just said this and I missed it. Who is Mark W?

22 A. I have no idea.

23 DEPUTY CORONER MS MONAGHAN: You said that this information
24 would have been conveyed to you orally?

25 A. Correct.

1 DEPUTY CORONER MS MONAGHAN: Would you have been told that
2 the escorts will remain in effective control at all
3 times?
4 A. Something to that effect.
5 DEPUTY CORONER MS MONAGHAN: Thank you.
6 MR ANTROBUS: Whether written down or not, is that how it
7 operates in practice?
8 A. Yes, it is.
9 Q. Because the issue here is that the individual is under
10 not just the control but the custody of the escorts, is
11 that right?
12 A. That is right.
13 Q. So the key consideration, would you accept, that your
14 crew have to take into account, and you, is not to
15 interfere with them in carrying out their job so as to
16 imperil the custody that they are holding over that
17 individual?
18 A. Exactly. As long as it doesn't imperil the safety of
19 the aircraft and the other passengers.
20 Q. That might affect, might it, the way that you address
21 other issues, such as the giving of first aid or
22 administering first aid?
23 A. Very much so.
24 Q. Was that something that was an issue that was in your
25 mind at all stages that we've talked about when you were

1 receiving information from the CSD?

2 A. Yes, because I was assuming that the CSD had been
3 speaking to the escorts who had assured him that
4 everything was under control.

5 MR ANTROBUS: Thank you.

6 DEPUTY CORONER MS MONAGHAN: Thank you. Can we release
7 Mr Fenech-Soler then? Thank you very much,
8 Mr Fenech-Soler. You are --

9 MR BLAXLAND: The only matter that I would just raise is
10 this: he did refer to a document which we have not in
11 fact seen which I think was the air safety report which
12 he had to complete. Might I just suggest that you
13 request that.

14 DEPUTY CORONER MS MONAGHAN: Is that something that is
15 accessible to you now, Mr Fenech-Soler?

16 A. No. It would have gone to our flight ops management.

17 DEPUTY CORONER MS MONAGHAN: Your flight management?

18 A. Our flight management, yes.

19 DEPUTY CORONER MS MONAGHAN: Can we make some enquiries
20 about that?

21 A. They will have a record of it somewhere.

22 DEPUTY CORONER MS MONAGHAN: Thank you very much,
23 Mr Fenech-Soler. You're now released.

24 A. Thank you.

25 (The witness withdrew)

1 DEPUTY CORONER MS MONAGHAN: Mr Walsham next I anticipate.
2 Is Mr Walsham here? Yes. Shall we just take
3 five-minute break then -- we have a Rule 37 first.
4 Thank you very much. Shall we do the Rule 37, which is
5 Mr Barker, and then we will have a five-minute break for
6 the stenographer and move straight on to Mr Walsham.

7 MR RICHARD BARKER (statement read)

8 MR LEESE: This is the statement of Richard Barker, dated
9 21 October 2010:

10 "I am making a statement today in respect of
11 an incident that occurred on an aircraft of which I was
12 a member of the flight crew.

13 "The aircraft in question was a British Airways
14 Boeing 777 flight from London Heathrow to Luanda,
15 Angola, flight number BA77.

16 "I am currently employed as first officer for
17 British Airways flying Boeing 777 on worldwide air
18 transport operations, i.e. long-haul commercial flights.
19 I have been employed in this role for five years.
20 I exist within a chain of command on an aircraft. My
21 task is to assist the captain in flying the aircraft and
22 also assist in managing any customer service issues that
23 arise. Examples of the latter include flight safety,
24 security and health and safety, encompassing medical
25 issues.

1 "On Tuesday, 12 October 2010 I was due to form part
2 of a three-person flight crew flying on the BA77 flight
3 to Luanda, Angola. On the aforementioned date at
4 approximately 5.00 pm I arrived at Terminal 5 CRC (crew
5 report centre). At 6.30 pm I met with the captain,
6 Mike Fenech-Soler, the other first officer,
7 Frederick Wellander, and the remainder of the cabin
8 crew. At this point I can only remember the first name
9 of the cabin service director, Peter, but the remainder
10 of the names I don't know as I fly on so many different
11 flights and the crews change on each.

12 "What tends to happen as on this occasion is the
13 flight crew tend to brief amongst ourselves and the
14 cabin crew do likewise. We then all get together and it
15 was at this point it was confirmed to everyone that on
16 board the flight would be escorted deportee. All I knew
17 surrounding the deportee was that he would be escorted
18 by three escorts which from previous dealings
19 I understood would be members of a privately contracted
20 firm. In the time I've been with BA I have been on
21 flights with escorted deportees on perhaps just three or
22 four occasions. Their presence doesn't affect my role
23 but it is something to be aware of in case of problems
24 arising. Although it doesn't affect my role, it does
25 involve an air of expectation. You're conscious that

1 there's a potential for things to go wrong. From my
2 previous dealings I would consider it unusual for
3 an escorted deportee to board an aircraft in
4 a completely passive and compliant state.

5 "At approximately 6.50 pm I made my way with several
6 others to the aircraft on the stand gate. On this
7 particular flight I was rostered to take the role of the
8 supervisory pilot on the outboard flight. Essentially
9 I was on the jump seat whilst the captain took the
10 left-hand side and first officer Wellander took the
11 right. During the flight I would be taking over as one
12 of the aircraft handling officers allowing one of the
13 other two officers to take a rest break.

14 "When I got to the aircraft I attended the cockpit
15 and then left again to make an external visual
16 inspection of the aircraft.

17 "I'm aware that escorted deportees are always taken
18 onto the aircraft first prior to the remainder of the
19 passengers. At some point, I can't recall when, I saw
20 passengers boarding and it was implicate in my mind that
21 the deportee must be aboard. I can't recall if anyone
22 confirmed this or not.

23 "When back in the cockpit I took my position on the
24 jump seat and the two handling pilots carried out their
25 pre-flight preparation and checks. I recall the

1 aircraft being pushed back from the gate and the push
2 back tractor disconnecting from the aircraft. We had
3 started taxiing forward under our own power when after
4 approximately 50 yards I received a call from the CSD,
5 Peter, on the intercom. He stated, although I can't
6 remember the exact wording, that the deportee was
7 agitated and the situation was escalating. He said that
8 he had to go and manage the situation and he would get
9 back us to with more information.

10 "I took the call as the other two guys were
11 operating the aircraft. I then recalled what Peter had
12 told me. Although nothing was said, we carried on
13 awaiting further events. I was aware that even if we
14 had stopped at the point because of the position of the
15 aircraft on the taxiway we couldn't have just manoeuvred
16 under our own power back to the stand.

17 "Within moments, whilst still on the taxiway,
18 perhaps just 20 yards or further on, I received a second
19 call from Peter, now stating specifically that we might
20 have to return to the stand. He then went on to say,
21 and I can't remember the exact words, that the deportee
22 had been restrained but that he was apparently
23 unresponsive. Peter then suggested he had to go but
24 would report back again. At that point I remember
25 thinking one of two things. There was either a genuine

1 medical concern or he was feigning injury. The other
2 two guys had been listening in to the call and
3 a discussion was about to start amongst us. I believe
4 at that point the option of returning to a stand was
5 becoming more prominent. In order to do this, we would
6 have had to have made contact with British Airways
7 Heathrow Airport Centre (HAC) on a separate radio
8 frequency to negate a stand allocation and clearly
9 arrange for paramedics to be present.

10 "Just before I was about to speak I received a third
11 call within moments again of the second call. Again it
12 was Peter. I can't remember the exact words but during
13 the course of our conversation it was made clear to me
14 that Peter had performed an assessment of the deportee
15 and he couldn't detect a pulse and assessed he wasn't
16 feigning injury. Also we needed to get back on the
17 stand as soon as possible and needed paramedics as soon
18 as possible. The handling pilots I believe were
19 listening in again and after the call I said to them
20 that I would contact the HAC to negotiate stand
21 allocation and paramedics. They stopped the aircraft at
22 this point. I was aware that where they had stopped the
23 aircraft was approaching the site of a taxiway junction
24 which might provide a suitable route should return to
25 the departure stand be required.

1 "I made contact with the HAC and towards the end of
2 the conversation with them the handling pilots were
3 receiving instructions from the air traffic ground
4 control to return back to our initial stand. The HAC
5 and air traffic ground control would have liaised with
6 one another.

7 "Although we were directed back to our initial gate,
8 it could have been the case that we were sent elsewhere
9 as gate occupancy is at a premium.

10 "The handling pilots were taxiing along a route
11 provided by the air traffic ground controller back to
12 the initial stand.

13 "The three of us were then busy ensuring the
14 aircraft was safe to go back into the stand. Then after
15 landing checks were being performed by the handling
16 pilots, whilst I contacted the HAC for the second time
17 to confirm the stand guidance system was switched on or
18 a marshal would be available to guide us on. I also
19 confirmed paramedics would be attending. From that
20 point onwards several discussions were had over the
21 intercom with Peter reassuring him what he had asked for
22 had been arranged and for him to give us updates. It
23 was suggested to us that the deportee's condition wasn't
24 improving and in fact once we were back on the stand
25 cabin crew were conducting first aid whilst he was laid

1 on the floor. There was a short delay whilst we waited
2 at stand for the ground crew to return and get the jetty
3 back into position for the doors to be opened. There
4 was a further short delay before the ambulance arrived.
5 Once the aircraft was safe, i.e. the engines were off
6 and the checks were completed, such that the pilots
7 could vacate their seats, the captain left to attend the
8 scene at the rear of the aeroplane.

9 "Myself and the other first officer remained in the
10 cockpit to prepare the aircraft should we have been
11 required to reattempt our departure. The captain has
12 come back and forth and it's gradually become apparent
13 we wouldn't be leaving that night.

14 "After some time I was made aware the deportee was
15 being taken from the aircraft by paramedics. Following
16 this passengers disembarked and they were being spoken
17 to along with the cabin crew by police.

18 "Just before I left the aircraft I remember being
19 told by the captain that the deportee had died. At no
20 point did I see either the deportee or any of the
21 escorts."

22 Signed R Barker.

23 DEPUTY CORONER MS MONAGHAN: Thank you very much. Shall we
24 then have a short break, five minutes, for the
25 stenographer and then we'll start again with Mr Walsham.

1 (12.00 pm)

2 (Break taken)

3 (12.10 pm)

4 MR PETER WALSHAM (sworn)

5 Examined by THE CORONER

6 DEPUTY CORONER MS MONAGHAN: Can you give us your name in
7 full firstly.

8 A. Peter Lawrence Walsham.

9 DEPUTY CORONER MS MONAGHAN: Thank you very much. Just
10 a few introductory questions, if I can. Can you tell us
11 how long you have been employed by British Airways?

12 A. To date 26 years. At the time of the incident 23 years.

13 DEPUTY CORONER MS MONAGHAN: Has that been pretty much the
14 whole of your working life then?

15 A. No, I used to be a draftsman in an apprenticeship and as
16 a draftsman before that. I started when I was 24.

17 DEPUTY CORONER MS MONAGHAN: Thank you. We know at the time
18 that you were the cabin services director?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: How long had you held that role
21 for?

22 A. I got that role in '99 so 11 years.

23 DEPUTY CORONER MS MONAGHAN: So you were very experienced by
24 that stage?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: Can you tell us what a cabin
2 service director is and does?

3 A. Right. The cabin service director manages the cabin
4 crew on board. I'm also the link between the cabin and
5 the flight deck and I'm also responsible for the
6 passengers' health and safety on board.

7 DEPUTY CORONER MS MONAGHAN: In terms of safety, I know you
8 were here when Mr Fenech-Soler was giving evidence. So
9 you'll know that's a bit of an issue for us. Can you
10 give us an idea of what that means in practice?

11 A. In practice if we had an evacuation, I would co-ordinate
12 the evacuation of the cabin. If I give you an example,
13 let's say we're in flight and I was called to the flight
14 deck and they had a problem say with an engine and we
15 had to return to the stand. We are given what's called
16 a NITs briefing which is the nature, the intentions, the
17 time available and any special circumstances or
18 situations. Then I would go back to the -- into the
19 cabin and I would make an announcement and play the
20 emergency announcement that you hear sometimes get
21 played. That gets played twice. We brief our
22 passengers on how to get out of the aircraft, if they
23 need their life jacket et cetera, and then when we land
24 we evacuate. That's an example.

25 DEPUTY CORONER MS MONAGHAN: Happily I have never heard that

1 message so I hope I never have to. Just in terms of the
2 administering of first aid or a passenger who appeared
3 unwell, would you have any responsibilities in relation
4 to that?

5 A. As passengers do fall ill on regular occasions on
6 aircraft, it tends to be whoever is in the vicinity of
7 the situation will own that problem. So if it's down
8 the back of an aircraft and a lady had fainted, the
9 person who arrived on the scene first would become the
10 assessor and they would start the process. There's
11 an onboard form that we fill in.

12 DEPUTY CORONER MS MONAGHAN: Do you have any supervisory
13 functions in relation to that?

14 A. I would be involved. Obviously a big aircraft I could
15 be at the other end of the aircraft. Someone would come
16 and notify me and I would come down and maybe oversee or
17 not get involved at all. I might become part of the
18 chain in communicating to the flight deck. So I may or
19 I may not.

20 DEPUTY CORONER MS MONAGHAN: Just in terms of your training,
21 I have seen huge numbers, two very large ring-binders
22 full, of training documents for first aid. From the
23 look of those documents, the training appears to be very
24 detailed; is that right?

25 A. Yes. We do an annual refresher, which mine is due next

1 month, and that involves --

2 DEPUTY CORONER MS MONAGHAN: Perhaps I should ask you to
3 step back a bit. I was trying to short-circuit,
4 probably not sensibly. When you first get appointed, do
5 you have first aid training at that stage?

6 A. We do. We do a six-week training course that
7 encompasses cabin service, safety and medical training.

8 DEPUTY CORONER MS MONAGHAN: Then you were going to explain
9 to us that you have an annual refresher?

10 A. We do.

11 DEPUTY CORONER MS MONAGHAN: Does that broadly reflect the
12 training that you have at the outset?

13 A. Yes, it does. It goes over life saving techniques,
14 signs and symptom of illnesses, scenarios, all manner of
15 things.

16 DEPUTY CORONER MS MONAGHAN: For our purposes, probably
17 presently, you are given significant training in
18 life-saving techniques?

19 A. Yes, and use of the defibrillator, yes.

20 DEPUTY CORONER MS MONAGHAN: Defibrillator, resuscitation
21 techniques, CPR?

22 A. Yes.

23 DEPUTY CORONER MS MONAGHAN: You referred to an assessor
24 a moment ago. You were not here yesterday I think?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: You heard me go through with
2 this with Mr Fenech-Soler, but I think there is a sort
3 of -- there's a requirement to undertake a medical
4 action plan when somebody appears to be unwell, is that
5 right?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: You have an assessor, as you
8 have said, which is the first person on the scene?

9 A. Yes.

10 DEPUTY CORONER MS MONAGHAN: Then there are three other
11 people who are required to assume roles in relation to
12 that incident?

13 A. Yes, if you have enough people around to do that.

14 DEPUTY CORONER MS MONAGHAN: You'll have a collector,
15 I think it's described as?

16 A. Yes.

17 DEPUTY CORONER MS MONAGHAN: A supporter and a communicator?

18 A. Yes.

19 DEPUTY CORONER MS MONAGHAN: The assessor perhaps speaks for
20 itself, the person who undertakes the initial
21 assessment?

22 A. Mmm.

23 DEPUTY CORONER MS MONAGHAN: The collector will go and
24 collect any equipment, the defibrillator for example?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: The supporter will help the
2 assessor in conducting any assessment that may be
3 required?

4 A. Yeah, and it's also to assist in -- if we did start CPR
5 to assist in that because it takes two people.

6 DEPUTY CORONER MS MONAGHAN: The communicator will be the
7 person that will make sure there's any liaison --

8 A. Communicates and liaison with the flight, yes.

9 DEPUTY CORONER MS MONAGHAN: As I read the documents, but
10 you tell me if I have misunderstood this, that process,
11 the need to establish a medical action plan is a process
12 that must be undertaken whenever there appears to be
13 some medical need or --

14 A. Yeah, the whole idea of the medical action plan is to
15 ascertain whether somebody needs resuscitation.

16 DEPUTY CORONER MS MONAGHAN: So that gets into place
17 immediately so presumably if there is a need for
18 resuscitation steps are in place to ensure the relevant
19 equipment has been got, people are in place to
20 administer it, without there being any chaos or --

21 A. It goes danger, you assess the danger, response.
22 There's response, if they have collapsed. Danger,
23 response, then you send for the equipment. It's DS --
24 ABC. It's always ABC. Then it's check the airway,
25 check the breathing, no breathing, CPR, and

1 defibrillator. That's how it works.

2 DEPUTY CORONER MS MONAGHAN: So just say that process again

3 a bit more slowly, please.

4 A. Sorry.

5 DEPUTY CORONER MS MONAGHAN: The assessment process is ..?

6 A. Danger, you check for danger. Then if it's safe, you

7 feel safe to approach, you check for a response. If

8 there's no response, you send for equipment. You get

9 another crew member to get the equipment.

10 DEPUTY CORONER MS MONAGHAN: When you say you check for

11 a response, is that the shaking that I see referred to

12 in some of the documents?

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: The purpose of that is to

15 determine, is it, the level of consciousness in

16 a person?

17 A. Yes.

18 DEPUTY CORONER MS MONAGHAN: I see in the documents they

19 refer to various levels of consciousness?

20 A. That's right.

21 DEPUTY CORONER MS MONAGHAN: So you do an initial response

22 test. If they appear non-responsive through the

23 shaking, you start the medical action plan, get the

24 equipment and do what is necessary?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: That's very helpful. Thank you
2 very much. Do you have any responsibilities for
3 checking whether there is a defibrillator and whether
4 it's functioning?

5 A. It's the number 3 position which is at door 3 left. The
6 defibrillator on this aircraft is in a little -- they
7 call it a dog box. It's just a box you probably put
8 a dog in down on the floor. And it's in there and it's
9 the responsibility of number 3, whoever chooses that
10 position.

11 DEPUTY CORONER MS MONAGHAN: Are you able to tell us who was
12 number 3 on this flight?

13 A. I think it was Paris -- France Yelverton.

14 DEPUTY CORONER MS MONAGHAN: We have heard evidence about
15 this already so perhaps I can just introduce it.
16 I think you were involved in giving a briefing before
17 boarding took place?

18 A. Yes, at the CRC, the crew report centre, before every
19 flight we brief the -- I conduct a briefing.

20 DEPUTY CORONER MS MONAGHAN: Can you tell us who would have
21 been at that briefing?

22 A. Yes, madam. It's all the cabin crew on that flight.
23 The flight crew just outside to go through their bits
24 and bobs and then they usually pop in and say hello and
25 introduce themselves.

1 DEPUTY CORONER MS MONAGHAN: At the briefing before the
2 flight we're concerned with, to Luanda, you informed the
3 cabin crew I think that there was to be a deportee on
4 that?

5 A. Yes. Before I conduct a briefing I go to the operations
6 desk which is where they will give me any information
7 appertaining to the flight. I went, as I always do, and
8 said, "Is there anything for Luanda?" They said yes,
9 there's a little slip that I mentioned earlier, a little
10 piece of paper, a computer printout.

11 DEPUTY CORONER MS MONAGHAN: Can Mr Walsham have the red
12 bundle. This is the document I think we heard about
13 from Mr Fenech-Soler a moment ago. It's page 52.

14 A. Thank you. That's it. Thank you very much.

15 DEPUTY CORONER MS MONAGHAN: Just so the jury are reminded
16 of it, this identifies the fact that there's a deportee,
17 Mr Mubenga, and that there are three escorts; yes?

18 A. Yes. Sorry.

19 DEPUTY CORONER MS MONAGHAN: Then the penultimate paragraph:
20 "Please allocate seats at the rear of the aircraft
21 and away from any unaccompanied minors who are
22 travelling. No alcohol to be served to this party.
23 Escorts will remain in effective control of the deportee
24 at all times."

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: Was that a typical instruction?

2 A. Yes.

3 DEPUTY CORONER MS MONAGHAN: So that's what you get whenever

4 a deportee was on?

5 A. Yes.

6 DEPUTY CORONER MS MONAGHAN: So far as your responsibilities

7 were concerned, what did "escorts will remain in

8 effective control of the deportee at all times" mean?

9 A. Well, they're in custody. So we don't approach, we

10 don't -- obviously the deportee. We don't communicate.

11 It's as if they're an entirely little separate entity.

12 I don't mean this in any disparaging way whatever, but

13 the guards are in complete control of the deportee at

14 all times and we don't try to get involved at all.

15 DEPUTY CORONER MS MONAGHAN: Have you had any formal

16 guidance, apart from these slips, or instruction about

17 where the lines are drawn between your functions and

18 theirs?

19 A. No.

20 DEPUTY CORONER MS MONAGHAN: Were you given any information

21 about whether the guards had, for example, first aid

22 training?

23 A. It's just been sort of general knowledge that they have

24 some form of medical training.

25 DEPUTY CORONER MS MONAGHAN: How did that general knowledge

1 become generated?

2 A. I don't know. It's just like we say -- it's not written
3 down in a manual that the escorts will remain in
4 effective control of the deportee at all times. It's
5 just --

6 DEPUTY CORONER MS MONAGHAN: But that's written there?

7 A. Yeah, that's written there. It's -- I don't know,
8 whether it's hearsay or talk or just general -- I can't
9 be more specific than that.

10 DEPUTY CORONER MS MONAGHAN: Just in terms of that general
11 common knowledge, was there any common knowledge about
12 the extent of the first aid training they had?

13 A. I haven't, no.

14 DEPUTY CORONER MS MONAGHAN: In terms of safety, given your
15 responsibilities, did you understand this instruction
16 and the general practice to mean that you were, if you
17 like, relieved of any responsibility for his safety?

18 A. For his care?

19 DEPUTY CORONER MS MONAGHAN: For his safety.

20 A. If there was an emergency, then obviously he would be
21 released and you would get them off in the same way.
22 I would have thought the guards would take him off.

23 DEPUTY CORONER MS MONAGHAN: What if he was having a heart
24 attack?

25 A. If he was having a heart attack and we were asked to get

1 involved, again, it's sort of -- if it was safe for us
2 to get involved, if the individuals involved felt safe
3 to do something, then, yes, but we're not trained to
4 assess danger or risk. They're the professionals. It
5 would have to come from them. We wouldn't interfere.

6 DEPUTY CORONER MS MONAGHAN: So if somebody was apparently
7 having a heart attack or experiencing a serious medical
8 emergency in those circumstances?

9 A. We would help, yes.

10 DEPUTY CORONER MS MONAGHAN: Well, would you wait for the
11 guards to invite help or would you volunteer it if it
12 was apparent that it was needed or do you not know?

13 Don't speculate.

14 A. It's never happened. So every situation will be
15 completely different so I would have to judge exactly
16 how it was at that particular time. So I couldn't
17 honestly say.

18 DEPUTY CORONER MS MONAGHAN: Okay. I can take it that you
19 don't have any formal instruction or guidance about
20 that?

21 A. No.

22 DEPUTY CORONER MS MONAGHAN: Just from what you have just
23 said -- to close this point up, is it right from what
24 you have just said that you haven't experienced anything
25 like this before?

1 A. Not like that. I have experienced deportees on flights
2 before. I used to fly out of Gatwick back in the '80s,
3 British Airtours, and we used to do flights down to
4 Jamaica. It was quite a common occurrence to have
5 deportees on, but nothing of this magnitude.

6 DEPUTY CORONER MS MONAGHAN: Have you ever experienced
7 a deportee being ill on a plane?

8 A. No.

9 DEPUTY CORONER MS MONAGHAN: I will ask you this to be
10 absolutely clear but I think we know the answer, did you
11 get a risk assessment in respect of Mr Mubenga?

12 A. No.

13 DEPUTY CORONER MS MONAGHAN: Just looking at what happened
14 after the briefing then. You know there's going to be
15 a deportee on board?

16 A. Yes.

17 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened,
18 how that worked?

19 A. When I arrived at the aircraft we did our safety checks,
20 as we do every flight, and then Mr Upton, Carl, the
21 dispatcher, came down and asked if the checks are ready,
22 blah, blah, and are we ready for the deportee, as we
23 always board the deportee first, get him settled in the
24 seat so that everybody's happy and nice and calm and
25 relaxed, and then we bring the rest of the passengers

1 on.

2 DEPUTY CORONER MS MONAGHAN: Where were you at that stage?

3 A. At that stage I was either in the cabin -- he may have
4 come on to the aircraft exactly. I might have been at
5 the door or we would have that that conversation and
6 then I would suggest we're ready to board.

7 DEPUTY CORONER MS MONAGHAN: At that stage did you see
8 Mr Mubenga?

9 A. I saw him when he came down to the jetty, yes. I met
10 him at the door.

11 DEPUTY CORONER MS MONAGHAN: Was there anything about him
12 that marked him out? What was his demeanour like?

13 A. No, very calm and relaxed.

14 DEPUTY CORONER MS MONAGHAN: He gets seated?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: You decide that it's okay to
17 board the other passengers?

18 A. I asked the guards if they were happy. They were all
19 sat down. Yes, we started to board.

20 DEPUTY CORONER MS MONAGHAN: Was that on your instruction?

21 A. Yes.

22 DEPUTY CORONER MS MONAGHAN: The passengers then start to
23 board?

24 A. Yes.

25 DEPUTY CORONER MS MONAGHAN: Then what happens?

1 A. Well, it was -- I don't know the timescale but during
2 the boarding --

3 DEPUTY CORONER MS MONAGHAN: Have you refreshed your memory
4 from your statement?

5 A. I have, yes.

6 DEPUTY CORONER MS MONAGHAN: Would it be helpful for you to
7 have it in front of you?

8 A. Yes.

9 DEPUTY CORONER MS MONAGHAN: I don't think there's any
10 reason why you can't. It's blue volume 4. Tell us if
11 you don't remember something. Simply because it's in
12 your statement, you don't have to stand by it. It's
13 just to help you with your memory, if it does help.
14 Page 44.

15 A. I remember getting a call.

16 DEPUTY CORONER MS MONAGHAN: We'll just come to that. First
17 of all, it's the statement dated 20 October 2010.

18 A. Yes.

19 DEPUTY CORONER MS MONAGHAN: So you made it fairly near in
20 time after the events?

21 A. Yeah.

22 DEPUTY CORONER MS MONAGHAN: If you wanted to find out what
23 you said about this, it's at page 46, but if you can
24 rely on your own memory, then all to the good.

25 A. Yeah. Well, I will have to refer back to that.

1 I remember getting a phone call at door 2 left that
2 there had been or was a disturbance going on at the back
3 of the aircraft.

4 DEPUTY CORONER MS MONAGHAN: Who did that call come from?

5 A. I'm not sure whether it was Ann-Marie or Louise.

6 DEPUTY CORONER MS MONAGHAN: That would be Louise Graham?

7 A. Yeah. I went down. I stopped the boarding. I went
8 down to the -- or did I stop the boarding? Did I say
9 I stopped the boarding at that point?

10 DEPUTY CORONER MS MONAGHAN: You did.

11 A. I stopped the boarding. I went down to look myself.
12 I went down the J/K side which is the far side. I got
13 to within about maybe just through the curtain or
14 halfway down the cabin. At that point Mr Mubenga was
15 back in the seat.

16 DEPUTY CORONER MS MONAGHAN: Pausing there. Do you remember
17 which seat he was in at that stage?

18 A. I think it was the back row.

19 DEPUTY CORONER MS MONAGHAN: Where the crew would normally
20 sit?

21 A. The crew rest, yeah. 39 or -- I can't exactly remember
22 but it was at the back. At this point there was a guard
23 either side and one leaning over the back row of the
24 seats. So I'd missed the contretemps and I shouted at
25 them, "Are you okay?"

1 DEPUTY CORONER MS MONAGHAN: Pause there. Would you be able
2 to give us a more detailed description of what you saw.
3 You saw a guard leaning over the seat?
4 A. Yeah.
5 DEPUTY CORONER MS MONAGHAN: If we assume that they were
6 seated in row 40, which is the back row, was that
7 a guard in row 39?
8 A. Yes, either side.
9 DEPUTY CORONER MS MONAGHAN: I beg your pardon. We have two
10 guards, one either side of Mr Mubenga?
11 A. Yes.
12 DEPUTY CORONER MS MONAGHAN: In the very back row?
13 A. Yes.
14 DEPUTY CORONER MS MONAGHAN: Then you told us there was
15 a third guard, I think, leaning over?
16 A. From the front -- from the row in front.
17 DEPUTY CORONER MS MONAGHAN: And leaning over facing
18 backwards to Mr Mubenga?
19 A. Yes.
20 DEPUTY CORONER MS MONAGHAN: In terms of the two guards by
21 the side of Mr Mubenga, do you remember what they were
22 doing or where they were positioned?
23 A. No.
24 DEPUTY CORONER MS MONAGHAN: You have no recollection of
25 that at all?

1 A. Just that they -- there was a kerfuffle, just sort of
2 leaning in maybe. At that point I was just thinking
3 I've got to move the passengers out the way, which is
4 what we did. We moved everybody out and I pulled the
5 curtains.

6 DEPUTY CORONER MS MONAGHAN: Can you help us with where
7 Mr Mubenga was? What was his position at that stage?

8 A. I couldn't see him.

9 DEPUTY CORONER MS MONAGHAN: You couldn't see him. Could
10 you see the two guards?

11 A. I seem to remember, yeah, vaguely, but they were sort of
12 almost behind the seat. I could see vividly the guard
13 who was leaning over the back because I remember his
14 shirt being pulled out.

15 DEPUTY CORONER MS MONAGHAN: Just thinking as carefully as
16 you can about this, you have told us you couldn't see
17 Mr Mubenga. Did you have a clear view in front of you?

18 A. I can't honestly remember if there were passengers
19 between me and the incident.

20 DEPUTY CORONER MS MONAGHAN: How far did you go up towards?

21 A. Not very far.

22 DEPUTY CORONER MS MONAGHAN: So where did you stop so far as
23 you can remember, roughly?

24 A. Roughly the furthest I may have got would be -- do you
25 see the green and the yellow dots? Do you want to me go

1 and point?

2 DEPUTY CORONER MS MONAGHAN: That's fine.

3 A. Just halfway with the J/K, H/J/K seats. I would imagine

4 that's as close as I got.

5 DEPUTY CORONER MS MONAGHAN: Mr Leese will help. It looks

6 like row 32 or something?

7 A. Yes, about there (Indicated).

8 DEPUTY CORONER MS MONAGHAN: You're on that side of the

9 plane as well in that aisle?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: So you walk to about there.

12 You see the guy leaning over the seat.

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: You see the two security

15 guards, although you can't quite remember how much you

16 see of them.

17 A. No.

18 DEPUTY CORONER MS MONAGHAN: Are you sure you see any of

19 them?

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: You don't see Mr Mubenga?

22 A. I can't recall, no.

23 DEPUTY CORONER MS MONAGHAN: When you say you can't recall,

24 do you not recall whether or not you saw him or are you

25 saying you don't remember seeing him?

1 A. I must have seen him. Just, you know, glimpses of --
2 DEPUTY CORONER MS MONAGHAN: I don't want you to speculate.
3 A. Yes.
4 DEPUTY CORONER MS MONAGHAN: You say you saw the other man
5 in the seat in front, the other guard in the seat.
6 A. Mmm.
7 DEPUTY CORONER MS MONAGHAN: What was he doing or tell us if
8 you could see?
9 A. I couldn't really tell. He was just leaning over the
10 top with his arms over.
11 DEPUTY CORONER MS MONAGHAN: Was he kneeling or standing?
12 A. I couldn't see. I couldn't tell.
13 DEPUTY CORONER MS MONAGHAN: Could you hear anything said?
14 A. I think I made a comment about security either side of
15 the deportee, side on with the other leaning over the
16 front row, words similar to, "We trusted you and if you
17 stop we can stop". It sounded like they were trying to
18 negotiate.
19 DEPUTY CORONER MS MONAGHAN: Did you speak to them at all?
20 A. I don't remember. I don't remember then, no. I was too
21 wrapped up in trying to move the passengers away.
22 DEPUTY CORONER MS MONAGHAN: You say in your statement, just
23 to remind you, about four lines -- just immediately
24 after the extract that you read, that you approached
25 them or:

1 "When I first approached and before these words were
2 spoken, I already asked if they were okay."
3 A. Yes, that's correct. Sorry, yes, that's absolutely
4 right. I shouted, "Are you okay?" and they replied,
5 "Yes".
6 DEPUTY CORONER MS MONAGHAN: Would you have been able to do
7 that from row 32, do you think?
8 A. Yes. It's not that far in distance. It's probably from
9 here to the front of the jury box.
10 DEPUTY CORONER MS MONAGHAN: So you would have just shouted
11 over, "Are you okay?" And they said, "Yeah"?
12 A. "Yeah, we're okay."
13 DEPUTY CORONER MS MONAGHAN: What did you do, if anything,
14 then?
15 A. I cleared the -- we were clearing the passengers out of
16 the cabin because we didn't want them to see what was
17 going on and I remember drawing the curtain at this side
18 by door 3. We had the rest of the passengers assembled
19 in World Traveller Plus which is the cabin in front.
20 DEPUTY CORONER MS MONAGHAN: Did you peak to the captain at
21 that stage?
22 A. Yeah, once the -- I went back. We waited until the
23 guards were settled and I went back to ask them if they
24 were now happy to continue. I've shortened the time
25 a bit. It's probably a couple of minutes. I was

1 chatting to the passengers in the cabin, reassuring
2 them, et cetera, and then I contacted the flight deck,
3 I don't know whether I speak to the captain or the first
4 officer, to say that the situation was now under
5 control, that the guards were happy and so they could
6 continue the boarding.

7 DEPUTY CORONER MS MONAGHAN: Just before we come to what the
8 guards told you at that stage, I think the captain's
9 recollection -- there may not be anything in this but
10 just to help you -- was that you called him to let him
11 know there was a disturbance, stop boarding, and then
12 you ring him again?

13 A. Yes, sorry.

14 DEPUTY CORONER MS MONAGHAN: Does that sound about right?

15 A. Absolutely, yes.

16 DEPUTY CORONER MS MONAGHAN: So you telephone him again to
17 tell him what the position is. In relation to the check
18 you made after the disturbance with guards, I think you
19 said you checked it was okay?

20 A. Yes, I went back down to a similar position.

21 DEPUTY CORONER MS MONAGHAN: Just to row 32?

22 A. Yes.

23 DEPUTY CORONER MS MONAGHAN: How did that go? Tell us what
24 happened.

25 A. By then two guys were seated either side, two seated.

1 And I can't exactly remember where the third one was who
2 was leaning over the back. He may have been stood up.
3 I can't remember. But the situation was calm.

4 DEPUTY CORONER MS MONAGHAN: Where was Mr Mubenga?

5 A. He was sat in the middle.

6 DEPUTY CORONER MS MONAGHAN: Did you see him at that stage?

7 A. From a distance.

8 DEPUTY CORONER MS MONAGHAN: What did you see?

9 A. I just saw somebody sitting there. I don't have any
10 real recollection of anything else.

11 DEPUTY CORONER MS MONAGHAN: Do you remember him sitting up?

12 A. Yes, yeah.

13 DEPUTY CORONER MS MONAGHAN: So you could see his face
14 clearly?

15 A. I can't honestly remember.

16 DEPUTY CORONER MS MONAGHAN: It may be you simply don't have
17 any recollection of that visit at all, in which case you
18 must tell us, or you have a recollection of bits of it
19 but you don't have recollections of other bits?

20 A. That's exactly the. I don't remember -- I was
21 co-ordinating lots of things at the time. I was
22 literally in a rush and just down, everything okay.
23 Just had a quick look, yes, okay, as quick as that.

24 DEPUTY CORONER MS MONAGHAN: Are you able to tell us now
25 whether you remember seeing Mr Mubenga at all?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: You do remember seeing

3 Mr Mubenga?

4 A. In relation to him sat in the seat?

5 DEPUTY CORONER MS MONAGHAN: Yes.

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: You're sure about that?

8 A. He was definitely sat there.

9 DEPUTY CORONER MS MONAGHAN: I don't think there's any

10 dispute about that. The question is whether you saw him

11 in a seated position there?

12 A. Oh, right. Well I saw him from what you see from the

13 top of the seat.

14 DEPUTY CORONER MS MONAGHAN: He was sitting up?

15 A. He was in an upright position, yes.

16 DEPUTY CORONER MS MONAGHAN: Thank you. So you're satisfied

17 that things are okay at that stage?

18 A. Yes.

19 DEPUTY CORONER MS MONAGHAN: Then what happens?

20 A. We started the boarding again so I went back to door 2

21 left. I take people's boarding cards as they are coming

22 on.

23 DEPUTY CORONER MS MONAGHAN: Did you see Louise Graham at

24 that stage or any stage around the time you have

25 described?

1 A. I don't recall.

2 DEPUTY CORONER MS MONAGHAN: Did you see Ann-Marie around
3 that time?

4 A. Yes. Yeah, I think Ann-Marie at some point came up
5 to -- I was chatting to her at door 3 left because she
6 had some concerns and sounded very upset about what she
7 had witnessed and I was trying to reassure her.

8 DEPUTY CORONER MS MONAGHAN: Did she say anything to you in
9 particular?

10 A. No. I think, just from what I can remember, it was just
11 sort of general concerns that, you know, she was very
12 upset about what she had seen. I probably mentioned
13 that these things do happen unfortunately, with some
14 deportees, that they do try to make one last attempt to
15 stay, so to speak.

16 DEPUTY CORONER MS MONAGHAN: Did either Louise or Ann-Marie
17 look shaken?

18 A. Yes.

19 DEPUTY CORONER MS MONAGHAN: Can you describe their
20 demeanour and how they were expressing their --

21 A. I can't remember. I just remember that they were
22 concerned and upset by it -- by obviously what they had
23 seen.

24 DEPUTY CORONER MS MONAGHAN: So you then recommence
25 boarding. What happens then?

1 A. Nothing else was brought to my attention. So no news is
2 good news, I haven't heard anything wrong. So all
3 passengers were on board. I have been conducting
4 whatever my duties were in and around the boarding. The
5 door would be closed. We received paperwork from Carl
6 for the flight, Mr Upton, and we get ready to push back.

7 DEPUTY CORONER MS MONAGHAN: Getting ready to push back. Is
8 that the stage at which, or not, that you start to give
9 the door check safety demo? When does that happen?

10 A. That happens after push back. We wait for the aircraft
11 to move back off the stand and then we'll put the doors
12 into automatic where we engage the bars so that the --
13 next time you open the door a slide would inflate. So
14 we arm all the doors. I then ring door 2, door 3 and
15 door 4, where the other sets of doors are, and each crew
16 member on the left-hand side will say door 2 in just to
17 confirm that they're in automatic and that they have
18 been cross-checked with the door on the other side. So
19 we do that, door 2, door 3, door 4. After that -- do
20 you want me to continue?

21 DEPUTY CORONER MS MONAGHAN: Yes, please do.

22 A. After that, I'll go back to the little office where
23 there's a little video set-up and I'll play the safety
24 demonstration. The lights will be on high, it was
25 dark-ish. We play the safety demonstration which takes

1 aren't four minutes. After that has been completed we
2 then secure the cabins and the galleys. The cabin crew
3 will walk through the galley aisles to check everybody's
4 seat belts are done up, tables are stowed, stuff is off
5 the floor, seat backs are upright, that sort of thing.
6 So we go through the whole cabin in all the cabins,
7 First, Club and World Traveller and World Traveller
8 Plus. Then I'll be --

9 DEPUTY CORONER MS MONAGHAN: Would you have that role as
10 well? Would you go through the whole cabin?

11 A. No, no.

12 DEPUTY CORONER MS MONAGHAN: That's fine.

13 A. No, I just stay up and the rest of the crew do that.

14 Then I'll get a call from the purser at the back to say
15 that the cabin is secure. Also from the First and Club
16 World where I was working, it's only about that. My
17 next step is to give the indication to the flight crew
18 that we're ready for take-off. I press 6P on a handset.
19 It sets off a little blue light and a buzzer in the
20 flight deck. After that I turn the lights down to the
21 night setting which is virtually pitch black really.
22 The reason why we turn the lights down is that it's to
23 adjust your eyes to the night sky. So if you -- it all
24 revolves around safety. If you did have to evacuate, if
25 the lights were on in the cabin, as soon as you got

1 outside you wouldn't be able to see a thing because
2 you're going straight into the dark. So your eyes are
3 adjusted to the dark.

4 DEPUTY CORONER MS MONAGHAN: Let's just pause there and try
5 and locate this in the chronology that we're going to
6 have to do for Mr Mubenga's case. You have told us
7 about how it works in practice. In Mr Mubenga's case,
8 we know that you made a call to the captain at some
9 time. At some point after boarding had recommenced and
10 that process had ended, there was a further call by you
11 to the captain. Do you remember that? You heard
12 Mr Fenech-Soler this morning --

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: -- say that you told him that
15 Mr Mubenga appeared to be unconscious?

16 A. Yes, this was --

17 DEPUTY CORONER MS MONAGHAN: Was he right about that? You
18 may say he is wrong about that, I don't know.

19 A. At no point did I ever, ever think that Mr Mubenga was
20 unconscious. I may have said he was conscious but at no
21 point in my dealings did I ever think that he was
22 unconscious. That's just me personally.

23 DEPUTY CORONER MS MONAGHAN: When you say "at no point",
24 does that mean throughout the whole of the evening until
25 you came off the plane?

1 A. No, no. Sorry, no. Let me be a bit more specific.
2 From the point when I went -- the last time when I went
3 down there to speak to the guards when they asked to go
4 back to the stand, from that -- that was my last
5 communication. From that point backwards.

6 DEPUTY CORONER MS MONAGHAN: So once the guards said we want
7 to go back to the stand you realised there was an issue?

8 A. Yeah.

9 DEPUTY CORONER MS MONAGHAN: Before that, you didn't think
10 that he was unconscious at any point?

11 A. No, and even at that point.

12 DEPUTY CORONER MS MONAGHAN: Even at that point you didn't
13 believe them?

14 A. No, no.

15 DEPUTY CORONER MS MONAGHAN: Just working backwards then, do
16 you recall telephoning or radioing -- I'm not sure how
17 it works -- Mr Fenech-Soler and saying that he appeared
18 unconscious?

19 A. No.

20 DEPUTY CORONER MS MONAGHAN: You don't remember that at all?

21 A. I don't remember using the word "unconscious". I may
22 have said "conscious" but at no point did I think that.

23 DEPUTY CORONER MS MONAGHAN: You may not think he's
24 unconscious but it's possible you said he appeared
25 unconscious but, as far as you are concerned, you never

1 said that either?

2 A. I can't recall that, no, no.

3 DEPUTY CORONER MS MONAGHAN: We know that you made a call in
4 due course when the guards said, "We need to go back to
5 the stand" to the captain?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: Do you remember whether you
8 made an earlier call at all?

9 A. Yes, because I received a call from the back saying,
10 "Can you come down and have a look". I called then to
11 say, "Listen, the guards aren't happy. I'm going to go
12 down and have a look myself", or words to that effect,
13 to let them know that there may be an issue.

14 DEPUTY CORONER MS MONAGHAN: You are sure that you didn't
15 tell him that he appeared to be unconscious?

16 A. Quite sure. Quite sure because if he had been
17 unconscious, then we would have gone into medical action
18 plan or I would have done if I was down there.

19 DEPUTY CORONER MS MONAGHAN: I thought you said that would
20 not be something that would be your responsibility in
21 circumstances where he was escorted?

22 A. Well, if he's clearly unconscious, then there's no
23 danger.

24 DEPUTY CORONER MS MONAGHAN: I see.

25 A. So it's this thing about danger.

1 DEPUTY CORONER MS MONAGHAN: So you make a call, you say, to
2 Mr Fenech-Soler indicating there appears to be a problem
3 and you are going down to investigate?
4 A. Yes.
5 DEPUTY CORONER MS MONAGHAN: At what stage does that happen?
6 A. That was after the lights were switched off. We'd
7 pushed back, we had done the safety briefing, checked
8 all the passengers in. I had given the indication to
9 the flight deck we were ready to take-off. I turned the
10 lights out. I was strapped in my seat ready to go.
11 DEPUTY CORONER MS MONAGHAN: We heard that there was some
12 technical problems. Do you remember those?
13 A. No ideas.
14 DEPUTY CORONER MS MONAGHAN: You didn't --
15 A. I don't remember that, no.
16 DEPUTY CORONER MS MONAGHAN: So you don't know whether there
17 was any -- you weren't aware of any delay in relation
18 to --
19 A. No.
20 DEPUTY CORONER MS MONAGHAN: None at all?
21 A. No.
22 DEPUTY CORONER MS MONAGHAN: You are sure about that?
23 A. Yes.
24 DEPUTY CORONER MS MONAGHAN: So you then get this call and
25 you go back to the plane to check?

1 A. I go back down, yes.

2 DEPUTY CORONER MS MONAGHAN: What do you see when you get
3 there?

4 A. A calm situation.

5 DEPUTY CORONER MS MONAGHAN: Where are the guards?

6 A. There was one either side of Mr Mubenga and one leaning
7 over the seat in front.

8 DEPUTY CORONER MS MONAGHAN: Where was Mr Mubenga?

9 A. He was sat upright in his seat.

10 DEPUTY CORONER MS MONAGHAN: What did he look like?

11 A. Just looked like he was just sat there, relaxed, with
12 his hands on his thighs, on his knees, just sat upright.

13 DEPUTY CORONER MS MONAGHAN: Eyes closed or open?

14 A. Eyes closed.

15 DEPUTY CORONER MS MONAGHAN: Mouth open or closed?

16 A. I think closed.

17 DEPUTY CORONER MS MONAGHAN: Do you remember what the guards
18 said to you?

19 A. They said, "We're not very happy. I think we ought to
20 go back to the stand", words to that effect, that, "We
21 think he's faking it" and I asked, "Has he got a pulse?"
22 and they said, "Yeah". So at no point did I think that
23 he was unconscious.

24 DEPUTY CORONER MS MONAGHAN: Did they say to you that he
25 wasn't responding to them?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: How would you tell whether
3 a person is unconscious?

4 A. I don't know whether you could particularly tell by
5 looking, but I would imagine they would be slumped.

6 DEPUTY CORONER MS MONAGHAN: Wasn't the training that you
7 had such as to indicate the way to tell was to shake
8 a person?

9 A. Yes.

10 DEPUTY CORONER MS MONAGHAN: Did you think --

11 A. I thought you meant just sort of --

12 DEPUTY CORONER MS MONAGHAN: Visually, no, I beg your
13 pardon. Sorry, in terms of how you might physically
14 tell?

15 A. Right, yes, shake and shout.

16 DEPUTY CORONER MS MONAGHAN: You shake and shout?

17 A. Yes.

18 DEPUTY CORONER MS MONAGHAN: Did you consider a shake and
19 shout?

20 A. I didn't, no, no.

21 DEPUTY CORONER MS MONAGHAN: Why was that?

22 A. Because the information that I had, he was conscious,
23 had a pulse and was breathing so --

24 DEPUTY CORONER MS MONAGHAN: I think they said to you that
25 he wasn't responding to them?

1 A. Yes, but I took that as being not talking to them.

2 DEPUTY CORONER MS MONAGHAN: So at that stage did you
3 believe there was anything wrong with Mr Mubenga?

4 A. No.

5 DEPUTY CORONER MS MONAGHAN: What led you to think that
6 there might not be something wrong with Mr Mubenga in
7 those circumstances?

8 A. Because I'd been given the information by the guards.

9 DEPUTY CORONER MS MONAGHAN: Had you had previous
10 experiences of deportees pretending to be ill?

11 A. No.

12 DEPUTY CORONER MS MONAGHAN: They asked you to -- or
13 indicated that they needed to go back to the stand or
14 something of that effect?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: Did you say anything in reply
17 to that?

18 A. No, I just did as they requested because I've been
19 called out of my seat, we're now taxiing and I'm
20 thinking I've got to get in touch with the flight deck
21 as quickly as I possibly can to get them to go back to
22 stand before we take off because I've already given them
23 the checks so, as far as they're concerned in the flight
24 deck, we're ready to go.

25 DEPUTY CORONER MS MONAGHAN: Your statement says that you

1 told them that if we went back, he would be getting off
2 and won't be travelling?

3 A. Yes, sorry, yes.

4 DEPUTY CORONER MS MONAGHAN: What were you meaning to convey
5 by that?

6 A. Because we have talked previously that in the past that
7 passengers do often try to make one last go, whether
8 it's a shouting match or whatever, to try and get back
9 to the stand so that they don't travel. I was just
10 merely saying that I didn't know about the whole
11 situation but I'm just assuming that he was going to
12 jump out of his seat and grab hold of somebody or
13 whatever, but if we do go back there's every chance that
14 he won't be travelling so are they sure that they want
15 to go back, because he was in their custody and I was
16 asking them specifically.

17 DEPUTY CORONER MS MONAGHAN: Were you cautioning them
18 against going back?

19 A. No.

20 DEPUTY CORONER MS MONAGHAN: Are you sure about that?

21 A. Absolutely.

22 DEPUTY CORONER MS MONAGHAN: You then tell or contact the
23 flight deck?

24 A. Yes.

25 DEPUTY CORONER MS MONAGHAN: What do you say or what happens

1 then?

2 A. I say, "The guards aren't happy with Mr Mubenga and they
3 want to go back to the stand".

4 DEPUTY CORONER MS MONAGHAN: Was there any conversation
5 about that with Mr --

6 A. I don't remember.

7 DEPUTY CORONER MS MONAGHAN: You don't remember?

8 A. Just that, yes, that's what they would do.

9 DEPUTY CORONER MS MONAGHAN: Did Mr Fenech-Soler say to you
10 at any time, "He's probably more likely just out of RADA
11 than prison" or something of that sort?

12 A. No.

13 DEPUTY CORONER MS MONAGHAN: Are you sure about that?

14 A. Absolutely.

15 DEPUTY CORONER MS MONAGHAN: So you had the conversation
16 with Mr Fenech-Soler. At that stage, you have told us
17 that you thought he was faking it I think?

18 A. Yes, because I've been given the indications by the
19 guards that he was alive, so yes.

20 DEPUTY CORONER MS MONAGHAN: In your statement at page 48,
21 just towards the bottom of the page, under the second
22 hole-punch, you say:

23 "I informed the captain via the interphone from the
24 back or the front of the plane -- I can't remember --
25 that we needed to return to the stand as the escorts

1 wanted him checked out before continuing. Everyone else
2 on board strapped in ready for take-off. I returned to
3 my seat, having informed some of the crew of our
4 movements on the way back to my seat. I was comfortable
5 in the knowledge that if the situation deteriorated
6 there were two crew members in the near vicinity that
7 could be called upon."

8 A. Yes.

9 DEPUTY CORONER MS MONAGHAN: "I was happy that the deportee
10 had that time a pulse, as I had been told, and that my
11 staff didn't need to administer first aid at that
12 instance while I was there. As part of the crew we all
13 know that if first aid is required we wouldn't hesitate
14 to provide it."

15 A. Yes, providing it is safe to do so, yes.

16 DEPUTY CORONER MS MONAGHAN: Just pausing there. Did it run
17 through your mind at that stage that there were crew
18 members there capable of administering first aid?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: Why would that be if you
21 thought he was faking it?

22 A. Just in case the situation deteriorated.

23 DEPUTY CORONER MS MONAGHAN: If the situation did
24 deteriorate, was it in your mind at the time that the
25 two trained crew members would be administering first

1 aid?

2 A. If they were called upon, yes.

3 DEPUTY CORONER MS MONAGHAN: Called upon by whom?

4 A. The guards, because I was assuming, rightly or wrongly,
5 as I was walking back that the guards would be
6 constantly monitoring Mr Mubenga and if the situation
7 deteriorated, then either they would start initiating
8 some first aid or ask for help. As I didn't hear
9 anything at all until we got back to the stand,
10 I assumed that the situation had got no worse.

11 DEPUTY CORONER MS MONAGHAN: As one of the senior personnel
12 on the plane, apart from the captain, certainly in the
13 cabin the most senior member of the personnel --

14 A. Yes.

15 DEPUTY CORONER MS MONAGHAN: -- did you consider whether you
16 needed to consider whether first aid should be
17 administered?

18 A. No, no.

19 DEPUTY CORONER MS MONAGHAN: Did you at any time check
20 Mr Mubenga yourself?

21 A. I did touch him.

22 DEPUTY CORONER MS MONAGHAN: Why did you do that?

23 A. I can't remember whether I was asked to or I wanted to
24 get involved myself. I wasn't basically brave enough or
25 there long enough to do anything else. Like I say, at

1 no point did I think Mr Mubenga was anything other than
2 conscious.

3 DEPUTY CORONER MS MONAGHAN: Why did you touch him,
4 Mr Walsham?

5 A. I don't really know, just to see for myself. I don't
6 really know.

7 DEPUTY CORONER MS MONAGHAN: Were you checking for a pulse?

8 A. No, I wasn't, no. I would have to check for a pulse,
9 I would have to hold my hand on his neck and move some
10 clothing around. No, I felt danger. I'm quite happy to
11 admit that. As he was sat in his chair, yes, the guards
12 were around. I felt danger. I was fully expecting him,
13 as I thought he was conscious and alive, to jump out and
14 grab me. That's -- I was only there just a few seconds
15 but that's the way I honestly felt so I didn't feel safe
16 to do any more.

17 DEPUTY CORONER MS MONAGHAN: You have told us that if you
18 were checking his pulse you would have to lean over and
19 get to his neck?

20 A. Yeah.

21 DEPUTY CORONER MS MONAGHAN: What part of his body did you
22 touch?

23 A. Just the side of his cheek, there (Indicated).

24 DEPUTY CORONER MS MONAGHAN: In your statement you say:

25 "I did touch his left neck."

1 A. Yeah, around that area there.

2 DEPUTY CORONER MS MONAGHAN: Why would you -- I'll ask --

3 I do need to press you a little bit on this, Mr Walsham.

4 A. No problem.

5 DEPUTY CORONER MS MONAGHAN: Why would you be touching the

6 left side of his neck, except for checking a pulse?

7 A. Just to touch to see. I don't know. I wasn't brave

8 enough to stay there longer to do anything more than

9 that. It's -- I don't know -- just somewhere you would

10 touch somebody. I certainly wasn't checking for a pulse

11 because I had already been given the information by the

12 guards that he had a pulse and that he was breathing

13 so ...

14 DEPUTY CORONER MS MONAGHAN: It's not the case, is it, then,

15 that you now appreciate that having discovered what you

16 did with Mr Mubenga you ought to have taken immediate

17 steps to administer first aid?

18 A. No, no. At no point, at no point, did I think he was

19 anything other than alive.

20 DEPUTY CORONER MS MONAGHAN: He may have been alive at that

21 stage. That's one of the questions we'll have to ask

22 ourselves.

23 Just a couple more questions then, please. Firstly,

24 did you complete the form -- red folder, do you have

25 that?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: Page 54, please.

3 A. Yes, I have it.

4 DEPUTY CORONER MS MONAGHAN: Was that a document that you
5 completed?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: I don't think this says
8 anything particularly material but if we do need to come
9 back to it, it's just your record of what happened?

10 A. Yes, it's what we fill in for any medical incident or
11 incident on board, yes.

12 DEPUTY CORONER MS MONAGHAN: It's a very brief --

13 A. Yes, yes.

14 DEPUTY CORONER MS MONAGHAN: You refer at the bottom of the
15 page to a faint, do you see that, page 54, under
16 section 6, describing the features of the illness?

17 A. Yeah.

18 DEPUTY CORONER MS MONAGHAN: What led you to conclude that
19 it was a faint?

20 A. I don't know. This was a form that we filled in
21 initially. I don't really know. That's the first time
22 I've seen this since I filled it in. I couldn't
23 honestly say, just to tick something in the box by the
24 looks of it.

25 DEPUTY CORONER MS MONAGHAN: Just I should put to you in

1 fact, just on the symptoms point as well, that we heard
2 a statement read by Mr Barker -- you will have heard
3 that too -- in which he said -- he was obviously on the
4 flight deck -- that you had made it clear or it was made
5 clear to him that "Peter that performed an assessment of
6 the deportee and he couldn't detect a pulse"?

7 A. No, no.

8 DEPUTY CORONER MS MONAGHAN: He's wrong about that, is he?

9 A. Yes.

10 DEPUTY CORONER MS MONAGHAN: Or whoever told him was wrong
11 about that?

12 A. Yeah. I didn't perform an assessment, no.

13 DEPUTY CORONER MS MONAGHAN: Just then truly finally,
14 I think, so far as you're aware, has there been any
15 internal enquiry by British Airways into events that
16 happened that night?

17 A. No. If there was, I haven't been involved in it.

18 DEPUTY CORONER MS MONAGHAN: Have there been any changes in
19 practice, so far as you're aware, regarding
20 responsibilities between escorts, staff?

21 A. Not that I am aware.

22 DEPUTY CORONER MS MONAGHAN: Any further guidance issued to
23 you relevant to the matters that we're concerned with?

24 A. No.

25 DEPUTY CORONER MS MONAGHAN: Thank you. That's the

1 questions I have for you. You will have some questions
2 from the representatives but we'll deal with that after
3 lunch. If we can start again then at 2.05, please.

4 Thank you, Mr Walsham. You are giving evidence and,
5 as with all witnesses, please don't discuss the case
6 during the lunch break. Thank you. 2.05.

17 (1.10 pm)

18 (Luncheon Adjournment)

19 (2.05 pm)

22 (The witness returned)

23 (In the presence of the jury)

24 DEPUTY CORONER MS MONAGHAN: Thank you very much, members of
25 the jury. Mr Walsham, before you are asked questions by

1 others, one of the problems with having a break is
2 I always think of something else over it. So just one
3 question very shortly that I should have asked. That
4 concerns responsibility for offloading in circumstances
5 where there's been a need to offload or desire to
6 offload between boarding and push off. Do you know
7 whose responsibility that is?

8 A. If it was in the cabin, it would be very unusual for --
9 if I decided to offload a passenger, it would be very
10 unusual for a captain not to back me up with that. So
11 they would go on my --

12 DEPUTY CORONER MS MONAGHAN: Direction?

13 A. Yes, they would.

14 DEPUTY CORONER MS MONAGHAN: Just to be clear because
15 British Airways very helpfully produced some documents
16 for me today that I'd asked for. It indicates in the
17 Joint Procedures Manual that where there is a need to
18 offload between boarding and push back, the decision on
19 whether or not to carry the passenger rests with the
20 senior cabin crew member, who I anticipate would be you?

21 A. Yes.

22 DEPUTY CORONER MS MONAGHAN: Would that be consistent with
23 your understanding of practice at least?

24 A. Yes.

25 DEPUTY CORONER MS MONAGHAN: Thank you. Who is going to ask

1 questions first then? Mr Blaxland.

2 Examined by MR BLAXLAND

3 MR BLAXLAND: Mr Walsham, I ask questions on behalf of the
4 family and I really want to pick up on the questions
5 which you have just been asked by the learned coroner.
6 The position is this: as we all know, it is the
7 captain's decision as to whether or not a particular
8 passenger is going to be allowed to fly, that's right?

9 A. Yes.

10 Q. The captain's decision. On the day that we're talking
11 about, you were the cabin services director which means
12 that you were effectively in charge of the cabin crew?

13 A. Yes.

14 Q. Is that right? For the purpose of making any decision
15 about whether or not a passenger should stay on the
16 plane, you were effectively the eyes and ears of the
17 captain, weren't you?

18 A. Yes.

19 Q. Right. You have experience, don't you, of flying with
20 people who are being deported?

21 A. Yes.

22 Q. I think quite a lot of experience of it, is that right,
23 over your years?

24 A. A fair amount, yes.

25 Q. In particular, I think you mentioned this, experience of

1 flights to Jamaica?

2 A. Yes.

3 Q. In which people are being deported. Would this be
4 right, that you know perfectly well, don't you, that the
5 point at which a deportee gets on to an aeroplane can
6 sometimes be difficult?

7 A. Yes.

8 Q. Because people sometimes do what they can to avoid being
9 deported?

10 A. Yes.

11 Q. That may mean making a fuss?

12 A. Yes.

13 Q. In whatever way, shouting, possibly going further than
14 that, and you have to make a judgment if you're the
15 cabin services director as to whether or not you're
16 going to advise the captain that the deportee should be
17 ejected from the plane?

18 (Discussion re technical issues)

19 (2.13 pm)

20 (Break taken)

21 (2.25 pm)

9 (In the presence of the jury)

10 DEPUTY CORONER MS MONAGHAN: Before we carry on with

11 Mr Walsham, members of the jury, I understand you have
12 kindly agreed to sit to 5.15 tonight. Thank you very
13 much. I understand in particular that one of you had
14 a difficulty but has agreed as long as we don't sit
15 early tomorrow. I don't know who that is but, whoever
16 it is, thank you in particular. That's very good of you

17 to accommodate us. Thank you.

18 Mr Blaxland.

19 MR BLAXLAND: Mr Walsham, you have responsibility for
20 effectively making the decisions as to whether or not
21 a passenger, in this case a deportee, remained on the
22 plane. It was your judgment?

23 A. Yes.

24 Q. It was your judgment?

25 A. Yes.

1 Q. Right. Have you seen deportees being restrained by
2 escorts in the past?

3 A. No.

4 Q. Never?

5 A. Not in that -- like that, no, no.

6 Q. So the situation that presented itself on
7 12 October 2010 was unique so far as you were concerned,
8 is that right?

9 A. Yes.

10 Q. Did you consider it part of your responsibility to make
11 any sort of assessment as to whether or not the guards
12 were doing their job in the right way?

13 A. No.

14 Q. Do you have any training in control and restraint?

15 A. We do a restraint training refresher each year where we
16 actually have a mock-up. We actually tie one of our
17 number up on a course, using the kit that is on board.

18 Q. So you do have some experience. You have training, do
19 you, in control and restraint?

20 A. It's not just showing us how to use the equipment.

21 DEPUTY CORONER MS MONAGHAN: The quick cuffs and the belts?

22 A. Yes, yes.

23 MR BLAXLAND: Does that include restraining somebody in
24 a seat, in an aircraft seat?

25 A. Yes.

1 Q. It does. Are you told not to bend that person forward?

2 A. I don't remember anybody mentioning that.

3 Q. Nobody has ever told you that?

4 A. No.

5 DEPUTY CORONER MS MONAGHAN: Are you told the position in
6 which you must handcuff a person if handcuffs are to be
7 used?

8 A. Yes, in a front stack situation.

9 MR BLAXLAND: Okay. Can we move, please, to the events that
10 we're concerned with. I want to take this relatively
11 shortly, just so that we understand the position. First
12 of all, you first noticed when Mr Mubenga boarded the
13 aircraft with the two escorts everything was fine?

14 A. Three escorts.

15 Q. Everything was fine; right?

16 A. Yes.

17 Q. You then went on to help with getting the passengers
18 onto the plane, is that right?

19 A. Yes, I assist with the boarding.

20 Q. Somebody drew to it your attention, one of the cabin
21 crew true to it your attention, that there was
22 a problem?

23 A. Yes.

24 Q. Was that Louise Graham?

25 A. I can't remember. It was either Louise Graham or

1 Ann-Marie.

2 Q. As a result of that, you went to see what was going on?

3 A. Yes, I stopped the boarding.

4 Q. This is what you have told us. You went halfway up the
5 aisle and you noticed what was going on at that stage?

6 A. Yeah.

7 Q. At that point, just tell us what, if anything, did you
8 hear as opposed to what you saw?

9 A. I heard that comment that was in my statement.

10 Q. If I can just remind you about it quickly. It's page 47
11 of your statement. What you specifically recorded in
12 the statement which was made just under a week after the
13 incident was that one of the guards said, words similar
14 to, "We trusted you and if you stop, we can stop";
15 right?

16 A. Yes.

17 Q. That's all?

18 A. Yes.

19 Q. Anything else?

20 A. No.

21 Q. Did you hear anybody shouting?

22 A. No.

23 Q. Did you hear --

24 A. I don't recall that, no.

25 Q. Sorry?

1 A. I don't recall that, no.

2 Q. Did you hear somebody saying, "They're going to kill
3 me"?

4 A. No.

5 Q. Did you hear any moaning or wailing?

6 A. No.

7 Q. Not at all?

8 A. No.

9 Q. Nothing. The only words that you heard were the words
10 that we've just read out that were recorded in your
11 statement, is that right?

12 A. Yes, I was there very briefly.

13 Q. The guards tell you that they have the situation under
14 control effectively. "Are you okay?" You ask and they
15 say, "We're okay" or one of them says, "We're okay"?

16 A. Words to that effect, yes.

17 Q. So you then go about your business. Did that involve
18 stopping the embarkation at that point?

19 A. Yeah, I'd already stopped it when I first was notified
20 of the incident. I stopped boarding there. I can't
21 remember who I was boarding with but I said, "Stay here,
22 stop the boarding. Wait there, I'll be back". So
23 I quickly went down the side to see what was going on,
24 saw what was going on, heard the comments that you've
25 just said and then I came back to the door.

1 Q. But at that point -- you'd stopped the boarding. At
2 that point did you take any steps to move the passengers
3 away from the immediate vicinity of what was going on?
4 A. Yes, that's what -- in the same process as coming back,
5 we were moving passengers out of the way.
6 Q. Okay. So --
7 A. I was down the left-hand side. I can't remember too
8 much what was going on on this side but we were moving
9 people of the way to behind the curtain.
10 Q. So you came upon them and you moved people away. Were
11 you during this period always inside this area or did
12 you go to the Business Class or the World Traveller
13 Class?
14 A. I'm pretty sure I went back up to the door 2 to speak to
15 the captain. I was --
16 Q. You went to speak to the captain?
17 A. I was flitting forwards and backwards.
18 Q. Once you had moved the passengers, spoken to the
19 captain, you then returned, is this right, as we
20 understand it, to this area?
21 A. Yes.
22 Q. From the moment that you returned to this area until the
23 moment when it appeared that Mr Mubenga was in trouble,
24 to use a neutral phrase, were you for that whole period
25 within that cabin?

1 A. No, I didn't go back there again, apart from just to
2 check that they were ready -- that the guards were ready
3 to board again. I didn't spend any more time down there
4 at all.

5 Q. Did you at any stage hear anybody shouting out, "Help"?

6 A. No.

7 Q. "I can't breathe"?

8 A. No.

9 Q. Did you not consider it part of your responsibility to
10 keep an eye on what was happening?

11 A. I can't be in two places or three places at once.
12 I knew that there were crew members in and around the
13 vicinity at door 3 and door 4 so I would expect to be
14 informed of -- anything that would concern me to be
15 notified to me.

16 Q. Maybe I have misunderstood this and maybe everybody else
17 in this room is way ahead of me, but I just want to be
18 clear about this. For the period that we're talking
19 about, the period after you started to usher people away
20 from the incident, did you move into a different section
21 of the plane?

22 A. Yes, into the World Traveller Plus forwards.

23 Q. What was it that brought you back eventually to what was
24 happening?

25 A. To see what the situation was and to see if the guards

1 were settled in the seat with Mr Mubenga so we could
2 start the boarding again.

3 Q. All right. So you could start the boarding again?

4 A. Yes, if they were happy.

5 Q. So from the moment that the boarding started again, so
6 take that -- we can time that as a matter of fact --
7 until the moment that Mr Mubenga was in trouble, where
8 were you?

9 A. At door 2 left assisting with the boarding.

10 Q. But within this area?

11 A. No, there's a whole half of the plane missing here.

12 DEPUTY CORONER MS MONAGHAN: We have World Traveller Plus
13 and then you have First?

14 A. Club World and then First.

15 DEPUTY CORONER MS MONAGHAN: You have three cabins --

16 A. The World Traveller Plus cabin is about four or five
17 rows in front of that. There's a bulkhead.

18 MR BLAXLAND: You're off the plan, is that right?

19 A. Yeah, yes.

20 DEPUTY CORONER MS MONAGHAN: There's only one person in
21 First Class I saw which I thought was a disgraceful
22 waste, but never mind.

23 A. Yes, there weren't many.

24 DEPUTY CORONER MS MONAGHAN: Anyway, sorry.

25 MR BLAXLAND: So I just want to try to pin the timing down.

1 The travellers are back on board. They are coming back
2 on board?

3 A. Yes.

4 Q. You're still at door 2?

5 A. Yes.

6 Q. So ushering them back in. They're all back on. You
7 have everybody on board at that point?

8 A. Yes.

9 Q. At which point did you then go back to the Economy Class
10 which is where this incident happened?

11 A. I didn't go back there until after the safety
12 demonstration and I turned the lights down. When I got
13 the phone call from the back to say --

14 Q. So this is after safety demonstration. How long before
15 push back was that?

16 A. I don't honestly know. Minutes, now whether that's
17 two minutes or five minutes.

18 Q. But close to?

19 A. It would only be a few minutes. Generally speaking,
20 when the boarding is completed, it doesn't take long for
21 the TRM to come down.

22 Q. So the lights have gone down and the plane is about to
23 push back, is that right?

24 A. No, the plane's already pushed back.

25 Q. Already on the move and it's at that point, is it, that

1 you went back to this area, the Economy Class, to see
2 how things were getting on?

3 A. Yes, this is after we've done the doors, we have put the
4 doors into automatic, the demonstration. We have
5 checked the cabin. We have dimmed the lights. I've
6 informed the flight deck. So, yes, that is probably --
7 if you want me to put a timescale on it, I think minutes
8 from pushing back it would be 10, 11 minutes maybe.
9 Maybe a little quicker.

10 Q. It's about --

11 A. That's an estimation.

12 Q. It's about that time. It's at that point, is it, that
13 you look back to row 40 and you see everything seems to
14 be calm, is that right?

15 A. Yes.

16 Q. Mr Mubenga is sat back in the seat, is that right?

17 A. Yes.

18 Q. You can't hear anything being said?

19 A. No.

20 Q. At all?

21 A. To whom?

22 Q. The lights are down -- to anybody?

23 A. Yeah. No, there's no conversations going on, no.

24 Q. Is that shortly before you were informed that he was in
25 trouble?

1 A. Yes, because I came down as soon as I got the phone
2 call.

3 Q. From your previous experience, has anybody ever told you
4 that one of the things that deportees will do in order
5 to bring the deportation to an end is to feign illness?
6 Has anybody ever said that to you?

7 A. It's been mentioned in conversations, crew
8 conversations, that that is an occurrence.

9 Q. Right. So that's within your own experience?

10 A. It's not happened --

11 Q. It has not happened to you. You said earlier it hadn't
12 happened to you?

13 A. It's within the cabin crew service.

14 Q. All right. Do you remember a member of the cabin crew,
15 called Mr Kongketzas? There was in fact a member of the
16 cabin crew that day called Mr Kongketzas.

17 A. I can't remember her.

18 DEPUTY CORONER MS MONAGHAN: Do you want to give him his
19 first name? It's Konstantinos Kongketzas.

20 MR BLAXLAND: Konstantinos, that's his first name.

21 A. Vaguely. I know there's another man on the trip and all
22 the rest were girls.

23 Q. I just wonder --

24 A. It's a long time ago.

25 Q. I understand that. I just wonder whether you remember

1 this: at the time that you were told that Mr Mubenga
2 either was or may be unwell that he, that is
3 Mr Kongketzas, asked you, "What's happening?" You said,
4 "He's probably faking a heart attack there"?
5 A. I don't remember that.
6 Q. Sorry?
7 A. I don't remember saying that.
8 Q. You see, you were asked earlier on by the learned
9 coroner whether or not you had ever said to anybody that
10 the captain had said, "He's probably just out of RADA";
11 in other words, a reference to Mr Mubenga feigning
12 illness.
13 A. Who said that, sorry?
14 Q. You said that actually. You said that to Louise Graham,
15 didn't you?
16 A. I don't remember saying that at all.
17 DEPUTY CORONER MS MONAGHAN: I don't think you said you did.
18 I think you're being asked did you?
19 A. Oh, right. I've no recollection of saying that, no.
20 MR BLAXLAND: Don't you?
21 A. No.
22 Q. Of course did it occur to you when you heard that -- or
23 did the guard say to you that he may be feigning it?
24 A. Yes.
25 Q. The escorts. They did? All right. Did you pass that

1 on to other people, the message was that he may be
2 faking it?

3 A. I probably did.

4 Q. All right. The last thing I want to ask you is
5 this: this question of testing for the pulse, which you
6 were asked a number of questions about, can you just
7 explain to us exactly why it was that you felt the need
8 to feel Mr Mubenga's neck?

9 A. I can't remember whether I was asked to or I decided to
10 just touch myself, as in touch just to see what was
11 going on. Either way I wasn't brave enough to do
12 anything else. I was expecting -- I really thought he
13 was conscious. I was expecting him to jump out of his
14 seat. So that's as once I'd started to --

15 Q. What was the point of it?

16 A. I don't know. I don't know.

17 Q. Was the point of that to do precisely what has been
18 suggested, to see whether he had a pulse?

19 A. No. No, I definitely wasn't -- the information I had
20 was that he had a pulse and that he was breathing.
21 There was no need for me to do that.

22 Q. I want to return to something which has already been put
23 to you but I think it needs to be put clearly. Is it
24 not right that you personally spoke to the co-pilot,
25 Richard Barker? Do you remember speaking to him?

1 A. No.

2 Q. About this?

3 A. No.

4 Q. Do you remember communicating with the cabin? Did you
5 have radio contact --

6 A. The flight deck or the cabin?

7 MR BLAXLAND: Well, tell me what the difference is.

8 DEPUTY CORONER MS MONAGHAN: The cabin is there and the
9 flight deck is where the pilots are.

10 MR BLAXLAND: Thank you very much. The cabin, did you speak
11 to -- did you communicate with the cabin?

12 A. I think as I was walking back, I think I might have said
13 to the crew member sat at door 3 and door 2 on my way
14 back that we're going back to the stand. I probably
15 would have mentioned something like that, but I didn't
16 make any general calls.

17 Q. You did have the ability to call through to the cabin?

18 A. I could have made a general call all the way round, yes.

19 Q. You can communicate with the cabin, is this right?

20 A. Yes.

21 Q. You don't have to actually go to the cabin physically?

22 A. No.

23 Q. You can communicate. You can call through to the cabin,
24 is that right?

25 A. Yes.

1 Q. Do you remember doing that in order to update them about
2 what was happening?

3 A. No, I didn't. I didn't call generally, no, no. I was
4 on my way back to my seat to sit in my seat.

5 Q. Well, I just want to try to jog your memory about this.
6 Did you in fact not call through and say to the co-pilot
7 that you had performed an assessment on the deportee,
8 that you couldn't detect a pulse and that you assessed
9 that he was not feigning injury?

10 A. I don't remember using those words at all.

11 Q. Well, dealing with the last part, he wasn't feigning
12 injury. That was something which was --

13 A. I really don't recall saying that.

14 Q. But that was exactly something which was being
15 discussed, the question -- the live question at that
16 point was: is this for real or is he faking it?

17 A. At no point -- just to make myself absolutely clear.
18 I'm quite happy with what I'm saying here. At no point
19 did I think that Mr Mubenga was unconscious or passed
20 out or in a lot of trouble in the split time that I was
21 down there.

22 Q. If you thought that he had lost consciousness --

23 A. Yes --

24 Q. What would have been your responsibility?

25 A. I would have -- well, it's difficult to say, but knowing

1 the way I am I would -- and knowing that he was
2 unconscious so I wasn't in danger, I probably would have
3 offered some assistance.

4 DEPUTY CORONER MS MONAGHAN: I don't think that was quite
5 the question, if I may say so.

6 A. Sorry.

7 DEPUTY CORONER MS MONAGHAN: I think the question was: if he
8 was unconscious, what would have been your
9 responsibility? Not what would you have done, what
10 would have been your responsibility?

11 A. Oh, right. I don't know what my responsibility is, but
12 I would say as a human being I would have offered help.
13 I don't know what my actual responsibility to a --
14 towards a deportee is.

15 MR BLAXLAND: Did you not, in your position as the cabin
16 services director, consider that you had responsibility
17 to make sure that the first aid was administered?

18 A. At that point?

19 Q. Yes.

20 A. No.

21 Q. If you assessed that he was in a condition which
22 required immediate medical assistance?

23 A. Yeah, but I hadn't. I hadn't assessed him.

24 DEPUTY CORONER MS MONAGHAN: Again, I don't think that's
25 quite the question that Mr Blaxland is putting to you.

1 A. Sorry.

2 DEPUTY CORONER MS MONAGHAN: I think Mr Blaxland is saying,
3 if you considered that he was unconscious, would it have
4 been your responsibility as senior crew member to have
5 administered first aid or ensured that somebody else
6 did?

7 A. Any crew member can administer first aid in the same way
8 that I can.

9 DEPUTY CORONER MS MONAGHAN: Would you have had any
10 responsibilities in that respect?

11 A. I honestly don't know.

12 MR BLAXLAND: Was the cabin -- the pilots dependent upon you
13 for information about what was happening at the back of
14 the plane?

15 A. Sorry, could you repeat that?

16 Q. Were the pilots, all three of them, dependent upon you
17 for information about what was happening with
18 Mr Mubenga?

19 A. Yes.

20 Q. Right. So any messages that they relayed at the time
21 about what was going on would be as a result of
22 information which you provided to them?

23 A. Yes.

24 Q. So if the message went along these lines, "We have
25 a deportee who's restrained. He's collapsed. He's

1 a very faint pulse and not responding to any stimulus",
2 can we take it that that's information which would have
3 come from you?

4 A. I don't remember using "stimulus". I don't remember
5 using some of the words in there that you've just
6 mentioned.

7 Q. Particularly, "We have a deportee who's restrained.
8 He's collapsed."

9 A. I just don't remember these conversations, no.

10 Q. "He's a very faint pulse and not responding to any
11 stimulus."

12 A. I don't remember using the word "stimulus" at all.

13 Q. Did you convey maybe in different language that sort of
14 information; in other words, we have a medical crisis on
15 our hands?

16 A. I don't think I purveyed it as being a medical crisis.

17 DEPUTY CORONER MS MONAGHAN: Pausing there. You told us
18 that you were the link between the cabin and the flight
19 deck?

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: The information that was
22 conveyed to the pilots, would that have come from you or
23 would there have been anybody else as part of the crew
24 that would have taken responsibility for --

25 A. No, it would have come from me. Somebody else could

1 have rung the flight deck.

2 DEPUTY CORONER MS MONAGHAN: Would we be right to assume

3 that you were the person conveying the information about

4 the situation?

5 A. Yes.

6 DEPUTY CORONER MS MONAGHAN: Or should we be thinking about

7 somebody else?

8 A. No, it was me.

9 MR BLAXLAND: Is your evidence this, just so that we can

10 understand it, that it wasn't until the paramedic

11 arrived on the scene that you realised that Mr Mubenga

12 was medically unwell?

13 A. Yes. Me personally, yes.

14 Q. Right?

15 A. Yes.

16 Q. Or is the position this, that you knew that perfectly

17 well and sadly you realised that you should have taken

18 some responsibility for it?

19 A. No.

20 Q. Is that not really the position?

21 A. No, that's not.

22 MR BLAXLAND: Thank you.

23 Examined by MS HEWITT

24 MS HEWITT: Mr Walsham, I'm afraid I have to return to the

25 same matters with a few more questions to clarify some

1 slightly different aspects of this.

2 A. That's fine.

3 Q. You have said in effect you had three trips to the area

4 where Mr Mubenga was sitting with the guards.

5 A. Yes.

6 Q. You recall initially, because the incident had blown up,

7 you went to see what was going on?

8 A. Yes.

9 Q. You then were ushering passengers out. You then went to

10 check to see whether you could say that boarding could

11 recommence, and they were the first two?

12 A. Yes.

13 Q. After that you were back to your part of the plane?

14 A. Yes.

15 Q. And not in that area again until you were called because

16 of Mr Mubenga's medical condition?

17 A. Yes.

18 Q. It's the precise sequence of events at that point that

19 I want to clarify with you. When you had a call about

20 Mr Mubenga's medical condition, you were in your seat in

21 a different part of the plane that we can't see on that

22 plan?

23 A. Yes.

24 Q. Effectively waiting to taxi --

25 A. Strapped in, waiting to take-off, yes.

1 Q. I want to ask you about the call you received and what
2 was said. It's in your statement at page 48 of the
3 bundle in front of you, if this will help you. That
4 call -- sorry, the main paragraph, the third paragraph
5 down. That call that you received about Mr Mubenga at
6 that time, you say in your statement came from Louise:

7 "We were taxiing out for take-off and I was called
8 by Louise at 4L."

9 A. Yes.

10 Q. Is that Louise Graham?

11 A. Yes.

12 DEPUTY CORONER MS MONAGHAN: I am terribly sorry, Ms Hewitt,
13 my fault, but I can't see where you are.

14 MS HEWITT: Page 48, top of the main paragraph.

15 DEPUTY CORONER MS MONAGHAN: Thank you.

16 MS HEWITT: I want to be clear about what she said to you at
17 that point. Looking at your statement and do say
18 whether this is your recollection or not: Louise Graham
19 said to you that the escorts had requested that we go
20 back to the stand as they weren't happy about the health
21 of the deportee ...

22 Pause there. Is that the gist of what she said to
23 you?

24 A. Yes.

25 Q. You say that:

1 "I immediately said I would be down in a second."
2 You mean down to where she was at the back of the
3 plane?
4 A. Yes.
5 Q. And you called the flight deck to inform them of this
6 report?
7 A. Yes.
8 Q. So before you went back, you made an initial call to the
9 flight deck?
10 A. Yes.
11 Q. To say what?
12 A. To say that the guards weren't happy and I was going to
13 pop down to see what's going on.
14 Q. So this is right, is it, that the very first call that
15 was made to the flight deck alerting them that there was
16 a medical problem -- not the restraint itself but
17 medical issue -- with Mr Mubenga --
18 A. I didn't know it was a medical issue. There was
19 an incident that needed to be attended to, yes.
20 Q. But this stage, as you are taxiing, was triggered by the
21 guards' request for going back to stand because they
22 wanted him to be seen?
23 A. Yes.
24 Q. You, having made that call, then did make your way back
25 to the back of the plane?

1 A. Yes.

2 Q. I was going to take you also to the passage that
3 Mr Blaxland has just taken you to. Just to remind you
4 again, it's page 100 of the bundle, the witness
5 statement, the same bundle. This, Mr Walsham, is the
6 statement of Mr Kongketzas, Konstantinos Kongketzas.
7 I will give you a moment to find it. It's page 100.

8 A. Yes.

9 Q. I want to take you back to this because it appears from
10 his statement, can you see, he says the aircraft was
11 pushed back -- at the top of the page?

12 A. Yeah.

13 Q. The second line down:

14 "The aircraft was pushed back from the stand and
15 began to taxi towards the runway. We were told to take
16 our seats for take-off. At this time I could hear a lot
17 of interphone communications."

18 So that would be telephone calls that the crew
19 and -- you and the crew can make to each other?

20 A. Yes, yeah.

21 Q. But he couldn't hear what was being said, he said. He
22 said he then saw Peter, that's you, is it, get up and
23 run towards the rear of the aircraft. So that would be
24 you on your way to see what's happening?

25 A. Yes, yeah.

1 Q. He says:

2 "As he went past me, I said, 'Peter what's

3 happening?' and Peter replied, 'He's probably faking

4 a heart attack now'."

5 Now that recollection of this witness certainly

6 would be before you had spoken to the guards about what

7 was happening at this stage?

8 A. Yes. If I was on my way down, yes.

9 Q. Do you say that conversation didn't happen at all or

10 anything like that --

11 A. I'm not saying that didn't happen at all. I just can't

12 remember whether I said anything to him on the way down.

13 Q. You said, I think in answer to Mr Blaxland, that you may

14 have said words to this effect to Louise Graham, is that

15 right, or not?

16 A. No, I don't think so.

17 Q. When you reached the back of the plane -- going back to

18 your statement now, if that helps you, page 48 of that

19 bundle in front of you.

20 A. Yeah.

21 Q. You describe how you saw Mr Mubenga sitting in his seat

22 and such like. Can I just put one thing to you. You

23 say in your statement, and in your evidence, that when

24 you saw Mr Mubenga his eyes were closed?

25 A. Yes.

1 Q. Are you sure about that? Were they not open?

2 A. I recall that they were closed, yes.

3 Q. You formed the view -- you had in your mind -- you said
4 this in answer to the learned coroner's question -- that
5 he may be faking injury?

6 A. Yes.

7 Q. What you said before lunch was that the guards -- the
8 detention custody officers -- said to you that they
9 thought he was faking it?

10 A. Yes.

11 Q. You also said in your evidence:
12 "I thought there was nothing wrong with him because
13 I was given that information by the guards."

14 A. Yes.

15 Q. Well, can I ask you to look at your statement because
16 what you said at the time in your statement is different
17 to that.

18 A. Okay.

19 Q. Look at what you said there and can I ask you to think
20 about it again. You say you walked back:
21 "I walked back to Louise and the escorts."
22 This is four lines down in the main paragraph?

23 A. Yeah.

24 Q. "I walked back to Louise and the escorts, went right up
25 to them and asked what the problem was. I can't

1 remember which security male spoke to me but they said
2 words similar to he wasn't responding to them."
3 A. Yes.
4 Q. "I asked, 'Can you feel a pulse?' and one of the
5 security answered, 'Yes. We don't know whether he's
6 pretending or not but he won't respond to us'."
7 A. Yes.
8 Q. He said they just want to get him back to be checked
9 over?
10 A. Yes.
11 Q. Just on that point, "We don't know whether he's
12 pretending or not but he won't respond"?
13 A. Yes.
14 Q. That's different and can I suggest importantly
15 different, isn't it, to what you said this morning which
16 was that the guards said to you that he was faking?
17 A. That's all part and parcel of the same thing. I'm not
18 saying that -- if that was written down in there as
19 well, that's also what they mentioned. They mentioned
20 that was -- that he may be faking it but they can feel
21 a pulse.
22 Q. I'm not suggesting that the word "faking" wasn't
23 mentioned.
24 A. Right.
25 Q. What you say in your statement, this is the important

1 difference, is that the guards' position was, "We don't
2 know whether he's faking or not but he's not responding
3 and we need to go back to get him checked"?

4 A. Right.

5 Q. What I'm suggesting to you is that is different in
6 an important way from the way you now put it this
7 morning, that they said to you, "He is faking", and
8 that's why you thought he was faking?

9 A. No, the use of "it's faking" or "maybe faking", I feel
10 as if you're sort of splitting hairs or I'm --

11 MS HEWITT: The reason I am suggesting it's an important
12 difference to you --

13 DEPUTY CORONER MS MONAGHAN: I think it may be important to
14 know whether or not you formed the view, independently,
15 that he was faking it or whether you were left with that
16 impression entirely --

17 A. That's the entire impression that I got, that he was
18 faking it.

19 DEPUTY CORONER MS MONAGHAN: But the question is whether you
20 got that impression from the guards or whether you got
21 the impression from your own experience on flights to
22 Jamaica, or wherever the case may be?

23 A. From the guards. I didn't form it from previous -- just
24 because of the situation, no.

25 MS HEWITT: What I'm putting to you is that that's where the

1 evidence you are giving is not now accurate. It wasn't
2 from the guards that you got that impression?

3 A. Yes, it was.

4 DEPUTY CORONER MS MONAGHAN: Just hold on. Let Ms Hewitt
5 ask the question.

6 MS HEWITT: I'm saying that for two reasons. First of all,
7 because it looks from the evidence of Mr Kongketzas that
8 before you even got there you had formed the view that
9 you were going to see faking of a heart attack and,
10 secondly, because what the guards were saying is, "We
11 don't know whether he's faking or not but we need to get
12 back"?

13 A. No. I hear what you say but it might just have been
14 a comment I made on my way. I don't recall particularly
15 saying that, but ...

16 Q. The next thing you say in your statement -- again,
17 something touched on already -- in response to the
18 guards saying, "We need to get him back", you say:

19 "I told them that if we went back he would be
20 getting off and won't be travelling."

21 That didn't affect, did it, in any way the guards'
22 view that nevertheless you needed to go back?

23 A. No, I was just making a statement because we'd talked
24 about the things that if we did go back to the stand, he
25 would obviously be offloaded and wouldn't travel.

1 Q. The guards, would it be fair to say, were treating the
2 matter seriously at this point?

3 A. Yes, but it was a very relaxed situation. It wasn't
4 a panicky situation. It was calm.

5 Q. I am not suggesting they were panicking. What I'm
6 putting to you is that here you are, lights down,
7 effectively taxiing towards take-off?

8 A. Yes.

9 Q. And they were saying to you, and they understood -- you
10 all understood what this meant was that this flight had
11 to stop, go back, it was going to be an interruption of
12 the taking off?

13 A. Yes.

14 Q. Inevitably?

15 A. Yes.

16 Q. You didn't see the guards laughing or treating this as
17 some sort of joke, did you?

18 A. No, not at all.

19 Q. The final few questions and, again, it's about the
20 question of taking a pulse. You have said a number of
21 times I think that the reason you were satisfied about
22 Mr Mubenga's condition was because the guards told you?

23 A. Yes.

24 Q. You have been asked about why it was you yourself
25 touched his neck.

1 A. Yeah.

2 Q. Can I again ask you to look at two other pieces of
3 evidence, just to comment on it. The first one in that
4 bundle in front of you, if you could go to page 106.
5 This is a statement of Ann-Marie McMillan. Ann-Marie
6 McMillan was one of the cabin crew on duty in this
7 section of the plane?

8 A. Yes.

9 Q. At the top of page 106, when she deals with this period
10 of time, can you see at the top she says:

11 "The guards said something similar to: we need to
12 get this man off the plane."

13 A. Yeah.

14 Q. A few lines down:

15 "I remember the cabin service director coming to
16 where I was stood [so that's you]. His name is
17 Peter Walsham. At this time I remember one of the
18 escorts saying that he couldn't feel a pulse. I cannot
19 remember which escort this was but I do remember
20 Peter Walsham saying, 'Let me try'. Peter Walsham
21 passed by me and I did not see him take the pulse of the
22 black man but I remember him saying that he could feel
23 a faint pulse."

24 A. I didn't check for a pulse. I wasn't there long enough
25 and I wasn't brave enough to do it, as I said earlier.

1 I was expecting him to jump out of the seat and grab me
2 and the -- the information that I had from the guards
3 was that he did have a pulse.

4 DEPUTY CORONER MS MONAGHAN: Did you tell Ann-Marie that you
5 could feel a faint pulse?

6 A. I don't remember speaking to Ann-Marie then, no.

7 MS HEWITT: Was it not that -- I don't know whether you saw
8 this or not -- the guards were feeling in the neck and
9 wrist, different places, to find a pulse?

10 A. I remember a guard on the far side had hold of his arm
11 or wrist.

12 Q. A pulse was found?

13 A. That's what they said.

14 Q. Including by you?

15 A. Not by me, no. I didn't check for a pulse.

16 Q. If you go then to page 137 of this bundle, Mr Walsham,
17 this is part of the witness statement of
18 Georgina Abrahams who I think was in a different part of
19 the plane?

20 A. Yeah.

21 Q. At the top of that page, the top paragraph, she's here
22 dealing with when Peter returned. Was Georgina Abrahams
23 sitting in the part that you had been located?

24 A. I think she was at -- I think it was 2 right. I would
25 have to look at the list.

1 Q. But the same part of the plane where you were based?

2 A. Yes.

3 Q. She said:

4 "When Peter returned he said he had been asked by
5 the security guard to check for a pulse. Peter said he
6 had felt for a pulse in the neck and there was a faint
7 pulse. He also said the deportee's head was back and
8 his eyes were open."

9 Do you remember saying this to Georgina?

10 A. No, I don't.

11 Q. Peter said he only checked for the pulse for a couple of
12 seconds as his main priority was to contact the pilot
13 and get the aircraft to the stand. If we had entered
14 the runway, it would have been a critical part of the
15 flight and very difficult for Peter to stop the flight."

16 That was the timing of this, wasn't it?

17 A. Yes.

18 Q. "Peter said that the guards had said to him they were
19 not sure if he was faking or not. They wanted to return
20 to the stand so that they could have him checked over
21 and continue with the flight. Peter said he told them
22 if we returned to the stand, the deportee would be
23 offloaded."

24 A. Probably, yes.

25 Q. So is what is said there accurate as far as you can

1 remember?

2 A. Apart from I didn't check for a pulse.

3 DEPUTY CORONER MS MONAGHAN: Did you tell Georgina Abrahams,
4 I think her name was, that you had felt for a pulse and
5 that his head was back and his eyes were open and he had
6 a faint pulse?

7 A. No, not at -- I didn't check for a pulse. I just
8 touched --

9 DEPUTY CORONER MS MONAGHAN: You have told us that.

10 Ms Hewitt is putting to you that there are apparently
11 two witnesses -- I don't know if she has any more up her
12 sleeve -- both of whom suggest that you told them that
13 you had checked for a pulse.

14 A. Yeah.

15 DEPUTY CORONER MS MONAGHAN: And found a faint one. So we
16 know that you say you didn't, but did you tell them that
17 you did?

18 A. May -- I don't -- I can't rightly remember. I can't
19 honestly remember is the honest answer.

20 MS HEWITT: Thank you very much.

21 Examined by MR MATTHEWSON

22 MR MATTHEWSON: Just one point. We have a witness,
23 Louise Graham, giving evidence this afternoon, possibly
24 tomorrow, but I want to just get you to look at
25 something that she wrote about the incident. Madam,

1 it's page 81 and it's the handwritten notes. Do you see
2 the penultimate paragraph, toward the end of this
3 statement? It said:

4 "I expressed my concerns [so this is Louise Graham,
5 the purser of the aircraft] so many times ..."

6 Pausing there, she's talking about the restraint of
7 Mr Mubenga:

8 "I expressed my concerns so many times throughout
9 but I was not taken seriously by anyone in authority,
10 most of all by the captain and many others..."

11 Did Louise Graham approach you and express concern
12 about the well-being of Mr Mubenga at any stage?

13 A. I don't remember so, no.

14 Q. Did you -- it follows on, but did you rebuff her?

15 A. No, no.

16 Q. If a purser came to you on an aircraft expressing
17 concern about the well-being of a passenger, would you
18 rebuff them?

19 A. No, no.

20 MR MATTHEWSON: Thank you.

21 Examined by MR ANTROBUS

22 MR ANTROBUS: Just a few questions, Mr Walsham. In terms of
23 the initial disturbance, you went to see Mr Mubenga and
24 the guards on two occasions. On both of those occasions
25 were you satisfied that they had the situation under

1 control?

2 A. Yes.

3 Q. Did anything they said -- was anything said from them to
4 you that indicated that they didn't have the situation
5 under control?

6 A. No.

7 Q. When you reported back to the captain at that time, on
8 the second time that you had been up, did you report
9 back to the captain that the situation was under
10 control? Can you recall?

11 A. In so many words, yes.

12 Q. In terms of the boarding, stopping boarding and starting
13 boarding again, I just want to understand what that
14 means. When you say you stopped boarding --

15 A. Stopped more passengers from coming on.

16 Q. How?

17 A. Physically by saying, "Can you wait there". And there
18 was somebody else assisting me at the boarding. So
19 I left them at the door to stop any more passengers
20 coming on.

21 Q. Just to understand, we all know that when you print and
22 get your boarding ticket at the boarding point you then
23 will go on, or the passengers will go on, to an air
24 bridge, is that right?

25 A. Yes.

1 Q. The jetty, as it's otherwise described, up to the plane?

2 A. Yes.

3 Q. You're at the front of the plane to greet them as they

4 come on?

5 A. Yes.

6 Q. When you say stop boarding, this isn't a communication

7 to those that are printing the boarding ticket?

8 A. No.

9 Q. This is just stopping people coming into the plane, is

10 it?

11 A. The air bridge, yes.

12 DEPUTY CORONER MS MONAGHAN: Are you moving on to another

13 point Mr Antrobus?

14 MR ANTROBUS: Yes.

15 DEPUTY CORONER MS MONAGHAN: Can I ask a question about

16 this?

17 MR ANTROBUS: Of course.

18 DEPUTY CORONER MS MONAGHAN: Just so I understand, we have

19 electronic data showing apparently when people's

20 boarding cards were swiped or something. We have it

21 describe as boarding time, but there is some electronic

22 mechanism for determining when a passenger has passed

23 through a particular place for boarding. Can you tell

24 us where that is physically?

25 A. It's up at the top of the gate. The jetty that -- you

1 walk backwards -- when you got off an aircraft, you walk
2 up the jetty and then that takes you into the main
3 building. It will be somewhere in that --

4 DEPUTY CORONER MS MONAGHAN: When you go onto an aeroplane,
5 you go into the gate, and they say ready for boarding in
6 half an hour?

7 A. It would be there.

8 DEPUTY CORONER MS MONAGHAN: You stay there for five hours
9 and you wish you had stayed in the pub, and then you are
10 let through the gate onto the aircraft?

11 A. Yes.

12 DEPUTY CORONER MS MONAGHAN: Are you swiped when you go
13 through the gate or at an earlier stage?

14 A. It's the last point. You know when they check your
15 passport and your boarding card and they put it through
16 the -- it will be then.

17 DEPUTY CORONER MS MONAGHAN: So it won't be on the jetty?

18 A. No, no.

19 DEPUTY CORONER MS MONAGHAN: So when you say you stopped
20 boarding at the jetty --

21 A. They have already gone through the electronic bit.

22 DEPUTY CORONER MS MONAGHAN: Would you have rung through and
23 said: don't let anybody else through past the gate?

24 A. No.

25 DEPUTY CORONER MS MONAGHAN: Definitely not?

1 A. Definitely not, no.

2 DEPUTY CORONER MS MONAGHAN: Because we have what looks to
3 be a gap in the boarding, the swiping electronic system?

4 A. Maybe it was fed down by somebody else.

5 DEPUTY CORONER MS MONAGHAN: Thank you. Sorry, Mr Antrobus.

6 MR ANTROBUS: You were also asked in terms of restraint
7 techniques that cabin crew might deploy in situations
8 with an unruly or disruptive passenger during flight.
9 One of the points put to you was that handcuffs would be
10 put in front stack, so with --

11 A. Yes.

12 Q. -- the individual's hands in front of them. Do you know
13 the reasoning for that?

14 A. I think it's for sort of a duty of care so that they
15 could feed themselves or eat. As far as I know, it's
16 for that and it -- probably a more comfortable position.
17 As far as I know, it's something, seat belt -- not the
18 seat belt, but certainly so they can drink from a cup of
19 water if they are given a cup of water.

20 Q. Also if there were to be an emergency situation, taking
21 oxygen or something like that?

22 A. It's easier to take off as well.

23 Q. So they might be able to look after themselves in
24 a state of emergency?

25 A. Yes, if the shackles -- the straps were taken off, yes.

1 DEPUTY CORONER MS MONAGHAN: You have a knife, I think,
2 a quick swipe knife, to get them off immediately?

3 A. Yes.

4 MR ANTROBUS: I have dealt with the initial disturbance and
5 the two occasions that you went to the back of the
6 aircraft. Can I now deal with the final occasion when
7 you are summoned by a call indicating there is
8 a problem. Could you look at your statement at page 48.
9 Just so we can get an order as to when this occurred
10 chronologically, you will see that large paragraph, the
11 third paragraph on the page, and it starts:

12 "We were taxiing out for take-off and I was called
13 by Louise at 4L."

14 Do you see that?

15 A. Yes.

16 Q. So the call that comes through from Louise,
17 Louise Graham, whom we will hear from, was after you
18 were taxiing for take-off to the best of your
19 recollection?

20 A. Yes.

21 Q. So you described how all of the lights had dimmed and
22 you'd done the various checks, but the plane is moving
23 under its own motion at this stage, moving forward?

24 A. Yes, it was either still or moving, yes, but -- yes.

25 DEPUTY CORONER MS MONAGHAN: Still or moving, it might be

1 quite important in terms of identifying --

2 A. I don't know is the answer.

3 DEPUTY CORONER MS MONAGHAN: That's absolutely fine.

4 MR ANTROBUS: But you did indicate, I think this was your
5 evidence, that all of the safety demonstrations and
6 cabin checks and so on would be after you push back from
7 the stand?

8 A. Yes.

9 Q. So there is that period where you will push back away
10 from the stand and push back is where you are pushed
11 back by a tug?

12 A. Yes.

13 Q. And the aircraft is moving?

14 A. Yes.

15 Q. Then the aircraft moves through the use of its own
16 engines which is taxiing to the runway?

17 A. Yes.

18 Q. You're describing in this statement that you were
19 taxiing out for take-off. Is that your recollection?

20 A. Yeah, I used taxiing as a general term. Once we have
21 pushed back, any movement after that I see as taxiing.

22 Q. You are describing movement?

23 A. The fact that we're off the stand, regardless of whether
24 moving or stationary, I would call taxiing.

25 Q. At that point you're made aware by Ms Graham that the

1 escorts were requesting that you go back to the stand?

2 A. Yes.

3 Q. That was the communication that has come through to you
4 because they were saying -- they were referring, as you
5 can see from your statement -- just have a look at your
6 statement so that you can remind yourself -- that they
7 weren't happy about the health of the deportee?

8 A. Yes.

9 Q. So the information you're getting from Ms Graham is that
10 an assessment had been made by the guards with
11 Mr Mubenga that they weren't happy in relation to his
12 health?

13 A. Yes.

14 Q. And they wanted to go back to the stand?

15 A. Yes.

16 Q. You then go to see for yourself to confirm that, is that
17 right?

18 A. Yeah, I could have -- I suppose I could have just rung
19 the flight deck and said --

20 Q. If you look at the next sentence in your statement:
21 "I immediately said I would be down a second and
22 called the flight deck to inform them of the request."

23 A. Yes.

24 Q. So you told the flight deck immediately?

25 A. Yes.

1 Q. Before you went to confirm?

2 A. Yes.

3 Q. Then you went to confirm, is that right?

4 A. Yes, yeah.

5 Q. When you went to confirm, the situation that you saw

6 then, it didn't fall into the classic situation that we

7 have talked about, and you have been taken to of the

8 medical action plan, where you're going to assess

9 a passenger that nobody else has assessed, did it?

10 A. No.

11 Q. This was a passenger who was in the control of others?

12 A. Yes.

13 Q. And they were indicating that they had assessed the

14 health?

15 A. That was my take on it, yes.

16 Q. So it's right, isn't it, that the first thing you did in

17 that situation was to ask them questions?

18 A. Yes.

19 Q. The first question, according to your statement, that

20 you asked was:

21 "Can you feel a pulse?"

22 A. Yes.

23 Q. Are you sure that the answer to that was "yes"?

24 A. Yes.

25 Q. Then in terms of whether -- it has been put to you

1 whether it was conveyed to you that it was clear
2 Mr Mubenga was faking it or whether that was something
3 that they didn't know, did you get the impression that
4 there was the potential that he may be faking it?
5 A. Very much so, yes.
6 Q. When they are saying, "We want to go back to the stand",
7 at this time you say in your statement that you noticed
8 that the security staff were very calm?
9 A. Yes.
10 Q. They weren't acting as if there was a medical emergency?
11 A. No, I didn't feel at that point that there was a big
12 problem, but just they wanted to go back to the stand to
13 have him checked out.
14 Q. So the assessment that's being relayed to you is that
15 there's a pulse but that they want to go back to the
16 stand?
17 A. Yes.
18 Q. You relay that information to the captain?
19 A. Yes.
20 Q. And the plane goes back to the stand?
21 A. Yes.
22 MR ANTROBUS: Thank you.
23 DEPUTY CORONER MS MONAGHAN: Any further questions for this
24 witness? Thank you very much, Mr Walsham. Thank you
25 for coming yesterday as well. I know you have had to

1 wait around. Thank you for your evidence and you are
2 now formally released and free to go.

3 A. Thank you.

4 (The witness withdrew)

5 DEPUTY CORONER MS MONAGHAN: Next is Ms Graham. Should we
6 take a five minute break before we go to her so we get
7 the stenographer a break now? Obviously be mindful that
8 we have a number of witnesses to get through. There
9 isn't a facility to bring them back, as I understand.
10 I don't know whether it would be possible to get
11 Mr Cooper to come back in four weeks or something, but
12 it's -- we just will have to get through the witnesses
13 and I think we can probably do it a bit more quickly
14 than we have been.

15 MR MATTHEWSON: Just applying my mind to this, and I may be
16 speaking out of turn, but of the three witnesses this
17 afternoon Claire Mullen, Mr Cooper and Louise Graham,
18 I think it's Claire Mullen and Mr Cooper who can't come
19 again tomorrow. I don't know what the position is with
20 Ms Graham. I know she's already been put back a day, so
21 it's a little bit unfair on her, but I don't know if she
22 is able to give evidence tomorrow.

23 MS HEWITT: I wonder if we could address you on this in the
24 absence of the jury.

25 DEPUTY CORONER MS MONAGHAN: Why don't we have you

1 five minutes away -- and we need Julie for a moment but
2 have a five or ten-minute break because we have a long
3 afternoon this afternoon. So that will be helpful.

14 (3.29 pm)

15 (Break taken)

16 (3.38 pm)

17 (In the presence of the jury)

18 DEPUTY CORONER MS MONAGHAN: Ms Mullen, please.

19 MS CLAIRE MULLEN (sworn)

20 Examined by THE CORONER

21 DEPUTY CORONER MS MONAGHAN: Can you give us your full name,
22 please.

23 A. It's Claire Mullen.

24 DEPUTY CORONER MS MONAGHAN: As you know, I'm going to ask
25 you about the events on 12 October.

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: I think you have been in court
3 part of today at least so you'll know roughly how it
4 goes?

5 A. Yes.

6 DEPUTY CORONER MS MONAGHAN: I'll ask you questions first
7 and then you'll be asked some questions by the other
8 representatives.

9 Just, first of all, you were part of the cabin crew
10 on 12 October?

11 A. Yes, I was.

12 DEPUTY CORONER MS MONAGHAN: What was your particular job
13 title at that stage?

14 A. I was working position number 2 which is in the rear
15 Club cabin, Club World.

16 DEPUTY CORONER MS MONAGHAN: How long had you been or had
17 a cabin crew role by that time?

18 A. For the length of time employed as cabin crew?

19 DEPUTY CORONER MS MONAGHAN: Hmm, hmm?

20 A. Nine years but with BA entirety 23.

21 DEPUTY CORONER MS MONAGHAN: Nine years now that is, is it?

22 A. Yes.

23 DEPUTY CORONER MS MONAGHAN: So a little shorter than that
24 in 2010?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: We have heard much about this
2 so I'm not going to ask you in any detail. I just want
3 to check a couple of things. Would we be right in
4 assuming that you had first aid training?
5 A. Yes, as cabin crew we are all trained.
6 DEPUTY CORONER MS MONAGHAN: Did that involve a first course
7 and then annual refreshers?
8 A. Correct, yes.
9 DEPUTY CORONER MS MONAGHAN: You, as I understand and tell
10 me if I'm wrong, would have had life saving training as
11 part of that general first aid training?
12 A. Yes.
13 DEPUTY CORONER MS MONAGHAN: Including thing like
14 resuscitation, CPR?
15 A. Using the defib.
16 DEPUTY CORONER MS MONAGHAN: And you would have been
17 familiar with the medical action plan required for
18 a four-person team?
19 A. Yes.
20 DEPUTY CORONER MS MONAGHAN: Moving then, please, to
21 12 October. I understand before you got on the plane
22 you had a briefing from Peter --
23 A. Yes.
24 DEPUTY CORONER MS MONAGHAN: -- Walsham, and he told you
25 that there was going to be a deportee on the plane?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: Did he tell you anything else
3 about that?

4 A. Not that I remember, no special instructions, just that
5 we were carrying a deportee to Luanda.

6 DEPUTY CORONER MS MONAGHAN: Did he tell you how many
7 escorts there were going to be?

8 A. I don't recall.

9 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened
10 then. Did you become aware of the deportee coming on
11 the plane with the escorts or anything of that sort?

12 A. I was in Club which is at door 2 where the passengers
13 generally board and I was there when the deportee came
14 on board.

15 DEPUTY CORONER MS MONAGHAN: With the guards?

16 A. Yes, always -- they always come on first.

17 DEPUTY CORONER MS MONAGHAN: Did you become aware of how
18 many guards there were?

19 A. Yes, three.

20 DEPUTY CORONER MS MONAGHAN: Had you had experience before
21 then of working on planes where deportees have been
22 boarded?

23 A. Yes, I was based at Gatwick for two years and we
24 regularly carried deportees.

25 DEPUTY CORONER MS MONAGHAN: To Jamaica?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: Was it common to see deportees
3 with three guards?

4 A. Generally there were only ever two.

5 DEPUTY CORONER MS MONAGHAN: So they got on board first in
6 the usual way?

7 A. Yes.

8 DEPUTY CORONER MS MONAGHAN: Did you see what happened then?

9 A. You mean when --

10 DEPUTY CORONER MS MONAGHAN: They go on board. You're in
11 Club World?

12 A. No, they continued down to the back and we continued --
13 well, we started boarding and we then do pre-take-off
14 drinks in Club.

15 DEPUTY CORONER MS MONAGHAN: So for that period you didn't
16 have anything more to do with them?

17 A. No.

18 DEPUTY CORONER MS MONAGHAN: Then can you tell us what, if
19 anything, happened thereafter that you became aware of?

20 A. Once we'd started boarding and there were roughly,
21 I think, 20-ish passengers boarded when there was a PA
22 to say that the boarding was stopped and we stopped
23 boarding. Time, 10, 15 minutes, I can't honestly
24 remember the actual time, but we then continued
25 boarding.

1 DEPUTY CORONER MS MONAGHAN: Did you have any understanding
2 of why you might have stopped boarding at that stage?
3 A. At that point I don't remember because we were quite
4 busy in Club. We have quite a lot of preps to do.
5 DEPUTY CORONER MS MONAGHAN: Did you think at the time that
6 it might have something to do with deportee?
7 A. Yes.
8 DEPUTY CORONER MS MONAGHAN: What led you to think that?
9 A. Because generally, having my experience at Gatwick, that
10 before take-off there could be a ruckus because
11 generally if too much happened then they were taken off.
12 DEPUTY CORONER MS MONAGHAN: So you heard the PA telling you
13 that boarding had stopped and then what happened?
14 A. And for the Economy passengers who were already boarded
15 to move into the Club cabin. The curtains closed and
16 then, as I said, 10, 15 minutes-ish, they re-opened and
17 we continued boarding.
18 DEPUTY CORONER MS MONAGHAN: Then what happened?
19 A. We -- the door was closed. The pill had come on at that
20 point. I took the PIL down to --
21 DEPUTY CORONER MS MONAGHAN: The PIL?
22 A. Sorry, the listing with the list of all the passengers,
23 the passenger information list. I took that down to the
24 purser in the back, at the rear, and that's when
25 I witnessed --

1 DEPUTY CORONER MS MONAGHAN: Before you took the passenger
2 list back, I think you took that to the purser is that
3 right?

4 A. Yes.

5 DEPUTY CORONER MS MONAGHAN: Who was?

6 A. Louise Graham.

7 DEPUTY CORONER MS MONAGHAN: So before you took the
8 passenger list to the purser Louise Graham, did you
9 receive any other information?

10 A. Not that I remember, no.

11 DEPUTY CORONER MS MONAGHAN: In your statement that you
12 prepared on 13 July 2011 you said that Peter approached
13 you and informed you that the deportee had kicked off
14 and was being restrained. That looks like it was
15 before --

16 A. At which point?

17 DEPUTY CORONER MS MONAGHAN: Do you have your statement
18 there?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: It's the second page of your
21 statement. Toward the bottom, about five lines up, you
22 say:

23 "I think it was Peter approached me at the time and
24 informed us that the deportee had kicked off and was
25 being restrained."

1 A. At the time if I said that, that must have happened.
2 Because it's been two and a half years.

3 DEPUTY CORONER MS MONAGHAN: That's fine. Now you have
4 refreshed your memory, do you remember that or is that
5 just something you can rely on your statement?

6 A. Just relying on the statement.

7 DEPUTY CORONER MS MONAGHAN: So you then walked up to hand
8 the PIL, the list, to Louise Graham?

9 A. Yes.

10 DEPUTY CORONER MS MONAGHAN: That was in the rear of the
11 cabin?

12 A. Yes, that was just -- I'd just gone past door 3.

13 DEPUTY CORONER MS MONAGHAN: That was more into the area
14 that we have up there, is that right?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: Then what happened?

17 A. As I passed doors 3, I don't remember who the crew
18 member was at that door, because we cover doors if there
19 are passengers on board, and I got about halfway up the
20 rear cabin and I could see the -- Mr Mubenga being
21 restrained.

22 DEPUTY CORONER MS MONAGHAN: Can you tell us precisely what
23 you saw. When you say "restrained", can you give us
24 a visual image of what you actually saw?

25 A. Three seats. He was in the centre seat. There was one

1 guard either side, and one in front, holding him.

2 DEPUTY CORONER MS MONAGHAN: So just looking at the guards
3 at the side at the moment, could you see what they were
4 doing?

5 A. Holding his shoulder to keep him down.

6 DEPUTY CORONER MS MONAGHAN: Still on that row for the
7 moment, what was the position of Mr Mubenga?

8 A. I couldn't actually really see him because there were --
9 he was quite a tall man but one guard each side holding
10 and then was a guard in the seat -- in the middle seat
11 in front. So he was kneeling on the seat, if I remember
12 correctly. So he was blocking a bit of my view.

13 DEPUTY CORONER MS MONAGHAN: This might be quite important
14 for us. When you say that your view was obstructed
15 because you have a guard standing up in the middle
16 seats --

17 A. He wasn't standing up.

18 DEPUTY CORONER MS MONAGHAN: Sorry, kneeling. I beg your
19 pardon.

20 A. Yeah.

21 DEPUTY CORONER MS MONAGHAN: Does that mean that Mr Mubenga
22 could have been sitting upright and your whole vision
23 obscured or did you get -- could you get any perception
24 of where Mr Mubenga was?

25 A. No, he was bent over.

1 DEPUTY CORONER MS MONAGHAN: I asked you about the two men
2 by the side. The man in front, could you see what he
3 was doing?

4 A. The guard in front?

5 DEPUTY CORONER MS MONAGHAN: The guard in front.

6 A. Kneeling and just holding his shoulders.

7 DEPUTY CORONER MS MONAGHAN: Mr Mubenga's shoulders?

8 A. Yes.

9 DEPUTY CORONER MS MONAGHAN: First of all, can you tell us
10 how you could see that?

11 A. Because I had doors 3 to doors 4, I was about half,
12 three-quarters of the way down. The cabin wasn't full
13 so there weren't lots of passengers around. I was about
14 three-quarters of the way down. So whilst not straight
15 on, I was probably that distance away.

16 DEPUTY CORONER MS MONAGHAN: When you say that distance, is
17 that the ate of bench or where Mr Blaxland is with the
18 glasses?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: Mr Blaxland with the glasses?

21 A. The gentleman with the glasses, yes.

22 DEPUTY CORONER MS MONAGHAN: You could see the man in front
23 and you could see his hands on Mr Mubenga's shoulders?

24 A. Yes.

25 DEPUTY CORONER MS MONAGHAN: Was that the back of his

1 shoulders, the front of his shoulders, directly on top?

2 A. From memory, on top of his shoulders.

3 DEPUTY CORONER MS MONAGHAN: He was bent forward?

4 A. I don't remember if he was bent forward or just

5 kneeling --

6 DEPUTY CORONER MS MONAGHAN: I should have said Mr Mubenga

7 was bent forward?

8 A. Sorry, yes.

9 DEPUTY CORONER MS MONAGHAN: That's my fault.

10 A. Sorry.

11 DEPUTY CORONER MS MONAGHAN: How long did you remain in that

12 position for?

13 A. Oh, enough to hand over the list, see what was happening

14 and then I went back to the Club cabin.

15 DEPUTY CORONER MS MONAGHAN: Did you hear anything coming

16 from where the guards and Mr Mubenga were?

17 A. Just basically noises. It was inaudible.

18 DEPUTY CORONER MS MONAGHAN: When you say noise, did it

19 sound like speaking noise, shouting, crying?

20 A. No, not crying, no sort of shouting, just noise.

21 DEPUTY CORONER MS MONAGHAN: Can you give us a best

22 impression?

23 A. Sorry, such a long time ago, but it didn't sound unusual

24 to me because having seen a few -- quite a few

25 deportees, it didn't -- it didn't sound anything out of

1 the ordinary -- well, from what I've witnessed before.

2 DEPUTY CORONER MS MONAGHAN: Just focus on this and let's

3 say not comparing to deportees who might be a class of

4 their own to some extent?

5 A. I was just thinking about the actual -- what I heard.

6 DEPUTY CORONER MS MONAGHAN: Did you hear words spoken?

7 A. No, I didn't hear words.

8 DEPUTY CORONER MS MONAGHAN: Was the noise you heard -- and

9 if you can't answer this, don't. I'm just trying to get

10 a sense.

11 A. Sure.

12 DEPUTY CORONER MS MONAGHAN: Did it sound happy?

13 A. Not happy.

14 DEPUTY CORONER MS MONAGHAN: Smug, cocky, sad, distressed?

15 A. It didn't sound distressed because I think if I thought

16 it was distressed I would have said to one of the other

17 crew that doesn't sound right. It sounded like someone

18 who was being restrained, railing against it. Does that

19 make sense?

20 DEPUTY CORONER MS MONAGHAN: That gives us a helpful

21 impression. Thank you.

22 So you met Louise and she gave you the PIL?

23 A. I handed, yes.

24 DEPUTY CORONER MS MONAGHAN: What did you do then?

25 A. I handed her the PIL, a few seconds, and then went back

1 to where my working position.

2 DEPUTY CORONER MS MONAGHAN: Which was in Club World?

3 A. Which was in Club World.

4 DEPUTY CORONER MS MONAGHAN: Which is not in the cabin we

5 see there?

6 A. No.

7 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened

8 next so far as you were concerned?

9 A. We did the safety demonstration. As we pushed back

10 doors -- the doors had already gone into automatic. Did

11 the demo, secured the cabin, lights were dimmed. We

12 were told to take our seats, which we did. This was

13 about -- departure time was about 8 o'clock and we more

14 or less pushed back on time if I remember. We pushed

15 back, taxied out.

16 DEPUTY CORONER MS MONAGHAN: Pause there. Can you remember

17 there being any technical difficulty?

18 A. I don't.

19 DEPUTY CORONER MS MONAGHAN: Carry on. So you have told us

20 about the lights going off, push back?

21 A. Told to sit down, which we did. Started taxiing and

22 then we stopped. And at that point I thought we were

23 just lining up because that does happen at Heathrow

24 because it's fairly busy. My phone rang and it was --

25 I think it was Louise, the purser at the back, who said

1 to me, "Just to let you know we're going back to stand
2 because we think he's faking a heart attack."
3 DEPUTY CORONER MS MONAGHAN: "He's faking a heart attack"?
4 A. We think.
5 DEPUTY CORONER MS MONAGHAN: He's faking a heart attack?
6 A. So I did ask her at that point, "Do you want the defib?"
7 and she said, "No". And then minutes, seconds --
8 minutes later, we were back on stand, the door opened
9 and the paramedics came on.
10 DEPUTY CORONER MS MONAGHAN: Apart from the words that you
11 have just described with Louise, when she said, "No" to
12 the defibrillator, was that the end of the conversation?
13 A. Yes, sorry, yes. I then hung up.
14 DEPUTY CORONER MS MONAGHAN: Did you have any further
15 involvement with the events?
16 A. No.
17 DEPUTY CORONER MS MONAGHAN: Did you stay in Club World?
18 A. Yes.
19 DEPUTY CORONER MS MONAGHAN: So you didn't go back and have
20 a look?
21 A. No, no.
22 DEPUTY CORONER MS MONAGHAN: How did you know the paramedics
23 got on board?
24 A. Because I was -- my position at 2 left was the door we
25 opened.

1 DEPUTY CORONER MS MONAGHAN: So you saw them come in but you
2 didn't see anything else?

3 A. No.

4 DEPUTY CORONER MS MONAGHAN: Did you follow the paramedics
5 up and see anything?

6 A. No. Because at that point, because the door was open,
7 I would be at that door because that door was my
8 responsibility so I would stop anyone else unauthorised
9 coming on board.

10 DEPUTY CORONER MS MONAGHAN: Those are all the questions
11 I have. If you wait a moment, other representatives may
12 have questions.

13 MR BLAXLAND: I have no questions.

14 Examiné by MS HEWITT

15 MR ANTROBUS: It's just really about this question about the
16 defibrillator.

17 A. Yes.

18 DEPUTY CORONER MS MONAGHAN: The telephone call you say you
19 received from Louise Graham, was that via the crew
20 internal phone?

21 A. Yes, you can either have what they call an all
22 attendance call where all the phones ring and we would
23 all pick up. She rang my door, just my door.

24 Q. You say that she said, "We're going back to the stand
25 because we think he's faking a heart attack"?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: That's the wording in your
3 statement as well. Did she say, "We think he's faking
4 a heart attack"?

5 A. I cannot -- if I've said that in the statement, but then
6 I don't honestly remember.

7 Q. You don't remember?

8 A. No.

9 Q. But you offered, "Do you want the defibrillator"?

10 A. Yes.

11 Q. Why did you say that?

12 A. Because -- the position I am at doors 2 left the defib
13 is in the dog box, which is basically a drawer that
14 pulls out, between Club World and the Economy. I was
15 actually closest to it so that's why I offered it.

16 Q. But she said no?

17 A. She said no.

18 Q. The only other thing is I think you say in your
19 statement that when you had gone to the end of the plane
20 to take the list to Louise Graham -- I think you
21 described that you observed the scene for what you
22 describe as a few seconds before --

23 A. Yes, 30 seconds, a minute if that, yes.

24 MS HEWITT: Thank you very much.

25 DEPUTY CORONER MS MONAGHAN: Just one question actually

1 I should have asked you. Just in relation to the defib,
2 did you have responsibility for that? Was that your --
3 A. No, because you have a medical action plan that you talk
4 about. If someone were having a heart attack, the first
5 crew member -- you then go into the different roles.
6 So -- it wasn't my responsibility. It was everyone's
7 responsibility but because I was at -- as I said, I was
8 closed to it, I offered it.

9 DEPUTY CORONER MS MONAGHAN: My question wasn't very well
10 put. I think we heard from Mr Walsham, and I think
11 I have seen it somewhere, that somebody has
12 responsibility for making sure the defib is on the
13 plane, that it is working, that the box hasn't been
14 tampered with or anything of that sort?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: Would that have been your
17 responsibility?

18 A. No.

19 Examiné by MR MATTHEWSON

20 MR MATTHEWSON: Just one point. I come back to the words
21 that you say Louise Graham used when she telephoned you.

22 A. Yes.

23 Q. You say that she said, in your statement:

24 "My intercom rang and Louise told me we were going
25 back to the stand because we think he's faking a heart

1 attack."

2 A. Yes.

3 Q. This statement was made nearly two years ago, yes?

4 A. Yes.

5 Q. And when things were fresher in you mind than they are
6 now?

7 A. Yes.

8 Q. Do you remember Louise Graham saying to you, "Look
9 everybody else thinks that --"

10 A. No, definitely not.

11 Q. "... this detainee is faking it but actually I'm very
12 concerned."

13 A. No.

14 Q. "And nobody is listening to me"?

15 A. No, definitely not. What I said in the statement --
16 because it was an unusual event I had made some notes of
17 what I thought were pertinent. And, no, the
18 conversation was as per my statement.

19 MR MATTHEWSON: Thank you very much.

20 MR ANTROBUS: I don't have any questions.

21 MS BALLARD: No, thank you, madam.

22 DEPUTY CORONER MS MONAGHAN: Thank you very much. Thank you
23 for waiting all day for that. You're now free to leave.

24 A. Thank you.

25 (The witness withdrew)

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MR STEPHEN COOPER (sworn)

Examined by THE CORONER

DEPUTY CORONER MS MONAGHAN: Members of the jury, we're going to take a bit of an evidential detour here. This is Mr Cooper who works at G4S. He was involved on the night of the incident and we would have had him last week or the week before when we had evidence from the guards and what happened to them after the incident, but Mr Cooper wasn't available so we've slotted him in here. You'll hear about what his role was when he gives evidence, but you might be thinking: why is he here now? That's simply because he wasn't available. So he's kindly said he'll come today.

You'll understand you have been slotted in, Mr Cooper, so you may have to remind us of your role in a bit more detail.

Can you tell us, first of all, on 12 October 2010 you were employed -- first of all I should ask for your full name?

A. Stephen James Cooper.

DEPUTY CORONER MS MONAGHAN: Thank you. Just turning back, on 12 October 2010 you were employed by G4S at that stage?

A. That's right.

DEPUTY CORONER MS MONAGHAN: What was your role?

1 A. I was in an active role as head of operations for the
2 overseas removals.

3 DEPUTY CORONER MS MONAGHAN: What responsibilities did you
4 have in that capacity?

5 A. It was responsibility for managing the operation, the
6 managers that managed the DCOs, ensuring there was
7 enough resource there to carry out the request from the
8 customer, dealings with the customer and making sure the
9 business was running effectively.

10 DEPUTY CORONER MS MONAGHAN: The customer for these purposes
11 was the UK Border Agency?

12 A. Yes, it was.

13 DEPUTY CORONER MS MONAGHAN: So you held quite a senior role
14 in fact?

15 A. I did do, yes.

16 DEPUTY CORONER MS MONAGHAN: In relation to the incident,
17 can the witness please have blue volume 6. If you look,
18 please, first of all, at page 12, do you have that?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: That's a witness statement
21 I think you made for the purposes of the police
22 investigation. That's dated 7 December 2010?

23 A. That's correct.

24 DEPUTY CORONER MS MONAGHAN: Was that the first statement
25 you made in the context of the police investigation?

1 A. It was, yes.

2 DEPUTY CORONER MS MONAGHAN: Then if we can look, please, at
3 the page 10, can you just help me. I think they're
4 probably the police notes of interview?

5 A. They're not my notes.

6 DEPUTY CORONER MS MONAGHAN: They're not your notes?

7 A. I can read them. They're not my notes.

8 DEPUTY CORONER MS MONAGHAN: Then at page 7, there is
9 a document entitled, "Initial report on the death of
10 Jimmy Kelenda Mubenga"?

11 A. Yeah.

12 DEPUTY CORONER MS MONAGHAN: At page 9, that says "Completed
13 by Stephen Cooper". That's you?

14 A. That's me, yes.

15 DEPUTY CORONER MS MONAGHAN: Did you prepare that report?

16 A. I did prepare that report.

17 DEPUTY CORONER MS MONAGHAN: It's dated 15 October 2010?

18 A. That's right, yes.

19 DEPUTY CORONER MS MONAGHAN: When did you prepare it?

20 A. Through the 15th October.

21 DEPUTY CORONER MS MONAGHAN: So that would be the date you
22 compiled it essentially?

23 A. Yes.

24 DEPUTY CORONER MS MONAGHAN: Would you have had any rough
25 notes or would --

1 A. Rough notes were sent off with the file to G4S who had
2 a person collating all paperwork.

3 DEPUTY CORONER MS MONAGHAN: Would you have had some rough
4 notes?

5 A. Yes, I did.

6 MR BLAXLAND: I am very sorry, it may just be me, but I'm
7 struggling to hear.

8 MS HEWITT: I am too.

9 DEPUTY CORONER MS MONAGHAN: Thank you for letting me know.
10 You will need to keep your voice very high up,
11 especially for the jury because they are very far away
12 and they have the stenographer there. So please try and
13 speak very loudly. I'm much closer to you so it's
14 easier for me.

15 So the report that you prepared you had some rough
16 notes, did you?

17 A. I do, yes.

18 DEPUTY CORONER MS MONAGHAN: You did do. They would have
19 gone -- when would they have been prepared?

20 A. They were prepared over the period of time from the 12th
21 to the 15th as I gathered information for the report
22 that had to be submitted to the client.

23 DEPUTY CORONER MS MONAGHAN: So they would have a been rough
24 notes gathered over the period from the 12th?

25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: They went back with the report
2 to G4S, did they?

3 A. They did do, yes.

4 DEPUTY CORONER MS MONAGHAN: You are still going to have to
5 speak louder, I'm afraid. Who would you have sent them
6 to?

7 A. It was Paul Leadbetter.

8 DEPUTY CORONER MS MONAGHAN: That's fine. Thank you. Just
9 in relation to your role then on 12 October, can you
10 tell us, please, when you first became involved?

11 A. Yeah, I was -- my role meant I stayed over at night
12 because I live in Leicester and I was working out of
13 Gatwick whilst I'm in the role. And I got a telephone
14 call around about half past nine at night that there was
15 an issue on a removal and, being the senior manager,
16 them type calls get escalated to me to look at what
17 actions needed to be taken. So about half past nine
18 I came --

19 DEPUTY CORONER MS MONAGHAN: Where were you at that stage?

20 A. I was at the Holiday Inn in Gatwick.

21 DEPUTY CORONER MS MONAGHAN: That was because that where's
22 you stay?

23 A. That's where I stayed over four nights a week.

24 DEPUTY CORONER MS MONAGHAN: For just working. Who
25 telephoned you?

1 A. It wasn't a telephone call. It was a telephone call
2 into a control centre manager who was with me at the
3 time because she was stopping over, Janice Beattie, and
4 she came and actually spoke to me and told me
5 personally.

6 DEPUTY CORONER MS MONAGHAN: Was she staying there again
7 because she works away from home and it's the place you
8 all stay?

9 A. It was because there was a leaving do for another member
10 of staff there, she was there.

11 DEPUTY CORONER MS MONAGHAN: So it was just chance?

12 A. Yes.

13 DEPUTY CORONER MS MONAGHAN: So somebody contacted
14 Jan Beattie and she spoke to you?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: What did she say to you?

17 A. At that time it was we had somebody taken ill on
18 a flight and it was quite serious. So we were looking
19 at planning to go to the hospital to see what assistance
20 we could be, whether it was contact or managing the
21 situation.

22 DEPUTY CORONER MS MONAGHAN: Was the incident classified in
23 any sense?

24 A. Yeah, it was classed as a red incident which was
25 a generalised classification for major incidents that

1 involve removals.

2 DEPUTY CORONER MS MONAGHAN: So was there anything above

3 red?

4 A. Not that I'm aware of, no.

5 DEPUTY CORONER MS MONAGHAN: So red is the most serious?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: You knew, or you were told,

8 that there had been an incident with a deportee?

9 A. That's right, yes.

10 DEPUTY CORONER MS MONAGHAN: You presumably, from what you

11 said, knew he had gone to hospital?

12 A. The initial contact was he was still on the plane.

13 There was an incident on the plane and the detainee was

14 taken very ill. It was a couple of minutes after that

15 that we actually got the information that they thought

16 he had unfortunately passed away so.

17 DEPUTY CORONER MS MONAGHAN: Shortly after the first call,

18 around 9.30, you learnt that he had probably passed

19 away?

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: Okay. In the first call, the

22 stage at which you were thinking about going to the

23 hospital, were you given any further information?

24 A. Not at all. Nothing at all.

25 DEPUTY CORONER MS MONAGHAN: Then you got the second call

1 indicating that he had probably passed away?

2 A. Yes.

3 DEPUTY CORONER MS MONAGHAN: Were you given any further

4 information at that stage?

5 A. No. I started requesting information, detainee's name,

6 location, who would be involved, what staff, what the

7 movement was, so I could actually start gathering

8 information.

9 DEPUTY CORONER MS MONAGHAN: Then what happened?

10 A. I got in my car. We were told that the officers that

11 been taken to the police station at Heathrow.

12 DEPUTY CORONER MS MONAGHAN: Pause there. Who told you the

13 officers that been taken to the police station?

14 A. That came from the control centre. They had been

15 notified.

16 DEPUTY CORONER MS MONAGHAN: They told you they had been

17 taken to?

18 A. Long side police station.

19 DEPUTY CORONER MS MONAGHAN: Long side?

20 A. Sorry, north side.

21 DEPUTY CORONER MS MONAGHAN: North side police station and

22 so you set off there?

23 A. Yes.

24 DEPUTY CORONER MS MONAGHAN: What was the purpose of setting

25 of to the police station?

1 A. It was to support the officers, to gather information so
2 we could pass it up to the executive who had been
3 informed by that time of the incident taking place, but
4 mainly my role was to actually go and support the
5 officers.

6 DEPUTY CORONER MS MONAGHAN: Did you know why they were at
7 the police station?

8 A. Not at that stage, no.

9 DEPUTY CORONER MS MONAGHAN: You were just told they had
10 been taken to the police station?

11 A. Yes.

12 DEPUTY CORONER MS MONAGHAN: Did you have any impression
13 that they were in trouble?

14 A. Not at that stage, no. We just knew that there was
15 a suspicious death, unfortunately Mr Mubenga dying. So
16 I just wanted to go and support and gather information.

17 DEPUTY CORONER MS MONAGHAN: Because it was a suspicious
18 death, as you had learned by that stage, had you?

19 A. No, that's the wording afterwards. At the time it
20 was -- we hadn't -- we didn't have it confirmed that he
21 had actually died until I got to the police station.

22 DEPUTY CORONER MS MONAGHAN: I thought you had said that you
23 learnt he had passed away a bit earlier --

24 A. It was conversation that came through the control centre
25 but nobody actually, actually said he had died. It was

1 just we thought he had because the communication had
2 stopped because the officers had been taken into custody
3 by the police.

4 DEPUTY CORONER MS MONAGHAN: Pause there. As I understood
5 it, you had originally thought that you would go to the
6 hospital?

7 A. Yes.

8 DEPUTY CORONER MS MONAGHAN: You had a call a few minutes
9 later indicating that he had probably passed away?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: As I understood it, that was
12 the reason that you didn't go to the hospital?

13 A. Correct.

14 DEPUTY CORONER MS MONAGHAN: So you knew he had died or you
15 knew he had probably died?

16 A. Yeah.

17 DEPUTY CORONER MS MONAGHAN: Was it after that that you got
18 the telephone call indicating that the men were at the
19 police station?

20 A. It all happened quite about a similar sort of time.

21 There was telephone calls going because I was escalating
22 things up to the executive. I was making phone calls to
23 organise vehicle recovery.

24 DEPUTY CORONER MS MONAGHAN: Did you have any concerns about
25 why the police station? I mean, it might lead a person

1 to think they're in a bit of trouble here? Why would
2 the police take them?

3 A. A lot of thoughts went through my mind at the time. As
4 I say my concern was the staff, to support the staff.
5 At that point we had no indication of why Mr Mubenga had
6 died, other than the fact that he was under restraint
7 which we knew so the conversations from the officers
8 through the control centre back through to us. So
9 I just presume that that would be the natural course
10 that they would be interviewed by the police.

11 DEPUTY CORONER MS MONAGHAN: You knew he had been under
12 restraint at the relevant times?

13 A. Yes.

14 DEPUTY CORONER MS MONAGHAN: So you go to the police station
15 and what do you discover there?

16 A. What I discover is the officers were segregated from us.
17 We weren't allowed to see them initially. We sat with
18 the chief constable or chief inspector, I'm sorry
19 I can't remember now who it was. They invited us into
20 a general discussion where we were trying to get details
21 of Mr Mubenga and people within the UKBA. So we passed
22 them details on. We then asked whether we could just
23 actually let the officers know that we were there,
24 myself and Jan Beattie. Janice Beattie went with me.
25 We then was put into a room on the side where another

1 manager turned up from G4S, Mr Keith Mahony.

2 DEPUTY CORONER MS MONAGHAN: Keep your voice up a bit. Even

3 I'm struggling now. So you were put into a room. You

4 were joined by Keith Mahony?

5 A. Yes.

6 DEPUTY CORONER MS MONAGHAN: Yes?

7 A. After a period of time we were allowed to go and spend

8 a few minutes with the officers, just to say, "We're

9 here. If you need anything, let us know through the

10 police", and then we were escorted back out.

11 DEPUTY CORONER MS MONAGHAN: When you went and said hello,

12 can you just give us a feel about what did you -- how

13 long were you in there?

14 A. About five minutes with the police. The police never

15 left us on our own with the four officers. They were

16 already going through being -- having their clothes

17 removed for forensics and they were just kept together

18 in one office. And then we just went in, said hello to

19 them. They were very, very, sombre, very, very quiet,

20 which is unusual for officers, and we just let them know

21 we were there.

22 DEPUTY CORONER MS MONAGHAN: So you went into the room.

23 They're by themselves, the four of them?

24 A. No, they're not by themselves. They had two police

25 officers with them.

1 DEPUTY CORONER MS MONAGHAN: So there's the four staff,
2 together with two officers?

3 A. Yes.

4 DEPUTY CORONER MS MONAGHAN: You go in with Mr Mahony?

5 A. I can't remember whether Mr Mahony was there but me and
6 Janice Beattie went in.

7 DEPUTY CORONER MS MONAGHAN: You tell them that you're there
8 and deal with some welfare-ish type stuff, and then you
9 leave?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: Do you see the men again after
12 that?

13 A. We stay in the police station, gathering information, as
14 much as we can, escalating up through the channels to
15 the control centre so it can actually be reported
16 through to the executive until the time that the police
17 actually released them.

18 DEPUTY CORONER MS MONAGHAN: When the police released them,
19 were you still at the station?

20 A. Yes, I actually took them -- the three of them. One was
21 released early. The driver was released earlier. I had
22 another driver come up and pick him up and take him home
23 because he was home. The three main officers I took
24 down to a hotel that we'd arranged for them to be put up
25 in.

1 DEPUTY CORONER MS MONAGHAN: When you took them down to the
2 hotel, you took them by par?
3 A. I did do, yes.
4 DEPUTY CORONER MS MONAGHAN: Was it just you and the three
5 officers?
6 A. It was, yes.
7 DEPUTY CORONER MS MONAGHAN: Did you discuss during the
8 course of that journey what had happen?
9 A. Not in detail.
10 DEPUTY CORONER MS MONAGHAN: At all?
11 A. They were talking about the incident as how upset they
12 were, how worried they were, but not about the incident.
13 DEPUTY CORONER MS MONAGHAN: Did they say what happened to
14 Mr Mubenga?
15 A. No, they didn't.
16 DEPUTY CORONER MS MONAGHAN: Did they mention Mr Mubenga?
17 A. Only in the fact that they were upset and worried and
18 concerned and shocked at what had happened.
19 DEPUTY CORONER MS MONAGHAN: Did you ask them any questions?
20 A. No, I didn't.
21 DEPUTY CORONER MS MONAGHAN: Are you sure about that?
22 A. I'm absolutely positive.
23 DEPUTY CORONER MS MONAGHAN: You're a free senior man
24 already. This is the highest level incident.
25 Presumably it could have had repercussions for G4S?

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: You didn't ask them any
3 questions at all?

4 A. No, I didn't.

5 DEPUTY CORONER MS MONAGHAN: So you took them to the hotel
6 and did you stay with them at the hotel?

7 A. I didn't, no.

8 DEPUTY CORONER MS MONAGHAN: It was the Hilton?

9 A. We took them to the Hilton.

10 DEPUTY CORONER MS MONAGHAN: Did you go back to the
11 Holiday Inn?

12 A. I did do, yes.

13 DEPUTY CORONER MS MONAGHAN: Did you have any further
14 involvement after that?

15 A. Yes. The following day I had arranged for them to come
16 and pick their statements. We had also arranged
17 a therapist to actually spend a few minutes with them to
18 explain the emotions they were going to go through, of
19 what the cycle was, and to give them some reassurance
20 and support.

21 DEPUTY CORONER MS MONAGHAN: I'm not sure they all took up
22 the offer of the behavioural therapist?

23 A. They did. They all had -- it was a half an hour slot
24 that we gave to each one of them. It was afterwards
25 they had offers of further support.

1 DEPUTY CORONER MS MONAGHAN: So they had an initial half
2 an hour with the behavioural therapist on the 13th?
3 A. Yes.
4 DEPUTY CORONER MS MONAGHAN: With an offer that they could
5 follow up they've wanted?
6 A. To yes.
7 DEPUTY CORONER MS MONAGHAN: On 13 October then you joined
8 them at the Hilton?
9 A. Holiday Inn.
10 DEPUTY CORONER MS MONAGHAN: They came to the Holiday Inn?
11 A. Yes. Janice Beattie picked them up from the Hilton and
12 brought them down to the Holiday Inn.
13 DEPUTY CORONER MS MONAGHAN: That was for the purpose of
14 completing their incident reports?
15 A. Yes.
16 DEPUTY CORONER MS MONAGHAN: How long were they in the --
17 was a room arranged for them?
18 A. There was a room arranged. There was two rooms
19 arranged, one for the therapist and one for the staff
20 and the managers to sit with them.
21 DEPUTY CORONER MS MONAGHAN: How long were they in the
22 Holiday Inn in that room or either of those rooms?
23 A. In total round about seven or eight hours.
24 DEPUTY CORONER MS MONAGHAN: Seven or eight hours?
25 A. Yes.

1 DEPUTY CORONER MS MONAGHAN: So quite a long time?

2 A. Yes.

3 DEPUTY CORONER MS MONAGHAN: During the course of that time

4 in the room, were they brought drinks and refreshments

5 or anything of that sort?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: Did they go out? Did they go

8 off somewhere?

9 A. I think one or two of them smoked as I recollect. So,

10 yes, they did but they went with one of the managers.

11 DEPUTY CORONER MS MONAGHAN: So apart from cigarette breaks,

12 did they spend the whole of that seven or eight hours in

13 one or other of those rooms?

14 A. As far as I recollect, yes.

15 DEPUTY CORONER MS MONAGHAN: The time out of the room

16 doing -- the incident report room, if you like, that was

17 for the half an hour therapist?

18 A. The therapist, yes.

19 DEPUTY CORONER MS MONAGHAN: So the rest of the seven, seven

20 and a half hours, was spent in the room, the incident

21 report writing room?

22 A. That's right, yes.

23 DEPUTY CORONER MS MONAGHAN: What were they doing for seven

24 to seven and a half hours in that room?

25 A. The initial part was I sat down with them. I think

1 Paul Leadbetter came in and just went through what was
2 expected of them. Then we -- they sat actually writing
3 their reports. It was a very emotional time. It took
4 time for them all to write their reports.

5 DEPUTY CORONER MS MONAGHAN: Would somebody be able to bring
6 to hand immediately where the reports are? Just bear
7 with me.

8 MR BLAXLAND: Volumes 1 and 2 of witnesses blue.

9 DEPUTY CORONER MS MONAGHAN: Thank you.

10 MR BLAXLAND: Mr Tribelnig is in 2 and Mr Kaler and
11 Mr Hughes are in 1.

12 DEPUTY CORONER MS MONAGHAN: Can the witness please be
13 handed volume 1 blue at page 47. I am just giving you
14 this as an illustration. They all follow a standard
15 form, as you know?

16 A. Yes.

17 DEPUTY CORONER MS MONAGHAN: Obviously the contents are
18 a little different but they're all about this length,
19 give or take.

20 A. Yes.

21 DEPUTY CORONER MS MONAGHAN: This is Mr Kaler's, just by way
22 of an illustration?

23 A. Yes.

24 DEPUTY CORONER MS MONAGHAN: The first two pages are just
25 basic details like name, the names of the others, and so

1 on. It wouldn't take very long to complete that, would
2 it?

3 A. No.

4 DEPUTY CORONER MS MONAGHAN: Then the second page identifies
5 the flight number?

6 A. Yes.

7 DEPUTY CORONER MS MONAGHAN: And where the incident
8 happened, the names of the two guards involved in
9 handcuffing and the rough time of the incident, length?

10 A. Yeah.

11 DEPUTY CORONER MS MONAGHAN: It wouldn't take very long to
12 complete that. Well, would it, Mr Cooper?

13 A. The staff were very emotional. When they started
14 writing it, we had to stop occasionally, take odd ones
15 because they were getting very, very emotional about
16 things.

17 DEPUTY CORONER MS MONAGHAN: Just look over the pages. In
18 this example there is five and a half pages of
19 handwritten text?

20 A. Yeah.

21 DEPUTY CORONER MS MONAGHAN: It would seem six and a half,
22 seven hours, perhaps six hours with fag breaks. That
23 would seem an enormous amount of time to complete
24 a report of that length. Would you be able to help us
25 with that?

1 A. As I say, the staff were very, very emotional. They
2 started it, they stopped it. They sat there. One of
3 the guys particularly just sat there totally blank for
4 quite some period of time. We didn't want to push them
5 as much as we -- because of the state they were in.

6 DEPUTY CORONER MS MONAGHAN: So your evidence is that it
7 took that long for them to complete these reports?

8 A. It did take that long, yes.

9 DEPUTY CORONER MS MONAGHAN: That's all they did?

10 A. Yes.

11 DEPUTY CORONER MS MONAGHAN: Did you discuss the contents
12 with them?

13 A. I did not.

14 DEPUTY CORONER MS MONAGHAN: Did you give them any briefing
15 about what they should say?

16 A. Not at all.

17 DEPUTY CORONER MS MONAGHAN: Did they discuss it with each
18 other?

19 A. No.

20 DEPUTY CORONER MS MONAGHAN: How do you know?

21 A. Because I was in the room for around about 90 per cent
22 of the time. The other part we had at least two
23 managers all the time in with them. There was some
24 discussions in regards to timings because only one
25 person on the official documentation for removal keeps

1 timings, so the other two officers wouldn't actually
2 know what time they boarded because they were looking
3 after the detainee at the time. So there was talk
4 about: what time did we get on the plane? And they
5 looked at the forms and they spoke about that, but that
6 was the only conversation.

7 DEPUTY CORONER MS MONAGHAN: Why did you remain in the room
8 with them for the five or six hours or whatever
9 90 per cent would amount to?

10 A. I felt it was my duty for the staff that they actually
11 saw their senior manager there with them and to be --
12 spend time with them. There was, I thought, in my own
13 mind, that this could go to an investigation within the
14 business or further with the police. So we needed to
15 keep as much security of the information as we possibly
16 could.

17 DEPUTY CORONER MS MONAGHAN: What do you mean by "security
18 of the information"?

19 A. That there was no -- they didn't talk about what was
20 happening, that they didn't talk about it together about
21 the information before we actually got it down on paper.

22 DEPUTY CORONER MS MONAGHAN: I see. There were two other
23 managers in the room, did you say?

24 A. Yes, there was Janice Beattie and Sarah Newlands.

25 DEPUTY CORONER MS MONAGHAN: Their role, what was their

1 role?

2 A. Janice Beattie was the control centre manager for the
3 overseas part and Sarah Newlands was the scheduled
4 operations manager.

5 DEPUTY CORONER MS MONAGHAN: Did you read the reports after
6 they were written?

7 A. I think it was the following day I read through the
8 reports to finalise my report to go to the clients.

9 DEPUTY CORONER MS MONAGHAN: Did you read through the
10 reports on the day?

11 A. Not that I can recollect.

12 DEPUTY CORONER MS MONAGHAN: When did you first learn that
13 there had been a use of force?

14 A. It was said at the time of the initial 10, 15-minute
15 phone calls where we were thinking about going to the
16 hospital and ended up going to the police station.

17 DEPUTY CORONER MS MONAGHAN: If you can just look at your
18 statement to the police, please, which is at page 12.
19 If you wouldn't mind looking, please, at page 14. You
20 deal at the top of the page with the Holiday Inn report
21 writing period.

22 A. Yes.

23 DEPUTY CORONER MS MONAGHAN: Then at the bottom you say:

24 "At no time was I told how Jimmy had died. However
25 I did speculate to myself that there had been a use of

1 force."

2 That might suggest that you hadn't been told there
3 was a use of force. I don't know, perhaps you can help
4 me. Maybe it's a --

5 A. I think, looking back on it, what I meant it to say was
6 I speculated it could have been something to do with the
7 use of force.

8 DEPUTY CORONER MS MONAGHAN: The death?

9 A. Yes.

10 DEPUTY CORONER MS MONAGHAN: Just bear with me, if you will.

11 Then after the 13th, after the Holiday Inn, once the
12 period had finished, the day had ended, what did you do?
13 Did you leave go and back to home?

14 A. We suspended the officers from duty as per our contract
15 obligation. We carried out further fact-finding and
16 looks but it was then back to the day job of running the
17 business.

18 DEPUTY CORONER MS MONAGHAN: When you say fact-finding, what
19 fact-finding did you undertake?

20 A. It was finishing off things like the paramedics, times
21 of arrivals and things like that, just to clarify them,
22 so I could get as much fact into the report that
23 I needed to submit to the client as I possibly could.

24 DEPUTY CORONER MS MONAGHAN: The report that we saw at
25 page 7, is that the report that you prepared for the

1 client?

2 A. It is, yes.

3 DEPUTY CORONER MS MONAGHAN: This is for UKBA?

4 A. It is, yes.

5 DEPUTY CORONER MS MONAGHAN: Did you manage to get timings
6 about paramedics and so on?

7 A. It's -- I'm sure it's in there. No, it was the
8 hospital.

9 DEPUTY CORONER MS MONAGHAN: Just in terms of the incident
10 on the plane, so what Mr Mubenga did or otherwise on the
11 plane, where did you get that information from?

12 A. From the officers' incident reports.

13 DEPUTY CORONER MS MONAGHAN: So they told you about the
14 incident in the toilet?

15 A. In the reports, yes.

16 DEPUTY CORONER MS MONAGHAN: So you collected their reports
17 and you used that as a basis, did you, for preparing
18 your reports?

19 A. Yes.

20 DEPUTY CORONER MS MONAGHAN: You say, at page 8, the third
21 paragraph down:

22 "The escorting crew had struggled with Mr Mubenga
23 for a lengthy period, possibly up to 54 minutes, in
24 their efforts to maintain control of him and manage his
25 disruptive behaviour."

1 A. Yes.

2 DEPUTY CORONER MS MONAGHAN: Is that what you understood to
3 be the position?

4 A. Yes.

5 DEPUTY CORONER MS MONAGHAN: Did you understand that he was
6 restrained for the whole of that period?

7 A. No, I didn't.

8 DEPUTY CORONER MS MONAGHAN: What did you understand -- what
9 did you mean to convey by that?

10 A. That there were a control and restraint used. In my
11 experience with control and restraint, it starts, it
12 stops, it starts, it stops. So not that he was actually
13 restrained for that full amount of time.

14 DEPUTY CORONER MS MONAGHAN: Just then a couple more general
15 questions, not particularly on that night. Just let me
16 check. Did you speak to the officers again after the
17 13th?

18 A. I think I made a couple of phone calls to the officers
19 just to ask them how they were doing as welfare calls
20 because they were suspended, so there was regular
21 contact. Each officer was given a manager to actually
22 do that call but I felt it was my duty as well just to
23 touch base with them probably once a month.

24 DEPUTY CORONER MS MONAGHAN: When approximately would you
25 have spoken to them?

1 A. I spoke to them two or three times on the telephone.
2 I did see them when they actually went in for the police
3 interview. Again, we were not allowed in the police
4 station. It was afterwards when they came out, we
5 actually sat down, took them for a coffee, made sure
6 they were okay, whether they needed any more behavioural
7 support and to be there and show our face.

8 DEPUTY CORONER MS MONAGHAN: The telephone calls you had
9 with them, were they made near to the time of the
10 incident or a long time afterwards?

11 A. The first phone call was probably about two weeks that
12 I made afterwards, just to make sure that they had
13 spoken to the family properly, whether we could support
14 the family, and then it was a month after that.

15 DEPUTY CORONER MS MONAGHAN: Just a couple of general
16 questions then. You told us obviously you are quite
17 senior in the hierarchy and you had liaison
18 responsibilities with UKBA?

19 A. That's right.

20 DEPUTY CORONER MS MONAGHAN: Did you have any
21 responsibilities for supervising the contract between
22 you or compliance with the contract?

23 A. Part of my role, yes.

24 DEPUTY CORONER MS MONAGHAN: Just a couple of things we have
25 heard about then during the course of the hearing.

1 First of all, the issue of training. I'm not asking you
2 to deal with the detail. We'll come to that with some
3 of the other witnesses. The training that you were
4 required to provide to the guards all appears to be
5 premised on the assumption that there will be three
6 escorts available to effect any restraint. Were you
7 aware of that?

8 A. For planned control and restraint?

9 DEPUTY CORONER MS MONAGHAN: No, for control and restraint?

10 A. It says planned control and restraint in the training.

11 So if you have an incident that is spontaneous, you deal
12 with it with the amount of officers that are there. If
13 you are planning something, then it's three people.

14 DEPUTY CORONER MS MONAGHAN: So if there were only two
15 officers at a scene, did you provide training which
16 would permit them to effect safe control and restraint?

17 A. The training covers that, yes.

18 DEPUTY CORONER MS MONAGHAN: It covers two officers?

19 A. Yes. It's called spontaneous.

20 DEPUTY CORONER MS MONAGHAN: Mr Matthewson, are you able to
21 help me with where I'll find that?

22 MR MATTHEWSON: Perhaps not immediately but I'll certainly
23 have a look while we're asking questions. I think the
24 C&R which is for use on adults, designed by the
25 Prison Service for use on prisoners, would obviously

1 contemplate times, for example, when there was one
2 officer present. So I will try and have a look for that
3 right now.

4 DEPUTY CORONER MS MONAGHAN: Are you aware of any training
5 on control and restraint given to escorts premised on
6 the assumption that there will only be one or two of
7 them?

8 A. Yes, there's break away techniques which is taught as
9 part of the control and restraint.

10 DEPUTY CORONER MS MONAGHAN: There's things likes defencive
11 techniques. If you're being attacked, you get somebody
12 out of the way by kicking them, punching them and doing
13 a runner, as I think was pretty much described by the
14 G4S officers. The purpose is to allow you to escape?

15 A. Yes.

16 DEPUTY CORONER MS MONAGHAN: Not to restrain but to escape.
17 Can you help me with when the training would have been
18 provided or in what context it would have been provided
19 to G4S guards where there would only have been one or
20 two of them?

21 A. My understanding, because I've never done the training
22 because it wasn't a part of my requisite, that that is
23 a part of control and restraint process.

24 DEPUTY CORONER MS MONAGHAN: Were you permitted by the terms
25 of the contract to undertake escorted deportations with

1 less than three escorts?

2 A. Yes.

3 DEPUTY CORONER MS MONAGHAN: What was the minimum number?

4 A. Two.

5 DEPUTY CORONER MS MONAGHAN: I think that's all my
6 questions. Mr Blaxland, do you have -- sorry, we have
7 a jury question.

8 (A note was received from the jury)

9 DEPUTY CORONER MS MONAGHAN: Did the DCOs write any rough
10 notes before completing their Use of Force Reports?

11 A. Not that I recollect.

12 DEPUTY CORONER MS MONAGHAN: So they wrote it, so far as you
13 recall, straight off in the form that we have seen?

14 A. Yes.

15 DEPUTY CORONER MS MONAGHAN: One of the things I asked the
16 DCOs about, which is maybe where this question comes
17 from, and I can take you to the documents if you'd like
18 me to, is the incident reports are pretty neatly
19 completed. It may have been surprising, let's put it
20 like that, to have had that written off in one go. The
21 handwriting is neat, there are very few errors indeed,
22 but you're sure from your knowledge that there were no
23 rough notes?

24 A. No. I recollect there are crossings out and signatures
25 in there of mistakes that have been altered.

1 DEPUTY CORONER MS MONAGHAN: There is not, no lines crossed
2 out or anything like that. There's a couple of very
3 tiny errors. Yes?

4 A. That's evident that we had to give them the time to do
5 it and made them feel comfortable they had got the time
6 to do it.

7 DEPUTY CORONER MS MONAGHAN: So far as you're aware, there's
8 no rough notes?

9 A. Not that I can recollect.

10 DEPUTY CORONER MS MONAGHAN: Would you know if there were?
11 Was it something you would have seen?

12 A. As I say, was in the room for the majority of the time.

13 DEPUTY CORONER MS MONAGHAN: Thank you very much.

14 Examiné by MR BLAXLAND

15 MR BLAXLAND: I represent the family of Mr Mubenga and for
16 G4S the death of Mr Mubenga was a public relations
17 disaster, wasn't it?

18 A. I can't answer that.

19 DEPUTY CORONER MS MONAGHAN: You're a very senior manager.

20 It may be you're better placed than anybody perhaps,
21 I don't know.

22 A. I was an operational senior manager so the impact of it
23 in the media I can't answer.

24 MR BLAXLAND: Were you concerned, Mr Cooper, about the
25 impact for the company of the death of the man while he

1 was being restrained by your employees? Were you
2 concerned about that?

3 A. For the company?

4 Q. Yes.

5 A. No, I wasn't. I was actually concerned for the staff
6 and I actually had concerns for Mr Mubenga's family.

7 Q. Well, did it ever occur to you -- when did it first
8 occur to you that there might be a problem with the fact
9 that three of your members of staff had been taken to
10 a police station? Immediately?

11 A. No, it wasn't. I just presumed that would be the
12 natural course and when we got to the police station
13 they were talking about them being significant
14 witnesses. So initially there was no concern
15 whatsoever, other than for -- as I say, for the welfare
16 of the officers and the family.

17 Q. You were in communication that evening with somebody
18 called Jan Beattie, Janice Beattie?

19 A. That's right, yes.

20 Q. Do you know her well?

21 A. Only as a work colleague. She was one of my managers.

22 MR BLAXLAND: So somebody who was beneath you?

23 DEPUTY CORONER MS MONAGHAN: I thought you said she was your
24 manager.

25 A. She was my manager. She was one of my managers that

1 I managed.

2 DEPUTY CORONER MS MONAGHAN: I misunderstood you.

3 MR BLAXLAND: So you were above her in the hierarchy, is
4 that right?

5 A. Yes.

6 Q. She contacted you -- were you all together at the
7 Holiday Inn when the message came through?

8 A. Yes.

9 Q. Did you have a discussion with her about what possibly
10 may have happened?

11 A. In regards to what, sorry?

12 Q. In regards to you had heard that there was a major --
13 a red incident, or red alert incident as you called it,
14 is that right?

15 A. Yes.

16 Q. You knew that a man had been taken ill while he was in
17 the custody of three of your employees, is that right?

18 A. Yes.

19 Q. You then discovered that those three employees had gone
20 to a police station; yes?

21 A. Yes.

22 Q. Did you have any discussion with her about what might
23 possibly have happened?

24 A. I don't understand what you're trying to get at.

25 Q. It's quite a simple question. Did you have any

1 discussion with her about what might possibly have
2 happened?

3 A. We had discussion about what we were going to do about
4 who was going to go up to the police station, arranging
5 for a vehicle to support, where they need to get people
6 back. That was the sort of conversation, making sure
7 that we had phoned the right people, that we needed to
8 meet our own company's obligations.

9 Q. Did you have any concern, and did she express any
10 concern, about the possibility at least that what had
11 happened to the person being detained was something to
12 do with the way in which he was being restrained?

13 A. We had no details of that at all at that time.

14 Q. No, did you have any discussion with her about it?

15 A. No, I didn't.

16 Q. No?

17 A. No.

18 Q. Did she express any concerns to you about the
19 possibility at least that the people that you employed,
20 the detention officers, were responsible for the
21 condition of the detainee?

22 A. Not that I recollect, no.

23 Q. None at all?

24 A. No.

25 Q. Have you ever heard of positional asphyxia?

1 A. I have, yes.

2 Q. Do you recognise that there is a concern to avoid people
3 being restrained in a way which might lead to positional
4 asphyxia?

5 A. Yes.

6 Q. All right. Do you have any -- you don't train people in
7 control and restraint, do you?

8 A. Me personally, no.

9 Q. No. But you know that people employed by G4S, detention
10 officers, get training in exactly that?

11 A. Yes.

12 Q. Right. During the course of your discussions with
13 Jan Beattie that evening, was there any discussion about
14 the possibility that what had happened to the man being
15 detained was that he had expired as a result of
16 positional asphyxia?

17 A. Not that I can recollect, no.

18 Q. The reason I ask that is that we're going to hear
19 evidence about a call that was made by your colleague to
20 the emergency services that evening. I am going to read
21 it to you.

22 DEPUTY CORONER MS MONAGHAN: Can you just remind me of the
23 page number.

24 MR BLAXLAND: Page 167 in red.

25 DEPUTY CORONER MS MONAGHAN: Would you like to give the

1 witness the red bundle, please, page 167.

2 MR BLAXLAND: That's the one. This is a call that she made
3 to a police operator. This is simply to whoever it
4 happens to be at the end of the phone. She says to the
5 person -- the phone operator:

6 "I am looking through his risk assessment here [this
7 is obviously a reference to the document which
8 accompanied Mr Mubenga about which we have heard so
9 much]. There's nothing to indicate anything medical
10 apart from his violent behaviour. There's nothing at
11 all that's medical. I mean, he's 46 years old. He's
12 an Angolan chap. There's nothing to say he's got sickle
13 cell or anything like that which might, you know, in
14 a situation like that, you know, my concern is
15 potentially positional asphyxia but, again, I don't know
16 how he was restrained or anything like that. You know,
17 that's ..."

18 So at a very early stage it has occurred to your
19 colleague that what happened was as a result of the way
20 he was being restrained. Do you say you had no
21 conversation at all with her about that?

22 A. I didn't have a conversation. I didn't even know she
23 made the phone call to the police.

24 Q. No. You went to the police station; right? Whether or
25 not at some point the police were saying that they were

1 going to treat your three employees as significant
2 witnesses, they were in custody, weren't they?

3 DEPUTY CORONER MS MONAGHAN: I don't think they were in
4 custody.

5 A. They weren't, no. They were actually in an office
6 sitting there, all four of them together, with two
7 police officers.

8 DEPUTY CORONER MS MONAGHAN: I don't think they had been
9 arrested at that stage.

10 MR BLAXLAND: Isn't that what you thought? Isn't that what
11 you told us earlier on, that they were in custody so far
12 as you were concerned?

13 A. They were at the police station. That's what I meant by
14 that.

15 Q. Right. While you were at the police station, did you
16 ever hear anybody say that there was a homicide
17 investigation?

18 A. No.

19 Q. So did it ever occur to you at that point that they
20 might be in trouble?

21 A. As I said before, no, I didn't believe that.

22 Q. You didn't believe that at all?

23 A. No.

24 Q. Did there ever come a point, Mr Cooper, when you thought
25 that these three guards might possibly be in trouble as

1 a result of the way in which they had been restraining
2 Mr Mubenga?

3 A. At the point they were arrested and asked to be
4 interviewed under caution.

5 Q. Which was --

6 A. Some time later.

7 Q. A few days later. So at the time that you went with
8 them from the police station to the hotel, there was no
9 concern in your mind that there might be a problem?

10 A. As I said, my concern was for the officers at that time
11 and the family.

12 Q. Did it not occur to you at all that there might come
13 a time when it was suggested that they were responsible
14 for Mr Mubenga's death?

15 A. At the initial point, no, there wasn't.

16 Q. Not at all?

17 A. No.

18 Q. Does that extend right through to the time that the
19 statements were taken from them?

20 A. Yes.

21 Q. On the 13th?

22 A. Yes.

23 Q. Is that a completely honest answer?

24 A. It is, yes.

25 Q. Can I ask you about your own report.

1 A. Yes.

2 Q. It was based, you have told us, on notes that you made,
3 is that right?

4 A. Some notes I made, some that Keith made, some that the
5 officers -- the incident reports of the officers.

6 Q. Notes that Keith made, that's Keith Mahony?

7 A. It is, yes.

8 DEPUTY CORONER MS MONAGHAN: Mr Blaxland, sorry to interrupt
9 but you are going to have to keep an eye on the because
10 we know Mr Cooper has to go and there will be other
11 questions.

12 MR BLAXLAND: Yes. I understand that.

13 Notes that Keith made. What notes had Keith made?

14 A. Keith had done an initial report on the night in the
15 fact -- the facts that he had found out on that night
16 talking to the police and myself and Jan.

17 Q. Have you seen Keith's report since?

18 A. Since when?

19 Q. Can I ask you this question: when you made up your
20 notes, your report, which is headed -- the jury don't
21 have it -- "Initial report on the death of Jimmy Kelenda
22 Mubenga on an escorted removal by G4S from the UK on
23 12 October". When you made up that report, did you have
24 Keith Mahony's report in front of you?

25 A. I did, yes.

1 Q. Because it's very, very closely (inaudible) to
2 Keith Mahony's report, isn't it?

3 A. The facts -- I took the facts. I used some of Keith's
4 report and expanded on the information that I'd got to
5 give a fuller report to the client. Keith's was
6 an internal, as far as I understand, information for the
7 business.

8 Q. Mr Mahony, given the time limits that I have, I'm not
9 going to take you through a textual comparison, an exact
10 textual comparison, but would you take it from me that
11 there is very little difference between the content of
12 what you have recorded in your report and the report
13 written by Keith Mahony and finished, according to the
14 record, at 4.50 in the morning on 13 October? Basically
15 you have more or less copied?

16 A. I did copy a lot of it, yeah, because it was the fact.

17 Q. Sorry?

18 A. It was the fact that we had -- information that we had
19 at the time.

20 Q. So when you said you based it upon what the officers had
21 said in their reports, in fact it was based upon what
22 you had been provided by Keith Mahony?

23 A. It was a mixture.

24 Q. At a much earlier stage?

25 A. It was a mixture of everything.

1 Q. Let's go back to conversations that you had with the
2 officers or the contact that you had with the officers.
3 This is right, is it, that you yourself asked them
4 virtually nothing about what happened?

5 A. Correct.

6 Q. Right. When you were at the police station, news came
7 through that Mr Mubenga had died, is that right?

8 A. It was confirmed when I got to the police station
9 Mr Mubenga had died, yes.

10 Q. You didn't know how?

11 A. To this day I still don't know how.

12 Q. Right. Nothing had been said about the possibility that
13 he had had a heart attack, for example?

14 A. Nothing. I have had nothing confirmed about how
15 Mr Mubenga unfortunately died.

16 Q. I just want you look, if you could, please, at page 2 of
17 your statement which is page 13 of the bundle. You have
18 made the point that throughout the time that you were
19 with the officers they were upset. Can I ask you about
20 something you said about ten lines up from the bottom,
21 just below the hole-punch. You said:

22 "Throughout my time with them they all seemed very
23 upset about what had happened. They said how guilty
24 they felt that somebody had died in their custody and
25 they'd done everything right as in their training."

1 A. Yes.

2 Q. When did they say that?

3 A. I can't fully recollect whether it was on one of the
4 conversations or in the car going down, when -- on the
5 night. I can't fully recall.

6 Q. So did you get the impression that they knew perfectly
7 well that the death of Mr Mubenga was as a direct result
8 of what they had done?

9 A. No, I didn't.

10 Q. Guilty?

11 A. I think that's a natural human thing. To have somebody
12 die in your care, which Mr Mubenga was, I think that's
13 a natural human reaction to feel guilt and it's part of
14 the cycle of grief.

15 Q. As far as any of you knew at that time, he might have
16 had a congenital heart defect?

17 A. He was still in their care and he still died
18 unfortunately.

19 Q. What was the need for you to be present with these
20 officers throughout the taking of the statements?

21 A. As I said, I felt it -- the bit -- the reason I was
22 there covering that role is because the staff had had
23 lots of change and I was brought in and I felt it was
24 part of my role as their senior manager to be there with
25 them.

1 Q. You have said many times that you saw it as your role to
2 support them?

3 A. Yes.

4 Q. Was it not also your role to ensure that there was
5 a proper investigation into what had happened?

6 A. That had already been agreed with an external person
7 within G4S would come down and do that.

8 Q. Who was that?

9 A. Paul Leadbetter.

10 Q. Was he present as well?

11 A. He popped in right at the beginning, just to say he was
12 there.

13 Q. All right. In the seven or eight hours, six or seven or
14 eight hours that it took to write these statements, you
15 said not a word to any of them?

16 A. There was words said but it was not about the incident.
17 It was about, "Are you okay? Can I get you anything?
18 Do you need another drink? Do you need your family?"
19 because at that time they hadn't even spoken to the
20 family. "Do you need support in talking to your family?
21 What can we do for you?"

22 Q. I want to finish by asking about what other records
23 there would be. When there's a crisis of this sort, is
24 it normal for there to be an incident log created?

25 A. Yes.

1 Q. Was one done?

2 A. I don't think there was.

3 Q. Why not?

4 A. It was first the major incident of this nature that we
5 had had. I think there was some assumptions on my part
6 that it would be done in control because that's where
7 most of the phone calls were going to and that's where
8 the most senior manager actually based himself at that
9 point.

10 Q. But if it was such a major incident, I might ask the
11 follow-up question: all the more reason, surely, for
12 an incident log to be kept?

13 A. As I say, it was such a shock, it was such a --
14 an unusual thing. It was -- most incidents we have are
15 escalations and illnesses. To actually have someone die
16 was -- I was in shock. I was acting on impulse a lot of
17 the time and so, yeah, you could say lesson learnt that
18 there should have been an incident and that should
19 actually have been put in place.

20 Q. No question of you wanting to ensure that officers
21 provided an account which exonerated both them and the
22 company from responsibility, was there?

23 A. No. It's -- I'm obligated by the contract to actually
24 make sure that it's factual.

25 DEPUTY CORONER MS MONAGHAN: Thank you very much, Mr Cooper.

1 You may have some from some others.

2 MS HEWITT: I haven't any questions, madam, save that on the
3 slightly sideline question about training, I don't think
4 I have any questions but if there is anything, I'll put
5 it to other witnesses in due course.

6 DEPUTY CORONER MS MONAGHAN: Certainly. Mr Eldridge may be
7 better able to deal with that any event.

8 Examined by MR MATTHEWSON

9 MR MATTHEWSON: Just one point. It has been said of you
10 that you're very senior or you were, I should say, very
11 senior in G4S. That's a rather loose term. Could you
12 help us with actually what your role was. How was the
13 structure?

14 A. Structure-wise we had contract director, our operations
15 director.

16 Q. Give your answers to the coroner and the jury.

17 A. There's a contract -- there's a managing director, there
18 was then operations director and then there was two
19 operational senior managers that covered the in-country
20 contract and the overseas contract. That's where I sat.

21 DEPUTY CORONER MS MONAGHAN: There was managing director,
22 one down and then you?

23 A. Yes.

24 DEPUTY CORONER MS MONAGHAN: In the whole of G4S --

25 A. Not in G4S. On the contract and the contract's a very

1 small contract.

2 DEPUTY CORONER MS MONAGHAN: I understand. Thank you.

3 MR MATTHEWSON: So you have a company that has a number of
4 concerns and the company that was dealing with this
5 particular contract, that's the three-level structure
6 that you have just described?

7 A. It was, yes.

8 MR MATTHEWSON: Thank you.

9 DEPUTY CORONER MS MONAGHAN: I cut you off too quickly,
10 Mr Blaxland.

11 MR BLAXLAND: I might think of some more questions given
12 more time.

13 DEPUTY CORONER MS MONAGHAN: I think that's everything for
14 this evening then, is it? Thank you very much for
15 coming and interrupting your induction course and I hope
16 your new job goes well.

17 A. Thank you.

18 DEPUTY CORONER MS MONAGHAN: Okay, members of the jury,
19 thank you again very much for agreeing to sit late
20 tonight. Are you able to sit at 10.00 tomorrow? I know
21 one of you had an issue -- is 10.00 going to be enough
22 to accommodate everybody? That's fine then. We'll see
23 you at 10.00 tomorrow. Thank you very much again.

6 (The court adjourned until
7 10.00 am on Thursday, 30 May 2013)

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