

<p>1 Wednesday, 15 May 2013 2 (9.30 am) 3 (In the presence of the jury) 4 DEPUTY CORONER MS MONAGHAN: Good morning, members of the 5 jury. Thank you for coming in a bit early this morning 6 for us. The next thing that is going to happen this 7 morning is that we're going to hear another statement 8 read to us, just as we finished last night. This 9 statement falls into the same category. It's not one of 10 the passenger statements. It's a statement made by 11 somebody who could come along but we have decided not to 12 call him since we have no questions for him so, rather 13 than bring him along, we're just going to have his 14 statement read out. Thank you. 15 MR TOM AUSTIN (statement read) 16 MS JACK-MATTHEWS: I'm reading the statement of 17 Mr Tom Austin, detention custody officer, and this 18 statement is dated 17 November 2010: 19 "This statement refers to the time when I escorted 20 Mr Jimmy Mubenga from Removal From Association to 21 discharge. I am a detainee custody officer based at 22 Brook House Immigration Removal Centre, Gatwick Airport. 23 I have been employed by G4S for two years. The last 24 11 months have been as a DCO. I have also completed 25 a six-week induction training course where I was trained</p> <p style="text-align: center;">Page 1</p>	<p>1 Mr Mubenga. I asked him how he was doing and whether 2 there had been any problems. Duncan told me that 3 Mr Mubenga was on a Raised Awareness Support Plan. 4 I then made by way to RFA to collect Mr Mubenga. I was 5 aware that my colleague DCO Duncan Watts had been 6 monitoring Mr Mubenga whilst he was in RFA. When 7 I arrived in RFA I received a briefing from DCO Watts 8 who told me that Mr Mubenga had been tearful earlier at 9 the thought of leaving the UK and his family. I first 10 saw Mr Mubenga in RFA. He appeared to be in an average 11 mood. He was not tearful and there was nothing out of 12 the ordinary. I can't recall much more. When I first 13 meet detainees I always talk to them to break the ice 14 and try to develop a rapport. Myself and Mr Mubenga 15 would then have left very shortly for discharge with his 16 property. During this short journey we were both 17 talking. However, I can't remember what was said and 18 there were no problems. I don't remember anything about 19 the discharge procedure. In my current role I discharge 20 many detainees and also many escorts come and go. I'm 21 not able to give any information on the escorts that 22 came to collect Mr Mubenga. I can however say from 23 experience that when the escorts arrive in discharge 24 they ask how the detainees have been and whether or not 25 there have the been any problems. I'm pretty sure that</p> <p style="text-align: center;">Page 3</p>
<p>1 in first aid, health and safety, control and restraint, 2 risk assessments around detainees and how to complete 3 in-house paperwork. In my current role I perform the 4 following duties: booking in and booking out detainees, 5 overseeing legal and social visits. I sometimes also 6 help out on the wings. On Tuesday, 12 October 2010 7 I started work at 7.45 am and finished at 9.15 pm. 8 I was working the 'A' shift. Upon arriving at work 9 I collected my radio and keys and made my way over to 10 reception where detainees are booked in and out. Here 11 I received a handover from the nightshift where they 12 gave me a list of persons that were leaving during my 13 shift. Part of my role was to get the property and cash 14 of all the detainees ready so that it could be handed 15 back to them when they leave or to their escorts. 16 During the average day around 15 detainees are booked 17 out of discharge. Some of these detainees can be on the 18 list to be escorted out of the United Kingdom. One such 19 detainee was Mr Jimmy Mubenga. If I see an escorted 20 removal I normally phone the escorts office to find out 21 what time they will turn up at Brook House for 22 collection. I do this to ensure that everything is 23 ready when the escorts arrive. Some time before 24 Mr Mubenga was due to be collected I phoned Removal From 25 Association and spoke to Duncan Watts and asked about</p> <p style="text-align: center;">Page 2</p>	<p>1 I told them that he had been crying because of leaving 2 behind his family and leaving the UK. The discharge 3 procedure of the escorts searching Mr Mubenga, his 4 property being handed over to the escorts and a gate 5 pass being given to them to leave would then have been 6 carried out. My recollection of Mr Mubenga and the 7 escorts is very limited due to the amount of detainees 8 that come and go from reception." 9 DEPUTY CORONER MS MONAGHAN: Thank you very much. 10 Now, do we have Mr Duckers here? 11 Mr Duckers, members of the jury, you will remember 12 is the gentleman that drove Mr Mubenga to the airport so 13 we'll hear from here. 14 MR IAN DUCKERS (affirmed) 15 Examined by THE CORONER 16 DEPUTY CORONER MS MONAGHAN: Can you give us your full name, 17 please. 18 A. Ian Oakes Duckers. 19 DEPUTY CORONER MS MONAGHAN: Mr Duckers, we have heard 20 something about your role when I opened. I think you 21 were the driver on the day that Mr Mubenga was taken to 22 the airport, is that right? 23 A. Yes. 24 DEPUTY CORONER MS MONAGHAN: I just want to ask you a few 25 background questions about yourself before we move on to</p> <p style="text-align: center;">Page 4</p>

<p>1 12 October. First of all, when did you commence 2 employment with G4S? 3 A. I think it was March 2009. 4 DEPUTY CORONER MS MONAGHAN: Before that, were you employed 5 in any similar security -- 6 A. No, I was a retail manager of public houses. 7 DEPUTY CORONER MS MONAGHAN: So this was your first job of 8 this sort? 9 A. Yes. 10 DEPUTY CORONER MS MONAGHAN: What were you employed to do? 11 What was your job title? 12 A. Detainee custody officer, the same as everyone else. 13 DEPUTY CORONER MS MONAGHAN: The same as Mr Tribelnig, 14 Mr Hughes, and Mr Kaler? 15 A. Mr Tribelnig was a senior, but yes. 16 DEPUTY CORONER MS MONAGHAN: Okay. Are you still working 17 for G4S? 18 A. No. 19 DEPUTY CORONER MS MONAGHAN: When did you leave? 20 A. I didn't. I got GPd(?) over to TASCOR. 21 DEPUTY CORONER MS MONAGHAN: When the contract transferred, 22 the contract with the UK Border Agency transferred from 23 G4S -- 24 A. To Reliance. 25 DEPUTY CORONER MS MONAGHAN: -- to TASCOR, you were TUPERed,</p> <p style="text-align: center;">Page 5</p>	<p>1 DEPUTY CORONER MS MONAGHAN: During that year you didn't 2 work at all, presumably, for G4S, did you? 3 A. Not for G4S, no. 4 DEPUTY CORONER MS MONAGHAN: You carried on with your 5 ordinary job? 6 A. Yes. 7 DEPUTY CORONER MS MONAGHAN: The process that you have just 8 described, it results in, I think, accreditation to you, 9 doesn't it? 10 A. Yes. 11 DEPUTY CORONER MS MONAGHAN: That accreditation is a sort of 12 permission by the UK Border Agency which allows you to 13 work as a DCO, is that right? 14 A. Yes. 15 DEPUTY CORONER MS MONAGHAN: Do DCOs have any sort of 16 special powers compared to the rest of the population? 17 A. Yeah, we do. We're given permission to use force on 18 people to detain them, things like that. 19 DEPUTY CORONER MS MONAGHAN: It may seem like an obvious 20 question, but you're the first DCO we have had here so 21 it's helpful for us to get an idea of the role that you 22 have and the powers that you have. 23 Were you involved in overseas escorts, so actually 24 going on the planes with deportees as well as driving? 25 A. Yes.</p> <p style="text-align: center;">Page 7</p>
<p>1 as it's called, that is, your employment continued with 2 them? 3 A. That's true. 4 DEPUTY CORONER MS MONAGHAN: Do you carry out the same role? 5 A. Yes. 6 DEPUTY CORONER MS MONAGHAN: Can you tell us something about 7 the recruitment process so when you were recruited to 8 G4S, how did that happen? Did you respond to an advert? 9 A. A friend of mine who drank in the pub told me that, 10 because of the way I am with the customers in the pub, 11 I might be good at doing that job. It was a whole day 12 recruitment process with individual interviews, group 13 exercises, spelling checks, things like that, and then 14 that was it. Then I was accepted. It took a year to go 15 through all the CRB checks and then the training course 16 came up almost 12 months to the day later and that's 17 when I started. 18 DEPUTY CORONER MS MONAGHAN: So the recruitment process 19 including the training, so the recruitment process and 20 the training took about 12 months, along with CRB 21 checks? 22 A. Yes. 23 DEPUTY CORONER MS MONAGHAN: CRB checks being criminal 24 record bureau checks? 25 A. Yes.</p> <p style="text-align: center;">Page 6</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Just as to the terms of your 2 employment, bearing in mind particularly your overseas 3 role from time to time, can you tell us, were you 4 employed on a salary? 5 A. I had a retainer so I was paid a certain amount per 6 month and then was paid per hour for any job that I went 7 on. 8 DEPUTY CORONER MS MONAGHAN: How much was the retainer? 9 A. It came to about -- I think it was £1,000 a month. 10 DEPUTY CORONER MS MONAGHAN: Then any additional pay was 11 earned by? 12 A. Just by the hour. It was about -- just under £6 an 13 hour. 14 DEPUTY CORONER MS MONAGHAN: The opportunities to earn that 15 additional pay, how did that arise? 16 A. I believe the names were picked at random to go on 17 certain jobs or to drive for a job. 18 DEPUTY CORONER MS MONAGHAN: So if you got a driving job or 19 a job requiring you to escort a deportee to another 20 country, you got paid an hourly rate? 21 A. An hourly rate from when I arrived at the office, yes. 22 DEPUTY CORONER MS MONAGHAN: And if you didn't get a job, 23 you didn't get paid that additional sum? 24 A. Correct. 25 DEPUTY CORONER MS MONAGHAN: What would happen if you were</p> <p style="text-align: center;">Page 8</p>

1 allocated a job, let's say to a company, a deportee,
 2 some country elsewhere, and the deportation was aborted
 3 for some reason or another?
 4 **A. Then I'd paid until we got back to the office.**
 5 DEPUTY CORONER MS MONAGHAN: So you wouldn't be paid on the
 6 assumption that the deportation would have happened?
 7 **A. No.**
 8 DEPUTY CORONER MS MONAGHAN: You were only paid for the
 9 actual hours worked?
 10 **A. Yes.**
 11 DEPUTY CORONER MS MONAGHAN: Just as to your training, then,
 12 you have told us that before you started in your role as
 13 a DCO you undertook some training. Can you tell us what
 14 that comprised in broad terms?
 15 **A. Okay. There was four weeks of training. There was**
 16 **a week of health and safety -- sorry, first aid at work.**
 17 **A week of control and restraint, a week of classroom**
 18 **stuff to tell us about the powers we were given and --**
 19 **I forget what else was there. We also did a week at the**
 20 **end specifically to do with the job and working**
 21 **overseas.**
 22 DEPUTY CORONER MS MONAGHAN: So how long did training take,
 23 first of all?
 24 **A. Four weeks.**
 25 DEPUTY CORONER MS MONAGHAN: Four weeks. Definitely not

Page 9

1 five weeks? I know it's a long time ago, it's not
 2 a trick question, it's just that we have heard some
 3 evidence that the course took five weeks and I know that
 4 you have said four?
 5 **A. I'm not quite sure. It might have been five weeks.**
 6 DEPUTY CORONER MS MONAGHAN: Again, it's not a trick
 7 question. So the fifth week, we're told, concerned
 8 physical control in care. Does that ring any bells with
 9 you?
 10 **A. I did do that but not during my first four weeks'**
 11 **training. That was done later on.**
 12 DEPUTY CORONER MS MONAGHAN: Okay, that may explain it then.
 13 Are you able to tell us when you did that training?
 14 **A. I know it was in a December but which December I'm not**
 15 **sure. 2011 possibly.**
 16 DEPUTY CORONER MS MONAGHAN: So quite some time after you
 17 started then?
 18 **A. Yes.**
 19 DEPUTY CORONER MS MONAGHAN: Just again, so the jury know,
 20 we know but they don't yet know, what's the difference
 21 or what's the particular function of physical control in
 22 care training?
 23 **A. That's used to control people under the age of 18.**
 24 **Anyone under the age of 18, you're not allowed to use**
 25 **any compliance on them so that's to stop that.**

Page 10

1 DEPUTY CORONER MS MONAGHAN: So the difference between
 2 physical control in care training is that it prohibits
 3 you from using pain control methods?
 4 **A. Yeah.**
 5 DEPUTY CORONER MS MONAGHAN: And it's directed at minors;
 6 children?
 7 **A. Minors, yeah.**
 8 DEPUTY CORONER MS MONAGHAN: Were you ever given any -- you
 9 were trained rather late on in this, but when you were
 10 trained was it ever suggested to you that the focus of
 11 physical control in care training ought to be adopted
 12 for adults as well, or was there a distinction drawn?
 13 **A. I don't quite understand the question.**
 14 DEPUTY CORONER MS MONAGHAN: I'm not phrasing that question
 15 very well. We have heard that it's for children,
 16 directed at children. Was it made clear to you that it
 17 was a distinct form of training, in other words it was
 18 clearly for children, it didn't --
 19 **A. It was always made clear that whatever we're taught we**
 20 **use -- we're constantly monitoring what it is we're**
 21 **going to do, so the amount of force used on a 72-year**
 22 **old lady would always be -- it wouldn't be the same as**
 23 **we would use on a 21-year old man who had been at the**
 24 **gym all the time, so yeah, it's always described as:**
 25 **this is another tool in your toolbox that you can use if**

Page 11

1 **it's more useful, more appropriate.**
 2 DEPUTY CORONER MS MONAGHAN: That's very helpful. You gave
 3 us a rough indication of the training you had in the
 4 four week period. I just want to come to that
 5 separately. I have seen a syllabus for it. If you want
 6 to have a look, it might actually help the witness to
 7 have it in front of him so just he can remind himself.
 8 It's at green volume 4, page 190, just so you're not
 9 having to go on memory, many years back. Tell us if
 10 this is not the right syllabus. I'll take you through
 11 it but if it is, it might be a helpful tool for you.
 12 **A. This looks about right.**
 13 DEPUTY CORONER MS MONAGHAN: That looks about right?
 14 **A. Yeah.**
 15 DEPUTY CORONER MS MONAGHAN: The first week is sort of
 16 induction and policies and so on of G4S in particular?
 17 **A. Yeah.**
 18 DEPUTY CORONER MS MONAGHAN: Their mission, employee
 19 charter. Then you have on a Tuesday, "Company Values
 20 and Culture"?
 21 **A. Yeah.**
 22 DEPUTY CORONER MS MONAGHAN: Are you able to give us some
 23 idea about what that might have referred to?
 24 **A. I can't remember. It was a lot to do with teamwork and**
 25 **to do with policies to do with the customer and policies**

Page 12

1 **to do with the detainee and looking after each other and**
 2 **values. I can't remember.**
 3 DEPUTY CORONER MS MONAGHAN: "Barriers to Inclusivity". Are
 4 you able to help us with what that refers to?
 5 **A. Yes, we did a lot on it at the time. It was about**
 6 **racism. It was about ageism, about sexism, about**
 7 **people's sexuality, just things that might stop you or**
 8 **things that would make you pre-judge them in some way.**
 9 DEPUTY CORONER MS MONAGHAN: So were you guarded against the
 10 sorts of things that might affect the way you treat
 11 individuals?
 12 **A. We were taught an awful lot about it.**
 13 DEPUTY CORONER MS MONAGHAN: Again, this is not a trick
 14 question. You're the first DCO so you may feel like
 15 you're getting it all, but just in terms of racism,
 16 because that may be an issue we have to deal with during
 17 the course of the inquest, are you able to help us with
 18 what was said about that in more detail? I know it's
 19 a long time ago.
 20 **A. It is a long time ago and it was drummed into us all**
 21 **day, but I can't -- to put it the way that the trainers**
 22 **put it is very difficult.**
 23 DEPUTY CORONER MS MONAGHAN: Sure.
 24 **A. But we would have -- everyone would throw in a word**
 25 **about things that they thought would be considered**
 Page 13

1 **judgemental and we would go through them all and put a**
 2 **positive and negative spin on everything. And I think**
 3 **everyone at the time -- at the end of the day, we would**
 4 **do a tick sheet to say what we thought we'd learned and**
 5 **at the end of most days everyone said, yes, we**
 6 **definitely are thinking about racism in a different way**
 7 **to the way we came in this morning. Everyone definitely**
 8 **came out thinking they'd learned something, but exact**
 9 **things that happened...**
 10 DEPUTY CORONER MS MONAGHAN: I assume -- perhaps I shouldn't
 11 assume, perhaps I should ask you. Were you told that
 12 racist language, for example, would be unacceptable?
 13 **A. Oh, definitely, yeah, yeah.**
 14 DEPUTY CORONER MS MONAGHAN: Just in relation to how each
 15 element of the training was taught, we have the first
 16 week which is the broad policy issues and so on. I'll
 17 come back to first aid, if I may, but in relation to
 18 week 3, you then do control and restraint training?
 19 **A. Yeah.**
 20 DEPUTY CORONER MS MONAGHAN: First of all, how was that
 21 taught? Was it lectures, was it presentations?
 22 **A. We would normally spend an hour, an hour and a half in**
 23 **the morning going over rules, the rules we had to abide**
 24 **by, where our powers came from.**
 25 DEPUTY CORONER MS MONAGHAN: Pausing there, then. What were
 Page 14

1 your powers as you were taught?
 2 **A. It was the powers given to us by the Asylum and**
 3 **Immigration Act 2000, by the prison officers' ruling and**
 4 **young offenders rule 91?**
 5 DEPUTY CORONER MS MONAGHAN: I am not going to ask you to
 6 remember the numbers.
 7 **A. And we'd maybe be running around the mats while reciting**
 8 **this to try and --**
 9 DEPUTY CORONER MS MONAGHAN: Can you tell us what you were
 10 told your powers permitted you to do by way of using
 11 force?
 12 **A. Okay. I can remember it precisely.**
 13 DEPUTY CORONER MS MONAGHAN: Again, it's not to catch you
 14 out.
 15 **A. It's force shall only be used where necessary and no**
 16 **more force than necessary shall be used.**
 17 DEPUTY CORONER MS MONAGHAN: In my note that's a perfect
 18 match, so there you are. Were you told what the
 19 consequences could be of using force where it wasn't
 20 allowed?
 21 **A. Very much so. Joy Gardener's name was mentioned an**
 22 **awful lot about how bad this is it can.**
 23 DEPUTY CORONER MS MONAGHAN: I know who Joy Gardener is?
 24 **A. Sorry, Joy Gardener was a girl who died in custody a**
 25 **long time ago through positional asphyxia, I believe.**
 Page 15

1 DEPUTY CORONER MS MONAGHAN: You are the first person who
 2 has ever mentioned positional asphyxia in this hearing
 3 so far, so can you explain to the jury in broad terms --
 4 again, it is not to catch you out but just so they're
 5 not thinking, "What's he's talking about?"
 6 **A. As we were taught, anyone who has been restrained in**
 7 **a position, possibly so they may hinder their breathing**
 8 **or just after they have been -- you've been wrestling**
 9 **with somebody, sort of, they can go into a thing called**
 10 **positional asphyxia where they are not getting enough**
 11 **oxygen into their blood and it can be very damaging.**
 12 DEPUTY CORONER MS MONAGHAN: When you say "very damaging",
 13 can you give us worst case scenario?
 14 **A. It can lead to death.**
 15 DEPUTY CORONER MS MONAGHAN: It can?
 16 **A. It could lead to death.**
 17 DEPUTY CORONER MS MONAGHAN: We have to try not to talk over
 18 each other because the stenographer will be very
 19 unhappy. I think we're both doing it.
 20 In relation to restraint, again in broad terms at
 21 the moment, what forms of restraint were you told about?
 22 What was available to you so far as your training is
 23 concerned by way of restraint?
 24 **A. Arm locks, wrist locks and then later on in the course,**
 25 **using handcuffs.**
 Page 16

<p>1 DEPUTY CORONER MS MONAGHAN: Using handcuffs. So</p> <p>2 I understand it and the jury understand it, was the idea</p> <p>3 for restraint that you would put the detainee in</p> <p>4 a position where they are held by one or other of you or</p> <p>5 more than one of you --</p> <p>6 A. Yeah.</p> <p>7 DEPUTY CORONER MS MONAGHAN: -- with the aim eventually of</p> <p>8 handcuffing them?</p> <p>9 A. No. It's training so that there would be three of us to</p> <p>10 get someone under control so basically they couldn't</p> <p>11 hurt us or themselves or anyone around them. If it's</p> <p>12 possible to de-escalate a situation from there, we</p> <p>13 would. If it's not possible, we may have to use</p> <p>14 handcuffs.</p> <p>15 DEPUTY CORONER MS MONAGHAN: How would -- what does</p> <p>16 de-escalate mean?</p> <p>17 A. Okay. As soon as we got someone under control, maybe,</p> <p>18 hopefully the point of them fighting would stop so we're</p> <p>19 going to be, at that point, trying to get into</p> <p>20 a situation where we can all let go and have a sensible</p> <p>21 conversation.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Was there a minimum number, or</p> <p>23 were you told whether or not there was a minimum</p> <p>24 number of DCOs required to engage in restraint?</p> <p>25 A. We were told it was three.</p> <p style="text-align: center;">Page 17</p>	<p>1 had?</p> <p>2 A. I don't quite know how to answer that.</p> <p>3 DEPUTY CORONER MS MONAGHAN: Let's say you had a detainee</p> <p>4 going back somewhere, you're one of the DCOs allocated</p> <p>5 to escort him. Before you go, before you collect the</p> <p>6 detainee, do you have a discussion amongst yourselves</p> <p>7 about whether or not -- what would happen if a restraint</p> <p>8 was necessary?</p> <p>9 A. Well, we'd discuss how we're going to approach the</p> <p>10 situation if anything happens. We can't decide in</p> <p>11 advance where everyone is going to do stuck.</p> <p>12 DEPUTY CORONER MS MONAGHAN: In relation to particular</p> <p>13 methods of restraint, you have told us about positional</p> <p>14 asphyxia generally, but in relation to particular</p> <p>15 methods of restraint, were you given any guidance as to</p> <p>16 what might be particularly risky?</p> <p>17 A. Yes, certainly, anyone lying on their front so they</p> <p>18 couldn't breathe properly, possibly if they are</p> <p>19 handcuffed behind their back as well, making it worse.</p> <p>20 Anyone being pushed forward too far.</p> <p>21 DEPUTY CORONER MS MONAGHAN: When you say "pushed forward",</p> <p>22 seated and pushed forward, do you mean?</p> <p>23 A. Seated and pushed forward, yeah, or even if -- yeah, if</p> <p>24 they're sat on the floor and you were trying to stand</p> <p>25 someone up, they would be pushed forward.</p> <p style="text-align: center;">Page 19</p>
<p>1 Q. When you were escorting a detainee, in particular, on an</p> <p>2 overseas escort, were there always three DCOs present?</p> <p>3 A. Not always. Normally three.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Sometimes not?</p> <p>5 A. Sometimes not. Sometimes more. Sometimes they made out</p> <p>6 they were happy to go with two.</p> <p>7 DEPUTY CORONER MS MONAGHAN: How would you know if somebody</p> <p>8 was happy to go? Again, it may seem an obvious</p> <p>9 question.</p> <p>10 A. I wouldn't - it wasn't up to me to say who was on the</p> <p>11 job, I would turn up for the job.</p> <p>12 DEPUTY CORONER MS MONAGHAN: So it was somebody higher up</p> <p>13 the chain that we'll have to ask, no doubt.</p> <p>14 Apart from the number of people required for</p> <p>15 a restraint, can you tell us whether or not there were</p> <p>16 any specific roles allocated amongst the three, or</p> <p>17 expected to be allocated amongst the three, for the</p> <p>18 purposes of a restraint?</p> <p>19 A. No, no, no there isn't. Anyone can get hold of any</p> <p>20 limb, it's not --</p> <p>21 DEPUTY CORONER MS MONAGHAN: You're not allocated a specific</p> <p>22 role in that function, okay.</p> <p>23 When you were carrying out escorts, was there any</p> <p>24 requirement to plan for the possibility of a restraint</p> <p>25 in a particular case, so beyond the general training you</p> <p style="text-align: center;">Page 18</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Apart from lying on their front</p> <p>2 on the floor, any other dangers associated with the use</p> <p>3 of handcuffs?</p> <p>4 A. You mean bruised wrists? Or broken wrists?</p> <p>5 DEPUTY CORONER MS MONAGHAN: I'm thinking about positional.</p> <p>6 Asphyxia in particular.</p> <p>7 A. Well, it was mentioned if someone is particularly</p> <p>8 muscular and were handcuffed to their back, that would</p> <p>9 possibly make it more difficult for them to breathe.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Were you told about possible --</p> <p>11 and we don't know this yet, we're going to hear lots of</p> <p>12 evidence about this -- were you given any guidance</p> <p>13 about, in particular, handcuffing to the rear and</p> <p>14 a seating position together?</p> <p>15 A. There's no reason why we wouldn't be able to do it as</p> <p>16 long as we bore in mind the fact that --</p> <p>17 DEPUTY CORONER MS MONAGHAN: So the positional asphyxia</p> <p>18 thing, was that something that was impressed upon you?</p> <p>19 A. Repeatedly.</p> <p>20 DEPUTY CORONER MS MONAGHAN: Repeatedly, okay.</p> <p>21 Were you given any guidance as to breathing</p> <p>22 mechanisms, that is, how we breathe?</p> <p>23 A. Yes, we were.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Can you tell us about that?</p> <p>25 A. Tell you how we breathe or what we were taught about it?</p> <p style="text-align: center;">Page 20</p>

1 DEPUTY CORONER MS MONAGHAN: What you were taught.
 2 **A. We were taught the way the ribcage expands and**
 3 **contracts, the way the diagram goes up and down and how**
 4 **certain muscles might be stopped in certain positions,**
 5 **it would be more awkward for those things to happen and**
 6 **if a detainee was in a certain position, maybe with**
 7 **their hands handcuffed behind their back, that might**
 8 **make it a little bit more difficult. Is that a good**
 9 **enough answer?**
 10 DEPUTY CORONER MS MONAGHAN: That's helpful, thank you.
 11 Apart from actually seeing somebody in a particular
 12 position, so you can see them, let's say, handcuffed and
 13 down, apart from the physical aspects, were you given
 14 any more guidance as to what might be warning signs, so
 15 far as positional asphyxia is concerned?
 16 **A. Yes, lots of them.**
 17 DEPUTY CORONER MS MONAGHAN: Can you tell us?
 18 **A. People tell you they can't breathe, for starters.**
 19 DEPUTY CORONER MS MONAGHAN: Pausing there. So were you
 20 told that if somebody said they couldn't breathe, that
 21 was a warning sign for positional asphyxia?
 22 **A. We were told that that's worth looking at as the first**
 23 **thing.**
 24 DEPUTY CORONER MS MONAGHAN: Anything else?
 25 **A. Yeah, the pallor would change, they might go quiet, you**
 Page 21

1 **might be able to hear laboured breathing, sudden burst**
 2 **of energy as they are fighting for their life. I think**
 3 **that'll do.**
 4 DEPUTY CORONER MS MONAGHAN: Were you given any guidance as
 5 to what to do if you spotted those warning signs?
 6 **A. We were told if we spotted all of the warning signs, let**
 7 **go.**
 8 DEPUTY CORONER MS MONAGHAN: First of all, if you spotted
 9 one of the warning signs?
 10 **A. We would be looking out for it, we would be looking to**
 11 **see.**
 12 DEPUTY CORONER MS MONAGHAN: And if you spotted enough of
 13 them to cause you to be more concerned?
 14 **A. Then let go.**
 15 DEPUTY CORONER MS MONAGHAN: You would let go. When you say
 16 let go in the context, let's say, of a handcuffed seated
 17 detainee, what would that mean in practice?
 18 **A. It would mean whatever were needed to release that**
 19 **person to be able to breathe, whatever we needed to do**
 20 **as quick as we could to make sure that person could**
 21 **breathe.**
 22 DEPUTY CORONER MS MONAGHAN: It may seem obvious to you --
 23 **A. Okay, so we would get the handcuffs off, possibly get**
 24 **them to lay down, clear their airways, make sure they**
 25 **haven't got any tight clothing on, do whatever we could.**
 Page 22

1 DEPUTY CORONER MS MONAGHAN: Lay them down, I assume on the
 2 back?
 3 **A. On the back.**
 4 DEPUTY CORONER MS MONAGHAN: And make sure their airways are
 5 open, I think you said. Okay, that's very helpful.
 6 We'll come back to positional asphyxia with other
 7 witnesses I'm quite sure, but I want to move on, please,
 8 to other control techniques that you were trained about.
 9 We have looked briefly at restraint. Can you tell us
 10 what, if any, other control techniques you were taught
 11 about?
 12 **A. Once we had been taught wrist locks and arm locks, they**
 13 **can be used to -- if you have asked someone to do**
 14 **something that you need them to do, they could be**
 15 **used to inflict -- you would warn them, "I am going to**
 16 **hurt your wrist unless you do this", and then you can**
 17 **inflict pain through those -- in that process to try and**
 18 **achieve your goal.**
 19 DEPUTY CORONER MS MONAGHAN: So you could use pain as a way
 20 of managing a detainee?
 21 **A. As a last resort.**
 22 DEPUTY CORONER MS MONAGHAN: As a last resort, yes. Were
 23 there any other pain control techniques taught to you or
 24 available to you, so far as you know?
 25 **A. There were a few distraction techniques, things like**
 Page 23

1 **applying pressure to certain pressure points.**
 2 DEPUTY CORONER MS MONAGHAN: Can you tell us about that?
 3 **A. There would be one just here, (indicates) maybe put**
 4 **a knuckle in there and press. It doesn't do any damage**
 5 **but it causes pain if you press here. That will cause**
 6 **an amount of pain in the ribs. There are certain places**
 7 **where you could press that doesn't do any damage but**
 8 **hurts.**
 9 DEPUTY CORONER MS MONAGHAN: It doesn't do any damage but?
 10 **A. But it creates that instant of "ow" and maybe someone**
 11 **will stop what they're doing.**
 12 DEPUTY CORONER MS MONAGHAN: You have pointed to there. Do
 13 you know what that technique is called, just in case we
 14 spot it coming up in the papers?
 15 **A. That's the mandibular angle.**
 16 DEPUTY CORONER MS MONAGHAN: The mandibular angle, and the
 17 nose, you pointed to?
 18 **A. I think the nose is a distraction technique.**
 19 DEPUTY CORONER MS MONAGHAN: I think it is. Anything else,
 20 thumb locks?
 21 **A. Thumb locks, yes, of course, sorry. If someone has got**
 22 **hold of something, you just press on a thumb and it**
 23 **stretches the tendon and creates an "ow".**
 24 DEPUTY CORONER MS MONAGHAN: It's not a memory test and tell
 25 me if you don't know these things. Shoulder or upper
 Page 24

<p>1 arm control, does that ring a bell?</p> <p>2 A. I think it could be just if you press in here,</p> <p>3 (indicates) there's some nerves there.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Okay. Did you undertake many</p> <p>5 overseas escorts?</p> <p>6 A. Yes, I still do now.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Have you ever had cause to use</p> <p>8 pain techniques?</p> <p>9 A. Yes.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Commonly or uncommonly?</p> <p>11 A. Commonly.</p> <p>12 DEPUTY CORONER MS MONAGHAN: How commonly do they work as</p> <p>13 a means of getting a detainee under control where</p> <p>14 they're not?</p> <p>15 A. 50:50. I don't know. They do work.</p> <p>16 DEPUTY CORONER MS MONAGHAN: They work as a means of --</p> <p>17 A. As a means of getting something done, but it depends on</p> <p>18 what they're doing, depends on the state of the detainee</p> <p>19 and depends on what you need to get done, whether you</p> <p>20 need to deal ...</p> <p>21 DEPUTY CORONER MS MONAGHAN: Any other control techniques?</p> <p>22 A. Well, although talking about using the arm locks and --</p> <p>23 arm locks and wrist locks, someone would normally have</p> <p>24 told of someone's head as well to make sure they can't</p> <p>25 thrash their head around.</p> <p style="text-align: center;">Page 25</p>	<p>1 A. I would be in front of them with them facing downwards,</p> <p>2 so they would bent forward and would be held like this.</p> <p>3 DEPUTY CORONER MS MONAGHAN: So I just want to get a visual,</p> <p>4 sorry. So their head would be down?</p> <p>5 A. Yeah.</p> <p>6 DEPUTY CORONER MS MONAGHAN: And you would be holding their</p> <p>7 head in position?</p> <p>8 A. Yeah, the top of their head here, the right cheek would</p> <p>9 be there, the face is here and I would be holding the</p> <p>10 other side of their head.</p> <p>11 DEPUTY CORONER MS MONAGHAN: In terms of the rest of their</p> <p>12 body, their torso, what position would that put them in?</p> <p>13 A. That would be leaning them forward.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Leaning them forward, okay. Is</p> <p>15 that something you commonly have to do?</p> <p>16 A. Not so often due to the configuration of the plane. It</p> <p>17 doesn't happen.</p> <p>18 DEPUTY CORONER MS MONAGHAN: Can you explain what you mean</p> <p>19 by that?</p> <p>20 A. It's taught on mats in a gym, but we got to use it often</p> <p>21 on a plane so to lean over a set of seats and get hold</p> <p>22 of someone's head is very difficult. It's sometimes</p> <p>23 possible but if the person is quite small it's very</p> <p>24 difficult to do. There's a set of seats in the way that</p> <p>25 makes everything a bit different.</p> <p style="text-align: center;">Page 27</p>
<p>1 DEPUTY CORONER MS MONAGHAN: That may be important to us.</p> <p>2 Can you tell us about that? Before you tell us about</p> <p>3 how the head might be managed, can you tell us whether</p> <p>4 or not any particular person in the three-person team</p> <p>5 would be responsible for that, or would it be anybody?</p> <p>6 A. It could be anybody, but normally it would be the SDCO.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Normally it would be the senior</p> <p>8 DCO?</p> <p>9 A. Mmm-hmm.</p> <p>10 Q. Now can you tell us what you were taught about managing</p> <p>11 a head and when you would need to do that?</p> <p>12 A. Whenever the head's thrashing around, it would be the</p> <p>13 first thing that you would want to get under control in</p> <p>14 case they damage -- there's a set of teeth in there that</p> <p>15 can do a lot of damage so you want to just be holding</p> <p>16 that head, preferably with the neck in line, holding it</p> <p>17 quite firmly so that they can't bite you, bite anyone</p> <p>18 else, headbutt anything.</p> <p>19 DEPUTY CORONER MS MONAGHAN: You may have to demonstrate it,</p> <p>20 I'm afraid, how would you --</p> <p>21 A. The back of someone's head would be here (indicates) and</p> <p>22 you would have their fingers on their chin and you hold</p> <p>23 their head like this. They would be facing downwards.</p> <p>24 DEPUTY CORONER MS MONAGHAN: So would it be from behind them</p> <p>25 or in front of them?</p> <p style="text-align: center;">Page 26</p>	<p>1 DEPUTY CORONER MS MONAGHAN: So, just coming back to the</p> <p>2 first bit of that answer. The training that you had in</p> <p>3 relation to control and restraint, that was in an open</p> <p>4 space, was it?</p> <p>5 A. Yes.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Did you ever have any training</p> <p>7 in a small space that might match the real life</p> <p>8 experience in a plane?</p> <p>9 A. No.</p> <p>10 DEPUTY CORONER MS MONAGHAN: So when you had cause to</p> <p>11 restrain somebody or if you have cause to restrain</p> <p>12 somebody on a plane, how do the techniques you're taught</p> <p>13 work out in that environment?</p> <p>14 A. Often awkwardly, but it's the same wrist locks, the same</p> <p>15 arm locks. The principle is the same. The same signals</p> <p>16 if someone's in trouble. They are tools in a toolbox to</p> <p>17 be used.</p> <p>18 DEPUTY CORONER MS MONAGHAN: If you're leaning over the</p> <p>19 front of the seat in front, as you have just described,</p> <p>20 trying to manage the head, how would that work out in</p> <p>21 practice? How would you do that?</p> <p>22 A. It often wouldn't. It would often just be hold the</p> <p>23 forehead, lean across the seat and hold the forehead.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Have you had that experience?</p> <p>25 A. Yes, I've never done it because I'm not SDCO, I'm</p> <p style="text-align: center;">Page 28</p>

1 normally sat next to the detainee, but I've seen it.
 2 DEPUTY CORONER MS MONAGHAN: You have seen it done and it's
 3 done by pushing the forehead?
 4 **A. Sometimes, yes.**
 5 DEPUTY CORONER MS MONAGHAN: Sometimes otherwise?
 6 **A. Sometimes they would try and do it the other way but it**
 7 **depends on the situation. It depends how sweaty how**
 8 **everybody is. If someone is sweating, trying to hold**
 9 **the forehead is virtually impossible, you can't get any**
 10 **control there.**
 11 DEPUTY CORONER MS MONAGHAN: You looked at pain control, or
 12 I asked you about pain control and you told us what you
 13 recall about other control techniques, including pain.
 14 Were you taught anything about defensive strikes, as
 15 I've seen them referred to?
 16 **A. In a self-defence class at the start, yes.**
 17 DEPUTY CORONER MS MONAGHAN: Can you tell us what they are
 18 and what you were taught?
 19 **A. We were taught a knee strike to the thigh.**
 20 DEPUTY CORONER MS MONAGHAN: Hold on a second. So these
 21 are -- perhaps we should just go back a bit. What's the
 22 purpose of a defence strike and when might you use it?
 23 **A. If I was being attacked by somebody anywhere, as opposed**
 24 **to something like, say, just me being attacked, what**
 25 **could I use to defend myself, all the techniques were**
 Page 29

1 about one hit and get out as fast as you can.
 2 DEPUTY CORONER MS MONAGHAN: What would those hits be?
 3 **A. So one of them would have been a knee strike, where**
 4 **I would use my right or left knee into someone's thigh.**
 5 **Hopefully they get a dead leg and I could escape, or**
 6 **a punch to the abdomen, just one punch and, again, run**
 7 **for the door.**
 8 DEPUTY CORONER MS MONAGHAN: Apart from running for the
 9 door, could you use that as a means of getting
 10 a detainee under control and then effecting a restraint
 11 or handcuffing or am I on the wrong --
 12 **A. We weren't taught to use that.**
 13 DEPUTY CORONER MS MONAGHAN: I am just exploring the things
 14 I've seen and it may be that that's not helpful.
 15 Just about bringing a detainee to the floor, again
 16 I've seen some reference to that in some of the
 17 documents. Were you given any guidance about when that
 18 might be useful or available to you?
 19 **A. We were told in reality, and my experience is it's true,**
 20 **if someone is going to go to the floor, they are going**
 21 **to the floor. We were taught a way of trying to get**
 22 **someone to the floor, release their arms so they can**
 23 **stop their fall, try and keep your hand on their**
 24 **forehead so they don't hurt their head on the floor, but**
 25 **from experience, if someone goes to the floor, they go**
 Page 30

1 into the floor. There's nothing you can --
 2 DEPUTY CORONER MS MONAGHAN: And in your experience, when
 3 they go to the floor, they go to the floor by
 4 themselves?
 5 **A. Yes.**
 6 DEPUTY CORONER MS MONAGHAN: Not through any action by you?
 7 **A. Yes.**
 8 DEPUTY CORONER MS MONAGHAN: But you can bring them to the
 9 floor?
 10 **A. We were trained to do it. It has never happened yet.**
 11 DEPUTY CORONER MS MONAGHAN: Having regard to the training
 12 that you had about that, would that be a realistic
 13 option in a plane, given the dimensions?
 14 **A. No.**
 15 DEPUTY CORONER MS MONAGHAN: In relation to positional
 16 asphyxia, going back to that, were you given any sort of
 17 written guidance about that or aide memoire?
 18 **A. Yes, I think.**
 19 DEPUTY CORONER MS MONAGHAN: You were. When was that? Was
 20 that on your initial training or later?
 21 **A. That was in the initial training, I think we get --**
 22 **we've had one every year since. We do a yearly**
 23 **refresher and I'm sure we have had one every year since**
 24 **then, yeah, we do.**
 25 DEPUTY CORONER MS MONAGHAN: So it's something that's kept
 Page 31

1 very much fresh in your mind?
 2 **A. (The witness nodded)**
 3 DEPUTY CORONER MS MONAGHAN: Just then, in relation to the
 4 refreshers, before we come to first aid, how often did
 5 you have the refresher training that you have just
 6 referred to?
 7 **A. It's every year.**
 8 DEPUTY CORONER MS MONAGHAN: Every year?
 9 **A. Yeah.**
 10 DEPUTY CORONER MS MONAGHAN: That would include training on
 11 control and restraint?
 12 **A. Yeah.**
 13 DEPUTY CORONER MS MONAGHAN: And, as you have referred to,
 14 positional asphyxia again?
 15 **A. Yeah.**
 16 DEPUTY CORONER MS MONAGHAN: Okay. Just then in relation to
 17 first aid. I think the first aid training, it's not
 18 a memory test again, was about three days; is that
 19 right?
 20 **A. Yeah.**
 21 DEPUTY CORONER MS MONAGHAN: Can you tell us roughly what
 22 that would comprise; what would it involve?
 23 **A. Any signs of someone being in some way medically put**
 24 **out, be it poison or asphyxia or broken limbs or stab**
 25 **wounds or things that we might come across and how we**
 Page 32

1 **deal with that.**
 2 DEPUTY CORONER MS MONAGHAN: Let's say, because you have
 3 mentioned it, there's some form of -- some concern about
 4 positional asphyxia. Were you given any guidance in
 5 particular as to how you would manage that in a first
 6 aid context?
 7 **A. I can't think unless that would -- would that just come**
 8 **under -- we had a Rescusi Annie doll that we would**
 9 **practice on and we would use and that was part of the**
 10 **final course, so that was resuscitating somebody and the**
 11 **recovery position. That's about as far as we went.**
 12 DEPUTY CORONER MS MONAGHAN: That may be enough; I don't
 13 know.
 14 **A. Yeah.**
 15 DEPUTY CORONER MS MONAGHAN: So just looking at those two
 16 things then. The recovery position, just from what you
 17 have said, and tell me if I'm wrong because I'm just
 18 exploring this. Would that be something that you would
 19 adopt if you were concerned about breathing
 20 difficulties?
 21 **A. Yes, definitely.**
 22 DEPUTY CORONER MS MONAGHAN: And again, it may seem obvious
 23 to you and perhaps everybody in the room knows but
 24 I think we have to have it said. What is the recovery
 25 position?

Page 33

1 **A. Laying on your left or right side with your -- with the**
 2 **lower arm and your other arm across with your leg over**
 3 **as well.**
 4 DEPUTY CORONER MS MONAGHAN: That would be something that
 5 you would be advised to adopt if you were concerned
 6 about breathing?
 7 **A. Yeah.**
 8 DEPUTY CORONER MS MONAGHAN: You mentioned something about
 9 resuscitation, I think?
 10 **A. Yes.**
 11 DEPUTY CORONER MS MONAGHAN: Can you tell us what that
 12 involves?
 13 **A. So part of the course is -- well, a lot of the course is**
 14 **dealing with a Rescusi Annie doll, so it's a doll that**
 15 **you teach how to clear the airways, block the nose, blow**
 16 **into the mouth, do the pressure pumps on the chest.**
 17 DEPUTY CORONER MS MONAGHAN: So CPR, as those of us who
 18 watch telly know it as?
 19 **A. CPR.**
 20 DEPUTY CORONER MS MONAGHAN: And breathing mouth-to-mouth?
 21 **A. Yeah.**
 22 DEPUTY CORONER MS MONAGHAN: Okay. In your role as a DCO,
 23 have you ever had to adopt any of those --
 24 **A. No.**
 25 DEPUTY CORONER MS MONAGHAN: You have never had to apply

Page 34

1 first aid. Have you evidence had any concerns about any
 2 of your detainees possibly experiencing positional
 3 asphyxia?
 4 **A. No.**
 5 DEPUTY CORONER MS MONAGHAN: Or any warning signs about
 6 that?
 7 **A. A few of them have shouted, "I can't breathe, I can't**
 8 **breathe". A lot of them have shouted that.**
 9 DEPUTY CORONER MS MONAGHAN: Has that led you to be -- what
 10 has been your response to that?
 11 **A. To see -- to look for any of the other signs to see if**
 12 **I'm doing anything or any of us are doing anything that**
 13 **might be causing this person not to be able to breathe**
 14 **and each time there's been nothing there. It's just**
 15 **been a shout.**
 16 DEPUTY CORONER MS MONAGHAN: So in your experience,
 17 sometimes detainees have shouted, "I can't breathe,
 18 I can't breathe", and in fact, they're fine?
 19 **A. Yeah.**
 20 DEPUTY CORONER MS MONAGHAN: How would you tell, yourself,
 21 whether or not somebody saying they can't breathe is
 22 a sham or a real life experience?
 23 **A. If they're sat back in their seat and I'm not having to**
 24 **hold them very much or barely hold them at all and I can**
 25 **see that they pallor hasn't changed and I can see that**

Page 35

1 **they're breathing perfectly fine and -- well, that's all**
 2 **I can look for, isn't it?**
 3 DEPUTY CORONER MS MONAGHAN: Would you -- in that example,
 4 would their head be up, for example?
 5 **A. Yes, sometimes.**
 6 DEPUTY CORONER MS MONAGHAN: If the head were down --
 7 **A. If they had got had their head down, I'd be trying to**
 8 **sit them up.**
 9 DEPUTY CORONER MS MONAGHAN: So if the head were down and
 10 they were saying to you that they couldn't breathe, what
 11 would your response to that be?
 12 **A. It would be, "Why don't you sit back?" Possibly.**
 13 DEPUTY CORONER MS MONAGHAN: Have you had that experience?
 14 **A. Yeah, yeah.**
 15 DEPUTY CORONER MS MONAGHAN: In relation to the first aid
 16 aspects of your training, did you have refreshers or do
 17 you have refreshers in relation to that?
 18 **A. First aid, I think, is once every three years.**
 19 DEPUTY CORONER MS MONAGHAN: Has your refresher training
 20 always been up-to-date?
 21 **A. I think so, yeah.**
 22 DEPUTY CORONER MS MONAGHAN: I am going to move on to the
 23 day that we're concerned with then. We know that you
 24 weren't centrally involved in the incident on the plane
 25 but you can help us with the day in general. You were

Page 36

<p>1 allocated a driver role?</p> <p>2 A. Yeah.</p> <p>3 DEPUTY CORONER MS MONAGHAN: How did that happen? How do</p> <p>4 you get the role allocated to you?</p> <p>5 A. I believe that just, the names are picked at random and</p> <p>6 someone is a driver.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Do you choose to be the driver?</p> <p>8 A. No, someone in the office chooses.</p> <p>9 DEPUTY CORONER MS MONAGHAN: And you're told to be the</p> <p>10 driver that day? What happened, just run us through</p> <p>11 what happened that day?</p> <p>12 A. The whole day?</p> <p>13 DEPUTY CORONER MS MONAGHAN: Yes.</p> <p>14 A. I turned up at the office with the other three lads.</p> <p>15 I checked the vehicle over, we got in the vehicle,</p> <p>16 driven round to Brook House, picked up Mr Mubenga.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Hold on, picked up Mr Mubenga.</p> <p>18 Can you explain that in a bit more detail?</p> <p>19 A. Okay, so we've gone into Brook House, we've waited in</p> <p>20 the departures, waited around for ten minutes, as you</p> <p>21 saw yesterday. Mr Mubenga came out. We all shook his</p> <p>22 hand. Mr Tribelnig explained to him what was going to</p> <p>23 happen that day and if he had any questions of any</p> <p>24 problems. Mr Mubenga said he didn't. He seemed quite</p> <p>25 happy at the time. We gave him a search, we made sure</p> <p style="text-align: center;">Page 37</p>	<p>1 assessments or anything?</p> <p>2 A. There is a document that comes through that says, "I've</p> <p>3 explained how they are", but as I say, it's normally</p> <p>4 only, "Yeah, they're fine", or "They're not fine".</p> <p>5 DEPUTY CORONER MS MONAGHAN: That's about it, is it?</p> <p>6 A. (The witness nodded).</p> <p>7 DEPUTY CORONER MS MONAGHAN: You told us that you were told</p> <p>8 go with the office and told by the office to be the</p> <p>9 driver and so on. Did you meet Mr Tribelnig and</p> <p>10 Mr Hughes and Mr Kaler at Brook House or somewhere else?</p> <p>11 A. No, sorry, at Spectrum House.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Spectrum House, which is the</p> <p>13 head office?</p> <p>14 A. Yeah.</p> <p>15 DEPUTY CORONER MS MONAGHAN: So, you drove together to</p> <p>16 Brook House. When you first met Mr Tribelnig, Mr Hughes</p> <p>17 and Mr Kaler, was there any discussion between you about</p> <p>18 your various roles or anything of that sort?</p> <p>19 A. I'm sure Mr Tribelnig gave us -- when we got in the van,</p> <p>20 he gave us a briefing as to who we were picking up, how</p> <p>21 old he was, a bit of background to his history.</p> <p>22 DEPUTY CORONER MS MONAGHAN: So his name?</p> <p>23 A. His name, how old he was. I can't remember exactly, but</p> <p>24 that --</p> <p>25 DEPUTY CORONER MS MONAGHAN: That would be what you would</p> <p style="text-align: center;">Page 39</p>
<p>1 he had all his property, got into the vehicle and left</p> <p>2 Brook House.</p> <p>3 DEPUTY CORONER MS MONAGHAN: Just before you got into the</p> <p>4 vehicle, then. Were you given any information by the</p> <p>5 officers who were releasing him, who were passing him on</p> <p>6 to you?</p> <p>7 A. I don't remember. I was looking after his luggage,</p> <p>8 making sure the tags matched up. I can't remember.</p> <p>9 DEPUTY CORONER MS MONAGHAN: You can't remember.</p> <p>10 A. (The witness shook his head).</p> <p>11 DEPUTY CORONER MS MONAGHAN: Would that be something that</p> <p>12 you would normally expect to happen?</p> <p>13 A. It might have happened elsewhere but as I was the</p> <p>14 driver, I was making sure we had his luggage and we had</p> <p>15 the right paperwork to get out of the building.</p> <p>16 DEPUTY CORONER MS MONAGHAN: Okay. When you normally carry</p> <p>17 out these roles, and I know that you're still, as you</p> <p>18 have told us, a DCO, is it normally the case that the</p> <p>19 officer handing over the detainee to you will provide</p> <p>20 you with any information or do they just --</p> <p>21 A. We normally ask, "How is he?" or "How is she?" and we</p> <p>22 get a short, "They seem fine", "They have been all right</p> <p>23 with us", "They're really unhappy".</p> <p>24 DEPUTY CORONER MS MONAGHAN: Do they give you any risk</p> <p>25 assessment material, any formal documentation with risk</p> <p style="text-align: center;">Page 38</p>	<p>1 expect, so his name, his age and something about his</p> <p>2 general background?</p> <p>3 A. Yeah.</p> <p>4 DEPUTY CORONER MS MONAGHAN: So you collect him and then</p> <p>5 what happens? You pick him up at Brook House and?</p> <p>6 A. We pick him up at Brook House. As I say, his</p> <p>7 demeanour's very friendly. He looks a bit upset. He</p> <p>8 got into the vehicle and sat next to, I believe he sat</p> <p>9 next to -- DCO Kaler sat next to him and -- who sat in</p> <p>10 the back? My mind's gone.</p> <p>11 DEPUTY CORONER MS MONAGHAN: What do you have there in front</p> <p>12 of you?</p> <p>13 A. Sorry, this is my witness statement.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Just pausing there. So the</p> <p>15 jury know, when did you make that witness statement?</p> <p>16 It's not a trick question, again, it's just to help us.</p> <p>17 A. 19 October.</p> <p>18 DEPUTY CORONER MS MONAGHAN: So nearer the time --</p> <p>19 19 October 2010?</p> <p>20 A. Yeah.</p> <p>21 DEPUTY CORONER MS MONAGHAN: So you were just refreshing</p> <p>22 your memory from that statement?</p> <p>23 A. Yeah. So then DCO Hughes got on the back row of seats</p> <p>24 behind Mr Mubenga and I think SDCO Tribelnig sat next to</p> <p>25 me and we left the building and conversations began.</p> <p style="text-align: center;">Page 40</p>

1 DEPUTY CORONER MS MONAGHAN: How was the journey?
 2 **A. Uneventful. The atmosphere in the van was very nice.**
 3 **Everyone seemed to be getting on very well. Mr Mubenga,**
 4 **he was upset he was leaving his family but seemed -- he**
 5 **just realised he had to go back to Angola. He spent**
 6 **a lot of time on the phone, which we obviously gave him**
 7 **permission to do because it's a stressful time. That's**
 8 **it, we drove round to the airport.**
 9 DEPUTY CORONER MS MONAGHAN: What happened when you got to
 10 the airport?
 11 **A. We dropped off SDCO Tribelnig to get the documents,**
 12 **which I believe from reading this weren't there. We let**
 13 **Mr Mubenga have a cigarette. We went round to get the**
 14 **tickets. We went through the security house. Again,**
 15 **nothing happened, we were just chatting. They were**
 16 **taking the mickey out of my driving. We went round to**
 17 **the plane and then we boarded the plane.**
 18 DEPUTY CORONER MS MONAGHAN: Did you get on the plane?
 19 **A. I did get on the plane.**
 20 DEPUTY CORONER MS MONAGHAN: You did get on the plane.
 21 **A. It's my role to follow on with everyone's bags, so**
 22 **everyone's day bags.**
 23 DEPUTY CORONER MS MONAGHAN: You got on the plane and, I
 24 think we know that you didn't remain on the plane?
 25 **A. No, I went down to the back of the plane with them.**

Page 41

1 **I put everyone's bags in the overhead lockers. As I**
 2 **said, everything had been fine all day so SDCO Tribelnig**
 3 **said, "You may as well leave". I shook everyone's hand,**
 4 **wished Jimmy good luck, and got off the plane and went**
 5 **back to my vehicle.**
 6 DEPUTY CORONER MS MONAGHAN: And it was expected that you
 7 would get off, was it?
 8 **A. No, it was unusual. Normally, I would stop until they**
 9 **were about to close the doors in case -- often, a show**
 10 **is put on for the other passengers on the plane, so**
 11 **I would be there to maybe get some water, tell all the**
 12 **passengers why this person is being removed from the**
 13 **country, explain the situation, but Mr Mubenga had been**
 14 **so nice all day, we had all been getting on so well that**
 15 **we just thought nothing was going to happen. That was**
 16 **one of the first times, possibly the first time that**
 17 **I have been sent off at the start to try and -- I don't**
 18 **know why, but just to leave early.**
 19 DEPUTY CORONER MS MONAGHAN: Okay, so just looking at that
 20 a bit more. You have said it was probably the first
 21 time that you did that?
 22 **A. Yes.**
 23 DEPUTY CORONER MS MONAGHAN: Presumably -- well, I won't put
 24 words in your mouth. Do you have perfectly compliant
 25 deportees, or have you had perfectly compliant deportees

Page 42

1 on other occasions?
 2 **A. Yes.**
 3 DEPUTY CORONER MS MONAGHAN: And other occasions before
 4 then?
 5 **A. Yeah, sometimes.**
 6 DEPUTY CORONER MS MONAGHAN: Did you remain on the plane
 7 even where they were perfectly compliant?
 8 **A. Yes.**
 9 DEPUTY CORONER MS MONAGHAN: So what was it about this day
 10 that caused you to leave early?
 11 **A. I don't know. I don't know. It had just been so**
 12 **cordial all day. There was not a single sign anywhere**
 13 **that Mr Mubenga was going to do anything other than fly**
 14 **home.**
 15 DEPUTY CORONER MS MONAGHAN: Were you instructed to remain
 16 on the plane for a period or was it a matter for your
 17 discretion?
 18 **A. It would be whoever is in charge's discretion because**
 19 **it's -- me being still on the plane would have drawn**
 20 **attention us to at the back of the plane, so if we have**
 21 **got a perfectly nice gentleman there, why draw attention**
 22 **to the fact that he's being deported?**
 23 DEPUTY CORONER MS MONAGHAN: But you normally would remain
 24 on the --
 25 **A. I would normally remain, yes.**

Page 43

1 DEPUTY CORONER MS MONAGHAN: And Mr Tribelnig said, "You can
 2 go now".
 3 **A. "You may as well go now", yeah.**
 4 DEPUTY CORONER MS MONAGHAN: You got off the plane?
 5 **A. Yeah.**
 6 DEPUTY CORONER MS MONAGHAN: What did you do then?
 7 **A. I just went and sat in my vehicle. We always stay there**
 8 **until the plane pushes back off the stand.**
 9 DEPUTY CORONER MS MONAGHAN: I think at some point you got
 10 a telephone call?
 11 **A. Yeah, the plane had pushed back off the stand. I heard**
 12 **something yesterday about the first telephone call.**
 13 **What time was that call?**
 14 DEPUTY CORONER MS MONAGHAN: Well, let me just ask you about
 15 that. I think -- how many telephone calls did you
 16 get in the immediate period?
 17 **A. I thought -- I only thought I only had one. I only**
 18 **remember having one phone call.**
 19 DEPUTY CORONER MS MONAGHAN: Okay, that's fine.
 20 **A. Sorry, the plane had pushed back. I had phoned up the**
 21 **office to say the plane had pushed back. I drove off**
 22 **the airport and I'm just about to get on the M25 when**
 23 **Mr Tribelnig phoned me and said, "You've got to get back**
 24 **to the airport", and I thought he was -- I thought it**
 25 **was a joke.**

Page 44

1 DEPUTY CORONER MS MONAGHAN: So, so far as you're aware,
 2 around that time you had one phone call from
 3 Mr Tribelnig?
 4 **A. I think I thought so, yeah.**
 5 DEPUTY CORONER MS MONAGHAN: Again, this is not a trick
 6 question, it's just to help us with this. Just have
 7 a look at this so you can remind yourself. Can he have
 8 volume 1, page 34, just so the jury know what you are
 9 looking at.
 10 After the incident with Mr Mubenga, the following
 11 day you filled in what's called a general incident
 12 report?
 13 **A. I think it was that night; it was when I got back to the**
 14 **office that night.**
 15 DEPUTY CORONER MS MONAGHAN: I'll come back to that in
 16 a moment anyway, but you filled in a form at some time
 17 very close to the events. At page 34, this is the first
 18 page of your report, if you just locate yourself.
 19 I don't know if you have looked at this recently, have
 20 you?
 21 **A. No, I've not seen it.**
 22 DEPUTY CORONER MS MONAGHAN: Okay, well, just have a quick
 23 look through that page. I don't want you to be out of
 24 place. (Pause) Over the page you will see--
 25 **A. Yes, it says -- when I heard that yesterday, I thought**
 Page 45

1 **it was after the plane had pushed back. Yeah, Stuart**
 2 **called me from --**
 3 DEPUTY CORONER MS MONAGHAN: Hold on a second there. About
 4 halfway down page 36, I'll just read it so the jury can
 5 hear it. You say:
 6 "I got back in the van at about 19.45."
 7 Just have a look at that line. Do you have that?
 8 **A. Yep, mmm-hmm.**
 9 DEPUTY CORONER MS MONAGHAN: "I got back in the van at about
 10 19.45. The plane pushed back about 20.10 [about 8.10]
 11 and I called the office as per procedure to let them
 12 know and I left the airport. Just as I was pulling on
 13 to the M25 my phone rang from a blocked number so
 14 I pulled over, answered it and was told to return to the
 15 airport, then cut off."
 16 **A. Yeah.**
 17 DEPUTY CORONER MS MONAGHAN: Who was that from?
 18 **A. I assume now it was SDCO Shorling, but at the time**
 19 **I didn't know; at the time I didn't know.**
 20 DEPUTY CORONER MS MONAGHAN: Sorry? Who do you assume it
 21 was?
 22 **A. Mr Tribelnig.**
 23 DEPUTY CORONER MS MONAGHAN: Mr Tribelnig. Then you had
 24 a second call from Mr Tribelnig?
 25 **A. No.**
 Page 46

1 DEPUTY CORONER MS MONAGHAN: So you only --
 2 **A. I thought I only had the one. No, there was just that**
 3 **one call.**
 4 DEPUTY CORONER MS MONAGHAN: Do you recall the contents of
 5 the telephone call?
 6 **A. Yes, it was just very short: "Get back to the airport,**
 7 **quick".**
 8 DEPUTY CORONER MS MONAGHAN: What would have made you said
 9 the number was blocked?
 10 **A. All the SDCOs' phone numbers are blocked when they dial**
 11 **out, because the detainees are using them to call their**
 12 **solicitors, call their family and friends, so the**
 13 **numbers are withheld.**
 14 DEPUTY CORONER MS MONAGHAN: You have your witness statement
 15 there, I think, that you made, that you told us about?
 16 **A. Yeah.**
 17 DEPUTY CORONER MS MONAGHAN: 19 October?
 18 **A. Yeah.**
 19 DEPUTY CORONER MS MONAGHAN: Can you look at page 5 of that
 20 for me, please. Just towards the bottom of the first
 21 paragraph, it says, you can see:
 22 "I turned right towards the M25."
 23 Just about what you have said in your incident
 24 report.
 25 **A. Hmm, hmm.**
 Page 47

1 DEPUTY CORONER MS MONAGHAN: "I turned right toward the M25
 2 junction and was on the westbound perimeter road
 3 northbound slip when I received a phone call. I pulled
 4 over and answered my mobile. The person calling didn't
 5 say who they were, just for me to go straight back to
 6 the airport or terminal."
 7 But you think it was Mr Tribelnig?
 8 **A. Yes.**
 9 DEPUTY CORONER MS MONAGHAN: It seems a strange thing to
 10 say, if you don't mind me saying, Mr Duckers, that they
 11 didn't say who they were. Presumably you would know if
 12 it was Mr Tribelnig, no?
 13 **A. I'd only met him that morning.**
 14 DEPUTY CORONER MS MONAGHAN: Ah, okay, well, that's fair
 15 enough. You didn't know him before?
 16 **A. I hadn't worked with any of them and his phone number**
 17 **didn't come up and I couldn't think of any reason at all**
 18 **why I would be asked to go back to the airport.**
 19 DEPUTY CORONER MS MONAGHAN: So it may just be that you
 20 didn't recognise his voice over the telephone?
 21 **A. It was very quick, "Come back to the airport", and hung**
 22 **up.**
 23 DEPUTY CORONER MS MONAGHAN: And it was only the one
 24 telephone call?
 25 **A. Yes.**
 Page 48

<p>1 DEPUTY CORONER MS MONAGHAN: Just going back to your 2 incident report at page 36, after the telephone call 3 that you have just described, you called the office to 4 check, as you were convinced this was a wind up as 5 everything that gone so smoothly? 6 A. Yeah. 7 DEPUTY CORONER MS MONAGHAN: "While coming through the gate 8 post I saw a police van, an ambulance rush through 9 heading towards Terminal 5. Stuart called and told me 10 the plane was back at the stand." 11 That's sounds like a second call? 12 A. Sorry, yes. This is a second call, obviously. 13 DEPUTY CORONER MS MONAGHAN: Are you able to help us now 14 with whether there was one call or two calls? 15 A. In my head I have compartmentalised it, so this is 16 afterwards, but, anyway, yes, right, so he called me 17 again to say he was back at the stand so I would know 18 where to go to get to -- 19 DEPUTY CORONER MS MONAGHAN: The reason I ask you that is 20 Mr Baldwin, the police officer who was one of the 21 investigating officers, gave some evidence about this 22 yesterday and he says the telephones were checked after 23 the event, the DCOs' telephones, and he says that there 24 was one call to you from Mr Tribelnig's phone -- 25 A. Mmm-hmm.</p> <p style="text-align: center;">Page 49</p>	<p>1 did you? 2 A. No, no, I wasn't allowed on the plane, I just went onto 3 the air bridge every 10 or 15 minutes to find out if 4 there was anything I could do. 5 DEPUTY CORONER MS MONAGHAN: By that time, were there police 6 officers there? 7 A. Surrounding the plane, yes. 8 DEPUTY CORONER MS MONAGHAN: By the time you arrived? 9 A. Yeah. 10 DEPUTY CORONER MS MONAGHAN: Were the other three DCOs 11 there? 12 A. I don't know. I think they were. I think I saw them 13 being taken away later on. 14 DEPUTY CORONER MS MONAGHAN: When you arrived, you didn't 15 get on the plane. So far as you know, were they on the 16 plane or were they already off the plane? 17 A. I don't know. I think they were on the plane. 18 DEPUTY CORONER MS MONAGHAN: Then what happened to you? 19 A. After a period of time, a police officer asked me to 20 follow him over to Gatwick Airport -- sorry, 21 Heathrow Police Station, so I just followed him over 22 there and then went into the police station. 23 DEPUTY CORONER MS MONAGHAN: So you drove your van -- 24 A. Yeah. 25 DEPUTY CORONER MS MONAGHAN: -- from the airport to the</p> <p style="text-align: center;">Page 51</p>
<p>1 DEPUTY CORONER MS MONAGHAN: -- and that that was made 2 before the plane was at the stand and they were able to 3 tell that because of the control tower details. Does 4 that help you with anything? It might seem -- it looks 5 like you have two calls, the one from Stuart is said to 6 be, by him, at a time when it's back at the stand. 7 According to Mr Baldwin, there was only one and it was 8 before the plane was back at the stand? 9 A. I don't know how to answer that. That's what 10 I remember. I mean, I didn't even remember the second 11 phone call until I've seen this. 12 DEPUTY CORONER MS MONAGHAN: This was made much closer in 13 time than the events -- well, than today, plainly? 14 A. Yes. 15 DEPUTY CORONER MS MONAGHAN: Okay, there you are. 16 Now, after you got these telephone calls, you went 17 back, presumably, and what happened then? 18 A. I sat around the plane for quite some time. 19 Occasionally I would go upstairs to try and speak to 20 a police officer to find out what was happening, if 21 I needed to be anywhere, if I needed to do anything, if 22 I needed to phone anybody, if they needed any help from 23 our end of things. 24 DEPUTY CORONER MS MONAGHAN: Just stopping there and taking 25 that a bit more slowly. You went back onto the plane,</p> <p style="text-align: center;">Page 50</p>	<p>1 police station? 2 A. Yeah. 3 DEPUTY CORONER MS MONAGHAN: When you arrived at the police 4 station, what happened then? 5 A. I went into a room where those three guys were and we 6 sat there for, I don't know, an hour and a half, two 7 hours. 8 DEPUTY CORONER MS MONAGHAN: By yourselves or with anybody 9 else there? 10 A. I can't remember. I think there was someone else with 11 us, but I can't remember who it was. 12 DEPUTY CORONER MS MONAGHAN: So the four of you were left 13 together for an hour and a half, chatting presumably? 14 A. No. There was no conversation. 15 DEPUTY CORONER MS MONAGHAN: You were all sat there in 16 silence for an hour and a half? 17 A. Yes, they were all in a state of shock. 18 DEPUTY CORONER MS MONAGHAN: No discussions at all? 19 A. At some point after about three-quarters of an hour, 20 I had to ask, "What's happened?", you know, "Why are we 21 here?" and they explained that Mr Mubenga had gone in 22 the toilet with a phone and gone mad and we just left it 23 there. They were obviously very upset. 24 DEPUTY CORONER MS MONAGHAN: Was that the first time that 25 you discussed the incident or that you heard anything</p> <p style="text-align: center;">Page 52</p>

<p>1 about the incident involving Mr Mubenga?</p> <p>2 A. I'm sure I'd heard in the airport someone say something</p> <p>3 about a homicide. I picked -- I don't know. There's</p> <p>4 nothing I can say for certain. There's little bits I</p> <p>5 picked up from going up on the air bridge but</p> <p>6 nothing ...</p> <p>7 DEPUTY CORONER MS MONAGHAN: But nothing particular?</p> <p>8 A. No. (The witness shook their head).</p> <p>9 DEPUTY CORONER MS MONAGHAN: Mr Duckers, you then say you</p> <p>10 went to the police station and the three of them were</p> <p>11 there with you?</p> <p>12 A. Mmm.</p> <p>13 DEPUTY CORONER MS MONAGHAN: For an hour and a half-plus and</p> <p>14 you didn't ask them about what had happened until 45</p> <p>15 minutes --</p> <p>16 A. That's true.</p> <p>17 DEPUTY CORONER MS MONAGHAN: So you sat there in silence</p> <p>18 without any idea about why you had been called back,</p> <p>19 except for a vague reference to homicide?</p> <p>20 A. Yeah.</p> <p>21 DEPUTY CORONER MS MONAGHAN: You are sure about that, are</p> <p>22 you?</p> <p>23 A. I'm pretty sure I -- yeah, I am sure because I felt</p> <p>24 uncomfortable for three-quarters of an hour, but none of</p> <p>25 them looked like they were prepared -- it didn't look it</p> <p style="text-align: center;">Page 53</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Ian Paris, and what's his role,</p> <p>2 what's his job?</p> <p>3 A. I think he was a duty manager at the time. He's an SDCO</p> <p>4 as well and I think he was a duty manager at the time.</p> <p>5 DEPUTY CORONER MS MONAGHAN: So he's a step up from you?</p> <p>6 A. Yeah. (The witness nodded).</p> <p>7 DEPUTY CORONER MS MONAGHAN: And he took you back to</p> <p>8 Spectrum House, which is the head office of G4S?</p> <p>9 A. Yes.</p> <p>10 DEPUTY CORONER MS MONAGHAN: What happened when you got</p> <p>11 there?</p> <p>12 A. I did this report and then went home.</p> <p>13 DEPUTY CORONER MS MONAGHAN: Can you tell us the</p> <p>14 circumstances in which you did the report? Where were</p> <p>15 you?</p> <p>16 A. I don't remember, I was sat -- I don't remember.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Were you sat in an office or</p> <p>18 a training centre or a conference centre?</p> <p>19 A. I can't remember. I honestly don't know. It was</p> <p>20 just in one of -- I don't know if it was in a room or if</p> <p>21 it was in -- where we all meet or the ... I don't</p> <p>22 remember where it was.</p> <p>23 DEPUTY CORONER MS MONAGHAN: But it was a room of some sort?</p> <p>24 A. Yeah.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Was there anybody else in the</p> <p style="text-align: center;">Page 55</p>
<p>1 would be right for me to ask any questions.</p> <p>2 DEPUTY CORONER MS MONAGHAN: You told us that this was the</p> <p>3 first day you had met Mr Tribelnig?</p> <p>4 A. Yeah.</p> <p>5 DEPUTY CORONER MS MONAGHAN: Was it the first day you had</p> <p>6 met Mr Hughes and Mr Kaler?</p> <p>7 A. I think it was the first time I met Mr Kaler. I had met</p> <p>8 Mr Hughes on a charter, we do charter flights where we</p> <p>9 hire a whole plane to take -- just to go to one country.</p> <p>10 I met him on one of them a few months before, I had</p> <p>11 maybe spoken to him for 10 or 15 minutes. I didn't</p> <p>12 particularly know any of them.</p> <p>13 DEPUTY CORONER MS MONAGHAN: He wasn't a mate?</p> <p>14 A. No.</p> <p>15 DEPUTY CORONER MS MONAGHAN: Okay. So you're sat in</p> <p>16 a police station for an hour and a half, two hours with</p> <p>17 the other officers. What happens then?</p> <p>18 A. There was a few bits about them handing -- they'd handed</p> <p>19 in their clothes, taken their handcuffs and then at some</p> <p>20 point, another colleague came and picked me up and took</p> <p>21 me back to Spectrum House at Gatwick, where I did this</p> <p>22 report.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Who took you back to Spectrum</p> <p>24 House?</p> <p>25 A. Ian Paris.</p> <p style="text-align: center;">Page 54</p>	<p>1 room when you made the report?</p> <p>2 A. I don't remember.</p> <p>3 DEPUTY CORONER MS MONAGHAN: You don't remember if there was</p> <p>4 anybody in the room at all?</p> <p>5 A. (The witness shook his head).</p> <p>6 DEPUTY CORONER MS MONAGHAN: Well, do you remember whether</p> <p>7 Mr Tribelnig, Mr Hughes or Mr Kaler were in the room?</p> <p>8 A. Oh, they definitely weren't, no.</p> <p>9 DEPUTY CORONER MS MONAGHAN: They definitely weren't in the</p> <p>10 room, no?</p> <p>11 A. No.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Did you have any discussion</p> <p>13 with them about the contents of the reports that you</p> <p>14 were going to make?</p> <p>15 A. No.</p> <p>16 DEPUTY CORONER MS MONAGHAN: None at all?</p> <p>17 A. Only in what I've just said, that I asked what happened</p> <p>18 on the plane.</p> <p>19 DEPUTY CORONER MS MONAGHAN: But when you got back to</p> <p>20 Spectrum House, there was no discussion between you and</p> <p>21 you weren't in the same room as them?</p> <p>22 A. I think they were still at the police station.</p> <p>23 DEPUTY CORONER MS MONAGHAN: That's fine, thank you.</p> <p>24 After you had prepared your report, and it's dated</p> <p>25 13 October I think, so was that sort of after midnight</p> <p style="text-align: center;">Page 56</p>

<p>1 some time?</p> <p>2 A. Yes.</p> <p>3 DEPUTY CORONER MS MONAGHAN: After you prepared your report,</p> <p>4 what happened then?</p> <p>5 A. I went home. How far ahead do you want to go?</p> <p>6 DEPUTY CORONER MS MONAGHAN: Well, did you hand in your</p> <p>7 report to somebody? Was there any discussion afterwards</p> <p>8 with anybody?</p> <p>9 A. Yes -- yeah, well, I handed it into somebody,</p> <p>10 I'd imagine it would be Ian Paris, but I can't remember</p> <p>11 who.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Okay, and then?</p> <p>13 A. And then I went home.</p> <p>14 DEPUTY CORONER MS MONAGHAN: We have seen some reference in</p> <p>15 the documents to a behavioural therapist. Does that</p> <p>16 ring any bell, or a counsellor?</p> <p>17 A. Yeah, I think that was a day or two later, I'm not sure,</p> <p>18 I'm not sure when that arrived but one was offered, yes.</p> <p>19 DEPUTY CORONER MS MONAGHAN: By whom?</p> <p>20 A. By G4S.</p> <p>21 DEPUTY CORONER MS MONAGHAN: To you?</p> <p>22 A. To me.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Did you take up that offer?</p> <p>24 A. No.</p> <p>25 DEPUTY CORONER MS MONAGHAN: I think I just have a few more</p> <p style="text-align: center;">Page 57</p>	<p>1 A. Yeah.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Again, it may seem obvious to</p> <p>3 you, but you're the first witness, so you get all this,</p> <p>4 I'm afraid. Were you given any context for that</p> <p>5 training? Were you told, "This has happened sometimes</p> <p>6 and it's called 'carpet karaoke', don't use it, or, "It</p> <p>7 has never happened here but we've heard it happens at</p> <p>8 Securicor" or, how did that go? Was it just completely</p> <p>9 out of the blue?</p> <p>10 A. I don't remember the context but it was definitely -- it</p> <p>11 was explained why it might have been used and it was</p> <p>12 explained why we don't use it.</p> <p>13 DEPUTY CORONER MS MONAGHAN: What was the reason given for</p> <p>14 why it might have been used at some time?</p> <p>15 A. It means people who are screaming for attention or</p> <p>16 screaming because they're in pain, their voices -- the</p> <p>17 volume is now downwards so it stops the rest of the</p> <p>18 plane hearing it and it takes the power out of people if</p> <p>19 they're trying to fight you. They are doubled over and</p> <p>20 it makes it much more difficult for them to hurt you.</p> <p>21 DEPUTY CORONER MS MONAGHAN: Were you given the impression</p> <p>22 that that was a technique that had been used and was now</p> <p>23 stopped?</p> <p>24 A. No, not really, no. It was up from the start: "You will</p> <p>25 not be doing this".</p> <p style="text-align: center;">Page 59</p>
<p>1 questions to ask you, then. Have you heard the</p> <p>2 expression, "carpet karaoke"?</p> <p>3 A. Yes.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Can you tell the jury what that</p> <p>5 refers and to what it means?</p> <p>6 A. It refers to a detainee in a seat who's screaming. You</p> <p>7 could push their head down to the floor so that the</p> <p>8 other passengers couldn't hear them and it takes any</p> <p>9 power out of them so they can't fight back.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Is that a technique that was</p> <p>11 used to keep a detainee under control?</p> <p>12 A. We're specifically told never to do that. We don't do</p> <p>13 that, because of what could happen.</p> <p>14 DEPUTY CORONER MS MONAGHAN: How did you hear about the</p> <p>15 expression "carpet karaoke", who from?</p> <p>16 A. We were told about it in our original training and it's</p> <p>17 in the Guardian reports. Every time they mention</p> <p>18 anything, it's in there.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Leaving aside the newspapers</p> <p>20 for a moment, and we're trying to ignore them, apart</p> <p>21 from in your initial training, was that an expression</p> <p>22 you heard used at work?</p> <p>23 A. Not that I can remember, no, not really.</p> <p>24 DEPUTY CORONER MS MONAGHAN: In your training, you were told</p> <p>25 to avoid it?</p> <p style="text-align: center;">Page 58</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Just in relation to the</p> <p>2 shouting and the screaming. You have told us that you</p> <p>3 were given advice about what to do or the fact that</p> <p>4 somebody might be complaining about not being able to</p> <p>5 breathe being a warning sign, so far as positional</p> <p>6 asphyxia is concerned. Again, it's probably obvious to</p> <p>7 you from your training, but may not be to all of us.</p> <p>8 Were you told that somebody may be capable of shouting</p> <p>9 and screaming, including for breath, but still be</p> <p>10 having, or experiencing a restriction of breathing?</p> <p>11 A. Yes, part of the training was we would be asked how</p> <p>12 could we tell if someone had positional asphyxia and</p> <p>13 often, the first thing people would say would be, "Oh,</p> <p>14 well they won't be able to say anything". That was</p> <p>15 immediately, "No". People could suffering and still</p> <p>16 shouting, it doesn't stop you speaking.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Thank you, that's helpful.</p> <p>18 "Carpet karaoke", then, we have had a look at that.</p> <p>19 I think the next thing is you have told us about your</p> <p>20 training in relation to racism and so on. Did you ever</p> <p>21 hear any of the DCOs using racist expressions?</p> <p>22 A. I don't -- it's not really accepted at work, it's not.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Did you ever hear anybody use</p> <p>24 any racist words or expressions?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 60</p>

1 DEPUTY CORONER MS MONAGHAN: Have you since that date?
 2 **A. No.**
 3 DEPUTY CORONER MS MONAGHAN: None at all?
 4 **A. (The witness shook their head).**
 5 DEPUTY CORONER MS MONAGHAN: Have you received any texts
 6 with racist messages in them, or jokes?
 7 **A. Not really, not that I can think of, no.**
 8 DEPUTY CORONER MS MONAGHAN: It might be something that --
 9 it might be thought you would remember something like
 10 that?
 11 **A. No, it's not really.**
 12 DEPUTY CORONER MS MONAGHAN: You're sure about that?
 13 **A. Yeah, it's not funny, is it?**
 14 DEPUTY CORONER MS MONAGHAN: Sorry?
 15 **A. No, it's not happened.**
 16 DEPUTY CORONER MS MONAGHAN: Thank you very much.
 17 Mr Blaxland?
 18 Examined by MR BLAXLAND
 19 MR BLAXLAND: You went through your background rather
 20 rapidly. Can I try to fix some dates here. When did
 21 you first start the training with G4S?
 22 **A. I think it was April 2009.**
 23 Q. Is this the four day course or possibly the five day
 24 course?
 25 **A. The four week course.**

Page 61

1 Q. The four week course, sorry. When did you actually
 2 start working?
 3 **A. So that would have been the start of May, I think.**
 4 Q. So when did you next have your refresher course?
 5 **A. I'm not entirely sure because at some point in that time**
 6 **I had six months off with a broken hand, so it might**
 7 **have been after that, so it could have been 18 months**
 8 **later.**
 9 Q. So in March 2009 you had --
 10 **A. I broke my hand in the February of the next year so**
 11 **I would have missed my yearly refresher and then done it**
 12 **again in the June, possibly.**
 13 Q. So that's June 2010?
 14 **A. Yeah, but because I'd been over a year I had to do**
 15 **a full week's course again, whereas normally it's only a**
 16 **day refresher; I had to do a full week's course.**
 17 Q. You have been repeatedly asked by the learned coroner
 18 about the training that you had about the dangers of
 19 this thing called positional asphyxia and how important
 20 that was to the course. It's just the technical
 21 expression, I'd like you just to explain what you
 22 understood was being talked about. What were the
 23 particular dangers as they were explained to you?
 24 **A. Well, it would be someone who's being restrained and**
 25 **still fighting and so in trying to control their**

Page 62

1 **fighting -- sorry. They would be putting in so much**
 2 **effort and so much work that they would exhaust**
 3 **themselves, causing the oxygen in their body to deplete**
 4 **to a point where they would go into positional asphyxia.**
 5 Q. So that has nothing to do with somebody being bent
 6 forward, is that right?
 7 **A. It could have something to do with somebody being bent**
 8 **forward.**
 9 Q. Right. Were there two elements to it? One is the
 10 particular problem with somebody being bent forward
 11 because that restricts the breathing? It's pretty
 12 obvious, actually.
 13 **A. It could be that, but cyclists are in that position all**
 14 **the time, aren't they?**
 15 Q. Were you ever told that there is a particular problem
 16 with people being bent forward?
 17 **A. Yes.**
 18 Q. Because it restricts the breathing?
 19 **A. It can restrict the breathing.**
 20 Q. And particularly in a seated position?
 21 **A. Yeah.**
 22 Q. Yes?
 23 **A. Yes.**
 24 Q. Particularly in a seated position. So that's one
 25 problem, is that right? The restriction of breathing as

Page 63

1 a result of being bent forward?
 2 **A. Being restrained while being bent forward.**
 3 Q. Yes. But there's an additional problem which you were
 4 told about, is this right, that if somebody struggles,
 5 particularly for a long period of time, against being
 6 restrained, that also is dangerous?
 7 **A. Yes.**
 8 Q. I think you are given a specific warning to avoid
 9 prolonged restraint. Prolonged restraint in respect of
 10 somebody who is fighting back against the restraint?
 11 **A. I don't think we are.**
 12 Q. Aren't you?
 13 **A. I don't think so. I could be wrong.**
 14 Q. Were you never told this:
 15 "The amount of time that restraint is applied is as
 16 important as the form of restraint and the position of
 17 the detainee"?
 18 **A. Possibly.**
 19 Q. "Prolonged restraint and prolonged struggling will
 20 result in exhaustion, possibly without subjective
 21 awareness [in other words, without anybody realising it]
 22 which may result in sudden death."
 23 **A. Yeah. I don't know how to respond to that.**
 24 Q. Were you taught that?
 25 **A. We were taught that, yes.**

Page 64

<p>1 Q. So it's something which you should avoid?</p> <p>2 A. Yes, obviously, but --</p> <p>3 DEPUTY CORONER MS MONAGHAN: You are still employed as</p> <p>4 a DCO, and you?</p> <p>5 A. I am, yeah.</p> <p>6 DEPUTY CORONER MS MONAGHAN: First of all, were you told</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 DEPUTY CORONER MS MONAGHAN: Were you taught that?</p> <p>10 A. Yes.</p> <p>11 DEPUTY CORONER MS MONAGHAN: Does that mean, as Mr Blaxland</p> <p>12 suggested to you, that you were taught or told or</p> <p>13 instructed to avoid prolonged restraint?</p> <p>14 A. No, it says it could lead to that amount of exhaustion</p> <p>15 and therefore we should be looking out for the signs of</p> <p>16 it and to try and avoid prolonged restraint, but in some</p> <p>17 cases it's impossible.</p> <p>18 DEPUTY CORONER MS MONAGHAN: Can you just give me the page.</p> <p>19 A. If they're dying of exhaustion, stop. If it gets</p> <p>20 anywhere near that, stop.</p> <p>21 MR BLAXLAND: Green 4, page 19.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Thank you, that is just for my</p> <p>23 note.</p> <p>24 MR BLAXLAND: Is this right, you had what is called tuition</p> <p>25 in control and restraint?</p> <p style="text-align: center;">Page 65</p>	<p>1 Q. So you were specifically put on notice that somebody</p> <p>2 being restrained who becomes exhausted may die as</p> <p>3 a result of that?</p> <p>4 A. Yes.</p> <p>5 Q. Now, your experience on aeroplanes. The whole process</p> <p>6 of deportation is extremely fraught, isn't it? Fraught</p> <p>7 in the sense that in the vast majority of cases, the</p> <p>8 person who is being deported is going to be in an</p> <p>9 emotional state. Is that your experience?</p> <p>10 A. No. Some of them -- they are all in an emotional state,</p> <p>11 but some of them are quite happy to be on a plane.</p> <p>12 Q. There's always the potential for it, isn't there,</p> <p>13 because people are being removed from the country</p> <p>14 against their will?</p> <p>15 A. There's always the potential, yes.</p> <p>16 Q. But people being deported are, by definition, being</p> <p>17 removed against their will; that's right?</p> <p>18 A. Some of them just can't afford a ticket.</p> <p>19 Q. But you always have to look out for the potential that</p> <p>20 people are going to be in an emotional state as a result</p> <p>21 of what they're going through?</p> <p>22 A. Yes.</p> <p>23 Q. Separation from family?</p> <p>24 A. Yeah.</p> <p>25 Q. Returning to a country that they didn't want to be in in</p> <p style="text-align: center;">Page 67</p>
<p>1 A. Yes.</p> <p>2 Q. You had, in addition to that, there was a specific</p> <p>3 course in relation to what is called "Physical Control</p> <p>4 in Care", PCC, is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And as the title suggests, that's really specifically to</p> <p>7 do with the additional specific problems which you may</p> <p>8 have when detaining young people?</p> <p>9 A. Yes.</p> <p>10 Q. Because there had been a particular problem, had there</p> <p>11 not, about a young person who died --</p> <p>12 A. I believe so.</p> <p>13 Q. -- being restrained in I particular way? But I just</p> <p>14 wonder if -- and you had the PCC course as well as the</p> <p>15 CNR course too?</p> <p>16 A. No.</p> <p>17 Q. You didn't?</p> <p>18 A. I didn't have that course.</p> <p>19 DEPUTY CORONER MS MONAGHAN: You had it later I think?</p> <p>20 A. Yeah, a year later.</p> <p>21 MR BLAXLAND: I just remember that as part of the PCC</p> <p>22 course -- Madam, this is page 593 in the same bundle --</p> <p>23 you had a similar message about the dangers of</p> <p>24 exhaustion and leading to sudden death?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 66</p>	<p>1 the first place; yes?</p> <p>2 A. Yeah.</p> <p>3 Q. Now, you in the past, is this right, have experience of</p> <p>4 deportees on aeroplanes who become resistant?</p> <p>5 A. Yes.</p> <p>6 Q. Is that right? On how many occasions have you applied</p> <p>7 handcuffs in that situation?</p> <p>8 A. Me personally, only once.</p> <p>9 Q. Now, just to break that down. Handcuffs, I think, are</p> <p>10 applied in, really, two different situations. Either</p> <p>11 because you anticipate in advance that there may be</p> <p>12 a problem, is that right, it's called passive</p> <p>13 handcuffing?</p> <p>14 A. Yes.</p> <p>15 Q. So effectively, it's preventative?</p> <p>16 A. Yes.</p> <p>17 Q. And a judgement call has to be made --</p> <p>18 A. Yes.</p> <p>19 Q. -- in each case as to whether or not that's the right</p> <p>20 thing to do. It may be the wrong thing to do because of</p> <p>21 course, by applying handcuffs, you raise the emotional</p> <p>22 temperature; is that right?</p> <p>23 A. Possibly.</p> <p>24 Q. Well, that would be a reason for not just putting</p> <p>25 somebody in handcuffs because you might get them worked</p> <p style="text-align: center;">Page 68</p>

<p>1 up, because it's rather humiliating to have handcuffs 2 put on? 3 A. Possibly. 4 Q. But, anyway, a judgement call has to be made about it. 5 Secondly, if something happens, if the detainee becomes 6 resistant, then you may have to apply handcuffs in order 7 to restrain the person? 8 A. Yes. 9 Q. That has happened to you once? 10 A. No, I've only applied them once. 11 Q. You have seen it happen more than once, have you? 12 A. Yes. 13 Q. How many times have you seen it happen? 14 A. I don't know. 30, 40 times. 15 Q. 30 or 40 times. On an aeroplane? 16 A. Yeah. 17 Q. Rigid bar? 18 A. Yeah. 19 Q. This is a general question but in general terms, for how 20 long has the person been kept in handcuffs? 21 A. That depends entirely on the individual. 22 Q. It's up to the captain of the aeroplane, isn't it, to 23 decide about the use of handcuffs? The captain has 24 ultimate authority? 25 A. The captain has ultimate authority, yes.</p> <p style="text-align: center;">Page 69</p>	<p>1 A. Every case, someone goes and speaks to the captain. 2 Q. On how many occasions in your experience have handcuffs 3 had to be applied on the plane, in other words, somebody 4 who wasn't passively handcuffed or didn't have handcuffs 5 applied before they got on the plane, but applied on the 6 plane? 7 A. Lots of times, countless. I don't know, 20, 30. 8 Q. Just because the detainee becomes disruptive? 9 A. Yes. 10 Q. Let's just understand from your own experience what 11 happens at that point. At that point, do you then 12 consult the captain, one of you go and tell the captain, 13 "This has happened and we have had to put handcuffs on 14 this person"? 15 A. We don't know that, but I'm under the impression the 16 crew would normally phone up to the captain. 17 Q. So, you don't consider that your responsibility? 18 A. I'm sat holding someone's arm. I can't possibly go and 19 see the captain. 20 Q. When you put handcuffs on in those situations, on the 40 21 or 50 occasions you have seen in happen, how have the 22 handcuffs been applied? 23 A. That depends on the individual, again. Sometimes to the 24 front, sometimes to the back. 25 Q. What dictates the choice?</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. But that includes an obligation on you, does it not, to 2 consult the captain about the use of handcuffs? 3 A. Yes. 4 Q. Obviously, if something happens and you have to make 5 a decision on the spot, you don't go and ask the captain 6 before you do it because you need to take emergency 7 action; would that be right? 8 A. Someone will normally go and see the captain -- someone 9 will go and see the captain as soon as we arrive at the 10 plane to explain we're taking a deportee on board. 11 Q. But in an example where an incident happens, the 12 deportee is on the plane, not been handcuffed before 13 taken on the plane; yes? 14 A. Yes. 15 Q. Something happens and the need arises to handcuff; yes? 16 A. Yes. 17 Q. In those situations, would you still always consult the 18 captain before putting on the handcuffs? 19 A. The captain has been consulted before we got on the 20 plane that we're getting on the plane with a possibly 21 disruptive individual. 22 Q. But are you talking there about cases where somebody has 23 handcuffs applied before they get on the plane? 24 A. Every case. 25 Q. Every case?</p> <p style="text-align: center;">Page 70</p>	<p>1 A. Whichever is easiest. 2 Q. No other reason? 3 A. Well, if someone's particularly strong, we may try and 4 go and put some on -- stack them to the back because 5 it's easier to control them that way, but ... 6 Q. A person who is handcuffed to the back, what do you then 7 do with that person? 8 A. Are they in their seat at this point, or? 9 Q. Is this applied to somebody who is sitting down? 10 A. Yes, possibly. 11 Q. Could it? 12 A. Yes. 13 Q. How often have you done that? 14 A. I don't know. Less times, but I've still done it. 15 Q. Just give us an idea of how often you have been in 16 a situation where somebody, a detainee has had handcuffs 17 applied and they have been sat in a seat with the 18 handcuffs behind their back? 19 A. One leaps straight to mind, but possibly -- 20 Q. One? 21 A. One leaps straight to mind but I don't know, a number. 22 Q. You are told not to do it, aren't you? 23 A. I don't think we're -- we told to try and avoid doing 24 it. 25 Q. What's the reason you're told to try to avoid doing it?</p> <p style="text-align: center;">Page 72</p>

<p>1 A. I believe because it's slightly harder to breathe if 2 someone is handcuffed behind their back. 3 Q. Of course. If somebody is sitting down and is 4 handcuffed behind their back, they lean forward, don't 5 they? 6 A. Not always. 7 Q. It's very difficult to avoid leaning forward, isn't it? 8 A. The individual that springs to mind that I'm thinking of 9 was sat upright the whole time. 10 DEPUTY CORONER MS MONAGHAN: I am sorry to interrupt you, 11 Mr Blaxland, but can I ask a question about the position 12 of the handcuffs. You have talked about -- sorry, you 13 haven't, I don't think, but we have heard about rear 14 stack handcuffing. Can you tell us what that position 15 is? 16 A. Can a show you an example of that, it'd be easier? 17 DEPUTY CORONER MS MONAGHAN: Yes, please. 18 A. It would be that way round like that (indicates). 19 DEPUTY CORONER MS MONAGHAN: So their wrists above each 20 other. Can you turn right round so the jury can see it. 21 Thank you, that's fine, you can turn back. Thank you, 22 Mr Blaxland. 23 MR BLAXLAND: What about hands folded like that? 24 A. That has happened on occasion as well. 25 Q. Yes? Behind the back?</p> <p style="text-align: center;">Page 73</p>	<p>1 just be me but was it ever intended that you were going 2 to fly to Angola? 3 A. No. 4 Q. No, it wasn't. So it was always going to be a three-man 5 crew -- 6 A. Yes. 7 Q. -- with Mr Mubenga on that day. When you have 8 a three-man crew, does the system normally work in this 9 way: that you have one person sitting either side of the 10 detainee; yes? 11 A. Yes. 12 Q. And where does the third person go? 13 A. It depends where they're seated. It depends where the 14 airline have sat -- it's somewhere nearby. 15 Q. Behind? 16 A. It could be, it depends where the airline have sat them. 17 Q. If it becomes necessary to restrain someone, the third 18 person, the person who is not sitting either side of the 19 detainee, is the position that that person should 20 normally go behind the detainee to control the head from 21 behind? 22 A. Yeah, that's normally the best case scenario. 23 Q. In order, apart from anything, to pull the head back to 24 keep the person sitting upright? 25 A. You shouldn't be pulling the head anyway. It's just to</p> <p style="text-align: center;">Page 75</p>
<p>1 A. On occasion, yeah. 2 Q. Are you told that if you feel that you need to put 3 somebody's hands -- handcuff somebody behind their back, 4 that you should move them to the front as soon as you 5 reasonably can? 6 A. Yes. 7 Q. Is the reason for that that you should try to avoid 8 people leaning forward in their seat as far as possible? 9 A. No, it's part of a de-escalation process. It's part of 10 reaching a more calm situation. You could argue that 11 there's less chance of them leaning forward, but as 12 I have said, people also lean back when they're 13 handcuffed like that. 14 Q. Mr Duckers, were you ever advised that so far as 15 possible, you should get people to sit up in their 16 seats? 17 A. Yes. 18 Q. Right. And if at all possible, have them with their 19 head against the back of the seat? 20 A. I don't think it ever went into that much detail, but 21 they would, yes, try and sit them up in their seat. 22 Q. Just so that we understand, you didn't in fact go on to 23 the aircraft on 12 October? 24 A. I did go on to the aircraft. 25 Q. You did go on to the aircraft, but you left. It may</p> <p style="text-align: center;">Page 74</p>	<p>1 support the head in position. 2 Q. To support the head, to make sure the person is sitting 3 upright? 4 A. No, it's because that's the best way to keep control of 5 somebody's head. 6 Q. But if you're behind them, of course, it also avoids the 7 danger of somebody leaning forward, doesn't it? 8 A. Yes, it does. 9 Q. Right. Let's go back to carpet karaoke. The expression 10 "carpet karaoke" was specifically used, is this right, 11 in the training that you had in March 2009? 12 A. I think so. 13 Q. This is something you don't do? 14 A. Yes. 15 Q. The use of the word "karaoke" is a reference, isn't it, 16 to somebody "singing" to the carpet? 17 A. Yes. 18 Q. Was the explanation that you were given for this having 19 happened in the past that it had been done in order that 20 other people on the plane couldn't hear the person? 21 A. I think so. 22 Q. Because one of the problems that you have always have is 23 this, isn't it, on every flight: the captain has 24 ultimate responsibility for deciding whether or not the 25 flight is going to go ahead with the deportee still on</p> <p style="text-align: center;">Page 76</p>

<p>1 board?</p> <p>2 A. Yes.</p> <p>3 Q. If the captain decides that the deportee is too</p> <p>4 disruptive, the captain can order the deportee off the</p> <p>5 flight?</p> <p>6 A. Yes.</p> <p>7 Q. Right. Of course, if somebody is heard shouting out,</p> <p>8 that's pretty disruptive, isn't it?</p> <p>9 A. Yes.</p> <p>10 Q. If somebody can be heard shouting loudly, then there's</p> <p>11 a danger that the deportation is going to be abandoned?</p> <p>12 A. Yes.</p> <p>13 Q. Right. So "carpet karaoke" was a technique that was</p> <p>14 used in order to make sure the deportation went ahead,</p> <p>15 is that right, by shutting the person up?</p> <p>16 A. Yes.</p> <p>17 Q. It was achieved by forcing somebody down into the seat?</p> <p>18 A. That's what we were told not to do, but --</p> <p>19 Q. But that's what you understood "carpet karaoke" was,</p> <p>20 somebody being forced down in their seat?</p> <p>21 A. Yes.</p> <p>22 Q. You were specifically told not to do it?</p> <p>23 A. Yes.</p> <p>24 Q. Why? Just spell it out. Why?</p> <p>25 A. Because we were told it could -- it could cause</p> <p style="text-align: center;">Page 77</p>	<p>1 walked into the police station, I don't...</p> <p>2 Q. Do you know -- about midnight, that sort of time?</p> <p>3 Anyway, it may not matter very much. You arrived at the</p> <p>4 police station. Did you speak to a police officer?</p> <p>5 A. I had followed a police officer in, so I asked him where</p> <p>6 to park, presumably and ...</p> <p>7 Q. Did anybody ask you whether or not you were a witness to</p> <p>8 what had happened?</p> <p>9 A. I don't think anybody asked me anything.</p> <p>10 Q. You were just allowed into a room with the other three</p> <p>11 people?</p> <p>12 A. Yeah.</p> <p>13 Q. And there was somebody else there, you think. A man or</p> <p>14 a woman?</p> <p>15 A. I honestly can't remember.</p> <p>16 Q. Somebody else, a more senior G4S person, do you think?</p> <p>17 A. I honestly have no idea who it was.</p> <p>18 Q. At that stage, was it clear to you, or did you think</p> <p>19 that your three colleagues were under arrest? Was that</p> <p>20 the impression you got?</p> <p>21 A. I wasn't thinking about it, I don't know.</p> <p>22 Q. Did it occur to you --</p> <p>23 A. We weren't in cells, so.</p> <p>24 Q. Did it occur to you that they might be in trouble?</p> <p>25 A. I knew something very important had happened, but that</p> <p style="text-align: center;">Page 79</p>
<p>1 positional asphyxia because people couldn't breathe in</p> <p>2 that position.</p> <p>3 Q. It could kill somebody?</p> <p>4 A. It could kill somebody.</p> <p>5 Q. Right. Why could it kill somebody?</p> <p>6 A. Because they couldn't breathe. There was a chance they</p> <p>7 couldn't breathe properly.</p> <p>8 Q. Why couldn't they breathe properly? Spell it out.</p> <p>9 A. Because their diaphragm was being squashed.</p> <p>10 Q. So any forcing down of somebody is dangerous?</p> <p>11 A. Yes.</p> <p>12 Q. And is known to be dangerous?</p> <p>13 A. Yes.</p> <p>14 Q. Equally, if somebody is actually holding themselves</p> <p>15 down, even if they're not being forced down, that</p> <p>16 dangerous as well, isn't it?</p> <p>17 A. It is.</p> <p>18 Q. Thank you.</p> <p>19 Mr Duckers, I just want to return very briefly, if</p> <p>20 I could, to the sequence of events after you arrived</p> <p>21 back at the aeroplane, after you got message that</p> <p>22 something had gone wrong. You went to</p> <p>23 Heathrow Police Station. Can you just give us some idea</p> <p>24 about when you arrived at Heathrow Police Station?</p> <p>25 A. I don't understand what you mean. When we arrived -- we</p> <p style="text-align: center;">Page 78</p>	<p>1 was it.</p> <p>2 Q. Did they seem worried?</p> <p>3 A. They were all in -- I've never seen three blokes look</p> <p>4 more in shock.</p> <p>5 Q. Had you been told by that stage that Jimmy Mubenga had</p> <p>6 died?</p> <p>7 A. I don't think I had been told it. I think I picked up</p> <p>8 on some words but I can't -- I didn't know what had</p> <p>9 happened.</p> <p>10 Q. The word "homicide" was mentioned?</p> <p>11 A. Yeah, I remember hearing that somewhere but I can't</p> <p>12 remember if that was at the plane or in the police</p> <p>13 station or ... I don't know.</p> <p>14 Q. Well, homicide tends to suggest that there's</p> <p>15 a suggestion that somebody has been unlawfully killed.</p> <p>16 That could only involve your three colleagues?</p> <p>17 A. Yes.</p> <p>18 Q. So did you get the impression at that stage that they</p> <p>19 were in trouble or might be in trouble?</p> <p>20 A. I don't know how to answer that.</p> <p>21 Q. Very well. If you have difficulty answering it, then</p> <p>22 please, do, but they said nothing at all to you?</p> <p>23 A. No.</p> <p>24 Q. You made your report entirely on your own?</p> <p>25 A. Yeah.</p> <p style="text-align: center;">Page 80</p>

<p>1 Q. Without having spoken to them?</p> <p>2 A. Other than the little bit that's in there, when I asked</p> <p>3 them what had happened. All they said was he had been</p> <p>4 to the toilet with a phone, gone mad and then it --</p> <p>5 I can't remember, I'll have to read it again, but that's</p> <p>6 all I remember about it.</p> <p>7 Q. You didn't ask them, "Well, was he bent down in the</p> <p>8 seat?"</p> <p>9 A. I didn't ask them anything other than, "Why are we</p> <p>10 here?"</p> <p>11 Q. You didn't ask them, "Well, did you do -- do you think</p> <p>12 it was anything that you did?"</p> <p>13 A. I didn't feel like it was right to speak to them. They</p> <p>14 were all very shocked and very upset.</p> <p>15 Q. None of them said, "We did everything perfectly</p> <p>16 properly. We can't understand it"?</p> <p>17 DEPUTY CORONER MS MONAGHAN: Is that everything,</p> <p>18 Mr Blaxland?</p> <p>19 MR BLAXLAND: Yes, thank you.</p> <p>20 DEPUTY CORONER MS MONAGHAN: Can I ask you just one question</p> <p>21 before I ask the other representatives, because I do</p> <p>22 need to be sure about this. Were you ever given any</p> <p>23 training or guidance that indicated to you that</p> <p>24 handcuffing to the rear whilst seated was dangerous and</p> <p>25 impracticable?</p> <p style="text-align: center;">Page 81</p>	<p>1 A. Yeah.</p> <p>2 Q. Where did you get that information from?</p> <p>3 A. I boarded the plane with them and then they sat in the</p> <p>4 seats, so I'd seen where they were sat. I put the bags</p> <p>5 above them in the overhead lockers so I knew where they</p> <p>6 were.</p> <p>7 Q. I don't know how much you have been told about the</p> <p>8 sequence, but in fact, we're going to hear evidence that</p> <p>9 at that point, they weren't in the back row.</p> <p>10 A. In that case, it's wrong.</p> <p>11 Q. That's based, is it, on what you yourself saw? It is</p> <p>12 not based on something that somebody else told you, that</p> <p>13 the restraint --</p> <p>14 A. I can't remember asking anybody what row they were in,</p> <p>15 but then I don't quite know how I would have known it</p> <p>16 was the back row -- oh no, back row of Flight 77, yeah,</p> <p>17 that's where I thought they were.</p> <p>18 MR BLAXLAND: That's all. Thank you.</p>
---	---

<p>1 A. We were taught it was dangerous.</p> <p>2 DEPUTY CORONER MS MONAGHAN: This might be a convenient time</p> <p>3 to give the stenographer a break. I don't know who is</p> <p>4 going to go next. I know that Mr Matthewson will go</p> <p>5 last.</p> <p>6 MR MATTHEWSON: Well, no, because this is not my witness,</p> <p>7 Madam.</p> <p>8 DEPUTY CORONER MS MONAGHAN: Oh, of course.</p> <p>9 MR MATTHEWSON: This is a witness who is not represented.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Not represented, thank you.</p> <p>11 Then choose the order that you would like to take him in</p> <p>12 after the break. You may have some more questions,</p> <p>13 Mr Duckers, from the other representatives.</p> <p>14 MR BLAXLAND: There is just one point before we break, if</p> <p>15 you don't mind.</p> <p>16 DEPUTY CORONER MS MONAGHAN: No, certainly.</p> <p>17 MR BLAXLAND: It's just one point which arises, if you don't</p> <p>18 mind, from your incident report which is at our page 32,</p> <p>19 Madam, volume 1. If you turn to the very first page of</p> <p>20 your general incident report. You have to give an</p> <p>21 account. There's a section which is called, "Location</p> <p>22 of Incident", in the incident report, do you see that?</p> <p>23 A. Yeah.</p> <p>24 Q. You have said:</p> <p>25 "Back row of BA Flight 77."</p> <p style="text-align: center;">Page 82</p>	
---	--

1 DEPUTY CORONER MS MONAGHAN: I understand from the jury that
2 some of them are having difficulty hearing the evidence
3 above the stenographer. I have noticed it's quite loud.
4 That's not a complaint, we want you here, but can you
5 really do your best to raise your voice. If you have
6 any difficulties hearing anything, put up your hand
7 immediately and we'll have it repeated for you and we'll
8 do our best to keep the volume up.
9 Are you warm enough by the way? Some of us are cold
10 over here but I want to check -- are you cold?
11 A MEMBER OF THE JURY: Yes.
12 DEPUTY CORONER MS MONAGHAN: You're cold. We'll do what we
13 can about the temperature but in the immediate term if
14 you need to hear something again, put up your hand
15 straight away. Thank you. Thank you very much,
16 Mr Duckers. Ms Hewitt, I think you have some questions.
17 MS HEWITT: Just a few, please, Madam.
18 Examined by MS HEWITT
19 MS HEWITT: I wanted to ask you first of all, Mr Duckers,
20 about what you were saying about events that can happen
21 on a plane with deportee. You said you have some
22 deportees who are happy to go, they want to go back?
23 **A. Quite a number, yes.**
24 Q. Quite a number, but there will be others, and I would
25 have thought a significant number, who don't want to be

1 deported?
 2 **A. Correct.**
 3 Q. You have described -- the word you used, this is what
 4 I want to ask you about when you were giving your
 5 evidence is sometimes a "show" is put on; is that what
 6 you said?
 7 **A. Yes.**
 8 Q. What do you mean by that?
 9 **A. Sometimes a detainee will sit in the seat without being**
 10 **restrained in any way, just shouting at the top of their**
 11 **voice, often with a grin on their face. They are**
 12 **putting on a show in the hope it will upset other**
 13 **passengers so they will be removed from the plane.**
 14 Q. Who would remove them from the plane in those
 15 circumstances?
 16 **A. The passengers will complain to the crew, the crew will**
 17 **tell the captain, the captain will us to get off the**
 18 **plane because some of the passengers are upset.**
 19 Q. If I can ask you then about different circumstances
 20 other than just shouting out in the way you have just
 21 described there. When you're dealing with a deportee
 22 who doesn't want to be deported, is it sometimes the
 23 case that a resistance can come, once on the plane, even
 24 though everything has been quite calm up until that
 25 point, but once you're on the plane and maybe the
 Page 93

1 reality is sinking in --
 2 **A. Yes.**
 3 Q. -- that a problem can arise at that stage?
 4 **A. Yes.**
 5 Q. So that arises regularly?
 6 **A. No.**
 7 Q. But it can do?
 8 **A. It can do.**
 9 Q. In those circumstances, it may be necessary to use the
 10 control and restraint techniques you have been asked
 11 about already?
 12 **A. Yes.**
 13 Q. Why? For what reason?
 14 **A. Each individual case is different so it could be that**
 15 **someone just falls to the floor so we can't get them**
 16 **into their seat. It could be that once they're in they**
 17 **seat and they see other passengers, they start making**
 18 **a lot of noise. It could be -- they might spit at the**
 19 **crew, just trying to upset somebody to be removed from**
 20 **the flight.**
 21 Q. Might they make a dash for it, in an effort to get off
 22 the plane?
 23 **A. They could try and do that.**
 24 Q. What are the risks that you're concerned about then if
 25 you're faced with such a situation?
 Page 94

1 **A. Everyone's welfare, so our own welfare, the person in**
 2 **our custody's welfare, the other passengers' welfare,**
 3 **the state of the plane -- we don't want property being**
 4 **damaged. Everything around that could be damaged.**
 5 Q. And presumably preventing escape?
 6 **A. And then preventing escape.**
 7 Q. What I want to ask you about, then, is the relevance of
 8 the control and restraint training you have for dealing
 9 with that sort of situation.
 10 **A. Which one of those?**
 11 Q. What you're talking about there is something happening
 12 on the plane towards -- you're sitting there and
 13 deportation is about to take place --
 14 **A. So we're in the seats?**
 15 Q. Yes, so you're on the plane, either in the seats or
 16 standing. The control and restraint training that you
 17 were given as part of your training, I think you said
 18 that the physical training was in a gym; is that right?
 19 **A. Yes.**
 20 Q. You described that the usual way is for three officers
 21 to be involved in that control and subsequent restraint?
 22 **A. Yes.**
 23 Q. Is it right that those techniques -- I think you
 24 referred them as them being in your "toolbox of
 25 techniques" -- would ideally involve the controlling and
 Page 95

1 restraining of someone by placing them on the floor, the
 2 floor of the gym in your training, bringing them under
 3 control and then getting them to a standing position so
 4 that they can be walked or transferred to a place where
 5 they could be detained, such as a cell?
 6 **A. They wouldn't necessary need to be put on the floor.**
 7 **I'm not quite sure how to answer this. If we're going**
 8 **from the floor through all the different things we would**
 9 **do to getting them stood upright to put them in a cell,**
 10 **if we can get to any of those points sooner than going**
 11 **to the floor, we'll get there sooner. So if someone's**
 12 **stood up and we can get straight into that position,**
 13 **we'll do that.**
 14 Q. But the idea of the control and restraint techniques is
 15 to bring the person under control as quickly as
 16 possible?
 17 **A. As quickly and safely as possible, yes.**
 18 Q. As quickly and safely as possible, and then restrain
 19 them for such time as needed to get them to a place such
 20 as a cell?
 21 **A. That might be -- as I'm never going towards a cell, it's**
 22 **very difficult for me to answer that.**
 23 Q. No, all right. I think you can answer a point I want to
 24 ask you about. When you are using your toolbox of
 25 options and your control and restraint technique options
 Page 96

<p>1 on a plane and in the context of a deportation, is there 2 anywhere you move that restraint person to, other than 3 the seat? 4 A. No. 5 Q. You were asked about prolonged restraint and 6 particularly in a seated area. When you were trained 7 about how to use these techniques in the context of your 8 job on a plane, were you given any instructions about 9 how long such a restraint could last? 10 A. I can't remember exactly. 11 Q. Were you told, for example, when you get to a five 12 minute point, you simply have to stop? 13 A. No, of course that could not happen. 14 Q. It would be a matter, wouldn't it, of judging what was 15 necessary in the circumstances? 16 A. Yes. 17 Q. And assessing the situation yourself? 18 A. Yes. 19 Q. You were also asked about the position where an officer 20 should stand, whether it's better to be in front of or 21 behind a seat. I think it was put to you that if you 22 were standing behind a seat of someone who was being 23 restrained, you would be able to pull the head back? 24 A. I never used the word "pull". 25 Q. Listen to the question. I think it was put to you that Page 97</p>	<p>1 positional asphyxia and the risks of it? 2 A. Yes. 3 Q. Have you, putting it bluntly, in the light of this 4 matter, did you after this -- 5 A. It's always -- 6 Q. Listen to the question if you would, let me finish it. 7 Did you receive further training emphasising the issues 8 arising? 9 A. Yes. 10 MS HEWITT: Thank you, Madam. 11 DEPUTY CORONER MS MONAGHAN: Mr Matthewson, do you have any 12 questions. 13 MR MATTHEWSON: Yes. One of them has been dealt with, so 14 I won't ask that. 15 Examined by MR MATTHEWSON 16 MR MATTHEWSON: Can I ask you about this. We are talking 17 about detainees who say, "I can't breathe" whilst 18 they're being detained. This obviously gives rise to 19 a bit of a dilemma for the restraining officers because 20 at one end of the spectrum, it might be that they're 21 simply pretending and they just want to get you off them 22 and at the other end of the spectrum, they might be in 23 serious distress and not be able to breathe? 24 A. Yes. 25 Q. So you're in this difficult position. The way in which Page 99</p>
<p>1 you would be able to pull the head back to ensure that 2 the restrained person was leaning back. Is that right? 3 What do you say to pulling the head back? 4 A. We don't pull anyone's head, because if their body's 5 fighting in the other direction, they're going to be 6 damaged so we're not going to pull their head in any 7 direction, but we will try and hold their head in 8 a position that's safe. 9 Q. You gave a little bit of evidence about what can happen 10 in the situations we've just been discussing, and you 11 mentioned briefly that detainees in these situations 12 might spit. I think you referred to potentially biting 13 as well. Is that something that you have had known to 14 happen? 15 A. Yes. 16 Q. Rarely or not rarely? 17 A. Quite often. 18 Q. Finally, can I just ask you this. You said that your 19 initial training, the four weeks of training was, in 20 your case, in April 2009? 21 A. I think so, about. 22 Q. You have been asked a number of questions about your 23 understanding about, in particular, position asphyxia 24 and the risk of that. Have you, since your initial 25 training, received subsequent and further training about Page 98</p>	<p>1 you get around it, as I understand your evidence, is 2 that you have to use your judgement and your 3 observations of the individual detainee? 4 A. Yes. 5 Q. For example, you told us that a detainee might shout and 6 make a noise and make a fuss, but be smiling and 7 obviously doing it for effect. By the same score, if 8 you're restraining somebody and they say they can't 9 breathe, it might be perfectly obvious to you that it's 10 a try-on or it might be unclear and you need to be 11 careful and you need to check the airways and so on. So 12 each case differs? 13 DEPUTY CORONER MS MONAGHAN: Are you asking a question or 14 giving a closing speech, Mr Matthewson? 15 MR MATTHEWSON: I am not. I am just trying to understand. 16 You're an officer -- 17 DEPUTY CORONER MS MONAGHAN: If you could ask a question, 18 please. 19 MR MATTHEWSON: You're an officer in this difficult position 20 and you don't know whether it's serious or not. How do 21 you decide whether it's serious or not? 22 A. All three of us will be talking to each other and 23 talking to the detainee and keeping an eye on the 24 detainee at all times. It's never happened to me that 25 something has come up where we have had to stop. Page 100</p>

1 **Occasionally it's been -- we have offered a glass of**
 2 **water, we have checked people's wrists but never --**
 3 **despite all our checking, it has never come up where we**
 4 **have had to stop everything.**
 5 Q. The second thing I wanted to ask you about was
 6 this: Mr Blaxland referred to a document -- I think he
 7 quoted a document. He didn't say what it was he was
 8 reading from. It was a Prison Service order about the
 9 use of force. This relates to how long the restraint
 10 takes place and the bit that he read out to you was:
 11 "The amount of time that restraint is applied is as
 12 important as the form of restraint and the position of
 13 the detainee. Prolonged restraint and prolonged
 14 struggling will result in exhaustion, possibly without
 15 subjective awareness of this, which may result in sudden
 16 death."
 17 Do you remember him asking you about that?
 18 A. Yes.
 19 Q. I think you said that, yes, that was something that was
 20 covered in your training?
 21 A. Yes.
 22 Q. Now, what this doesn't say, and you tell us if your
 23 training covered it, is how long is too long. It
 24 doesn't say, for example, after five minutes you have to
 25 release every person, does it?

Page 101

1 A. At 38,000 feet, if somebody's still trying to break
 2 everything around then, then we're going to keep them in
 3 restraints. If there's any way we can calm them down
 4 enough to take the restraints off, that's what we're
 5 trying to do. I don't want to be holding somebody in
 6 a restraint. I want them to be sat there calm so,
 7 again, it's a judgement call.
 8 Q. The question that was put to you is that you have to
 9 avoid prolonged restraint, but it's right, isn't it,
 10 that you have to avoid any restraint, if it's avoidable?
 11 A. Yes.
 12 Q. You're not allowed to do it?
 13 A. No, yeah. We were taught right from the start: all
 14 restraint is dangerous.
 15 Q. The length of time that somebody is restrained is one of
 16 a number of important things that you have to bear in
 17 mind when assessing that person that is being
 18 restrained?
 19 A. Yes.
 20 MR MATTHEWSON: Thank you very much.
 21 DEPUTY CORONER MS MONAGHAN: If I can just ask a follow-up
 22 question, please. You referred to the fact that if
 23 you're at 38,000 feet and somebody is still kicking off,
 24 you are going to have to continue some form of control?
 25 A. Yes.

Page 102

1 DEPUTY CORONER MS MONAGHAN: If somebody's kicking off on
 2 the ground, obviously the option is to get them off the
 3 plane; one option is to get them off the plane
 4 altogether?
 5 A. Yes.
 6 DEPUTY CORONER MS MONAGHAN: In what circumstances -- well,
 7 let me just ask a prior question. Have you ever had
 8 cause to take a deportee off the plane and abort the
 9 deportation altogether?
 10 A. Of our own volition?
 11 DEPUTY CORONER MS MONAGHAN: Yes, the deportee is kicking
 12 off and you think, "We're going to get him off the
 13 plane"?
 14 A. No.
 15 DEPUTY CORONER MS MONAGHAN: Have you ever been instructed
 16 by the captain of a plane to get a deportee off?
 17 A. Yes.
 18 DEPUTY CORONER MS MONAGHAN: In what circumstances were
 19 they?
 20 A. A number of times, I've been asked to get off an
 21 aeroplane by the crew or the captain. I don't know
 22 their reasons why. Someone was making a noise,
 23 sometimes it was a tiny noise and they wanted the seats,
 24 from what I've been told. I don't know.
 25 DEPUTY CORONER MS MONAGHAN: So sometimes the crew or the

Page 103

1 captain have asked you to get off but you have never
 2 exercised -- in your judgement, you have never felt it
 3 necessary yourself to make that decision?
 4 A. I haven't.
 5 DEPUTY CORONER MS MONAGHAN: But that is obviously an option
 6 available if a detainee is kicking off?
 7 A. Yes.
 8 DEPUTY CORONER MS MONAGHAN: Any other follow-up questions
 9 from that? No? Can this witness be released? Yes.
 10 Thank you very much, Mr Duckers, you are free to leave.
 11 You're welcome to stay if you would like to, but you're
 12 free to go. Thank you. Thank you for coming.
 13 (The witness was released)
 14 Can we have then Mr Tribelnig.
 15 MR STUART TRIBELNIG (affirmed)
 16 Examined by THE CORONER
 17 DEPUTY CORONER MS MONAGHAN: Can you give us your full name,
 18 please?
 19 A. Stuart Alexander Tribelnig.
 20 DEPUTY CORONER MS MONAGHAN: You have heard me say before,
 21 I think you were in the room, that the jury have been
 22 struggling to hear some of the evidence, so please do
 23 your best to keep your voice up.
 24 A. I will, ma'am, yes.
 25 DEPUTY CORONER MS MONAGHAN: Just, first of all, can you

Page 104

1 tell us something about your history. First of all,
 2 when did you start your employment with G4S?
 3 **A. I think I started employment with G4S in 2007.**
 4 DEPUTY CORONER MS MONAGHAN: Did you -- were you TUPERed
 5 over from somebody, or was that the first time you were
 6 employed as a detainee custody officer?
 7 **A. No, this was the first time I've ever done anything in**
 8 **this role.**
 9 DEPUTY CORONER MS MONAGHAN: Just in general terms, not the
 10 detail, what employment had you had before then?
 11 **A. My previous employment was a heavy goods driver.**
 12 **I spent a lot of time driving lorries, delivering**
 13 **products and stuff.**
 14 DEPUTY CORONER MS MONAGHAN: So you started employment
 15 in 2007. We heard something of this from Mr Duckers,
 16 but can you just tell us how long the recruitment
 17 process took and the stages that you went through before
 18 you started your job?
 19 **A. I can't remember exact sort of timelines on it.**
 20 **Initially applied for the job, was called forward to an**
 21 **assessment centre, which we sat through. The same as**
 22 **Mr Duckers, it was -- involved role plays,**
 23 **scenario-based interviews, one-to-one interviews, stuff**
 24 **like that, teamwork-type stuff.**
 25 DEPUTY CORONER MS MONAGHAN: I will take you to that in
 Page 105

1 a moment. Just in terms of how you got the job, was
 2 that through -- tell us, how did you find out about the
 3 vacancy?
 4 **A. I had a friend of mine who did similar sort of work**
 5 **before he went travelling and he had made -- he had made**
 6 **me aware of the type of job. It was just something, I**
 7 **fancied a change and ...**
 8 DEPUTY CORONER MS MONAGHAN: Sure. Did you ring up G4S or
 9 did somebody put you in touch with somebody, or how did
 10 that work?
 11 **A. I can't remember off the top of my head. I may have**
 12 **been given a phone number to contact somebody and they**
 13 **sent me an application form.**
 14 DEPUTY CORONER MS MONAGHAN: Thank you.
 15 Just then looking, if I can, please, at the terms on
 16 which you were employed. Again, we discussed this with
 17 Mr Duckers but just to be sure the same applied to you
 18 or otherwise, were you employed on a retainer?
 19 **A. I was employed on a retainer, yes.**
 20 DEPUTY CORONER MS MONAGHAN: Roughly how much was that at
 21 the time? About £1,000 a month as well?
 22 **A. It worked out about £1,000 a month plus the hourly rate**
 23 **on top.**
 24 DEPUTY CORONER MS MONAGHAN: Plus the hourly rate which you
 25 would get for the escorting?
 Page 106

1 **A. Whichever jobs that we carried out, yes.**
 2 DEPUTY CORONER MS MONAGHAN: One thing to remember,
 3 Mr Tribelnig, let's not try to speak over each other.
 4 **A. Sorry.**
 5 DEPUTY CORONER MS MONAGHAN: Don't worry, it's a natural
 6 response but the stenographer has to try and write us
 7 both down so it's -- that's not a criticism. We're
 8 probably both doing it.
 9 So you were employed on a retainer, got an hourly
 10 rate when you were doing escorting jobs?
 11 **A. That's correct, yes.**
 12 DEPUTY CORONER MS MONAGHAN: From the time you started until
 13 the incident in October 2010, were you always employed
 14 in a DCO capacity?
 15 **A. I was employed in a DCO capacity until I managed to**
 16 **apply and was successful at becoming a senior, which**
 17 **I was on probation for, but a similar sort of role. I**
 18 **would do -- sometimes I would be doing escorting duties;**
 19 **sometimes I would be a driver of a detainee; sometimes**
 20 **we would just do bag man or whatever, if it was on**
 21 **a charter job or something like that, so the roles**
 22 **varied.**
 23 Q. They were all escorting roles, were they?
 24 **A. Escorting-type roles, yes.**
 25 DEPUTY CORONER MS MONAGHAN: You became a senior DCO, you
 Page 107

1 told us, I will come back to that when I have dealt with
 2 your training but let's deal with your training first.
 3 Again, it might just help you to have this, just because
 4 you can then refresh your memory. Can Mr Tribelnig have
 5 volume 4 green, please. This is just to refresh his
 6 memory, members of the jury, because it was obviously
 7 a long time ago. It's 190. (Handed)
 8 Just have a look at that and I will ask you a few
 9 questions about whether that was in general the sort of
 10 thing you did, broadly?
 11 **A. Yeah, I mean, I can't remember, it was such a long time**
 12 **ago. I couldn't --**
 13 DEPUTY CORONER MS MONAGHAN: I don't expect you to remember
 14 the detail of everything now, but in broad terms, that
 15 looks like the shape of the training, does it?
 16 **A. Yeah, I'm pretty sure that as part of Week 5, we**
 17 **actually covered the PCC that has been spoken about, it**
 18 **was actually bolted on to the back of this course.**
 19 DEPUTY CORONER MS MONAGHAN: I was going to ask about that;
 20 keep your voice up.
 21 You had four weeks training that we see here and
 22 then I think you had the physical care and control
 23 training as part of your fifth week?
 24 **A. As part of a bolt-on to the end of the fourth week, yes.**
 25 DEPUTY CORONER MS MONAGHAN: Just looking at Week 1, again
 Page 108

1 we looked at this with Mr Duckers. Do you remember
 2 being given training on barriers to inclusivity and then
 3 at the end of the week, diversity in terms of detainee
 4 care, for example?
 5 **A. I can't remember the exact breakdown. There would have
 6 been times where we were spoken about different type of
 7 areas and stuff between different religions, cultures.**
 8 DEPUTY CORONER MS MONAGHAN: Were you given any instructions
 9 in relation to, for example, the use of racist language?
 10 **A. Yeah, we were told we were never to use it. We never
 11 used racist language.**
 12 DEPUTY CORONER MS MONAGHAN: You were told never to use
 13 racist language.
 14 **A. Never in the presence of a detainee, we wouldn't use it
 15 and as a company as a whole, it's not something
 16 I've ever witnessed or come across.**
 17 DEPUTY CORONER MS MONAGHAN: Just pausing there, let's just
 18 take that one at a time. You were told never to use it
 19 in the presence of a detainee. Were you given any other
 20 instructions beyond that about the use of racist
 21 language?
 22 **A. Just told it was unaccepted in the company.**
 23 DEPUTY CORONER MS MONAGHAN: You never heard any racist
 24 language, did you say?
 25 **A. No.**

Page 109

1 DEPUTY CORONER MS MONAGHAN: None at all?
 2 **A. None at all.**
 3 DEPUTY CORONER MS MONAGHAN: Okay. Let's look at the second
 4 week then. You did first aid training; yes?
 5 **A. I can't remember which way round it worked. It may have
 6 been.**
 7 DEPUTY CORONER MS MONAGHAN: During the course of the four
 8 weeks, you did some first aid training?
 9 **A. First aid training, yes.**
 10 DEPUTY CORONER MS MONAGHAN: Again, I know you were here
 11 when Mr Duckers gave evidence so it might just be easier
 12 if I put a couple of things to you and you can tell me
 13 if yours was the same. We heard from Mr Duckers that he
 14 was given training on the recovery position and CPR?
 15 **A. Yes.**
 16 DEPUTY CORONER MS MONAGHAN: Was that training that you had
 17 as well?
 18 **A. That would have been training that I had, yes.**
 19 DEPUTY CORONER MS MONAGHAN: When you say it would have
 20 been, was it?
 21 **A. That was training that I would have received -- that
 22 I did receive.**
 23 DEPUTY CORONER MS MONAGHAN: Can you tell us, were you given
 24 any advice or guidance about when it would be
 25 appropriate to use the recovery position and/or give CPR

Page 110

1 or resuscitation, mouth-to-mouth?
 2 **A. My understanding of the mouth-to-mouth resuscitation is
 3 if somebody's breathing, you wouldn't use it for
 4 whatever reason, whether it be to put -- if they're
 5 breathing at a separate rhythm or whatever. The same
 6 with resuscitation, if there's a heartbeat or a pulse,
 7 what you don't want to do is change the rhythm of the
 8 beat of the heart, which may cause more damage.**
 9 DEPUTY CORONER MS MONAGHAN: So were you given any guidance
 10 as to what first aid you should give somebody if they
 11 appeared to be having breathing problems?
 12 **A. The only thing I can think of off the top of my head is
 13 that we would make sure they were in a position where
 14 they were still able to breathe and make sure there was
 15 nothing blocking the airway.**
 16 DEPUTY CORONER MS MONAGHAN: How would you do that?
 17 **A. It depends on what situation you were in.**
 18 DEPUTY CORONER MS MONAGHAN: Let's say somebody is seated.
 19 **A. If he's seated, then we would aim to keep him upright
 20 and make sure the airway is completely open and he was
 21 able to breathe.**
 22 NEW SPEAKER: You would keep them in a seated position, is
 23 that what you're saying? You tell me because I haven't
 24 done any first aid training.
 25 **A. I can't remember completely off the top of my head, but**

Page 111

1 **if they're having problems breathing, you would try to
 2 remove them to a position where they would be able to
 3 breathe more easily.**
 4 DEPUTY CORONER MS MONAGHAN: In a seated position, so far as
 5 your concerned, that would be seating them upwards?
 6 **A. Well, initially we would seat them upwards and then
 7 you'd just monitor them. If needs be, I know you have
 8 talked about the recovery position before, we should
 9 probably move them to a recovery position.**
 10 DEPUTY CORONER MS MONAGHAN: Well, "should" move hem to
 11 a recovery position. Were you taught that that's what
 12 you should do if somebody had a breathing problem?
 13 **A. I can't remember.**
 14 DEPUTY CORONER MS MONAGHAN: You can't remember?
 15 **A. No.**
 16 DEPUTY CORONER MS MONAGHAN: Are you still employed as an
 17 DCO? I know it has gone to TASCOR.
 18 **A. I've been on suspension since the incident so I've not
 19 done any further training --**
 20 DEPUTY CORONER MS MONAGHAN: They have not given you any
 21 further training?
 22 **A. -- or any updates, no.**
 23 DEPUTY CORONER MS MONAGHAN: So that's as best as you can
 24 help us with, with the breathing issue?
 25 **A. As best as I can remember, yes.**

Page 112

<p>1 DEPUTY CORONER MS MONAGHAN: After the initial first aid 2 training, did you have any refresher training? 3 A. I am led to believe I had refresher training either 4 annually or bi-annually, I can't remember. Again, it's 5 a long time since I've been through any training. 6 DEPUTY CORONER MS MONAGHAN: You can't tell us how often it 7 was at the moment? 8 A. No. 9 DEPUTY CORONER MS MONAGHAN: In Week 3, and I don't expect 10 you to remember which weeks you had this, but you had 11 some control and restraint training; yes? 12 A. Yes. 13 DEPUTY CORONER MS MONAGHAN: Do you remember that? 14 A. I remember going through the basics of control and 15 restraint training, yes. 16 DEPUTY CORONER MS MONAGHAN: Can you remember how that 17 training was delivered? Was it talks, presentations? 18 A. The first morning, from what I remember, we sat through 19 a briefing, PowerPoint presentation, where they went 20 through reasons for the use of force and then 21 implications and from there we were taken to the gym on 22 a matted area and that's where we would practice -- we'd 23 be taught techniques that we would practice. 24 DEPUTY CORONER MS MONAGHAN: Starting with the -- I think 25 you said the circumstances in which you were able to use</p> <p style="text-align: center;">Page 113</p>	<p>1 them to stop doing it by using verbal de-escalation, if 2 they failed to do that, it may come to the point where 3 we actually have to use force. 4 DEPUTY CORONER MS MONAGHAN: Were you told what the 5 consequences might be of using force when it wasn't 6 sanctioned or allowed under the rules? 7 A. I was led to believe that any force was used, we were 8 accountable for. 9 DEPUTY CORONER MS MONAGHAN: What does that mean? 10 A. Well any force that I used, should there be any 11 follow-up prosecution or whatever, then I would be 12 accountable for my own actions. 13 DEPUTY CORONER MS MONAGHAN: So, from that we can -- you 14 tell me. Does that mean they suggested to you that if 15 you used force outside the rules, it could be criminal? 16 A. That's correct, yes. 17 DEPUTY CORONER MS MONAGHAN: You would be responsible for 18 that? 19 A. Yes. 20 DEPUTY CORONER MS MONAGHAN: In terms of the restraint 21 techniques that you were taught, I think you had 22 refresher training for control and restraint as well, 23 didn't you? 24 A. That's correct, yes. 25 DEPUTY CORONER MS MONAGHAN: Do you remember how frequently</p> <p style="text-align: center;">Page 115</p>
<p>1 force, or something like that? 2 A. Yes. 3 DEPUTY CORONER MS MONAGHAN: Can you tell us, or do you 4 remember what the circumstances were in which you could 5 use force; what the guidance was, the rules? 6 A. They were -- there's four or five of them. I think one 7 was to prevent escape. One was prevent injury to 8 yourself or to others. One was to prevent damage to the 9 surrounding areas, and one was if they failed to obey 10 a lawful order, I think was another one. 11 DEPUTY CORONER MS MONAGHAN: Failed to obey a lawful order? 12 A. A lawful order, yes. 13 DEPUTY CORONER MS MONAGHAN: In what circumstances would 14 that cover? 15 A. If you told somebody to stop doing something in 16 particular, then it may be -- and they refused to, it 17 may be then that you need to take control of them to 18 prevent them from carrying out any further action. 19 DEPUTY CORONER MS MONAGHAN: I will come to your promotion 20 in a minute but during your employment at G4S, did you 21 ever find yourself in a position where you had to use 22 restraint because somebody had failed to comply with 23 a lawful order? 24 A. I can't think off the top of my head, no. Obviously, if 25 people started to do something, and we had try to get</p> <p style="text-align: center;">Page 114</p>	<p>1 that was? 2 A. I think it was annually, but I can't be sure. 3 DEPUTY CORONER MS MONAGHAN: Just casting your mind back as 4 best as you can. In relation to restraint, were you 5 taught a number of techniques, a single technique, how 6 did it work? 7 A. It was a number of techniques. Again, what's previously 8 been mentioned, we went through wrist locks, arm locks, 9 taking a detainee to the ground, standing them back up 10 again. These were all different types of techniques 11 that were used. 12 DEPUTY CORONER MS MONAGHAN: You told us that the training 13 was in a gym? 14 A. That's correct, yes. 15 DEPUTY CORONER MS MONAGHAN: That's where you did the 16 practice? 17 A. That's correct. 18 DEPUTY CORONER MS MONAGHAN: Was that a big space, a small 19 space? 20 A. No, it's a wide open space, probably about twice the 21 size of this room. 22 DEPUTY CORONER MS MONAGHAN: Twice the size of this room. 23 Did you ever have any training in relation to restraint 24 within a small space? 25 A. No.</p> <p style="text-align: center;">Page 116</p>

<p>1 DEPUTY CORONER MS MONAGHAN: Did anybody give you any 2 training on how you should restrain a person in a small 3 space? 4 A. Not that I remember, no. 5 DEPUTY CORONER MS MONAGHAN: During the course of your 6 training in the first period, and if you don't remember 7 this, then cast your mind back as far as you can in 8 relation to your refreshers, were you taught anything 9 about positional asphyxia? 10 A. It had been mentioned or it had been -- we'd been spoken 11 to about positional asphyxia, usually as part of the CNR 12 refresher. It would have a question and answer section 13 at the end of the day, you sit on the mat and they go 14 through medical implications. 15 DEPUTY CORONER MS MONAGHAN: You'd go through medical 16 implications. Can you remember what you were told about 17 it? 18 A. I can't remember now off the top of my head, no. 19 DEPUTY CORONER MS MONAGHAN: Can you remember anything you 20 were told about it? 21 A. My understanding of positional asphyxia is if somebody 22 is either in a prone position on the floor with their 23 hands cuffed -- or handcuffed to the rear or restrained 24 to the floor, that is one instance. A second instance 25 could be if they were bent or folded forward with</p> <p style="text-align: center;">Page 117</p>	<p>1 quite important that if you don't remember, you tell us 2 that; okay? 3 A. Yes, ma'am. 4 DEPUTY CORONER MS MONAGHAN: Were you given any guidance 5 about the head positions, whether a person's head should 6 be held in a particular way during the course of 7 restraint? 8 A. The head position would be dictated by whichever 9 position the detainee was in at that particular time or 10 the person we were restraining was in at that time, so 11 if they were on the floor, it would be a case of making 12 sure that they weren't able to knock their head on the 13 floor; from a standing position, you would make sure 14 that the head was in line with the back but the airway 15 was still open, so you wouldn't necessarily fold 16 somebody's head underneath them because it might 17 restrict the airway. 18 DEPUTY CORONER MS MONAGHAN: If somebody was seated? 19 A. If somebody was in a seated position, I can't remember 20 being trained how to restrain somebody from a seated 21 position. 22 DEPUTY CORONER MS MONAGHAN: That's quite important for us. 23 The answer may be obvious, but just so I've asked the 24 question, can you recall being given any training about 25 the need or otherwise to support a head in a seated</p> <p style="text-align: center;">Page 119</p>
<p>1 their head pushed below the level of the heart. 2 DEPUTY CORONER MS MONAGHAN: Head pushed below the level of 3 the heart? 4 A. Yeah. 5 DEPUTY CORONER MS MONAGHAN: Were you given any guidance as 6 to, or told about any particular risks associated with 7 seated restraint? 8 A. I can't remember. 9 DEPUTY CORONER MS MONAGHAN: Were you given any guidance or 10 instruction about any risks to do with handcuffing at 11 the rear in a seated position? 12 A. Again, I can't remember. 13 DEPUTY CORONER MS MONAGHAN: Just to pick up, actually, on 14 a question that Mr Blaxland asked. Were you given any 15 guidance or instruction as to the effect of physical 16 exhaustion, so somebody struggling? 17 A. Again, this information would have been given as part of 18 the medical implications at the end of the refresher. 19 DEPUTY CORONER MS MONAGHAN: When you say it "would" have 20 been given, it's quite -- 21 A. Sorry, ma'am, I can't remember. 22 DEPUTY CORONER MS MONAGHAN: You can't remember. If you 23 can't remember, please just say that because one of the 24 issues we'll have to look at is what training you were 25 given and what training you weren't given. So it's</p> <p style="text-align: center;">Page 118</p>	<p>1 position? 2 A. Again, I can't remember. 3 DEPUTY CORONER MS MONAGHAN: Were you given any guidance -- 4 looking slightly back again, but again, what you might 5 describe as medical, any guidance as to the signs that 6 might indicate a risk of positional asphyxia? 7 A. I think one would, which I've heard mentioned several 8 times now, is somebody shouting that they can't breathe. 9 Another one could be, I think, an increase in body 10 temperature, a change in pallor, again, was another one, 11 rasping or struggling to breathe. Again, I think that 12 was another one. 13 DEPUTY CORONER MS MONAGHAN: So, assuming you spotted one of 14 those signs, somebody saying they couldn't breathe, 15 struggling for breath or whatever the other ones, pallor 16 and so on, were you told what you should do in that 17 event? 18 A. (Pause) I'm trying to think back now. It was -- 19 obviously we'd monitor and if it -- I think if it got 20 any worse, then we would look then at releasing the 21 holds or adjusting the position, go back to it, but 22 I can't be 100 per cent sure on that. 23 DEPUTY CORONER MS MONAGHAN: You can't help us with any more 24 than that at the moment? 25 A. I can't. It's a long time since I did any refresher</p> <p style="text-align: center;">Page 120</p>

1 training, I'm sorry.
 2 DEPUTY CORONER MS MONAGHAN: As I say, if you can't
 3 remember, it's very important that you tell us that.
 4 In relation to control, were you given any training
 5 or guidance as to other control techniques?
 6 **A. Such as?**
 7 DEPUTY CORONER MS MONAGHAN: Pain.
 8 **A. Pain for compliance, yeah. We've done a section on the**
 9 **use of pain for compliance.**
 10 DEPUTY CORONER MS MONAGHAN: Can you tell us what that was,
 11 explain it to us?
 12 **A. There's all sorts. I mean, a lot of these have been**
 13 **discussed before. You've got the thumb tweak, which was**
 14 **one. The mandibular angle, which was the one that was**
 15 **used to the nose, the nose distraction technique. My**
 16 **understanding with these techniques, a lot of the time**
 17 **they were in, they were out, I wasn't really**
 18 **100 per cent sure what was in and what was out, so**
 19 **I generally tended to try to leave it alone.**
 20 DEPUTY CORONER MS MONAGHAN: I've seen that so we'll come
 21 back to that, I suspect, at one point. Just to pick
 22 that up. As you have said, some techniques were
 23 permitted, it looks like -- we'll come back to it in due
 24 course -- but some techniques were permitted at some
 25 times and then they were withdrawn and other techniques

Page 121

1 were introduced; is that right?
 2 **A. That's correct, yes.**
 3 DEPUTY CORONER MS MONAGHAN: I think you said that for your
 4 part, you just avoided it altogether?
 5 **A. Yeah, wherever possible I would not try to put the**
 6 **detainee or the person in our custody in any more pain**
 7 **than was necessary.**
 8 DEPUTY CORONER MS MONAGHAN: Was that because you didn't
 9 know what pain techniques you were allowed to use, or
 10 you just thought they weren't very nice?
 11 **A. Well, part of it would have been down to the fact that**
 12 **I didn't know which we were able to use and the other**
 13 **part is I wouldn't want somebody to use it on me, so why**
 14 **would I use it on somebody else?**
 15 DEPUTY CORONER MS MONAGHAN: Were you given any guidance as
 16 to the use of defensive strikes?
 17 **A. Yes.**
 18 DEPUTY CORONER MS MONAGHAN: Can you tell us about that?
 19 **A. That was part of -- I think that was part of the CNR**
 20 **refresher -- CNR training, which would have been used**
 21 **more if we were to be attacked, in particular by**
 22 **a detainee or somebody else.**
 23 DEPUTY CORONER MS MONAGHAN: If you were attacked by
 24 a detainee or somebody else, what methods could you use
 25 that would fall within the umbrella, "defensive

Page 122

1 strikes"?
 2 **A. I can't remember all of them. I can remember vaguely**
 3 **the ones that were mentioned earlier this morning, the**
 4 **knee strike, the blow to the chest, maybe a hand on the**
 5 **face or something to push people away. Basically, you**
 6 **make yourself -- give yourself a chance to get away.**
 7 DEPUTY CORONER MS MONAGHAN: So it's really an escape
 8 technique rather than a control technique?
 9 **A. That's correct, yes.**
 10 DEPUTY CORONER MS MONAGHAN: So you wouldn't use that as
 11 a means, you tell me, of getting somebody under control,
 12 kicking them, for example, or kneeling them was the
 13 example, and using that as a means of getting somebody
 14 under control?
 15 **A. No. I wouldn't use it. I would use it purely as**
 16 **a defence mechanism to get away.**
 17 DEPUTY CORONER MS MONAGHAN: That's what you were taught was
 18 the purpose of it?
 19 **A. That's what I remember it being taught as, yes.**
 20 DEPUTY CORONER MS MONAGHAN: So you did your first bit of
 21 training. Just finishing that up, were you given any
 22 guidance about bringing a detainee to the floor?
 23 **A. As part of the CNR training, we were told how to take**
 24 **hold of the detainee and then take them to the floor.**
 25 DEPUTY CORONER MS MONAGHAN: Were you given any guidance

Page 123

1 about how to manage that in a small space?
 2 **A. No, not that I remember.**
 3 DEPUTY CORONER MS MONAGHAN: What circumstances would it
 4 be -- would you be advised it was appropriate to bring
 5 somebody to the floor?
 6 **A. Taking somebody to the floor would be dictated by the**
 7 **amount of room you had to work in. Obviously, if you**
 8 **had a wide open space and there was room to get detainee**
 9 **on the floor and escorts around him, then that would be**
 10 **the option that you would use.**
 11 DEPUTY CORONER MS MONAGHAN: The point of getting them to
 12 the floor is you can handcuff them and restrain them?
 13 **A. Yeah, restrain them or put them into certain locks,**
 14 **however.**
 15 DEPUTY CORONER MS MONAGHAN: Can you hear the witness okay,
 16 members of the jury? Okay, good.
 17 You also told us then that you had the physical care
 18 and control training?
 19 **A. Physical control and care, yes.**
 20 DEPUTY CORONER MS MONAGHAN: Thank you, that's my fault.
 21 And that was training, I think, directed at minors?
 22 **A. Yes.**
 23 DEPUTY CORONER MS MONAGHAN: Can you remember what the
 24 difference in the training was as between that and
 25 control and restraint?

Page 124

<p>1 A. I think the holds were different. Again, it's been 2 a long time since I did the course. There was 3 definitely no use of handcuffs or mechanical restraints. 4 DEPUTY CORONER MS MONAGHAN: So you have had your initial 5 training, so far as you're able to help us with that. 6 When were you made an SDCO, a senior DCO? 7 A. Earlier in 2010, July, August time, I think. 8 DEPUTY CORONER MS MONAGHAN: July/August 2010-ish? 9 A. Yeah. 10 DEPUTY CORONER MS MONAGHAN: What was the process for 11 promotion? 12 A. Again, I attended another assessment centre, which 13 involved -- 14 DEPUTY CORONER MS MONAGHAN: Looking back a bit, did you 15 apply for it or did somebody approached you and say, 16 "This might be a good thing for you, Stuart"? 17 A. No, I applied for it. 18 DEPUTY CORONER MS MONAGHAN: Then you went on an assessment 19 centre, you were telling us? 20 A. That's correct, yes. 21 DEPUTY CORONER MS MONAGHAN: What did that involve? How 22 long was that? 23 A. The assessment centre, I recall, was a day which 24 involved written scenario-type stuff, again, working as 25 a team. There were various other bits, interviews and</p> <p style="text-align: center;">Page 125</p>	<p>1 restraint, would the SDCO have any special 2 responsibilities? 3 A. Sorry, can you please explain? 4 DEPUTY CORONER MS MONAGHAN: Were you responsible for 5 checking on the restraint of a person? Were you given 6 any additional responsibilities? Was it your job to 7 say, "You shouldn't be doing that" to the other DCOs or 8 was that something you all did equally? 9 A. Yeah, well, any member of the team at any point can 10 voice any objection or opinion if they thought something 11 was going wrong. As a senior DCO, you are the one that 12 usually makes the final call, or would make the final 13 call. 14 DEPUTY CORONER MS MONAGHAN: Before I come to the day 15 itself, I just want to ask you a bit more, please, about 16 positional asphyxia. Were you given any sort of 17 aide memoire or written guidance that you recall -- I'll 18 take you to something in a minute, but that you 19 recall -- which would remind you of the risks of 20 positional asphyxia? 21 A. At the end of each CNR refresher period, you would be 22 given a handout and on there it would have, again, the 23 reasons for the use of force and also, I think there was 24 a small section at the back which was related to medical 25 implications.</p> <p style="text-align: center;">Page 127</p>
<p>1 stuff. 2 DEPUTY CORONER MS MONAGHAN: Right. You were then appointed 3 on a probation? 4 A. That's correct, yes. 5 DEPUTY CORONER MS MONAGHAN: What's the difference between 6 an SDCO and a DCO, what additional responsibilities or 7 otherwise do you have? 8 A. As a SDCO, you're responsible for the team. Obviously 9 you're responsible, again, for the detainee. You carry 10 all the administrative tasks. You carry a company 11 credit card, should you need to purchase anything for 12 the welfare of the detainee, et cetera, and you're 13 basically the focal point if you have to deal with any 14 authorities or authority figures at any point during the 15 course of a (coughs) -- excuse me -- removal. 16 DEPUTY CORONER MS MONAGHAN: Do you have some water there? 17 A. I have, thank you. 18 DEPUTY CORONER MS MONAGHAN: Just help yourself. 19 So you would be the point of contact, the authority, 20 and you would hold the company credit card? 21 A. That's correct, yes. 22 DEPUTY CORONER MS MONAGHAN: Would you manage the rest of 23 the team? Would you be the "boss", so to speak? 24 A. Yeah. You would be responsible for the team, yes. 25 DEPUTY CORONER MS MONAGHAN: In terms of administering</p> <p style="text-align: center;">Page 126</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Can you have a look -- could 2 you ask the witness, please, to have green bundle 5 at 3 page 137, please. (Handed) 4 This is a document headed up, "Training Matters. 5 Medical Warning Signs". In the top right-hand corner, 6 it looks like it's dated June 2010. Do you see that? 7 A. Yes. 8 DEPUTY CORONER MS MONAGHAN: Does that look familiar to you? 9 A. I think I would have seen this. I think I may have seen 10 this before. 11 DEPUTY CORONER MS MONAGHAN: Would that perhaps have been 12 something that you got either on your initial training 13 or on your refresher? 14 A. I would imagine it would have been given on a refresher. 15 I can't remember seeing it before, so this 16 dated June 2010, so if there had been a previous version 17 to it, I can't remember off the top of my head. 18 DEPUTY CORONER MS MONAGHAN: It looks familiar to you, does 19 it? 20 A. I think I've seen this before, yes. 21 DEPUTY CORONER MS MONAGHAN: It says: 22 "Medical warning signs have been written to give the 23 reader a greater understanding of the medical 24 complications that may arise during or as the result of 25 a use of force."</p> <p style="text-align: center;">Page 128</p>

<p>1 And we see that particular reference is made to 2 positional asphyxia. 3 A. That's correct, yes. 4 DEPUTY CORONER MS MONAGHAN: In the next column, so on the 5 right-hand side under the heading, the second set of 6 bullet points says: 7 "Situations that need to be closely monitored are: 8 "Relocation of the detainee; 9 "Staff must satisfy themselves that the detainee is 10 not in a physically distressed condition following 11 relocation." 12 A. Yes. 13 DEPUTY CORONER MS MONAGHAN: Would that apply to escorting 14 or does relocation there mean moving from detention 15 centre to detention centre? 16 A. I would imagine that could relate to a number of things. 17 I'm not quite sure if it would relate to us or site 18 relocation. 19 MR BLAXLAND: Madam, I hesitate to interrupt, but this 20 document is obviously important and in anticipation of 21 you or one of us wanting to ask questions about it, we 22 did ask for copies to be made. 23 DEPUTY CORONER MS MONAGHAN: This one? 137? 24 MR BLAXLAND: It's an identical document -- 25 DEPUTY CORONER MS MONAGHAN: "Training Matters", page 137 of</p> <p style="text-align: center;">Page 129</p>	<p>1 can discuss over lunch whether it would be helpful for 2 you to see it or not. Thank you. 3 We were just looking at the medical warning signs 4 document, we have just looked at that one. Under the 5 second set of bullet points: 6 "One or more of the warning signs: 7 "Must alert staff to be particularly vigilant in 8 monitoring detainee's responses." 9 A. Yes, yes, I've got it. 10 DEPUTY CORONER MS MONAGHAN: Do you have that? 11 A. Yeah. 12 DEPUTY CORONER MS MONAGHAN: As I say, you tell us if you 13 don't remember, but do you remember being given guidance 14 of that sort? 15 A. I can't remember in particular to this, but what I do 16 remember is that all the time we have somebody in our 17 care, we have to, obviously, keep an eye on them. 18 DEPUTY CORONER MS MONAGHAN: Do you remember being told that 19 if there was one sign, it was something that should 20 alert you, one sign that is going to be identified in 21 a moment, that would alert you to be extra vigilant? 22 A. Yes. 23 DEPUTY CORONER MS MONAGHAN: And that you must be prepared 24 to treat the incident as a medical emergency? 25 A. Yes.</p> <p style="text-align: center;">Page 131</p>
<p>1 volume 5. Oh, sorry, I am misunderstanding. 2 MR BLAXLAND: I've done exactly the opposite. I think that 3 has made exactly the opposite point, which is that we 4 had asked for copies to be made because it occurred to 5 us that it might be helpful for the jury to follow this. 6 DEPUTY CORONER MS MONAGHAN: I see. Sorry, I was thinking 7 for a moment that none of you had it except for me. 8 MR BLAXLAND: No, not at all. It appears more than once in 9 the bundle. 10 DEPUTY CORONER MS MONAGHAN: We haven't got it copied for 11 the jury. 12 MR BLAXLAND: I did ask that we -- 13 DEPUTY CORONER MS MONAGHAN: Oh, we do have it copied for 14 the jury. Then you are all completely ahead of me then. 15 Is there any reason why this shouldn't go before the 16 jury? 17 MR MATTHEWSON: It hasn't been raised with any of us. 18 DEPUTY CORONER MS MONAGHAN: I wonder if it's sensible to 19 just take the witness through this at the moment. I'll 20 deal with it now and then we can have a discussion about 21 that over lunch. 22 MR BLAXLAND: I can't imagine it would be controversial. 23 DEPUTY CORONER MS MONAGHAN: No, well, as you can see, 24 I didn't even know there was an issue about this, so 25 I'll just take the witness through this now and then we</p> <p style="text-align: center;">Page 130</p>	<p>1 DEPUTY CORONER MS MONAGHAN: You were given that guidance, 2 were you, if a sign was shown, one of the warning signs? 3 A. I think so, yes. 4 DEPUTY CORONER MS MONAGHAN: If you can turn over the page, 5 please, there's a heading, "Positional Asphyxia". 6 A. Yes. 7 DEPUTY CORONER MS MONAGHAN: It tells you about the effects, 8 do you see that, at the top of the page? Remind 9 yourself, take as long as you need. At the top of the 10 page under "Positional Asphyxia"? 11 A. There? 12 DEPUTY CORONER MS MONAGHAN: That's it, yes. Those dots -- 13 the bullet points there, do you recall -- you tell me if 14 you don't recall -- do you recall those being warning 15 signs or not? 16 A. Yes, I think they were. I can't remember offhand but 17 I'm pretty sure these were the warning signs that we 18 would have been taught. 19 DEPUTY CORONER MS MONAGHAN: One of them is being unable to 20 breathe? 21 A. Yes. 22 DEPUTY CORONER MS MONAGHAN: Then under the bullet points 23 you're told about the way in which a person's position 24 might impede their ability to breathe. Do you remember 25 that?</p> <p style="text-align: center;">Page 132</p>

<p>1 A. Yes.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Then in the next column, in the</p> <p>3 second paragraph down beginning, "Restraint where the</p> <p>4 subject is seated", do you see that?</p> <p>5 A. Yes.</p> <p>6 DEPUTY CORONER MS MONAGHAN: "Restraint where the subject is</p> <p>7 seated requires caution."</p> <p>8 Do you remember being told that?</p> <p>9 A. Again, I can't remember being told specifically, but</p> <p>10 I probably would have seen this form before.</p> <p>11 DEPUTY CORONER MS MONAGHAN: That's two questions. You have</p> <p>12 probably seen the form before and I think you have</p> <p>13 helpfully told us that you recognise it?</p> <p>14 A. Yeah.</p> <p>15 DEPUTY CORONER MS MONAGHAN: But do you remember in</p> <p>16 particular that guidance?</p> <p>17 A. No, other than what I may have read on the form.</p> <p>18 DEPUTY CORONER MS MONAGHAN: That's fair enough. It tells</p> <p>19 us there that the reason you need to be cautious is</p> <p>20 because the angle between the chest and the lower limbs</p> <p>21 is already decreased because you're seated.</p> <p>22 A. That's correct.</p> <p>23 DEPUTY CORONER MS MONAGHAN: So obviously if you're</p> <p>24 standing, it's a different position?</p> <p>25 A. That's correct, yes.</p> <p style="text-align: center;">Page 133</p>	<p>1 A. Again, I can't remember.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Another document if I can,</p> <p>3 please. This is in volume 4 green. If you turn to</p> <p>4 page 237. Just to locate yourself, just to tell you</p> <p>5 where you are, there should be a document there that</p> <p>6 says, "G4S D&E update". Do you have that?</p> <p>7 A. Yes.</p> <p>8 DEPUTY CORONER MS MONAGHAN: Did you see any of these, do</p> <p>9 you remember?</p> <p>10 A. I'm sure that these used to be pinned up on the wall</p> <p>11 around the office or around the mustering area.</p> <p>12 NEW SPEAKER: Because they look like they're a sort of</p> <p>13 regular bulletin, or something of that sort. Do I have</p> <p>14 the right end of the stick there?</p> <p>15 A. I would imagine that's what they were, yeah.</p> <p>16 DEPUTY CORONER MS MONAGHAN: You would see them pinned up on</p> <p>17 the noticeboard, I think you said?</p> <p>18 A. Yeah, the noticeboard and dotted around the mustering</p> <p>19 area.</p> <p>20 DEPUTY CORONER MS MONAGHAN: The mustering area is where</p> <p>21 a team would meet before going off on a job?</p> <p>22 A. Prior to, yeah.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Were you told that you had to</p> <p>24 read these?</p> <p>25 A. I think we were told to try and keep ourselves</p> <p style="text-align: center;">Page 135</p>
<p>1 DEPUTY CORONER MS MONAGHAN: You can't help us with</p> <p>2 remembering that or otherwise at the moment?</p> <p>3 A. No, I'm sorry.</p> <p>4 DEPUTY CORONER MS MONAGHAN: The next paragraph down, just</p> <p>5 above the bullet points, it says:</p> <p>6 "Factors that predispose a person to positional</p> <p>7 asphyxia and sudden death under restraint include [then</p> <p>8 there's drugs and alcohol, which we're not concerned</p> <p>9 with] and physical exhaustion or any factors that</p> <p>10 increase the body's oxygen requirements, for example a</p> <p>11 physical struggle or anxiety."</p> <p>12 Do you remember being given any guidance about that?</p> <p>13 A. Again, I can't remember. If I read the form at some</p> <p>14 point, I may have seen it.</p> <p>15 DEPUTY CORONER MS MONAGHAN: Then there's a list of warning</p> <p>16 signs in a box. Do you see that?</p> <p>17 A. Yes.</p> <p>18 DEPUTY CORONER MS MONAGHAN: "An individual struggling to</p> <p>19 breathe, complaining of being unable to breathe, feeling</p> <p>20 sick, spots, becoming limp or unresponsive..." and some</p> <p>21 other matters that perhaps aren't particularly relevant</p> <p>22 here.</p> <p>23 Do you remember being given any guidance</p> <p>24 specifically about that? And again, if you don't</p> <p>25 remember, you just tell us.</p> <p style="text-align: center;">Page 134</p>	<p>1 up-to-date with them, but I don't specifically remember</p> <p>2 being told when new stuff was up; you would have a look</p> <p>3 through the wall and see if there's anything else.</p> <p>4 DEPUTY CORONER MS MONAGHAN: So did you have a look when</p> <p>5 they went up?</p> <p>6 A. I would have gone through, but sheets of paper and</p> <p>7 sheets of paper and you can sit and read all the sheets</p> <p>8 of paper. Every now and again, I would have a look at</p> <p>9 the wall and see if there's anything had changed,</p> <p>10 obviously if there was anything I hadn't realised or I</p> <p>11 hadn't seen before.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Just so I'm clear, do you</p> <p>13 remember whether you were told you had to read them?</p> <p>14 A. I can't remember, no.</p> <p>15 DEPUTY CORONER MS MONAGHAN: Can you have a look at</p> <p>16 page 248, please. You may not remember this again and</p> <p>17 if you don't, as I say, you just tell us. This is about</p> <p>18 the head support position. You can see that in bold in</p> <p>19 the second paragraph. Do you remember seeing this?</p> <p>20 A. Again, I can't remember this piece of paper but this</p> <p>21 was 2008 and I'd only started not long before</p> <p>22 this, 2007.</p> <p>23 DEPUTY CORONER MS MONAGHAN: You don't remember seeing it in</p> <p>24 any event?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 136</p>

1 DEPUTY CORONER MS MONAGHAN: It says, just so we're
 2 absolutely clear about it, there's an immediate
 3 recommendation that there be no use of the head support
 4 position and then it says in the next paragraph:
 5 "The head support position is where the detainee's
 6 head is controlled by pushing it into their lap similar
 7 to the crash position"; yes?
 8 **A. Yes.**
 9 DEPUTY CORONER MS MONAGHAN: Do you remember being given any
 10 guidance about the head support position, as it's
 11 described there?
 12 **A. We were told we were never to push anybody's head down.**
 13 **We were never to fold anybody in a seated position.**
 14 DEPUTY CORONER MS MONAGHAN: Was that in the original
 15 training, did you get that message then?
 16 **A. That was part of the initial training and it was part of**
 17 **the refreshers, yes.**
 18 DEPUTY CORONER MS MONAGHAN: Then at page 254, this is again
 19 a D&E update, one of the bulletins that we were just
 20 looking at. This is about escape. Just familiarise
 21 yourself with it. Don't let me rush you. (Pause)
 22 I am going to ask you a question on the first page,
 23 so we can probably short-cut this, actually. You see
 24 the first three bullet points?
 25 **A. Yes.**

Page 137

1 DEPUTY CORONER MS MONAGHAN: This is a D&E update, bulletin,
 2 on escape. One of the indicators of potential escape,
 3 it says, is the second bullet point:
 4 "Detainees who cause a planned move to deviate by
 5 feigning illness."
 6 Were you given any guidance about that as an escape
 7 factor; somebody might pretend to be ill when they're
 8 not really ill, and you need to be aware of that?
 9 **A. I can't remember.**
 10 DEPUTY CORONER MS MONAGHAN: Were there circumstances in
 11 your experience where people did pretend to be ill as
 12 a means of getting their own way, one way or another,
 13 escape or stopping a deportation or?
 14 **A. They would use various different types, you know, people**
 15 **pretend they have swallowed razor blades, all sorts of**
 16 **stuff, anything to try and get themselves removed from**
 17 **the flight. As for feigning illness, I can't recall any**
 18 **particular.**
 19 DEPUTY CORONER MS MONAGHAN: In the swallowing razor blade
 20 example that you gave us, that was not true, presumably,
 21 from what you're saying?
 22 **A. Well, as it was, he managed to get himself removed from**
 23 **the flight. I ended up having to take him to Hillingdon**
 24 **Hospital, where they had to put him through the X-ray**
 25 **and basically from there, once we were given the**

Page 138

1 **all-clear, we took him back to detention and he went on**
 2 **a later flight.**
 3 DEPUTY CORONER MS MONAGHAN: So he hadn't swallowed any
 4 razor blades?
 5 **A. No.**
 6 DEPUTY CORONER MS MONAGHAN: Are you able to help us with
 7 any idea about how often somebody would pretend to be
 8 ill or injured or in a dangerous position as a way of --
 9 **A. I can't remember, or I couldn't give you numbers off the**
 10 **top of my head.**
 11 DEPUTY CORONER MS MONAGHAN: Was it regular?
 12 **A. They generally used to go through fits and starts, so**
 13 **you'd normally have a kick-off followed by a run of**
 14 **people fighting you. Then you would have other ones**
 15 **where people would refuse to leave the cell, so you**
 16 **would have a run of that, and then feigning injury or**
 17 **illness or swallowing stuff, it all seemed to run in**
 18 **a -- it used to like run in a circle. Once one person**
 19 **thought, "Well, this doesn't work", obviously, the**
 20 **general population speak to all their friends, get the**
 21 **word about and then you generally tend to find that**
 22 **you'd have similar jobs all in a line, so that was kind**
 23 **of quashed and then they would move on to a different**
 24 **tactic.**
 25 DEPUTY CORONER MS MONAGHAN: You have just told us about

Page 139

1 having to take that person who said he had swallowed
 2 razor blades off the plane. Was that deportation
 3 aborted, did it come to an end or were you able to get
 4 back in time and get on the same plane?
 5 **A. No, he was taken off to the hospital.**
 6 DEPUTY CORONER MS MONAGHAN: So the plane went?
 7 **A. He was checked and then he went to detention, I think**
 8 **I saw him a week later and he went on another flight.**
 9 DEPUTY CORONER MS MONAGHAN: During your time working, how
 10 many times were you involved in a situation where
 11 a deportee had to be taken off a plane for one reason or
 12 another and the deportation aborted?
 13 **A. A lot of the -- a lot of the aborted jobs we would have**
 14 **would have been phone calls from the office telling us**
 15 **that they had an injunction, or for some reason,**
 16 **legally, they were not allowed to be removed from the**
 17 **country. I think only on one, possibly two, occasions**
 18 **I was removed from a flight for a disruptive detainee**
 19 **but the majority of the jobs, we flew.**
 20 DEPUTY CORONER MS MONAGHAN: Because there will be some
 21 cases where somebody will make a last minute application
 22 to the court and the judge will say they can't be
 23 deported for some reason or another?
 24 **A. That's correct, yes.**
 25 DEPUTY CORONER MS MONAGHAN: In those cases, you're not

Page 140

1 allowed to take them on the plane and take them to
 2 wherever they are going?
 3 **A. If the law states that they're not allowed to be removed**
 4 **from the country, we would be in more trouble by**
 5 **removing them than we would be if we --**
 6 DEPUTY CORONER MS MONAGHAN: A lot of trouble, actually.
 7 **A. A lot of trouble, yes.**
 8 DEPUTY CORONER MS MONAGHAN: So leaving aside those cases,
 9 so far as disruption cases are concerned, you have only
 10 had one or two?
 11 **A. I have had numerous disruption cases, but for only one**
 12 **or two of them, we'd actually been removed from the**
 13 **aircraft.**
 14 DEPUTY CORONER MS MONAGHAN: I beg your pardon. One or two
 15 cases where you had actually had to abort the
 16 deportation?
 17 **A. Yes.**
 18 DEPUTY CORONER MS MONAGHAN: Was there pressure on you to
 19 get the deportation done in any way?
 20 **A. I can't think of anything in particular, no.**
 21 DEPUTY CORONER MS MONAGHAN: What about pay for your
 22 colleagues?
 23 **A. Well, obviously we all get paid by the same hour but you**
 24 **know, if the job goes, the job goes. You know, if it**
 25 **doesn't go, everybody takes it on the chin and we get**

Page 141

1 **back to it. There's no pressure within the team to make**
 2 **sure the job gets away.**
 3 DEPUTY CORONER MS MONAGHAN: You're sure about that?
 4 I think we might all understand it if you felt a great
 5 deal of pressure to get this deportation done because
 6 otherwise you, and perhaps more particularly your
 7 colleagues, wouldn't get paid for the job?
 8 **A. At the end of the day, we're in the business of removing**
 9 **people. If the job didn't go for whatever reason, it**
 10 **wouldn't be any bother to me. I wouldn't get paid but**
 11 **I'd end going back in the pot and come out with another**
 12 **job a bit later on, so there wasn't any particular drive**
 13 **to get any particular to go for whatever reason.**
 14 DEPUTY CORONER MS MONAGHAN: Okay.
 15 You were interviewed by the police; we know this
 16 because Mr Baldwin told us about that and you gave them
 17 some answers about what had happened and so on. When
 18 you were asked questions about that, about getting
 19 the job done, so to speak, you said that you had to do
 20 your utmost:
 21 "...to make sure that we get the job away so the
 22 boys get paid and that we get paid."
 23 You went on to say if you get a phone call telling
 24 you that you can't do that, then that's that, but is
 25 that how you felt at the time?

Page 142

1 **A. As I have previously said, at the end of the day, if for**
 2 **whatever reason we have been asked to get off the plane**
 3 **or if we had had a phone call to say the job had**
 4 **stopped, that would have been it. It wasn't a personal**
 5 **goal to make sure that every job went. We just took it**
 6 **as it was.**
 7 DEPUTY CORONER MS MONAGHAN: I am going to ask you some
 8 questions about 12 October then. I think you were the
 9 senior DCO on that day, weren't you?
 10 **A. That's correct, yes.**
 11 DEPUTY CORONER MS MONAGHAN: We have heard from Mr Duckers,
 12 and I don't think there's any dispute about this, that
 13 you met at the head office?
 14 **A. At Spectrum House, yes.**
 15 DEPUTY CORONER MS MONAGHAN: And that you were allocated the
 16 job by somebody more senior?
 17 **A. That's correct, yes.**
 18 DEPUTY CORONER MS MONAGHAN: Mr Duckers was told that he was
 19 the driver?
 20 **A. Yes.**
 21 DEPUTY CORONER MS MONAGHAN: So you three were the officers
 22 that were expected to escort Mr Mubenga?
 23 **A. Yes.**
 24 DEPUTY CORONER MS MONAGHAN: Before you started the job,
 25 before you left Spectrum House, did you have any

Page 143

1 discussions between yourselves about what was going to
 2 happen or which roles you would take?
 3 **A. No. I mean, the guys I were working with are**
 4 **experienced, they all knew which -- what jobs they**
 5 **needed to do to carry on. They knew I was running as**
 6 **the senior. Although Terry, Mr Hughes, is also another**
 7 **senior, he wasn't actually a senior on this particular**
 8 **job.**
 9 DEPUTY CORONER MS MONAGHAN: Did you have any pack or
 10 documents relating to Mr Mubenga?
 11 **A. We picked up a job pack. I'm trying to remember now**
 12 **what was actually in it. I think it would have been an**
 13 **oversheet giving us the details of travel, so that would**
 14 **have given us all the flight details, including the**
 15 **returns. There would have been, perhaps, a brief bit of**
 16 **history of anything that has happened with him in the**
 17 **past and a few other forms, a welfare -- a detainee**
 18 **welfare form would have been there, and various other**
 19 **bits of paper as well.**
 20 DEPUTY CORONER MS MONAGHAN: What is a detainee welfare
 21 form?
 22 **A. Sorry, it's like an A4 sheet of paper and on there you**
 23 **would put in the time you met the gentleman, at certain**
 24 **stages, certain things that would have been done.**
 25 **I can't remember -- again, I can't remember what else**

Page 144

<p>1 was on the form. It would have to list his belongings,</p> <p>2 just to make sure he has all his stuff before we leave.</p> <p>3 DEPUTY CORONER MS MONAGHAN: So it's a single page detailing</p> <p>4 when you met him and details about his belonging and so</p> <p>5 on?</p> <p>6 A. Yeah, and also at any time, if we had given him any food</p> <p>7 or drink or offered him toilet breaks, comfort breaks,</p> <p>8 this would all be listed on the form as well.</p> <p>9 DEPUTY CORONER MS MONAGHAN: Did you have any risk</p> <p>10 assessment documents?</p> <p>11 A. Not that I remember.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Were you given any training on</p> <p>13 risk assessments?</p> <p>14 A. Again, not that I remember.</p> <p>15 DEPUTY CORONER MS MONAGHAN: You then went to Brook House,</p> <p>16 we know that. That's where the removal --</p> <p>17 A. Mr Mubenga was, yes.</p> <p>18 DEPUTY CORONER MS MONAGHAN: He was on, we're told, the RFU</p> <p>19 Removal from Association Unit. Did you know that?</p> <p>20 A. I didn't know. We basically went into departures, we'd</p> <p>21 say who we were, who we were coming to collect and then</p> <p>22 the person would be brought to us.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Have you ever heard of a RASP</p> <p>24 before this inquest?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 145</p>	<p>1 possibility of what we have heard described as passive</p> <p>2 handcuffing; in other words, he's not misbehaving, he's</p> <p>3 compliant but just to be sure, put some handcuffs on</p> <p>4 him?</p> <p>5 A. Possibly I would have thought about it, I would have</p> <p>6 taken direction from any member of the team if they felt</p> <p>7 it was necessary at that time, but at the time I met him</p> <p>8 I felt it was not necessary to do that.</p> <p>9 DEPUTY CORONER MS MONAGHAN: How would you decide whether it</p> <p>10 was necessary or not?</p> <p>11 A. If it looked like he was going to become aggressive or</p> <p>12 unco-operative or if we thought at any point, any stage,</p> <p>13 "His mood has changed here, he's going to cause us</p> <p>14 problems". That's when I would have looked at passive</p> <p>15 handcuffing.</p> <p>16 DEPUTY CORONER MS MONAGHAN: So as a matter of cause, you</p> <p>17 wouldn't automatically handcuff a deportee?</p> <p>18 A. No.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Then we have heard about the --</p> <p>20 you tell us anything you like about this, I don't want</p> <p>21 to stop you. But we have heard about the van journey</p> <p>22 and that seemed to be very cordial, lighthearted, you</p> <p>23 stopped and got him food and drinks and things like</p> <p>24 that. Is that how you recollect it?</p> <p>25 A. That's correct, yeah.</p> <p style="text-align: center;">Page 147</p>
<p>1 DEPUTY CORONER MS MONAGHAN: A Raised --</p> <p>2 A. I heard it yesterday.</p> <p>3 DEPUTY CORONER MS MONAGHAN: A Raised Awareness Support</p> <p>4 Plan?</p> <p>5 A. No.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Not until yesterday?</p> <p>7 A. No.</p> <p>8 DEPUTY CORONER MS MONAGHAN: When you went to pick up</p> <p>9 Mr Mubenga, was there any discussion with the officers</p> <p>10 in the centre about him?</p> <p>11 A. I can't remember, to be 100 per cent sure. I think</p> <p>12 there may have been a bit of chat that he had been</p> <p>13 slightly emotional, earlier on in the day --</p> <p>14 DEPUTY CORONER MS MONAGHAN: Just pause there. Yes?</p> <p>15 A. And the only other thing which I think I actually put in</p> <p>16 my statement was that it was on this form that I'd never</p> <p>17 heard of and I was told it was internal and nothing to</p> <p>18 do with us and it would be closed when we left.</p> <p>19 DEPUTY CORONER MS MONAGHAN: But you were -- sorry, I was</p> <p>20 just a bit distracted by that -- you were told he had</p> <p>21 been a bit upset, were you?</p> <p>22 A. I think we had been told he had been a bit upset earlier</p> <p>23 on in the day, but he seemed to, for want of a better</p> <p>24 word, pull himself together.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Did you give any thought to the</p> <p style="text-align: center;">Page 146</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Anything else you would like to</p> <p>2 tell us about journey?</p> <p>3 A. No. I mean, other than that, we had been laughing and</p> <p>4 joking. I know it's been mentioned beforehand that we</p> <p>5 were taking the mickey out of Mr Duckers's driving.</p> <p>6 Again, that was coming from all angles. I'm not quite</p> <p>7 sure how he felt about that. You know, the journey, it</p> <p>8 seemed to me to be light, we seemed to be getting on</p> <p>9 quite well.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Talk us through what happens</p> <p>11 when you get to the airport. We're not on the plane at</p> <p>12 moment but just talk us through -- I think you got off</p> <p>13 and did some jobs, didn't you?</p> <p>14 A. That's correct, yeah. We arrived at Heathrow Airport at</p> <p>15 Terminal 3, at which point I had to leave the vehicle to</p> <p>16 go and collect the travel documents from the UKBA office</p> <p>17 which is situated in Terminal 3. Due to parking</p> <p>18 restrictions, the vehicle was not allowed to stay where</p> <p>19 it was so I suggested to the driver and the team that</p> <p>20 they take Mr Mubenga to a car park that we used to use,</p> <p>21 so if he wished to, he could have a smoke; it was</p> <p>22 somewhere that was secure enough that he couldn't make</p> <p>23 an escape.</p> <p>24 I went to the immigration office and they didn't</p> <p>25 have his -- I forgot to mention beforehand on the way</p> <p style="text-align: center;">Page 148</p>

1 down, Mr Mubenga had actually told me that he had
 2 applied for an injunction that morning, so as I told him
 3 on the way down, "I'll ask about this when I get to the
 4 immigration office". Went to the immigration office,
 5 they didn't have the paperwork. They said it had been
 6 handed to somebody else and been shipped off to another
 7 part of the airport. They managed to track that down.
 8 I then asked about Mr Mubenga's injunction, at which
 9 point they said there's no mention of it on their
 10 computer system.
 11 I then returned to the car park, phoned up for the
 12 vehicle to come back and collect me, jumped in the
 13 vehicle, explained to Mr Mubenga about the injunction
 14 and how there was no news of it. We then went to
 15 Terminal 5 where I had to go airside again to go and
 16 collect his travel documents.
 17 I collected the travel documents, came back and as
 18 we were travelling on a British Airways flight,
 19 proceeded to the check-in gate to get the boarding cards
 20 for everybody that was travelling on the flight.
 21 From that point, we then went round to Terminal 4,
 22 parked up I think it's Seven Seas Road, went off to go
 23 and get Mr Mubenga and the team some food and some drink
 24 so that they could have a bit of refreshment before we
 25 went onto the aircraft.

Page 149

1 He asked again at that point if he could have
 2 another smoke. I didn't see any reason why not, but as
 3 I was leaving the vehicle, I left that decision to the
 4 guys remaining in the team.
 5 I left the vehicle at that point with Mr Hughes to
 6 go and get the food and drinks. Obviously, I couldn't
 7 carry it all myself so we went off, got some food and
 8 drink, come back to the vehicle, at which point I think
 9 I was told -- I think I was told that Mr Mubenga had
 10 asked for his prison records to remain in the UK.
 11 Basically, he didn't want to take them back to Angola
 12 with him for whatever reason.
 13 That had been sorted out. He had had another smoke.
 14 We then got back into the vehicle having had the food
 15 and drink and moved round to the screening cell. Parked
 16 the vehicle up in there, we were waiting to go through
 17 to be cleared to drive airside, at which point he
 18 asked -- Mr Mubenga asked if he could go to the toilet.
 19 Myself and, I think it was DCO Kaler, Mr Kaler, escorted
 20 him from the vehicle to the toilet to enable him to use
 21 the toilet and then returned him to the vehicle, again
 22 with no issues.
 23 DEPUTY CORONER MS MONAGHAN: You remember all this very
 24 clearly?
 25 A. Yeah. This is -- I'm just playing through my head at

Page 150

1 the minute.
 2 DEPUTY CORONER MS MONAGHAN: Sure.
 3 A. Once he had been to the toilet, we then went in through
 4 the screening cell and basically, you back the vehicle
 5 in through a metal shutter. The shutter is then closed.
 6 Everybody gets out of the vehicle and goes through one
 7 door and that door is then closed behind you. The
 8 vehicle is then searched to make sure it's sterile.
 9 Each of us then have to put our luggage through, like,
 10 an airport boarding gate, so you put your luggage
 11 through an X-ray machine and then we passed through
 12 a metal detector as if you were going airside.
 13 From that point there we then got back into the
 14 vehicle and then watched as we drove from the screening
 15 centre through the airfield gate and then on to the
 16 airfield.
 17 DEPUTY CORONER MS MONAGHAN: Just wait there.
 18 I think we're going to have an early lunch today
 19 because we're now getting to the plane and I don't want
 20 to start with the plane and then we stop just at an
 21 important moment in the evidence. So you'll understand
 22 that, I hope, Mr Tribelnig.
 23 A. Yes, ma'am.
 24 DEPUTY CORONER MS MONAGHAN: We want to make sure that you
 25 can give your evidence in a continuum without having to

Page 151

1 be interrupted by us. It does mean we'll have
 2 a slightly earlier lunch. Actually, as I have a couple
 3 of things to deal with, we'll give you an hour and seven
 4 minutes, so there you are, especially as you came in
 5 earlier, I'm trying to give you a little bit back.
 6 So, if you come back at 2.00pm, members of the jury,
 7 and we'll start with the next stage of the evidence.
 8 Thank you very much.
 9 (In the absence of the jury)
 10 DEPUTY CORONER MS MONAGHAN: Mr Tribelnig, you will probably
 11 have heard me say this to Mr Duckers a while ago. You
 12 are now giving your evidence, so it's very important
 13 that you don't speak to anybody about it during the
 14 course of the break. Is that clear?
 15 A. Yes.

<p>DEPUTY CORONER MS MONAGHAN: The training matters is coming (In the presence of the jury)</p> <p>DEPUTY CORONER MS MONAGHAN: Thank you very much. Good</p> <p style="text-align: center;">Page 166</p>	<p>1 that way up so you can see three seats. Two of them</p> <p>2 don't have the table down, one does, so we can see</p> <p>3 something of the difference.</p> <p>4 I am going to give Mr Tribelnig a warning now.</p> <p>5 You'll hear what I say and I'll explain it to you in one</p> <p>6 moment. I know you're expecting this, Mr Tribelnig. As</p> <p>7 you know and as you have already been advised, you're</p> <p>8 not obliged to answer any question that tends to</p> <p>9 incriminate you; okay? If I ask such a question, you</p> <p>10 have the right to refuse to answer.</p> <p>11 A. Yes, ma'am.</p> <p>12 DEPUTY CORONER MS MONAGHAN: You have heard that, members of</p> <p>13 the jury. The rules in an inquest mean that a witness</p> <p>14 doesn't have to answer a question that might tend to</p> <p>15 incriminate him. It will be obvious to you why I am</p> <p>16 giving him that warning. There has been a police</p> <p>17 investigation and he's entitled to refuse to answer</p> <p>18 questions that might incriminate him. He's represented</p> <p>19 by Ms Hewitt, as you know, and she's kindly said that if</p> <p>20 she thinks a question might be particularly relevant to</p> <p>21 that warning, she will pop up and remind me and I can</p> <p>22 give a further warning. So don't be surprised if</p> <p>23 Ms Hewitt pops up every now and again. She may not need</p> <p>24 to, but we'll see.</p> <p>25 Thank you, Mr Tribelnig. Now, we had got to where</p> <p style="text-align: center;">Page 168</p>
--	---

<p>1 1 afternoon. Mr Hurst, I understand you are experiencing</p> <p>2 2 some difficulties which I entirely understand but</p> <p>3 3 I think the best thing probably is for me to discharge</p> <p>4 4 you from the jury so as to mean that you don't have any</p> <p>5 5 further responsibilities here. So I understand that you</p> <p>6 6 have been expecting that and, as I say, I do understand</p> <p>7 7 the difficulties so please leave the jury box and you're</p> <p>8 8 free to leave now. Thank you very much for your</p> <p>9 9 assistance and there you are.</p> <p>10 10 Thank you very much. We're now going to carry on</p> <p>11 11 with Mr Tribelnig. I did promise you some documents</p> <p>12 and</p> <p>13 12 I'm going to give you a photograph of the seats so as to</p> <p>14 13 help us and Mr Tribelnig understand the scene more</p> <p>15 14 closely. I am going to ask you, if you have pens, to</p> <p>16 15 page number the documents you already have because</p> <p>17 16 otherwise we won't be able to find anything. If you put</p> <p>18 17 your inquisition, you know the first document I gave</p> <p>19 18 you, the form, if you make that page 1 and page 2 -- is</p> <p>20 19 it only two pages or is it more than two pages? Pages 1</p> <p>21 20 and 2. Then you make the plan of the plane number 3.</p> <p>22 21 Then make this photograph that you're about to be given</p> <p>23 22 number 4. (Handed)</p> <p>24 23 If we need to take you to a page, we can do that</p> <p>25 24 easily.</p> <p>25 We'll ask Mr Tribelnig to help us with that. It's</p>	
---	--

<p>1 you were about to get on to the plane --</p> <p>2 A. Yes.</p> <p>3 DEPUTY CORONER MS MONAGHAN: -- with Mr Mubenga. You're</p> <p>4 still with Mr Duckers, are you, or is there just the</p> <p>5 three of you by then?</p> <p>6 A. No, Mr Duckers -- we've gone through the security gate</p> <p>7 so we're now making our way towards the stand that the</p> <p>8 aircraft is on.</p> <p>9 DEPUTY CORONER MS MONAGHAN: Voice up.</p> <p>10 A. We've arrived at the aircraft stand, at which point</p> <p>11 I left the vehicle to go and check us on to the flight,</p> <p>12 as in give the boarding cards over to make sure we were</p> <p>13 actually physically checked on to the flight.</p> <p>14 Whilst I was upstairs waiting for the gate to open,</p> <p>15 I can't remember exactly the timeline but the captain</p> <p>16 and the crew also so passed while we were waiting to get</p> <p>17 checked on to the flight. At this point I took the</p> <p>18 opportunity to speak to the captain and the crew and</p> <p>19 inform them of who we are and that we would be</p> <p>20 travelling with them on that particular day.</p> <p>21 I explained to the captain that Mr Mubenga had been with</p> <p>22 us all day. We hadn't foreseen any problems and didn't</p> <p>23 think there was going to be any dramas at all with his</p> <p>24 removal, which seemed to be accepted.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Try and keep your voice up.</p> <p style="text-align: center;">Page 169</p>	<p>1 the plan and --</p> <p>2 A. Row 39, the middle three seats.</p> <p>3 DEPUTY CORONER MS MONAGHAN: Can somebody just go up there</p> <p>4 and point them out. David, would you be able to just go</p> <p>5 and point them out. Can we move that stand back round</p> <p>6 now, if you wouldn't mind.</p> <p>7 A. So the row 39, the middle three seats.</p> <p>8 DEPUTY CORONER MS MONAGHAN: That's 39, so the middle three</p> <p>9 seats?</p> <p>10 A. Those middle three seats there. Mr Mubenga was to sit</p> <p>11 in the centre of those three seats and I would sit in</p> <p>12 the row in front, row 38, centre seat. 39, Mr Mubenga</p> <p>13 was sat in that seat and I was assigned the seat in</p> <p>14 front of him.</p> <p>15 DEPUTY CORONER MS MONAGHAN: So just in terms of -- those</p> <p>16 were the seats you were allocated. 39, you can see 39.</p> <p>17 The jury probably can see that. You have your plan in</p> <p>18 front. You were allocated or Mr Kaler and Mr Hughes and</p> <p>19 Mr Mubenga were allocated the three seats in the middle?</p> <p>20 A. That's correct, yes.</p> <p>21 DEPUTY CORONER MS MONAGHAN: You had the centre seat in the</p> <p>22 front?</p> <p>23 A. I can't remember if that was the seat I was allocated</p> <p>24 but that was the seat I took.</p> <p>25 DEPUTY CORONER MS MONAGHAN: You were allocated around</p> <p style="text-align: center;">Page 171</p>
<p>1 I'm struggling a bit to hear you so really speak loudly.</p> <p>2 A. I then checked us on to the flight and once the boarding</p> <p>3 cards had been -- once we'd been checked on to the</p> <p>4 flight, I then proceeded down to the aircraft to go and</p> <p>5 find the customer services director, I think it is</p> <p>6 referred to on the airline, just to let him know that we</p> <p>7 were ready to board as soon as the airline was ready to</p> <p>8 go, at which point we were told he could board when we</p> <p>9 were ready.</p> <p>10 I then went back down to the vehicle to collect</p> <p>11 Mr Mubenga and the rest of the team and we boarded the</p> <p>12 aircraft or we made our way up to the door of the</p> <p>13 aircraft. We were then given the all clear again and we</p> <p>14 made our way down to the seats which had been allocated.</p> <p>15 DEPUTY CORONER MS MONAGHAN: Just stop there for one minute.</p> <p>16 When you went on to the plane, had the passengers</p> <p>17 boarded by that stage?</p> <p>18 A. No, there were no passengers on board the aircraft.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Can you tell us -- you say you</p> <p>20 went to the seats, the seats you were allocated?</p> <p>21 A. The seats we were assigned to, yes.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Do you remember what numbers</p> <p>23 they were?</p> <p>24 A. It was --</p> <p>25 DEPUTY CORONER MS MONAGHAN: It might help you to look at</p> <p style="text-align: center;">Page 170</p>	<p>1 there, were you?</p> <p>2 A. Around that area, yes.</p> <p>3 DEPUTY CORONER MS MONAGHAN: So you went to the back of the</p> <p>4 plane where your seats were allocated?</p> <p>5 A. That's correct, yes.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Did you all sit down at that</p> <p>7 stage?</p> <p>8 A. Yes, we all got on to the aircraft. Everybody took</p> <p>9 their seats.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Mr Duckers, what happened to</p> <p>11 him?</p> <p>12 A. Mr Duckers, my recollection from this morning is he come</p> <p>13 on with us and put the bags in the overhead lockers and</p> <p>14 he was basically just hanging around.</p> <p>15 DEPUTY CORONER MS MONAGHAN: When you say you recollect that</p> <p>16 from this morning, do you recollect it yourself or</p> <p>17 having heard it --</p> <p>18 A. Having heard it from him this morning.</p> <p>19 DEPUTY CORONER MS MONAGHAN: So you don't remember that?</p> <p>20 A. I don't remember him coming on to the aircraft with us.</p> <p>21 He would have come on to the aircraft with us because he</p> <p>22 was in charge of the bags while we were obviously</p> <p>23 looking after Mr Mubenga, but I can't remember him</p> <p>24 being -- physically being there as such.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Now, he told us, as you know</p> <p style="text-align: center;">Page 172</p>

1 because you were here, that usually the driver, the
 2 fourth man, would be expected to stay on the plane until
 3 the passengers embarked, is that right?
 4 **A. Yes, that would generally be the rule, yes.**
 5 DEPUTY CORONER MS MONAGHAN: You were the senior DCO on that
 6 day?
 7 **A. That's correct, yes.**
 8 DEPUTY CORONER MS MONAGHAN: Did you tell him that he was --
 9 he could leave earlier than that?
 10 **A. Thinking now as to how Mr Mubenga was with us and had**
 11 **been with us all day I didn't see any problems, at which**
 12 **point I said to him that he could go and wait in the**
 13 **vehicle.**
 14 DEPUTY CORONER MS MONAGHAN: You remember that, do you?
 15 **A. I don't remember it but I imagine that's along the lines**
 16 **of what I would have said.**
 17 DEPUTY CORONER MS MONAGHAN: If you don't remember
 18 something, as I said to you, Mr Tribelnig, you must tell
 19 us.
 20 **A. Okay.**
 21 DEPUTY CORONER MS MONAGHAN: If you're going on what you
 22 have heard somebody else say, that's fine but you must
 23 let us know. If you don't remember, you don't remember.
 24 So you don't really remember much about where Mr Duckers
 25 was or what happened with him, would that be fair?

Page 173

1 **A. That would be fair.**
 2 DEPUTY CORONER MS MONAGHAN: So you go to the back of the
 3 plane where your seats are allocated and what happens
 4 then?
 5 **A. We all sat down. From what I remember, I think**
 6 **Mr Mubenga was still on the phone or was using his**
 7 **phone, making some phone calls. We told him he could**
 8 **use his phone up until they closed the aircraft door.**
 9 **Then, as for standard airline practice, all phones are**
 10 **switched off.**
 11 DEPUTY CORONER MS MONAGHAN: Then what happened?
 12 **A. From that point there, after a period of time in the**
 13 **seat, he asked if he could use the toilet again.**
 14 **I couldn't see any problems with it. I did look for**
 15 **visual confirmation from either of the other two escorts**
 16 **that were with us. They didn't seem to reckon there was**
 17 **no dramas with us taking him to the toilet so we allowed**
 18 **him to use the toilet at the rear of the aircraft.**
 19 DEPUTY CORONER MS MONAGHAN: When you say you allowed him to
 20 use the toilet, what happened? Where were you?
 21 **A. I was sat at the row in front of him speaking to**
 22 **Mr Mubenga and obviously the team at the time. He asked**
 23 **if he could use the toilet. I didn't see any problem**
 24 **with it. I kind of had a look at the team. The team**
 25 **didn't seem to have any problem with it, at which point**

Page 174

1 **we then stood up. Mr Kaler, who would have been 39, the**
 2 **bottom, D, 39D, he would have moved into the aisle next**
 3 **to his seat. I moved from 38 middle to the aisle, to**
 4 **the right of the aircraft, so I would have gone up.**
 5 **Mr Hughes also moved from his seat up and then moved**
 6 **slightly towards the toilets, towards the rear, to allow**
 7 **Mr Mubenga to come out between us.**
 8 DEPUTY CORONER MS MONAGHAN: So you were either side of the
 9 toilet, were you?
 10 **A. No, I was stood towards the front of the aircraft.**
 11 **Mr Hughes was stood towards the rear of the aircraft and**
 12 **Mr Mubenga would have been in the middle -- was in the**
 13 **middle, between us.**
 14 DEPUTY CORONER MS MONAGHAN: He went into the toilet?
 15 **A. We then moved down towards the toilet which is the one**
 16 **to the right, the rear. Mr Mubenga then used the**
 17 **toilet. Mr Hughes stood in the door to ensure that he**
 18 **couldn't shut the door on us while he was in there using**
 19 **the toilet.**
 20 DEPUTY CORONER MS MONAGHAN: When you say "stood in the
 21 door", what do you mean?
 22 **A. I don't know exactly how he was stood but somehow he was**
 23 **blocking the door to stop it from closing and I was**
 24 **stood behind him.**
 25 **Mr Mubenga then used the toilet, at which point he**

Page 175

1 **then exited the toilet and we assumed the similar**
 2 **position, moving back down towards the seats. So I was**
 3 **in front walking backwards, so walking reverse down the**
 4 **plane. Mr Mubenga would have been between myself and**
 5 **Mr Hughes would have been at the back so we moved back**
 6 **down towards the plane. As we drew level with his**
 7 **assigned seat -- sorry, Mr Kaler at this time -- at the**
 8 **time we went to the toilet, Mr Kaler would have moved**
 9 **from where he was stood. He moved to the back galley on**
 10 **the opposite side of the plane so as we returned,**
 11 **Mr Kaler would then have come back along the bottom side**
 12 **of the aisle, the three of us moved along the top side**
 13 **of the aisle and we drew level with the seat. Looking**
 14 **at the picture it would have been -- I would imagine it**
 15 **was 38 because that's where he was supposed to sit --**
 16 **no, sorry, 39. I drew level with the back of row 38.**
 17 **I pointed to the seat and asked Mr Mubenga to sit down.**
 18 **At this point he turned to me and said, "I'm not going**
 19 **to go", at which point he then lunged at me causing my**
 20 **shirt to be ripped open and knocking me backwards up the**
 21 **aircraft aisle.**
 22 DEPUTY CORONER MS MONAGHAN: Pause there a moment. He
 23 lunged at you?
 24 **A. Yes.**
 25 DEPUTY CORONER MS MONAGHAN: Can you tell us how -- can you

Page 176

1 show us how that was?
 2 **A. I don't know. I just remember I turned round to him,**
 3 **I said, "Can you please take your seat".**
 4 DEPUTY CORONER MS MONAGHAN: He's standing in front of you?
 5 **A. He's stood in front of me, at which point he said, "I'm**
 6 **not going to go" and he just threw himself at me.**
 7 **I can't imagine -- I don't know if there was fists or**
 8 **whatever but he physically threw himself at me which**
 9 **caused my shirt to be ripped open.**
 10 DEPUTY CORONER MS MONAGHAN: Do you know how it was ripped
 11 open?
 12 **A. No idea.**
 13 DEPUTY CORONER MS MONAGHAN: It was the buttons that were
 14 ripped?
 15 **A. All the buttons were ripped off the front of the shirt.**
 16 DEPUTY CORONER MS MONAGHAN: So he lunged at you and you did
 17 what then?
 18 **A. I'd been knocked backwards up the aisle, at which point**
 19 **I then stood up and, if I remember correctly, grabbed**
 20 **him in like a bear hug, Mr Mubenga, and pushed him back**
 21 **up towards the rear of the plane again, up towards the**
 22 **rear of the aircraft. From my memory in the two seats**
 23 **to the top of the plane, these two seats there, there**
 24 **was a mother and a child. My first initial thought was**
 25 **we needed to get Mr Mubenga away from the mother and the**

Page 177

1 **child to ensure that they didn't get harmed in any way**
 2 **during the incident.**
 3 **I'm pretty sure I still had Mr Mubenga in the bear**
 4 **hug with my head down and was looking around and I see**
 5 **the mother physically rip the child from the chair and**
 6 **run down the aisle towards the front of the aircraft.**
 7 **At this point I'm not entirely sure what Mr Hughes**
 8 **and Mr Kaler were up to. I could give an idea if that's**
 9 **what you want.**
 10 DEPUTY CORONER MS MONAGHAN: I'd like you to tell us what
 11 you saw happen?
 12 **A. What I saw was the mother being ripped from the chair to**
 13 **the other side. What I think then happened, and I can't**
 14 **be 100 per cent sure, is that we turned Mr Mubenga so he**
 15 **was leaning against the back of the seats of row 39 so**
 16 **he would have been half -- kind of half in, half out of**
 17 **the aisle but pinned against the back of the chair.**
 18 **I then moved around to grab hold of his right arm to**
 19 **ensure that that wasn't going to whip round and start --**
 20 **basically to stop him from trying to cause injury to**
 21 **ourselves or to damage himself or towards the plane.**
 22 **Mr Hughes was stood next to me but I'm not sure what**
 23 **type of hold he had on Mr Mubenga at that time. At this**
 24 **time I'm talking to Mr Mubenga, asking him to calm down,**
 25 **at which point all I'm getting is lots of shouting and**

Page 178

1 **screaming and he's thrashing around wildly.**
 2 **I then decided I'm going to place him in handcuffs.**
 3 **My intention of putting him in handcuffs would have been**
 4 **or was in the hope that he felt the handcuff go on one**
 5 **of his wrists, he may have resigned himself to the fact**
 6 **that, you know, he was fighting against us but we had**
 7 **other means and ways of restraining him. He continued**
 8 **to ignore and just continued to carry on.**
 9 DEPUTY CORONER MS MONAGHAN: So you put the first cuff on
 10 him?
 11 **A. I did put the first cuff on the right hand.**
 12 DEPUTY CORONER MS MONAGHAN: What hand was it on?
 13 **A. On his right arm. His right arm was extended.**
 14 DEPUTY CORONER MS MONAGHAN: You put the first cuff on his
 15 right wrist. That didn't have --
 16 **A. That didn't have any effect at all.**
 17 DEPUTY CORONER MS MONAGHAN: So then what happened?
 18 **A. At that point I think I said, "We're going to fully cuff**
 19 **him" and the position that we were in, the only option**
 20 **really was to a rear stack position or a rear cuff**
 21 **position.**
 22 DEPUTY CORONER MS MONAGHAN: Can you tell me what a rear
 23 stack position is?
 24 **A. The rear stack position, we take the right arm from the**
 25 **side round to the back, also followed by the left arm**

Page 179

1 **which will come round and be placed in a stack as well.**
 2 **So the arms would have been rear stacked behind him.**
 3 DEPUTY CORONER MS MONAGHAN: That's with the rigid
 4 handcuffs?
 5 **A. That's with the rigid handcuff.**
 6 DEPUTY CORONER MS MONAGHAN: At this stage, when you're
 7 putting on the cuff, is anybody holding his head?
 8 **A. As I say, Mr Hughes was stood next to me. I'm not quite**
 9 **sure how he had hold of him or along those lines. He**
 10 **was pinned against the back of the chair. I had hold of**
 11 **his right arm. Mr Hughes was stood next to me and then**
 12 **Mr Kaler would have been on the far side.**
 13 DEPUTY CORONER MS MONAGHAN: So you have one wrist cuffed.
 14 What happened then?
 15 **A. It took probably -- again, the whole time thing just**
 16 **went out the window really. I'm not quite sure but**
 17 **I thought it took between two to five minutes to**
 18 **actually get his right arm from where he was round**
 19 **behind him to present. Now with Mr Hughes stood behind**
 20 **him, obviously we needed to try and get his arm between**
 21 **Mr Hughes and Mr Mubenga and then I held his arm in**
 22 **place while the left arm was presented.**
 23 DEPUTY CORONER MS MONAGHAN: Then what happened?
 24 **A. The handcuffs were then applied to both wrists.**
 25 **I think, from what I recall, he paused for a breather**

Page 180

<p>1 and then continued to struggle while we tried to get him</p> <p>2 into his seat.</p> <p>3 DEPUTY CORONER MS MONAGHAN: Did he say anything? You told</p> <p>4 us what he said at the beginning but did he say anything</p> <p>5 afterwards?</p> <p>6 A. Once the whole event kicked off I don't really have any</p> <p>7 recollection of what was said. I was in shock.</p> <p>8 DEPUTY CORONER MS MONAGHAN: Okay. So you move on to what</p> <p>9 happened then so you cuffed him, pushed him back on to</p> <p>10 the seat at the rear?</p> <p>11 A. Where we were stood with him pinned against the rear of</p> <p>12 seat, row 39, to move him into row 38 would have been</p> <p>13 a bit of a nightmare really because it would have meant</p> <p>14 people having to release and move round the aircraft to</p> <p>15 get him back. As he was thrashing around violently,</p> <p>16 I moved round to the front of row 39. Mr Hughes then</p> <p>17 moved to his, Mr Mubenga's, right to keep hold of his</p> <p>18 arm and Mr Hughes -- sorry, Mr Kaler, from what</p> <p>19 I remember, was actually on the seats across row --</p> <p>20 would have been row 40 so he would have been in there.</p> <p>21 DEPUTY CORONER MS MONAGHAN: So just so I'm clear, so</p> <p>22 Mr Kaler in row 40?</p> <p>23 A. Mr Kaler would have come in row 40, yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Just Mr Kaler at this stage?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 181</p>	<p>1 DEPUTY CORONER MS MONAGHAN: What's happening then? What</p> <p>2 are each of you doing at that stage?</p> <p>3 A. I can't be 100 per cent sure what the other two were</p> <p>4 doing. From my recollection of what I did, at the time</p> <p>5 we've got him down or in towards the seat, at which</p> <p>6 point he's continuing to try to stand up and throw</p> <p>7 himself around. I can't remember whether I grabbed hold</p> <p>8 of his jacket or hands on his shoulders to try and get</p> <p>9 him to sit down in the seat so we could get the seat</p> <p>10 belt fastened. He's still shouting and screaming and</p> <p>11 throwing himself around the aircraft, trying to lunge</p> <p>12 up, trying to sit down. Between Mr Hughes and Mr Kaler</p> <p>13 somehow they managed to get the seat belt on to him but</p> <p>14 where he was in a rear stack handcuff position he was</p> <p>15 unable to sit fully upright back because the seats are</p> <p>16 right against -- from what I remember, the seats are</p> <p>17 right against the bulkhead.</p> <p>18 DEPUTY CORONER MS MONAGHAN: So if I'm understanding you</p> <p>19 right, and tell me if I'm not, as I understand what</p> <p>20 you're saying because the seats are right at the back</p> <p>21 against the bulkhead, there's no flex, there's no</p> <p>22 movement?</p> <p>23 A. From what I remember, I don't think there was any</p> <p>24 movement for the chair to be adjusted.</p> <p>25 DEPUTY CORONER MS MONAGHAN: So it was fixed seated</p> <p style="text-align: center;">Page 183</p>
--	---

<p>1 DEPUTY CORONER MS MONAGHAN: Carry on.</p> <p>2 A. With, as I say, Mr Hughes stuck behind and moved to his</p> <p>3 right-hand side and then I moved from the right-hand</p> <p>4 side to the front so into row 39. Mr Mubenga still</p> <p>5 continued to struggle violently, trying to kick out</p> <p>6 while we're trying to get him seated but we somehow</p> <p>7 tried -- as we're trying to get him into the seat, he</p> <p>8 seems to be trying to hook his legs underneath the seat</p> <p>9 of the row in front to prevent us from getting him</p> <p>10 seated but we managed to somehow twist him round to get</p> <p>11 him into a seated position and then into the centre seat</p> <p>12 within that row.</p> <p>13 DEPUTY CORONER MS MONAGHAN: So he's now in the centre seat</p> <p>14 in row 40?</p> <p>15 A. That's correct, yes.</p> <p>16 DEPUTY CORONER MS MONAGHAN: Mr Kaler's seated in that row</p> <p>17 as well?</p> <p>18 A. Yes, and Mr Hughes is also in that row.</p> <p>19 DEPUTY CORONER MS MONAGHAN: And Mr Hughes gets in there as</p> <p>20 well?</p> <p>21 A. Yes.</p> <p>22 DEPUTY CORONER MS MONAGHAN: So Mr Mubenga is in the middle?</p> <p>23 A. He's back in the centre again, yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: And you are in?</p> <p>25 A. I'm in the row in front yes, row 39.</p> <p style="text-align: center;">Page 182</p>	<p>1 position?</p> <p>2 A. That's from my recollection.</p> <p>3 DEPUTY CORONER MS MONAGHAN: You have said about the effect</p> <p>4 of the handcuffs behind and you'll know these are</p> <p>5 important questions because you have heard?</p> <p>6 A. Yes.</p> <p>7 DEPUTY CORONER MS MONAGHAN: So can you just give us a sort</p> <p>8 of visual impression about what the impact was of having</p> <p>9 him handcuffs?</p> <p>10 A. If he's handcuffed, he would have been slightly lent</p> <p>11 forward obviously to give enough room for his hands</p> <p>12 against the back of the seat in front.</p> <p>13 DEPUTY CORONER MS MONAGHAN: He was quite a big bloke,</p> <p>14 wasn't he?</p> <p>15 A. Very strong, very muscular.</p> <p>16 DEPUTY CORONER MS MONAGHAN: But he was also quite stocky,</p> <p>17 wasn't he?</p> <p>18 A. From what I remember, yes.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Maybe I am misremembering that</p> <p>20 but I thought I had read that somewhere.</p> <p>21 So you're in the seat in front. He's seated in the</p> <p>22 back with his arms behind his back?</p> <p>23 A. Handcuffed, yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: What are you doing in the seat</p> <p>25 in front? Which position are you in, first of all?</p> <p style="text-align: center;">Page 184</p>
--	---

<p>1 A. I'm in the seat in front. I'd been kneeling, looking 2 over the back of the seat trying to speak to Mr Mubenga, 3 at point I picked one of the airline pillows up and 4 I placed it again the back of the seat in front which 5 I think had a TV screen in it. Now, I'm not saying it 6 would have happened in this case but on previous 7 removals I have had people that have actually headbutted 8 the screens in an attempt to either self-harm or just to 9 cause damage to the aircraft.</p> <p>10 The pillow was held against the rear of the seat 11 which to my mind would have given him two options: (i) 12 something soft he could lean his head against him and, 13 secondly, to prevent him from damaging himself and the 14 aircraft. At this point he was still kicking, 15 screaming, trying to stand up, trying to sit down and 16 causing no end of problems. Once I think we've got him 17 fairly controlled, I then begin to move around the rear 18 of the aircraft, speaking to some of the other 19 passengers around. Obviously they have heard the 20 commotion. They may well have seen the young lady and 21 her child running down the other side of the plane so it 22 was more to put them at rest, give them a rough idea, 23 "This is what we're up to, these are -- you may hear 24 a lot of noise and stuff from the back end of the 25 aircraft but, you know, please be aware that once we</p> <p style="text-align: center;">Page 185</p>	<p>1 He's beginning to thrash around wildly, at which 2 point I think I reached across the back of the seat to 3 grab hold of the back of his jacket, in an attempt to 4 try and prevent him from moving side to side, which 5 offered very little -- well, it offered very little 6 resistance. As far as I'm concerned, it didn't really 7 work so Mr Hughes and Mr Kaler were having to try to 8 control him from a seated position on either side. All 9 the time I'm talking to Mr Mubenga. From what I recall, 10 I'm sure Mr Hughes and Mr Kaler were talking to him, 11 trying to diffuse the situation. Basically the last 12 thing we want is him causing any problem or getting even 13 more upset.</p> <p>14 The words I would have used along the lines would 15 have been, "Come on, you know, it's been silly now. 16 We're on the aircraft. We're in the seats. You know, 17 if you calm down we can get you comfortable and we can 18 just get on with the flight". This didn't seem to have 19 any effect with him at all. He just continued to 20 struggle, trying to stand up, trying to sit down and 21 constantly throwing himself around. This went on for -- 22 I can't think how long it went on for. As I say, the 23 whole time thing went out the window. I am constantly 24 trying to talk to him. I don't really recall the rest 25 of the passengers getting on the aircraft but then I was</p> <p style="text-align: center;">Page 187</p>
<p>1 take-off this should all stop and should all calm down". 2 DEPUTY CORONER MS MONAGHAN: Then what happened? 3 A. There was another commotion again at the rear of the 4 aircraft. So I went back to my -- not to my assigned 5 seat but back to the seat I was in in an attempt to try 6 and assist the two officers that were trying to restrain 7 Mr Mubenga at the time.</p> <p>8 DEPUTY CORONER MS MONAGHAN: What did you do by way of 9 assistance? 10 A. I kneeled on the seat in front. I was trying to talk to 11 Mr Mubenga -- 12 DEPUTY CORONER MS MONAGHAN: Pausing there. You are in the 13 row in front, kneeling facing backwards? 14 A. Kneeling facing towards the rear of the seats. 15 DEPUTY CORONER MS MONAGHAN: You're in the middle seat so 16 right in front of Mr Mubenga? 17 A. Yes. 18 DEPUTY CORONER MS MONAGHAN: Carry on. 19 A. I'm now kneeling on a seat looking over the back of the 20 seat trying to speak to Mr Mubenga to tell him that he 21 needs to calm down. He's not doing himself any favours 22 by working himself up. The last thing I wanted to do 23 was for him to be causing any more problems or run the 24 risk of causing any injury to himself or any of the 25 escorts that were sat around him.</p> <p style="text-align: center;">Page 186</p>	<p>1 aware that the aircraft was beginning to move. As we -- 2 the aircraft began to move backwards, the lights were 3 dimmed in the aircraft. At this point he's still -- 4 from what I remember, I think he's still struggling and 5 we're still talking to him, trying to get him to calm 6 down.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Pause there before we just go 8 on any further. I don't want you to lose your thread. 9 Did you at any time before the plane started to taxi, 10 push off, did you at any time have any hold of his head? 11 A. I don't recall having hold -- physically hold of his 12 head, no. 13 DEPUTY CORONER MS MONAGHAN: When you say you don't recall, 14 what does that mean? 15 A. No, I don't remember. I'm sure I didn't have hold of 16 his head. 17 DEPUTY CORONER MS MONAGHAN: So you're sure you didn't have 18 hold of his head? 19 A. Yes. 20 DEPUTY CORONER MS MONAGHAN: So you were just about to say 21 what happened then when the plane started to push back 22 I think. 23 A. The aircraft started to move so the lights went dim, at 24 which point he just seemed to go "oh". I missed out 25 other bits, sorry.</p> <p style="text-align: center;">Page 188</p>

1 DEPUTY CORONER MS MONAGHAN: If you need to go back, go
 2 back. We want to hear everything.
 3 **A. At some point during the struggle, I can't remember**
 4 **exactly when, I'm pretty sure Mr Hughes and it might**
 5 **have been Mr Kaler as well had said that he had tried**
 6 **to -- Mr Mubenga had tried to bite either of them. I'm**
 7 **not sure as to why. Obviously I didn't want to get**
 8 **bitten myself and I didn't want either of the team to**
 9 **get bitten either so he's now sat leaning against the**
 10 **back of the seat, still shouting and screaming. The**
 11 **aircraft start to move backwards and he just seemed --**
 12 **it's almost as if he seemed to give up. He just sat**
 13 **there.**
 14 DEPUTY CORONER MS MONAGHAN: We'll come to that bit then
 15 because is that -- I don't want to stop you but I just
 16 want to take you back a bit. Is that essentially where
 17 the line is when he becomes much less resistant?
 18 **A. Yeah, it's almost as if he just gives up. I'm not sure**
 19 **if he was sobbing or if he just become emotionally**
 20 **upset. We're still trying to talk to him at the time.**
 21 **He just kind of went quiet and it was just as if he sat**
 22 **there and just give up.**
 23 DEPUTY CORONER MS MONAGHAN: Just before that happened,
 24 I think before the push off if I read it rightly, but
 25 just before that happened, you have told us that you

Page 189

1 didn't -- you at no stage had hold of his head, is that
 2 right?
 3 **A. From what I recall -- from what I remember, I don't**
 4 **think I had hold of his head. I didn't have hold of his**
 5 **head.**
 6 DEPUTY CORONER MS MONAGHAN: That's quite important and
 7 there's a difference. I know I have questioned you on
 8 this before. There's a difference between saying,
 9 "I don't recall having a hold of his head" and,
 10 "I didn't have hold of his head". One can either
 11 remember that you didn't or you can't remember?
 12 **A. I didn't have hold of his head.**
 13 DEPUTY CORONER MS MONAGHAN: You didn't have hold of his
 14 head and you remember that?
 15 **A. Yes.**
 16 DEPUTY CORONER MS MONAGHAN: Just to ask you, you filled in
 17 a Use of Force afterwards?
 18 **A. Yes.**
 19 DEPUTY CORONER MS MONAGHAN: Fairly soon after the event,
 20 13 October I think?
 21 **A. That's correct, yes.**
 22 DEPUTY CORONER MS MONAGHAN: The purpose of that report?
 23 **A. The purpose of the report, after every incident which**
 24 **involves use of force we have to fill out a Use of Force**
 25 **Report.**

Page 190

1 DEPUTY CORONER MS MONAGHAN: It looks like in the reports
 2 I've seen, but you tell me otherwise, they're quite
 3 detailed reports?
 4 **A. Yeah.**
 5 DEPUTY CORONER MS MONAGHAN: So are you required to give
 6 a lot of detail?
 7 **A. We give as much detail as we can, yes.**
 8 DEPUTY CORONER MS MONAGHAN: You record everything that's
 9 important?
 10 **A. Yes, everything that I could remember I put down on**
 11 **paper at that time.**
 12 DEPUTY CORONER MS MONAGHAN: Now in that report -- there may
 13 not be anything in this but just to help you -- you
 14 said, this is before the push off and before he went
 15 quiet:
 16 "Again Mr Mubenga [this was after you had spoken to
 17 the passengers] began to struggle and I returned to take
 18 control of the head and then Mr Mubenga continued to
 19 shout."
 20 Can you explain what you meant by that?
 21 **A. By that statement what I meant was I actually tried to**
 22 **take control of the top half of his torso. Having never**
 23 **had to deal with a detainee who's sat in a seat, I was**
 24 **unsure how to keep hold of his head. We had a TV screen**
 25 **on the screen in front. The general style for keeping**

Page 191

1 **hold of his head is you could pull it in tight into your**
 2 **chest, one hand on the back of the head and one hand**
 3 **under his fingers, but with a seat in between there was**
 4 **no way that would have been physically possible.**
 5 DEPUTY CORONER MS MONAGHAN: So when you said, "I returned
 6 to take control of the head", what were you describing
 7 to the reader?
 8 **A. I was -- what I was trying to get across was the fact**
 9 **I was actually trying to control the top half of his**
 10 **torso to try and prevent it from thrashing around.**
 11 DEPUTY CORONER MS MONAGHAN: When you say "the top half of
 12 his torso", we know he's leaning forward a bit because
 13 he's got his rear stack handcuffs on. Was that the back
 14 of his -- whereabouts --
 15 **A. It would have been around about the middle of the**
 16 **shoulders blades.**
 17 DEPUTY CORONER MS MONAGHAN: So you would have been pushing
 18 him down presumably; I don't know?
 19 **A. Not pushing him down. I had hold of his jacket to try**
 20 **and stop hm thrashing from side to side.**
 21 DEPUTY CORONER MS MONAGHAN: Just moving him around?
 22 **A. Like, he was moving and I was trying to prevent him from**
 23 **moving around.**
 24 DEPUTY CORONER MS MONAGHAN: You didn't put any pressure on
 25 him?

Page 192

<p>1 A. I at no point put any pressure on Mr Mubenga.</p> <p>2 DEPUTY CORONER MS MONAGHAN: And you're sure of that?</p> <p>3 A. I am sure.</p> <p>4 DEPUTY CORONER MS MONAGHAN: At that stage can Mr Tribelnig</p> <p>5 be given the photograph, please, page 3 of the jury</p> <p>6 bundle now. This is a photo of the scene. The photo we</p> <p>7 have has the table in the middle seat down but we don't</p> <p>8 know -- I should say, we don't know if it was down or</p> <p>9 whether it was put down afterwards. Do you want to take</p> <p>10 a break?</p> <p>11 A. No.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Would you like some water?</p> <p>13 A. I have some. Thank you.</p> <p>14 DEPUTY CORONER MS MONAGHAN: So this is the row of three</p> <p>15 seats. The middle seat is where Mr Mubenga was, as</p> <p>16 I understand it?</p> <p>17 A. That's correct, yes.</p> <p>18 DEPUTY CORONER MS MONAGHAN: We don't know if the table was</p> <p>19 down so I'm not drawing any conclusions from that at the</p> <p>20 moment. It could have been put down afterwards but can</p> <p>21 you tell us whether you remember whether the tray was</p> <p>22 down or up?</p> <p>23 A. The tray was up throughout the incident. The tray never</p> <p>24 dropped.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Not at all?</p> <p style="text-align: center;">Page 193</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Can you just tell us about</p> <p>2 that.</p> <p>3 A. I'm not sure what he's thought chain was along the lines</p> <p>4 of or the reasons why he did it. He was obviously sat</p> <p>5 in the seat with the seat belt applied. Where he's</p> <p>6 continuing he's obviously realised that he can't</p> <p>7 actually get himself up out of the seat. I don't know</p> <p>8 if it was an attempt to get himself down or from under</p> <p>9 the seat. I don't know why.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Just so I'm clear, are you</p> <p>11 saying that he was forcing his head down?</p> <p>12 A. He was trying to get his head down and I don't know why.</p> <p>13 DEPUTY CORONER MS MONAGHAN: Did you do anything to try and</p> <p>14 get his head up?</p> <p>15 A. I remember saying to the team, "I don't want him</p> <p>16 anywhere down there. We need to get him back up again</p> <p>17 as far as we can".</p> <p>18 DEPUTY CORONER MS MONAGHAN: What happened then?</p> <p>19 A. From what I understand, or from what I think -- I don't</p> <p>20 really know. What I think I saw was Mr Hughes and</p> <p>21 Mr Kaler actually trying to pull him back up by his</p> <p>22 shoulders but I can't be 100 per cent sure on that.</p> <p>23 DEPUTY CORONER MS MONAGHAN: I have to press you a little</p> <p>24 bit on this because it's very important.</p> <p>25 A. Yes, it's fine.</p> <p style="text-align: center;">Page 195</p>
<p>1 A. Not at all.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Would you have noticed if the</p> <p>3 tray dropped?</p> <p>4 A. I'm sure most people have actually travelled in economy</p> <p>5 class. If that tray was to drop it's usually sat right</p> <p>6 across the top of your legs anyway, so if Mr Mubenga had</p> <p>7 been leaning forward there would have been no way we</p> <p>8 would have been able to get the table down.</p> <p>9 DEPUTY CORONER MS MONAGHAN: Could it have -- I don't know</p> <p>10 this, I'm just exploring this with you so help as far as</p> <p>11 you can. Could it have partially fallen down; in other</p> <p>12 words, come loose, but not be flat down, sort of at an</p> <p>13 angle?</p> <p>14 A. I have -- I do not remember the table ever being in</p> <p>15 a down or partially down position.</p> <p>16 DEPUTY CORONER MS MONAGHAN: One of the things you say --</p> <p>17 I'll come back to the table in a moment, but in this</p> <p>18 context one of the things you say is that Mr Mubenga was</p> <p>19 forcing his head down or putting his head down in your</p> <p>20 Use of Force Report. In fact you say he forced his head</p> <p>21 down. Do you remember saying that?</p> <p>22 A. Yes.</p> <p>23 DEPUTY CORONER MS MONAGHAN: You relate that to the attempt</p> <p>24 to bite?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 194</p>	<p>1 DEPUTY CORONER MS MONAGHAN: What makes you think that that</p> <p>2 happened? Do you have a visual recollection? Can you</p> <p>3 see it in your mind or has somebody told you?</p> <p>4 A. I've turned round to the two guys and said, "I don't</p> <p>5 want him down there and we need to get him back up". As</p> <p>6 to how they were going to get him up, I have no idea.</p> <p>7 DEPUTY CORONER MS MONAGHAN: You are the SDCO?</p> <p>8 A. I am the SDCO, yes.</p> <p>9 DEPUTY CORONER MS MONAGHAN: You say, "We need to get him up</p> <p>10 immediately. Stand him up"?</p> <p>11 A. No, to get him to sit back up in the chair.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Did you check that they got him</p> <p>13 to sit back up again?</p> <p>14 A. They were trying to get him back up but he was offering</p> <p>15 resistance. He didn't -- he clearly didn't want to come</p> <p>16 back up for whatever reason. I don't know why.</p> <p>17 DEPUTY CORONER MS MONAGHAN: Is there any reason why you</p> <p>18 couldn't have used your position in front -- and maybe</p> <p>19 there isn't; I don't know, but is there any reason why</p> <p>20 you couldn't have used your position in front of</p> <p>21 Mr Mubenga to push him upwards?</p> <p>22 A. Well, we had to get him up from below the back. He was</p> <p>23 literally -- imagine this is the back of the seat. His</p> <p>24 head is down here. For me to come down would have meant</p> <p>25 to reach down to either side of his shoulders and try</p> <p style="text-align: center;">Page 196</p>

<p>1 and heave him up that way.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Just to be clear. His head</p> <p>3 was -- you seemed to go right down then. Can you --</p> <p>4 A. Bearing in mind this has no relation to where the seat</p> <p>5 was.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Are you able to do it as best</p> <p>7 you can with the photo?</p> <p>8 A. I mean, again, it's hard to picture. He's head would</p> <p>9 have been round about the middle of the seat here,</p> <p>10 perhaps a bit by the tray, maybe even slightly lower,</p> <p>11 which would have meant I would have to lean across the</p> <p>12 back of the seat to grab hold of his shoulders.</p> <p>13 DEPUTY CORONER MS MONAGHAN: I get that then. So that's</p> <p>14 helpful. Thank you. So, so far as his head is</p> <p>15 concerned --</p> <p>16 MR SANDERS: Sorry, madam, we couldn't see that.</p> <p>17 A. Sorry, his head would have been down here somewhere near</p> <p>18 where the back of the row of table was which would have</p> <p>19 meant I would have to have leaned across the back of the</p> <p>20 seat to try and either grab hold of his shoulders and be</p> <p>21 able to try and pull him back up.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Thank you. Do shout at me</p> <p>23 again if I forget to point it out. That's quite</p> <p>24 important because from what you're indicating there his</p> <p>25 head seems to be -- bearing in mind he's sitting and</p> <p style="text-align: center;">Page 197</p>	<p>1 being in that position might affect his physical ability</p> <p>2 to breathe?</p> <p>3 A. As he put himself in that position, I would imagine that</p> <p>4 anybody, if you began to feel any effects or whatever</p> <p>5 you would naturally bring yourself back up. We didn't</p> <p>6 force him into that position.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Did you hear him say at any</p> <p>8 time that he couldn't breathe?</p> <p>9 A. I can't remember. I can't remember any words that were</p> <p>10 said at all.</p> <p>11 DEPUTY CORONER MS MONAGHAN: Just hold on a minute. You</p> <p>12 don't remember?</p> <p>13 A. No.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Are you clear that he didn't or</p> <p>15 are you telling us you simply don't remember?</p> <p>16 A. I don't remember. I think I even put it into my</p> <p>17 statement when I spoke to the police. I said I don't</p> <p>18 remember the effects or what was said at any point.</p> <p>19 DEPUTY CORONER MS MONAGHAN: You made a report, a Use of</p> <p>20 Force Report. If you want to have it in front of you</p> <p>21 you can, by the way. Would it help if you had it?</p> <p>22 A. If possible, please.</p> <p>23 DEPUTY CORONER MS MONAGHAN: Certainly. It's volume 2 blue,</p> <p>24 page 3. If you want to look at anything else,</p> <p>25 Mr Tribelnig, just tell me.</p> <p style="text-align: center;">Page 199</p>
<p>1 he's got his handcuffs behind him, that seems to suggest</p> <p>2 his head was quite low down?</p> <p>3 A. He was trying to get low. I don't know why.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Just in terms of your training</p> <p>5 and what you learned about positional asphyxia, I think</p> <p>6 you told us -- perhaps it was Mr Duckers; I hope I'm not</p> <p>7 misremembering -- you were cautioned against having</p> <p>8 a head down below the heart?</p> <p>9 A. Below the level of the heart, yes.</p> <p>10 DEPUTY CORONER MS MONAGHAN: From the way you have describe</p> <p>11 it, that would suggest that the head was below the</p> <p>12 heart. Am I wrong about that?</p> <p>13 A. No, that is a possibility, yes, but my understanding</p> <p>14 with the positional asphyxia is that if his head is</p> <p>15 forced below the level of his heart. At no point did we</p> <p>16 force him into that position.</p> <p>17 DEPUTY CORONER MS MONAGHAN: So, so far as you understood</p> <p>18 it, it was only if somebody was forcing them down</p> <p>19 that --</p> <p>20 A. Forced and held into a position, yes.</p> <p>21 DEPUTY CORONER MS MONAGHAN: Well, I think you told us, or</p> <p>22 Mr Duckers did while you were here, about the impact on</p> <p>23 the diaphragm and breathing being in that position?</p> <p>24 A. Yes.</p> <p>25 DEPUTY CORONER MS MONAGHAN: Were you concerned at all that</p> <p style="text-align: center;">Page 198</p>	<p>1 A. Thank you.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Have you had a look at that</p> <p>3 recently, Mr Tribelnig?</p> <p>4 A. I think I've been handed a copy of it recently.</p> <p>5 DEPUTY CORONER MS MONAGHAN: If you want to refresh your</p> <p>6 memory, then do so. As I say, these aren't trick</p> <p>7 questions?</p> <p>8 A. Is it particularly page 3?</p> <p>9 DEPUTY CORONER MS MONAGHAN: No, the question I was -- what</p> <p>10 I was going to say to you was you don't say anywhere</p> <p>11 here -- in fact I'm fairly sure you don't say anywhere</p> <p>12 here; I'll be corrected if am wrong -- that you heard</p> <p>13 Mr Mubenga saying that he couldn't breathe or shouting</p> <p>14 words such as that. You don't mention that in here?</p> <p>15 A. No, I don't mention it.</p> <p>16 DEPUTY CORONER MS MONAGHAN: That was quite near the time of</p> <p>17 the incident?</p> <p>18 A. Yes.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Now, we might expect that you</p> <p>20 had forgotten some of the detail about this so far after</p> <p>21 the event but that would have been an important thing to</p> <p>22 mention, wouldn't it?</p> <p>23 A. Yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Does that lead you to think</p> <p>25 that you didn't hear it?</p> <p style="text-align: center;">Page 200</p>

1 **A. I don't know what I heard. There was lots of shouting,**
2 **lots of screaming, lots of commotion. Obviously there**
3 **were other passengers boarding. There's overhead**
4 **lockers and everything else going on at the same time.**
5 **I do not recall hearing Mr Mubenga say, "I cannot**
6 **breathe".**
7 DEPUTY CORONER MS MONAGHAN: It's fair for me to say this.
8 You probably do know in any event but it's fair for me
9 to say that some of the witnesses say in their
10 statements, and one at least who is coming along, that
11 they heard Mr Mubenga say that he couldn't breathe?
12 **A. Yes, I have seen that in the statements.**
13 DEPUTY CORONER MS MONAGHAN: But you have no recollection?
14 **A. I have no recollection of what was said.**
15 DEPUTY CORONER MS MONAGHAN: If you had heard it, it was
16 sufficiently important that it ought to have gone in
17 your report?
18 **A. Yes.**
19 DEPUTY CORONER MS MONAGHAN: Would that be fair to say?
20 **A. That's correct, yes.**
21 DEPUTY CORONER MS MONAGHAN: Just still in relation to the
22 table and the seats, you'll also know this -- I know you
23 know this because I've seen it in the documents so
24 I hope you will remember it -- there was some medical
25 evidence, some post mortem evidence from the pathologist

Page 201

1 that Mr Mubenga had two fractured ribs and bruising in
2 that area. That, according to the pathologist, was
3 unlikely to be caused -- it wasn't in the right area for
4 it to be caused by CPR or resuscitation techniques. Are
5 you able to help us with how that might have occurred?
6 **A. I have seen the report but I didn't really take a great**
7 **deal of notice of it. I don't -- I am sure it's nothing**
8 **that we did has actually attributed to this. The only**
9 **thing I can possibly suggest is that when the paramedics**
10 **tried to move him from the seat with the seat belt still**
11 **attached, they tried to drag him across the arm of the**
12 **chair. As to I'm not sure where it was on the torso.**
13 **There were no pictures indicating whereabouts on the**
14 **body these injuries had occurred. My only suggestion**
15 **would be possible when the paramedics tried to remove**
16 **him from the seat with the seat belt still attached.**
17 DEPUTY CORONER MS MONAGHAN: So far as you're concerned,
18 there was nothing that you did or your colleagues did
19 that you're aware of that could have caused injuries
20 around there?
21 **A. That's correct, yes.**
22 DEPUTY CORONER MS MONAGHAN: When you were trying to contain
23 Mr Mubenga, and again this isn't a trick question --
24 I genuinely don't know the answer -- you have told us
25 about the pain control devices. We have heard about

Page 202

1 them, the mandibular and the nose. Presumably you
2 didn't think about using those for the reasons you told
3 us, that you weren't sure what you were supposed to be
4 doing anyway?
5 **A. That's correct.**
6 DEPUTY CORONER MS MONAGHAN: Would that be fair?
7 **A. Yes, that's correct.**
8 DEPUTY CORONER MS MONAGHAN: After Mr Mubenga became quiet,
9 what happened then?
10 **A. Well, my initial thought when he become quiet was that**
11 **he'd resigned himself to the fact that he was going.**
12 **I thought he might have been sobbing or just weeping of**
13 **his own accord. At this point I still trying to talk to**
14 **Mr Mubenga, asking him, you know, "Come on, stop being**
15 **silly? We can move ourselves around". We seemed to be**
16 **getting no visible response from him at all.**
17 DEPUTY CORONER MS MONAGHAN: Where is his head at this
18 position?
19 **A. His head at this position was back against the pillow**
20 **against the back of the TV screen.**
21 DEPUTY CORONER MS MONAGHAN: So he's --
22 **A. He's now back up leaning forwards. I remember looking**
23 **at the other two members of the team and they looked at**
24 **me as if to say, "I'm not sure what's going on". We**
25 **then tried to pull Mr Mubenga back up in the seat which**

Page 203

1 **he still seems to be offering some form of resistance.**
2 **We get him back up and I look at him. I see that his**
3 **eyes are open and his mouth's open but it's almost as if**
4 **he's just staring forward. Now whether or not he was**
5 **ignoring us, I'm not entirely sure. At this point**
6 **I decided I wasn't happy.**
7 DEPUTY CORONER MS MONAGHAN: Pause there. Had you thought
8 by this stage -- had it occurred to you the term
9 "positional asphyxia" at this stage?
10 **A. I don't think so, no.**
11 DEPUTY CORONER MS MONAGHAN: So you had no concerns -- well,
12 I don't want to put this to you. You have told us about
13 the position he was in at various times?
14 **A. Yes.**
15 DEPUTY CORONER MS MONAGHAN: You have told us something
16 about your training. I know it was some time ago now.
17 **A. Yes.**
18 DEPUTY CORONER MS MONAGHAN: But prior to this stage, had
19 anything popped into your mind that made you think,
20 "actually I need to be really careful here because of
21 his position and positional asphyxia"?
22 **A. I don't remember what I was thinking at the time. The**
23 **position he was in, again, it was a position we didn't**
24 **force him into. At that point I didn't see positional**
25 **asphyxia to be a major concern as such.**

Page 204

<p>1 DEPUTY CORONER MS MONAGHAN: So you push him back up anyway?</p> <p>2 A. We seat him back up and, as I say, it's almost as if</p> <p>3 he's looking straight through either to ignore me or</p> <p>4 whatever. I lent him forward again so he's now leaning</p> <p>5 against the back of the seat. From what I remember,</p> <p>6 I think I checked the pulse on the side of the neck</p> <p>7 because we were having no verbal communication with him.</p> <p>8 I found a pulse at which -- I'm not sure if it was at</p> <p>9 this point or a bit later I asked the other escorts to</p> <p>10 obviously double-check to make sure that they were</p> <p>11 happy. We removed the handcuffs from where they were --</p> <p>12 DEPUTY CORONER MS MONAGHAN: Hold on. Let's go back a bit</p> <p>13 then. You pushed him back. You weren't getting</p> <p>14 a response. You weren't sure if he was ignoring you?</p> <p>15 A. Yes.</p> <p>16 DEPUTY CORONER MS MONAGHAN: What made you feel for a --</p> <p>17 A. We were getting no response out of him at all. It was</p> <p>18 almost as if he was sat looking at me with a blank</p> <p>19 expression on his face.</p> <p>20 DEPUTY CORONER MS MONAGHAN: So you had some concerns at</p> <p>21 that stage?</p> <p>22 A. Yes.</p> <p>23 DEPUTY CORONER MS MONAGHAN: What was your concern at that</p> <p>24 stage?</p> <p>25 A. My concern was what could be wrong with him. I didn't</p> <p style="text-align: center;">Page 205</p>	<p>1 round at the front then sat back up into the chair.</p> <p>2 DEPUTY CORONER MS MONAGHAN: Did you think about putting him</p> <p>3 in the recovery position?</p> <p>4 A. Not at that time, no.</p> <p>5 DEPUTY CORONER MS MONAGHAN: Can you help us with why that</p> <p>6 was?</p> <p>7 A. At the time, as I say, we had a pulse. We also checked</p> <p>8 the breathing to make sure he was still breathing so for</p> <p>9 all we know he may have been ignoring us. He may have</p> <p>10 decided that he was going to jump up and have another</p> <p>11 pop from us so to move him from the seat into the aisle</p> <p>12 would have caused more difficulties, more problems.</p> <p>13 DEPUTY CORONER MS MONAGHAN: Did you administer any first</p> <p>14 aid at any stage?</p> <p>15 A. Other than checking his pulse, checking his circulation</p> <p>16 and monitoring his breathing.</p> <p>17 DEPUTY CORONER MS MONAGHAN: The checking of the circulation</p> <p>18 was squeezing the fingers?</p> <p>19 A. It was done, yeah, through the capillary refill where</p> <p>20 they check the fingers.</p> <p>21 DEPUTY CORONER MS MONAGHAN: So he's seated back. You felt</p> <p>22 his pulse. He has a weak pulse. You make sure the</p> <p>23 handcuffs are off?</p> <p>24 A. Yeah, and the arms are controlled to the front so he's</p> <p>25 sat there. At this point, again, I think I looked at</p> <p style="text-align: center;">Page 207</p>
<p>1 understand what was going on.</p> <p>2 DEPUTY CORONER MS MONAGHAN: So you felt for a pulse?</p> <p>3 A. So we felt for a pulse. So we had a pulse.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Did you have a pulse?</p> <p>5 A. Yes.</p> <p>6 DEPUTY CORONER MS MONAGHAN: You are absolutely sure about</p> <p>7 that?</p> <p>8 A. Positive. I checked and then I asked the members of the</p> <p>9 team to check as well to make sure that it wasn't just</p> <p>10 me. At the time I think I was still hyped up.</p> <p>11 DEPUTY CORONER MS MONAGHAN: Were there any concerns about</p> <p>12 his pulse at that stage? Were you comfortable with it?</p> <p>13 A. I can't remember. I think I felt a pulse. You know,</p> <p>14 I'm not medically trained. I'm not quite sure what the</p> <p>15 beats per minute are. To me it felt like a weak pulse.</p> <p>16 It may be it had (inaudible); I don't know.</p> <p>17 DEPUTY CORONER MS MONAGHAN: So it felt like a weak pulse?</p> <p>18 A. A weak pulse, yes.</p> <p>19 DEPUTY CORONER MS MONAGHAN: Did that cause you any anxiety?</p> <p>20 A. It was a concern because I would have thought after all</p> <p>21 the thrashing around he did his heart rate would have</p> <p>22 been racing.</p> <p>23 DEPUTY CORONER MS MONAGHAN: What happened then?</p> <p>24 A. At this point he was lent forward again. The cuffs were</p> <p>25 then removed and he was then with his arms controlled</p> <p style="text-align: center;">Page 206</p>	<p>1 him and I realised you're not -- something's not quite</p> <p>2 right and I moved then round to the rear of the aircraft</p> <p>3 to go and speak to the crew. I basically asked them</p> <p>4 I need to get back on the stand. I think we need the</p> <p>5 medics on board.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Did you think there was</p> <p>7 a serious problem at that stage?</p> <p>8 A. At the time I still wasn't 100 per cent sure.</p> <p>9 DEPUTY CORONER MS MONAGHAN: It's quite a big step, isn't</p> <p>10 it, going to the captain to --</p> <p>11 A. I understand, but what I didn't want to do was prolong</p> <p>12 anything longer than necessary. If I don't know what's</p> <p>13 the matter with him, then I was going to call for some</p> <p>14 experts who knew what was wrong with him to come on and</p> <p>15 deal with it.</p> <p>16 DEPUTY CORONER MS MONAGHAN: Would I be right in thinking</p> <p>17 that it's quite a big step, isn't it, to have the plane</p> <p>18 brought back to the stand?</p> <p>19 A. Yes.</p> <p>20 DEPUTY CORONER MS MONAGHAN: Would I be right in thinking</p> <p>21 that you were at least concerned that it might be</p> <p>22 something serious?</p> <p>23 A. Yeah, I would have been concerned, yes.</p> <p>24 DEPUTY CORONER MS MONAGHAN: So you go to the front, you</p> <p>25 tell the flight crew that --</p> <p style="text-align: center;">Page 208</p>

1 **A. No, I went to the -- I went -- basically from where**
 2 **I was seated I went up to the top row, across and then**
 3 **down into the rear galley to find the crew that was sat**
 4 **in the rear galley.**
 5 DEPUTY CORONER MS MONAGHAN: You said to them?
 6 **A. I said to them, "I think we've got a problem. I want to**
 7 **get the plane back on the stand. We need to get him**
 8 **checked. Can you get some paramedics".**
 9 DEPUTY CORONER MS MONAGHAN: Then what happened?
 10 **A. I then returned back to the side of the seat and was**
 11 **stood within the area obviously to try and keep an eye**
 12 **on him just in case.**
 13 DEPUTY CORONER MS MONAGHAN: Did you move him at that stage
 14 or did anybody else?
 15 **A. No, at that stage we were sat with him. From what**
 16 **I think I remember is Mr Hughes and Mr Kaler were**
 17 **constantly checking him, monitoring his breathing and**
 18 **his pulse.**
 19 DEPUTY CORONER MS MONAGHAN: How would you monitor for
 20 breathing, what would you do?
 21 **A. What we were using is obviously we would have been**
 22 **exerting ourselves. We used the sweat off your head and**
 23 **then, using that, place the hand just in front of the**
 24 **face and you would feel breath on the back of the -- on**
 25 **the wet palm of your hand.**

Page 209

1 DEPUTY CORONER MS MONAGHAN: Mr Kaler and Mr Hughes were
 2 doing that, were they?
 3 **A. I'm not sure about Mr Kaler but Mr Hughes was definitely**
 4 **using the sweat and checking the breathing.**
 5 DEPUTY CORONER MS MONAGHAN: You didn't?
 6 **A. I think I checked the breathing the same way before**
 7 **I went back to speak to the crew.**
 8 DEPUTY CORONER MS MONAGHAN: Just in terms of the timing of
 9 this incident, when you prepared your Use of Force
 10 Incident Report you were required to give the time
 11 during which Mr Mubenga was handcuffed?
 12 **A. Yes.**
 13 DEPUTY CORONER MS MONAGHAN: If you want to remind yourself,
 14 it's page 2 of the report but there's a bit that says --
 15 (A note was received from the jury)
 16 DEPUTY CORONER MS MONAGHAN: We'll come to that, don't
 17 worry. There's plenty more of that. I haven't lost
 18 track of that and we'll be dealing with that in due
 19 course. I have just been asked about the cabin crew,
 20 but we'll deal with that when it comes to it.
 21 So at page 2 of the sheet you're asked:
 22 "If handcuffs were used, please complete the
 23 following and how long was the detainee restrained in
 24 handcuffs."
 25 **A. Yes.**

Page 210

1 DEPUTY CORONER MS MONAGHAN: You make this report on the
 2 13th?
 3 **A. That's correct, yes.**
 4 DEPUTY CORONER MS MONAGHAN: No doubt I'm sure you were
 5 quite stressed at that stage, don't get me wrong, but it
 6 was much nearer in time to the events than we are now of
 7 course?
 8 **A. Yes.**
 9 DEPUTY CORONER MS MONAGHAN: So far as you remember, would
 10 you have been able to give a fairly good estimate at
 11 that stage?
 12 **A. Again, once it all kicked off I didn't really have any**
 13 **idea of any time. 35 minutes, I put it in my statement**
 14 **would be a fair assessment of what would -- what time it**
 15 **was actually.**
 16 DEPUTY CORONER MS MONAGHAN: So 35 minutes is a fair
 17 assessment in handcuffs?
 18 **A. Yes.**
 19 DEPUTY CORONER MS MONAGHAN: So we know that there was
 20 a struggle of some sort before he was handcuffed?
 21 **A. Yeah, initial -- initial struggle.**
 22 DEPUTY CORONER MS MONAGHAN: And then your best estimate was
 23 about 35 minutes in the handcuff position?
 24 **A. In handcuffs from being stood up to seated until**
 25 **removal.**

Page 211

1 DEPUTY CORONER MS MONAGHAN: Was most of that time in
 2 a seated position?
 3 **A. Yeah. I would say that, yes.**
 4 DEPUTY CORONER MS MONAGHAN: The plane went back to the
 5 stand then?
 6 **A. Yes.**
 7 DEPUTY CORONER MS MONAGHAN: And what happened then?
 8 **A. It seemed to take for ever for the plane to get back to**
 9 **the stand. We got back on the stand and I remember the**
 10 **first paramedic coming on board. He come down obviously**
 11 **to have a look at Mr Mubenga and make his assessment at**
 12 **which point he stuck -- he had a probe thing, I'm not**
 13 **quite sure what it was. He stuck it on his finger which**
 14 **had a reading on, I'm not quite sure what the reading**
 15 **was, and by this time his colleagues had caught him up,**
 16 **at which point he tried to remove -- he tried to remove**
 17 **Mr Mubenga from his seat and place him on the floor.**
 18 **This is where I think the incident come where he's tried**
 19 **to rip him from the seat to put him in the aisle. I**
 20 **think the seat belt was still attached at the time and**
 21 **he's tried to pull him across the aisle.**
 22 DEPUTY CORONER MS MONAGHAN: You're still there at that
 23 stage?
 24 **A. I'm stood within that area, yes.**
 25 DEPUTY CORONER MS MONAGHAN: Mr Hughes and Mr Kaler?

Page 212

1 **A. Mr Hughes I think -- I can't be sure. Mr Hughes was**
 2 **still seated. Mr Kaler was seated until the paramedics**
 3 **tried to remove Mr Mubenga from his seat, obviously to**
 4 **make the way clear to pull him out into the aisle.**
 5 DEPUTY CORONER MS MONAGHAN: Then what happened?
 6 **A. The paramedics took him to the floor to the lower side**
 7 **of the aircraft in that space between the rear seats and**
 8 **into the galley and then I think, a little bit later,**
 9 **they actually moved him further back into the rear**
 10 **galley and had Mr Mubenga wired up to various machines**
 11 **and then at some point the curtain was drawn and that**
 12 **was the last I saw of Mr Mubenga.**
 13 DEPUTY CORONER MS MONAGHAN: Okay. At some point we know he
 14 was taken off the plane, I think by lift?
 15 **A. I remember the high lift being brought in but I don't**
 16 **remember if I was there when he was removed.**
 17 DEPUTY CORONER MS MONAGHAN: Meanwhile, you are on the plane
 18 still with Mr Hughes and Mr Kaler?
 19 **A. That's correct, yes.**
 20 DEPUTY CORONER MS MONAGHAN: What happened to you three?
 21 **A. I can't remember how soon after it was but when the**
 22 **paramedics boarded there were actually police officers**
 23 **either in amongst them all or with them when they**
 24 **boarded and the police basically took us to one side and**
 25 **we stood with the police or one of the police officers.**

Page 213

1 DEPUTY CORONER MS MONAGHAN: Did the police officers say
 2 anything to you? What did they say to you, "What's
 3 happened?" or anything of that sort?
 4 **A. They just basically stood there. I don't remember**
 5 **having any conversations with any of the police officers**
 6 **on the aircraft.**
 7 DEPUTY CORONER MS MONAGHAN: Did you have some discussions
 8 between yourselves?
 9 **A. No. At the time I was more concerned about what was**
 10 **happening. Obviously now they've closed the curtain.**
 11 **The whole time we have a detainee in custody is our**
 12 **responsibility. I'm unaware of what was going on behind**
 13 **the curtain. If for whatever reason Mr Mubenga had**
 14 **decided to jump back up and kick off again, maybe get**
 15 **out of doors because the doors were open, that to me is**
 16 **my main concern. If I'd lost a detainee, I would have**
 17 **been in a lot of trouble.**
 18 DEPUTY CORONER MS MONAGHAN: I think you were, weren't you?
 19 **A. I was already in a lot of trouble, yes.**
 20 DEPUTY CORONER MS MONAGHAN: Just moving on from there then,
 21 if I may. At some point you come off the plane
 22 obviously?
 23 **A. Yes.**
 24 DEPUTY CORONER MS MONAGHAN: Is that with the police
 25 officers?

Page 214

1 **A. That's correct, yeah. We were directed to follow one**
 2 **police officer and he took us back to**
 3 **Heathrow Police Station.**
 4 DEPUTY CORONER MS MONAGHAN: Was that the three of you?
 5 **A. Yes.**
 6 DEPUTY CORONER MS MONAGHAN: Together. Did you go in a car
 7 or a van?
 8 **A. I think they put us in a van. We were sat in -- from**
 9 **what I remember, we were sat in -- not in the cell of**
 10 **the police van but they put us behind the driver so we**
 11 **were in a compartment.**
 12 DEPUTY CORONER MS MONAGHAN: Were you talking to each other
 13 about what had happened?
 14 **A. I didn't -- I don't think I talked to anybody.**
 15 DEPUTY CORONER MS MONAGHAN: Then you were taken back to
 16 Heathrow Police Station?
 17 **A. That's correct, yes.**
 18 DEPUTY CORONER MS MONAGHAN: Were you kept together in the
 19 station? Were you sitting together?
 20 **A. Yeah, we were basically taken to -- I'm not sure if it**
 21 **was a reception room or something. We were sat in**
 22 **there. I'm pretty sure there was another officers -- at**
 23 **least another one officer, possibly two officers that**
 24 **were in the room at the time.**
 25 DEPUTY CORONER MS MONAGHAN: Did you discuss with each other

Page 215

1 then what happened?
 2 **A. No, I didn't talk to anybody. All I was anxious for was**
 3 **waiting to hear any news that we had from the hospital.**
 4 DEPUTY CORONER MS MONAGHAN: Mr Duckers I think was with you
 5 by that stage as well?
 6 **A. I don't remember Mr Duckers being there.**
 7 DEPUTY CORONER MS MONAGHAN: How long were you in the
 8 station?
 9 **A. Again, I've no idea on time. All I remember is it was**
 10 **really late by the time we left.**
 11 DEPUTY CORONER MS MONAGHAN: Did somebody come and collect
 12 you?
 13 **A. We had members of the G4S management come to the police**
 14 **station and they were -- I can't remember if they were**
 15 **sat with us. I think they were dotted around speaking**
 16 **to various people, but they came and collected us.**
 17 DEPUTY CORONER MS MONAGHAN: Do you know who they were?
 18 **A. I think I remember Jan Beattie was definitely one and**
 19 **I can't remember the name of other gentleman but he's**
 20 **sat in court over there as well. Keith Mahony.**
 21 DEPUTY CORONER MS MONAGHAN: So Mr Mahony and Jan Beattie
 22 were there. Do you know what their role was? Did they
 23 tell you what they were doing there or anything of that
 24 sort?
 25 **A. At the time I didn't know what to think. I didn't know**

Page 216

<p>1 what I was doing.</p> <p>2 DEPUTY CORONER MS MONAGHAN: What happened then? They came</p> <p>3 to collect you and what happened?</p> <p>4 A. We were collected from there. We were then transported</p> <p>5 to a hotel near Gatwick and placed in a hotel overnight.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Who by?</p> <p>7 A. By the G4S team. I think they gave us the option to go</p> <p>8 home. I didn't really want to go home because if</p> <p>9 I returned home at silly o'clock in the morning, my</p> <p>10 partner at the time obviously would have been asking</p> <p>11 lots of questions. At the time I didn't really want to</p> <p>12 speak to anybody so they kind of put us up in a hotel.</p> <p>13 DEPUTY CORONER MS MONAGHAN: Did you speak to Mr Hughes and</p> <p>14 Mr Kaler during that period while you were in the hotel</p> <p>15 that night?</p> <p>16 A. No. We went to the hotel, we were checked into</p> <p>17 individual rooms so basically went to the room to try to</p> <p>18 sleep and I didn't see Mr Hughes and Mr Kaler until some</p> <p>19 time the next morning when we had breakfast.</p> <p>20 DEPUTY CORONER MS MONAGHAN: Did you talk to each other over</p> <p>21 breakfast about what happened?</p> <p>22 A. No. I didn't want to talk to anybody.</p> <p>23 DEPUTY CORONER MS MONAGHAN: At some point on that day you</p> <p>24 made your Use of Force Incident Report?</p> <p>25 A. That's correct. We were collected from that hotel and</p> <p style="text-align: center;">Page 217</p>	<p>1 DEPUTY CORONER MS MONAGHAN: Did you discuss it with</p> <p>2 Mr Hughes or Mr Kaler?</p> <p>3 A. No.</p> <p>4 DEPUTY CORONER MS MONAGHAN: Not at all?</p> <p>5 A. Not at all.</p> <p>6 DEPUTY CORONER MS MONAGHAN: Did you have any discussion</p> <p>7 about any part of the report with any of them?</p> <p>8 A. The only thing that I could possibly say was any</p> <p>9 discussion about was trying to nail down timelines.</p> <p>10 DEPUTY CORONER MS MONAGHAN: Trying to nail down timing?</p> <p>11 A. Yeah. I think at some point I had a bit of paper which</p> <p>12 would have been in my pocket and on the back of this</p> <p>13 piece of paper I would have made notes at relevant</p> <p>14 points, what time we picked him up, what time we left</p> <p>15 detention, what time we arrived at the airport, various</p> <p>16 timings, and that piece of paper would have been placed</p> <p>17 in the middle to try and sort out timelines.</p> <p>18 DEPUTY CORONER MS MONAGHAN: We're going to take a short</p> <p>19 break now because I have to give the stenographer</p> <p>20 a break. I know it's proving very difficult so I'm</p> <p>21 going to take a break now, Mr Tribelnig. I have nearly</p> <p>22 finished my questions. You will be asked some more</p> <p>23 questions by the representatives but we'll take</p> <p>24 a ten-minute break for the stenographer and you can</p> <p>25 stretch your legs.</p> <p style="text-align: center;">Page 219</p>
<p>1 transported to another hotel where they had a conference</p> <p>2 room set aside for us.</p> <p>3 DEPUTY CORONER MS MONAGHAN: When you say you were</p> <p>4 transported, who transported you?</p> <p>5 A. Again, I can't remember now. I think it was all done in</p> <p>6 cars.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Was it your managers or the</p> <p>8 police?</p> <p>9 A. No, the G4S management.</p> <p>10 DEPUTY CORONER MS MONAGHAN: So they picked you up from the</p> <p>11 hotel, took you to somewhere else?</p> <p>12 A. Another hotel conference room, and that's where we sat</p> <p>13 and wrote our report.</p> <p>14 DEPUTY CORONER MS MONAGHAN: Who sat in the room while you</p> <p>15 were writing the report?</p> <p>16 A. Again, I think Jan Beattie was one. I'm positive</p> <p>17 Keith Mahony was there also and there was a couple of</p> <p>18 others who I hadn't really seen much before.</p> <p>19 DEPUTY CORONER MS MONAGHAN: G4S people?</p> <p>20 A. Yes, senior management. I hadn't really come across</p> <p>21 them before.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Did they give you any guidance</p> <p>23 or instructions about what you should put in your</p> <p>24 report?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 218</p>	<p>1 As I said to you before and as I say to all</p> <p>2 witnesses, so this has nothing to do with you, you</p> <p>3 mustn't discuss your evidence while you're halfway</p> <p>4 through it but, as I say, I say that to everybody so</p> <p>5 please be sure that you don't do so.</p> <p>6 A. Yes, ma'am.</p> <p>7 DEPUTY CORONER MS MONAGHAN: Ten minutes then. Thank you.</p> <p>8 (3.15 pm)</p> <p>9 (Break taken)</p> <p>10 (3.30 pm)</p> <p>11 DEPUTY CORONER MS MONAGHAN: Members of the jury, you are</p> <p>12 going to be given the Training Matters document, you</p> <p>13 know we were looking at before lunch and we were talking</p> <p>14 about having it copied for you, which talked about</p> <p>15 positional asphyxia and so on. If you could hand it to</p> <p>16 them, please, David, and then if you could paginate it.</p> <p>17 I think the last page number you had was page 4 for the</p> <p>18 photo. It should be 6, 7, 8, 9, whatever it is, if you</p> <p>19 wouldn't mind putting page numbers on there.</p> <p>20 MR MATTHEWSON: Madam, if it helps, I wrote page 3 on the</p> <p>21 photograph.</p> <p>22 DEPUTY CORONER MS MONAGHAN: Do you have a page 4?</p> <p>23 A MEMBER OF THE JURY: Yeah.</p> <p>24 MR MATTHEWSON: That's my mistake.</p> <p>25 DEPUTY CORONER MS MONAGHAN: It's 5, 6, 7, 8. What number</p> <p style="text-align: center;">Page 220</p>

1 does yours go up to?
 2 A MEMBER OF THE JURY: 8.
 3 MR SANDERS: Madam, forgive me, could you just clarify,
 4 please, which copy of the Training Matters document that
 5 is because there are several iterations at different
 6 places in the bundles with different dates on it.
 7 DEPUTY CORONER MS MONAGHAN: I thought it was the one dated
 8 6/2010 at page 138.
 9 MR BLAXLAND: In fact I think the one that has been
 10 copied --
 11 MR SANDERS: There are more accurate dates in the bottom of
 12 right-hand corner.
 13 DEPUTY CORONER MS MONAGHAN: 7 June 2010, that one.
 14 MR BLAXLAND: I think the one that has been copied is an
 15 exhibit produced by Simon Woolley, the exhibit cover for
 16 which is at page 150 of green 5 which is the G4S
 17 Training and Use of Force and Physical Control in Care
 18 Documents. It's page 151 onwards, I think. Is that
 19 right? It has 151 on it?
 20 A MEMBER OF THE JURY: Yeah.
 21 MR BLAXLAND: Because it was my copy and I handed it up,
 22 I don't seem to have a copy of that any more, but it's
 23 the same document.
 24 DEPUTY CORONER MS MONAGHAN: Okay. Thank you for that,
 25 Mr Sanders. I now have the right document. I was

Page 221

1 looking at the wrong one. You're quite right. Can
 2 I just -- you have the same document that we have? Can
 3 we have, please, Mr Tribelnig given volume 5 green.
 4 Just so I am clear, it's page 151 we're looking at now?
 5 MR BLAXLAND: Yes, page 151.
 6 MR SANDERS: Apologies, madam, if you have that bundle,
 7 rather than the copy that has been given out, page 151
 8 has 02/2007 in the top right-hand corner.
 9 MR BLAXLAND: Yes.
 10 MR SANDERS: Then we get to page 153 it has gone to 06/2010
 11 but there's a copy I think at page 137 with the same
 12 reference number in the top right-hand corner and
 13 I think the same date in the bottom right of 7/6/10.
 14 MR BLAXLAND: Correct.
 15 DEPUTY CORONER MS MONAGHAN: So the 137 document is actually
 16 the more reliable one, in the sense that it's a full
 17 copy?
 18 MR SANDERS: I think so.
 19 DEPUTY CORONER MS MONAGHAN: I think what has happened to
 20 the jury copy is that they have been given 151 which is
 21 a mixture of 2007 and 2010.
 22 MR BLAXLAND: Yes, that may be right.
 23 DEPUTY CORONER MS MONAGHAN: You have been given a hybrid.
 24 I think we may have to sort that out overnight.
 25 MR BLAXLAND: It comes as a complete exhibit, Mr Woolley's

Page 222

1 exhibit, so sequential pages.
 2 DEPUTY CORONER MS MONAGHAN: It has obviously just been
 3 somehow out of order for some reason.
 4 MR BLAXLAND: Yes.
 5 DEPUTY CORONER MS MONAGHAN: So we'll deal with that
 6 tomorrow, if you wouldn't mind, Mr Blaxland, because
 7 otherwise we'll keep the jury held up. You might well
 8 find tomorrow that you get that replaced by a clean and
 9 proper copy, but we can come back to that tomorrow.
 10 MR BLAXLAND: I think it's the same thing.
 11 DEPUTY CORONER MS MONAGHAN: It's a mixture of the two
 12 pages. Anyway, there we are.
 13 What page do you have open now? 14
A. 151.
 15 DEPUTY CORONER MS MONAGHAN: Go back to 137 then which the
 16 jury have part of. That's the one we were looking at
 17 earlier, isn't it?
A. Yeah. I'd say yeah.
 19 DEPUTY CORONER MS MONAGHAN: If you look at page 138, that's
 20 the page we were looking at, wasn't it, about the
 21 warning signs for positional asphyxia?
A. Yeah.
 23 DEPUTY CORONER MS MONAGHAN: If you had heard him
 24 complaining about being unable to breathe -- I know you
 25 have told us that you have no recollection of hearing

Page 223

1 that -- but if you had heard Mr Mubenga complaining that
 2 he was unable to breathe, what would have been your
 3 response, are you able to tell us, looking back?
A. Basically we would have carried out a full check on him.
 5 DEPUTY CORONER MS MONAGHAN: What would that mean?
**A. We would have, again, tried to get him back into
 a seated position where we could see him and check
 for -- obviously make sure his airway was clear and he
 was breathing and didn't have any problems as such.**
 10 DEPUTY CORONER MS MONAGHAN: You have told us that he was
 11 forcing himself down?
A. That's correct.
 13 DEPUTY CORONER MS MONAGHAN: You were trying to pull him up?
A. Yes.
 15 DEPUTY CORONER MS MONAGHAN: What would you have done if he
 16 was saying at the same time, "I can't breathe"?
**A. We would have just tried to continue to talk to him to
 try to get him to sit up of his own accord.**
 19 DEPUTY CORONER MS MONAGHAN: Just in relation to the BA
 20 crew, we'll come back to them later on in the hearing
 21 because we're going to be hearing evidence from them,
 22 but just so far as your evidence is concerned, did they
 23 have any involvement with Mr Mubenga at this time?
A. I don't remember.
 25 DEPUTY CORONER MS MONAGHAN: Just --

Page 224

1 **A. They didn't have any hands-on with the restraint and**
 2 **they were around the cabin.**
 3 DEPUTY CORONER MS MONAGHAN: So they didn't help you with
 4 the restraints?
 5 **A. No.**
 6 DEPUTY CORONER MS MONAGHAN: Or keeping him under control?
 7 **A. No.**
 8 DEPUTY CORONER MS MONAGHAN: When it become clear to you
 9 that there was a problem that justified you getting the
 10 plane back to the stand and some medical assistance --
 11 **A. Yes.**
 12 DEPUTY CORONER MS MONAGHAN: -- did the BA crew offer you
 13 any help at that stage?
 14 **A. No.**
 15 DEPUTY CORONER MS MONAGHAN: Did they administer any first
 16 aid themselves?
 17 **A. No.**
 18 DEPUTY CORONER MS MONAGHAN: Just moving on to a completely
 19 different subject now. After the incident and the
 20 report and so on at some date afterwards, the police
 21 seized your telephone, didn't they?
 22 **A. Yes.**
 23 DEPUTY CORONER MS MONAGHAN: They seized I think probably
 24 the telephones of your colleagues as well; yes?
 25 **A. Yes, they seized my work phone.**

Page 225

1 DEPUTY CORONER MS MONAGHAN: They seized your work phone?
 2 **A. Yes.**
 3 DEPUTY CORONER MS MONAGHAN: Did they seize your personal
 4 phone as well?
 5 **A. No, I handed it to them.**
 6 DEPUTY CORONER MS MONAGHAN: They got your phone?
 7 **A. Yes.**
 8 DEPUTY CORONER MS MONAGHAN: On it they found a number of
 9 text messages, didn't they?
 10 **A. Yes.**
 11 DEPUTY CORONER MS MONAGHAN: Can you turn to the yellow
 12 volume, volume 3, page 123. Those were the text
 13 messages; yes?
 14 **A. Yes.**
 15 DEPUTY CORONER MS MONAGHAN: Just before I come to those,
 16 were racist jokes something that went around at work
 17 generally? Were they shared between you verbally?
 18 **A. I never heard any racist jokes verbally mentioned at**
 19 **work.**
 20 DEPUTY CORONER MS MONAGHAN: Were most of the detainees that
 21 you had responsibility for non-white?
 22 **A. I would say a large proportion of them were non-white,**
 23 **yes.**
 24 DEPUTY CORONER MS MONAGHAN: Most of them were?
 25 **A. Yes.**

Page 226

1 DEPUTY CORONER MS MONAGHAN: When your phone was analysed
 2 the police found a number of text messages, didn't they?
 3 **A. Yes.**
 4 DEPUTY CORONER MS MONAGHAN: The content of those was --
 5 I don't think there's any dispute about this -- said to
 6 be racist?
 7 **A. Yes.**
 8 DEPUTY CORONER MS MONAGHAN: I think the jury need to hear
 9 some of these. You had some messages that were received
 10 and stored on your phone?
 11 **A. Well, they were on my phone, yes.**
 12 DEPUTY CORONER MS MONAGHAN: They weren't deleted by you?
 13 **A. No.**
 14 DEPUTY CORONER MS MONAGHAN: Do you want to just read
 15 page 123. Do you want to just read the first three on
 16 there for us.
 17 **A. The first three?**
 18 DEPUTY CORONER MS MONAGHAN: Yes.
 19 **A. "We've sent the Pakistanis 70 million in aid. The Yanks**
 20 **have sent them 90 million. The Irish have sent them**
 21 **Michael Flatley's DVD to teach the fuckers how to do**
 22 **River Dance."**
 23 DEPUTY CORONER MS MONAGHAN: The next one.
 24 **A. "I walked past a blind black guy begging in the street.**
 25 **He said, 'Any change, mate?' I said, 'Nope, you're**

Page 227

1 **still a nigger'."**
 2 DEPUTY CORONER MS MONAGHAN: The next one.
 3 **A. "I've just lost my job as a life guard at the local**
 4 **swimming pool. Apparently tapping the bombing sign as**
 5 **a family of Muslims walked past is not acceptable."**
 6 DEPUTY CORONER MS MONAGHAN: I won't get you to read out
 7 every single one, but page 125. Perhaps you could read
 8 the bottom one out.
 9 **A. "I've just been sacked from my new job from the wines**
 10 **and spirits section at Asda. A Muslim came in and asked**
 11 **me to recommend a good port. I said, 'Dover, now fuck**
 12 **off'."**
 13 DEPUTY CORONER MS MONAGHAN: Those were e-mails that you
 14 received or, sorry, text messages that you received?
 15 **A. Yes.**
 16 DEPUTY CORONER MS MONAGHAN: You also sent some, didn't you?
 17 **A. Forwarded some, yes.**
 18 DEPUTY CORONER MS MONAGHAN: You forwarded them. Can you
 19 turn to page 127. So you sent some messages on, some of
 20 the messages on, to other people?
 21 **A. Yes.**
 22 DEPUTY CORONER MS MONAGHAN: Just tell me -- you don't need
 23 to name them at the moment -- were any of the people
 24 that received those messages from or forwarded them to
 25 colleagues at G4S?

Page 228

1 **A. There are a few names, yes.**
 2 DEPUTY CORONER MS MONAGHAN: I can't hear you.
 3 **A. There are a few names, yes.**
 4 DEPUTY CORONER MS MONAGHAN: There are a few name?
 5 **A. Yes.**
 6 DEPUTY CORONER MS MONAGHAN: So some of these people
 7 identified were fellow DCOs?
 8 **A. Yes.**
 9 DEPUTY CORONER MS MONAGHAN: "Chalky G4S" presumably was
 10 one?
 11 **A. Yes.**
 12 DEPUTY CORONER MS MONAGHAN: He's a colleague?
 13 **A. Yes.**
 14 DEPUTY CORONER MS MONAGHAN: Was he a DCO?
 15 **A. Yes.**
 16 DEPUTY CORONER MS MONAGHAN: Were all of the people that we
 17 can see named here DCOs?
 18 **A. No.**
 19 DEPUTY CORONER MS MONAGHAN: How many?
 20 **A. Three or four.**
 21 DEPUTY CORONER MS MONAGHAN: Were these the sort of jokes,
 22 for want of a better expression, that went round by text
 23 at work generally?
 24 **A. As I say, not everybody from work, no. As I say,**
 25 **they're just jokes that did the rounds.**

Page 229

1 DEPUTY CORONER MS MONAGHAN: At work?
 2 **A. Not necessarily at work. There's a few people here from**
 3 **work.**
 4 DEPUTY CORONER MS MONAGHAN: Did you think they were funny?
 5 **A. No, I don't, no.**
 6 DEPUTY CORONER MS MONAGHAN: You don't think they're funny?
 7 **A. No.**
 8 DEPUTY CORONER MS MONAGHAN: Why did you forward them then?
 9 **A. I don't know. I can only put it down to an unthinking**
 10 **moment.**
 11 DEPUTY CORONER MS MONAGHAN: An unthinking moment?
 12 **A. You know, this doesn't represent who I am.**
 13 DEPUTY CORONER MS MONAGHAN: Are you able to give us an
 14 explanation as to why you keep messages like that on
 15 your phone and forward some?
 16 **A. The only thing I can think of my phone if it was part of**
 17 **another chain of messages, I don't know. It was**
 18 **a Blackberry handset. I don't think I'd had it long so**
 19 **probably still not quite sure of the functions.**
 20 DEPUTY CORONER MS MONAGHAN: Did you ever exchange text
 21 messages like that with Mr Hughes or Mr Kaler?
 22 **A. No.**
 23 DEPUTY CORONER MS MONAGHAN: The contents of those messages
 24 suggest a certain disrespect, to put it mildly, towards
 25 black people?

Page 230

1 **A. Yes.**
 2 DEPUTY CORONER MS MONAGHAN: Is that a sentiment or is that
 3 something that you generally hold as a view?
 4 **A. No. I have close relationships with many people from**
 5 **varying different cultures. My partner's sister's**
 6 **husband and her children are black so there are black**
 7 **people within my family circle.**
 8 DEPUTY CORONER MS MONAGHAN: If it were to be suggested by
 9 you -- it might be asked, well, if you think these sorts
 10 of text messages are acceptable enough to keep on your
 11 phone and indeed forward to other people, it might
 12 suggest that that could be an attitude that might be
 13 demonstrated in your relationship with black people who
 14 you are working with in your job as a DCO. Would that
 15 be right?
 16 **A. No.**
 17 DEPUTY CORONER MS MONAGHAN: Did it affect the way that you
 18 treated deportees?
 19 **A. No.**
 20 DEPUTY CORONER MS MONAGHAN: Can we be sure about that?
 21 **A. Yes.**
 22 DEPUTY CORONER MS MONAGHAN: Did your employers come to
 23 discover these text messages at any stage as far as you
 24 know?
 25 **A. No.**

Page 231

1 DEPUTY CORONER MS MONAGHAN: Before today obviously or
 2 before the inquest?
 3 **A. No, not as far as I'm aware.**
 4 DEPUTY CORONER MS MONAGHAN: Who are you employed by now?
 5 **A. I'm not quite sure. I think it might be TASCOR.**
 6 **I think we've been TUPE'd across. Although I've been on**
 7 **suspension since the incident, we've changed companies**
 8 **two or three times.**
 9 DEPUTY CORONER MS MONAGHAN: Thank you. Those are my
 10 questions. There will be some questions from the
 11 representatives so if you would like to stay there.
 12 Mr Blaxland.
 13 Examined by MR BLAXLAND
 14 MR BLAXLAND: As you have just been asked about the contents
 15 of your phone, I'm just going to ask you a few more
 16 questions about it, if you don't mind. One of the texts
 17 you read out was in these terms:
 18 "I walked past a blind black guy begging in the
 19 street. He said, 'Any change mate?' I said, 'No,
 20 you're still a nigger'.
 21 That was sent to you by somebody called Jason.
 22 Who's Jason?
 23 **A. He's a friend. He doesn't work for the company.**
 24 Q. Were you surprised that Jason sent you that message?
 25 **A. To be honest, I probably didn't even read it.**

Page 232

1 Q. Well, you forwarded it, didn't you? You sent it on?
 2 **A. Did I?**
 3 Q. To somebody called Johnno. You didn't even read it and
 4 yet you sent it to Johnno. Who is Johnno?
 5 **A. He's another friend.**
 6 Q. Not somebody who works for G4S?
 7 **A. No.**
 8 Q. Were you shocked by somebody sending you a text in those
 9 terms?
 10 **A. As I said, these are sort of thing that did the rounds.**
 11 **You know, they do not make any -- they're no**
 12 **representation of who I really am.**
 13 Q. Well, you say they're the sort of thing that does the
 14 rounds but some people may find this completely
 15 disgusting. Did you not complain to Jason about being
 16 sent this sort of stuff?
 17 **A. No.**
 18 Q. No? What about this one:
 19 "I've just been sacked from my new job in the wines
 20 and spirits section at Asda. A Muslim came in and asked
 21 me to recommend a good port. I said, 'Dover, now fuck
 22 off.'
 23 Do you find that funny?
 24 **A. No.**
 25 Q. Does that reflect your own attitude to immigration?
 Page 233

1 **A. No.**
 2 Q. Because the point is, Mr Tribelnig, that you were
 3 working on the frontline dealing with a very difficult
 4 and sensitive job, weren't you?
 5 **A. Yes.**
 6 Q. Deporting people by and large, escorting people who are
 7 being deported from this country?
 8 **A. Yes.**
 9 Q. Was it your view that it was a good thing that these
 10 people were being deported?
 11 **A. No. We've been through many troubled and difficult**
 12 **removals, most of which I generally tend to find**
 13 **upsetting, particularly where it involved whole families**
 14 **with small children.**
 15 Q. So this joke about somebody being "Dover, now fuck off",
 16 that joke, that doesn't in any way reflect your
 17 feelings?
 18 **A. No.**
 19 Q. What is carpet karaoke?
 20 **A. Well, we heard earlier what carpet karaoke is.**
 21 Q. You tell us?
 22 **A. It's where you force somebody's head down so they're**
 23 **facing downwards, speaking to the floor or shouting at**
 24 **the floor.**
 25 Q. Right. When did you first hear about that?
 Page 234

1 **A. The first time I think I heard about it was after the**
 2 **incident when I was questioned about it.**
 3 Q. You --
 4 **A. I heard the term carpet karaoke.**
 5 DEPUTY CORONER MS MONAGHAN: I missed that.
 6 **A. Sorry, the first time I heard the term carpet karaoke**
 7 **was at questioning. It would have been referred to**
 8 **beforehand as the head restraint I think was it listed**
 9 **as.**
 10 DEPUTY CORONER MS MONAGHAN: Sorry, Mr Blaxland, so when you
 11 first heard of it, it was when you were interviewed by
 12 the police?
 13 **A. That's the first time I had ever heard it referred to as**
 14 **carpet karaoke.**
 15 MR BLAXLAND: To put it in some sort of context, we know
 16 that you were interviewed on three occasions by the
 17 police. 18 October, when you had a solicitor present?
 18 **A. Yes.**
 19 Q. And you on advice declined to answer questions, is that
 20 right?
 21 **A. That's correct, yes.**
 22 Q. You submitted your Use of Force Report?
 23 **A. Yes.**
 24 Q. Is that right? Essentially you said, "This is my
 25 account of what happened and I've been advised not to
 Page 235

1 answer any further questions"?
 2 **A. Yes.**
 3 DEPUTY CORONER MS MONAGHAN: Which he's entitled to do
 4 obviously on legal advice.
 5 MR BLAXLAND: Indeed, yes. Precisely.
 6 DEPUTY CORONER MS MONAGHAN: Yes.
 7 MR BLAXLAND: On 3 March 2011, which is five months later,
 8 you were interviewed again and you answered questions on
 9 that occasion; that's right, isn't it?
 10 **A. That's correct, yes.**
 11 Q. Then on 9 March, six days after that, you were
 12 interviewed again and again, on legal advice, you
 13 decided not to answer questions?
 14 **A. That's correct.**
 15 Q. Right. It was in that final interview, on 9 March, that
 16 one of the questions asked by the police was about
 17 carpet karaoke, is that right?
 18 **A. I can't remember which interview it was. It was at one**
 19 **of the interviews.**
 20 Q. But, of course, you at that point were no commenting,
 21 weren't you?
 22 **A. That's correct, yes.**
 23 Q. Then when you came to make a statement to assist this
 24 court with the inquest, you said that you hadn't heard
 25 that term carpet karaoke until after your arrest, is
 Page 236

1 that right?

2 **A. Yes.**

3 Q. Right. Well, you were in court this morning when

4 Mr Duckers gave evidence.

5 **A. That's correct.**

6 Q. He told us all that the question of restraining people

7 by forcing them down was something which was dealt with

8 in training sessions and those who were being trained

9 were told specifically it's something that they

10 shouldn't do.

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

12 Q. You agree with that, do you?

13 **A. Yes.**

14 Q. It was explained, wasn't it, that there had been this

15 practice called carpet karaoke and you couldn't do it so

16 don't you remember being told that during the training

17 session?

18 **A. I would have remembered being told that we couldn't do**

19 **that particular move. Whether or not it was called**

20 **carpet karaoke before this event, I don't know.**

21 Q. Nobody had ever mentioned that to you before?

22 **A. Not termed as carpet karaoke, no.**

23 Q. What about the Joy Gardner case, for example, which he

24 remembered having been referred to by the trainers,

25 a specific example. Do you remember that?

Page 237

1 **A. I've no idea what you're talking about, sorry.**

2 Q. You heard Mr Duckers this morning giving evidence?

3 **A. He mentioned something about another case. I have no**

4 **knowledge of that case.**

5 Q. You don't remember being told ever by anybody that there

6 had been cases in which people had died as a result of

7 this thing called positional asphyxia?

8 **A. Yeah, we have been told of certain cases but as to who**

9 **the cases refer to, I have no idea.**

10 Q. Can I just go back to a document which you have been

11 asked about in some detail by the learned coroner. It's

12 the document which the jury now have. Can we just look

13 at it together.

14 DEPUTY CORONER MS MONAGHAN: Remember they have

15 a slightly -- no, we have a better one printed,

16 Mr Blaxland.

17 MR BLAXLAND: I am pretty sure it's exactly the same, apart

18 from the date.

19 DEPUTY CORONER MS MONAGHAN: If we have the document with

20 the same dates on the pages, it will just mean there's

21 no confusion.

22 MR BLAXLAND: I think it's just the very first page has the

23 second -- on the page that was distributed, it has

24 02/2007 at the top right.

25 DEPUTY CORONER MS MONAGHAN: I think the next page has 2006.

Page 238

1 You might well be right --

2 MR BLAXLAND: 2010.

3 DEPUTY CORONER MS MONAGHAN: You might well be right and

4 they might be absolutely identical but if we have the

5 same date --

6 MR BLAXLAND: Absolutely.

7 DEPUTY CORONER MS MONAGHAN: -- then we don't get confused.

8 MR BLAXLAND: "Training Matters. Medical Warning Signs."

9 I don't know if we have numbered it now but the first

10 page of this document -- it's a four-page document.

11 "Medical Warning Signs' has been written to give

12 the reader a greater understanding of the medical

13 complications that may arise during, or as a result of

14 use of force. Particular reference is made

15 to: positional asphyxia, excited delirium, psychosis,

16 sickle cell disease.

17 "Introduction.

18 "It's extremely important for staff involved in

19 applying restraints or using force of any kind to be are

20 aware of the signs and symptoms that may indicate the

21 detainee is in distress. It may be the case that an

22 incident should be treated as a medical emergency rather

23 than a refractory incident. A member of healthcare

24 staff must, whenever reasonably practicable, attend

25 every incident where staff are deployed..."

Page 239

1 Then in a highlighted box:

2 "It has to be stressed that the onset of a serious

3 medical condition following the application of physical

4 and mechanical restraints is extremely rare - however,

5 it has been known, and detainees in both prison and

6 police custody have died as a result of being

7 restrained."

8 So this is an important warning that is given to

9 you, "Take note, there's a problem here", and do you

10 agree with Mr Duckers that this is something which was

11 emphasised in the training?

12 **A. It was mentioned in the training, yes.**

13 Q. Emphasised?

14 **A. I can't remember.**

15 Q. Let's have a look at some of the symptoms. Let's go to

16 the very bottom left-hand column of the first page:

17 "When a violent detainee is being restrained,

18 officers involved and the person supervising must look

19 out for any of the following warning signs: exceptional

20 or unexpected strength, unusual increases in body

21 temperature, exceptional violence, high tolerance of

22 pain, bizarre behaviour, sudden, abnormal passivity,

23 noisy or laboured breathing, coughing or foaming from

24 the mouth..."

25 Then it continues:

Page 240

1 "... face, lips, arms or legs becoming blue/purple
 2 or very pale."
 3 Then it continues:
 4 "Situations that need to be particularly closely
 5 monitored are: relocation of the detainee --"
 6 Let's move on from that.
 7 "Periods during which the detainee is/has been laid
 8 in the face-down (prone) position. A detainee must
 9 never be kept in the prone position with their hands
 10 held behind their back in handcuffs."
 11 Then there's a particular reference to the use of
 12 force on a pregnant detainee.
 13 So the use of handcuffs behind the back, albeit in
 14 the prone position, is something to which your attention
 15 is drawn, is that right? Do you remember that?
 16 **A. Yes.**
 17 Q. If we turn over the page, "Positional Asphyxia":
 18 "There are a number of potentially adverse effects
 19 related to the use of force. These include: being unable
 20 to breathe, being sick or vomiting, developing swelling
 21 on the face and neck and the developments of petechiae
 22 to the head, neck and chest.
 23 "Restraining an individual in a position that
 24 compromises the airway or expansion of the lungs, (i.e.
 25 in the prone position) may seriously impair an
 Page 241

1 individual's ability to breathe and can lead to
 2 asphyxiation. This includes pressure to the neck
 3 region, restriction of the chest wall and impairments of
 4 the diaphragm. When the head is forced below the level
 5 of the heart, drainage of the blood from the head is
 6 reduced. Swelling and bloodspots to the head and neck
 7 are signs of increased pressure to the head and neck
 8 which are often seen in asphyxiation."
 9 If you turn to the right-hand column, at the top of
 10 this page:
 11 "A degree of positional asphyxia can result from any
 12 restraint in which there is restriction of the neck,
 13 chest wall or diaphragm, particularly in those where the
 14 head is forced downwards towards the knees.
 15 "Restraint where the subject is seated requires
 16 caution, since the angle between the chest wall and the
 17 lower limbs is already decreased. Compression of the
 18 torso against or towards the thighs restricts the
 19 diaphragm and further compromises lung inflation. This
 20 also applies to prone [position]..."
 21 So you are specifically warned about the dangers of
 22 restraint in the seated position; that's right, isn't
 23 it?
 24 **A. Yes.**
 25 Q. Do you remember that?
 Page 242

1 **A. I can see it here.**
 2 Q. It says it here, but can you remember that?
 3 **A. I can't remember back to the last training that I had.**
 4 **I would imagine it would have been mentioned.**
 5 Q. The point is this: the thing about removals of deportees
 6 is that -- to spell out the obvious -- they were going
 7 to have to sit in an aeroplane seat; yes?
 8 **A. That's correct, yes.**
 9 Q. Right. It not infrequently happened that people got
 10 upset and agitated in that situation; that's right,
 11 isn't it?
 12 **A. That's correct, yes.**
 13 Q. It not infrequently happened, no doubt, that people
 14 needed to be restrained in that situation; yes?
 15 **A. That's correct, yes.**
 16 Q. So this warning is directly relevant to the sort of
 17 situation that you were dealing with on a daily basis;
 18 yes?
 19 **A. Yes.**
 20 Q. So one might say of considerable importance to you to be
 21 aware that whenever you're restraining somebody on an
 22 aeroplane, you needed to be aware of this problem,
 23 "restraint where the subject is seated requires
 24 caution"?
 25 **A. Yes.**
 Page 243

1 Q. You bore that in mind, did you?
 2 **A. Yes. We restrained Mr Mubenga in the best possible**
 3 **position we could.**
 4 Q. Let's just continue with the document:
 5 "Factors that predispose a person to positional
 6 asphyxia under sudden death under restraint
 7 include: drug/alcohol intoxication [number 1],
 8 [number 2] physical exhaustion (or any factors that
 9 increase the body's oxygen requirements, for example
 10 a physical struggle or anxiety)."
 11 Now, you were in court this morning and you heard me
 12 asking Mr Duckers about the specific advice that was
 13 given about the danger of prolonged restraint and
 14 presumably you were aware of that, as he was?
 15 **A. Yes.**
 16 Q. Right. The longer somebody struggles -- leaving aside
 17 whether they are bent over or not -- the greater the
 18 danger that they're going to die and you knew that,
 19 didn't you?
 20 **A. It's made aware to us, yes.**
 21 Q. Right. So if you're having to detain somebody, restrain
 22 somebody, it's important for you to make sure that it
 23 doesn't go on for too long because otherwise it's going
 24 to become dangerous. That alone is going to become
 25 dangerous, isn't it?
 Page 244

<p>1 A. You could say that, yes.</p> <p>2 Q. Then:</p> <p>3 "Warning signs related to positional asphyxia: an</p> <p>4 individual struggling to breathe, complaining of being</p> <p>5 unable to breathe, evidence or report of an individual</p> <p>6 feeling sick or vomiting, swelling, redness or</p> <p>7 bloodspots about to face or neck, marked expansion of</p> <p>8 the veins, individual becoming limp or unresponsive,</p> <p>9 changes in behaviour, loss of, or refused levels of</p> <p>10 consciousness, respiratory or cardiac arrest."</p> <p>11 Then, "Action", if the warning signs related to</p> <p>12 positional asphyxia apply:</p> <p>13 "Immediately release or modify the restraint as far</p> <p>14 as practicable to effect the reduction in body wall</p> <p>15 restriction, and summon medical attention."</p> <p>16 So if you hear somebody saying, "I can't breathe",</p> <p>17 the advice is you immediately release or modify the</p> <p>18 restraint; that's right, isn't it?</p> <p>19 A. That's correct, yes.</p> <p>20 Q. Now --</p> <p>21 DEPUTY CORONER MS MONAGHAN: Just on that subject, sorry,</p> <p>22 Mr Blaxland, I think I asked Mr Duckers this but I'm not</p> <p>23 sure I asked you. Were you aware that somebody could</p> <p>24 talk and complain and verbalise things whilst still</p> <p>25 experiencing difficulties in breathing?</p> <p style="text-align: center;">Page 245</p>	<p>1 in the immediate vicinity of the struggle between you</p> <p>2 and Mr Mubenga?</p> <p>3 DEPUTY CORONER MS MONAGHAN: Is this Mr Upton I should be</p> <p>4 looking at?</p> <p>5 MR BLAXLAND: Yes.</p> <p>6 A. No.</p> <p>7 Q. Well, he may come back to mind. A man called Karl Upton</p> <p>8 is what was at the time was called the turn round</p> <p>9 manager for British Airways which means he's the link</p> <p>10 man, I think. Have you read his statement?</p> <p>11 A. Possibly.</p> <p>12 DEPUTY CORONER MS MONAGHAN: Do you want him to have a look</p> <p>13 at it? You can just ask him about it probably. I don't</p> <p>14 think he needs to see it, but if you're going to ask him</p> <p>15 about it, tell him, if you wouldn't mind, Mr Blaxland,</p> <p>16 what it says.</p> <p>17 MR BLAXLAND: Indeed. Absolutely.</p> <p>18 DEPUTY CORONER MS MONAGHAN: Thank you.</p> <p>19 MR BLAXLAND: I shall. You have quite properly, obviously,</p> <p>20 had an opportunity to read all of the passenger</p> <p>21 statements, have you, and all of the crew statements?</p> <p>22 A. Yes, I've been through the majority of statements, yes.</p> <p>23 Q. You have been taken through them no doubt, but you may</p> <p>24 remember him because you or your team liaised with him</p> <p>25 as you were taking Mr Mubenga aboard, do you remember</p> <p style="text-align: center;">Page 247</p>
<p>1 A. I think it was mentioned during the training.</p> <p>2 DEPUTY CORONER MS MONAGHAN: You were aware of that, the</p> <p>3 fact that somebody's shouting doesn't mean their</p> <p>4 breathing is okay?</p> <p>5 A. Yes.</p> <p>6 DEPUTY CORONER MS MONAGHAN: You knew that.</p> <p>7 MR BLAXLAND: It's just here it's actually in bold, halfway</p> <p>8 down the page that we're looking at:</p> <p>9 "There is a common misconception that if an</p> <p>10 individual can talk then they are able to breathe, this</p> <p>11 is NOT [capital letters] the case. An individual dying</p> <p>12 from positional asphyxia may well be able to speak or</p> <p>13 shout prior to collapse."</p> <p>14 It's in bold for you to be aware of.</p> <p>15 Now, you are well aware, aren't you, that</p> <p>16 a significant number of people in the vicinity of the</p> <p>17 incident between you and Mr Mubenga say that they heard</p> <p>18 him say, "I can't breathe"? You know that, don't you?</p> <p>19 A. I've seen the statements.</p> <p>20 Q. Right. According to Mr Baldwin's analysis, some 21</p> <p>21 passengers. Have you been told that?</p> <p>22 A. Well, I didn't have an idea of any numbers.</p> <p>23 Q. And also crew members. Were you told that?</p> <p>24 A. Again, I've seen the statements.</p> <p>25 Q. Do you remember a member of the BA staff being present</p> <p style="text-align: center;">Page 246</p>	<p>1 that?</p> <p>2 A. I spoke to various members of the crew.</p> <p>3 Q. I just wonder if you remember him really standing very</p> <p>4 near to where this incident was happening?</p> <p>5 A. I can't remember.</p> <p>6 Q. Do you remember that at all?</p> <p>7 A. I can't remember that, no.</p> <p>8 Q. I think you know this is what he recorded in his</p> <p>9 statement:</p> <p>10 "I could see that the guards and deportee were still</p> <p>11 leaning forwards and were still restraining him. The</p> <p>12 deportee was making incoherent wailing noises."</p> <p>13 Now, do you remember that?</p> <p>14 A. I just remember there was lots of noise.</p> <p>15 Q. Incoherent --</p> <p>16 A. Lots of shouting, lots of screaming.</p> <p>17 Q. Wailing noises?</p> <p>18 A. I don't remember that.</p> <p>19 Q. "He could be quiet but then start again. This went on</p> <p>20 for about ten minutes. I then heard the deportees say;</p> <p>21 'I can't breathe, I can't breathe'. He didn't sound</p> <p>22 like he was struggling for breath or gasping but he did</p> <p>23 sound mildly distressed. I heard one of the guards</p> <p>24 reply, 'Yes, you can. Yes, you can!'"</p> <p>25 A. I don't remember that.</p> <p style="text-align: center;">Page 248</p>

<p>1 Q. Of course you say you were so shocked by the whole 2 experience that you can't remember a single thing that 3 Mr Mubenga said, is that right? 4 A. I can't remember what anybody said. 5 Q. Well, that's not right, is it, Mr Tribelnig? You have 6 been able specifically to remember that either Mr Hughes 7 or Mr Kaler, as you said in evidence, told you that 8 Mr Mubenga was trying to bite them? 9 A. That was at the start of the incident where we were sat 10 in the chairs, yes. 11 Q. But you told us you couldn't remember a single thing 12 anybody said. In your interview with the police you 13 specifically said that you heard Mr Hughes say to you, 14 "He's trying to bite me". That's what you said, isn't 15 it? 16 A. Yes. 17 Q. You repeated that in the statement that you made for the 18 purposes of this inquest, that it was Mr Hughes who had 19 said to you, "He's trying to bite me". So you could 20 remember that being said. Do you remember Mr Mubenga 21 repeatedly saying, "Help, help, help"? 22 A. No. 23 Q. Not at all? 24 A. No. 25 Q. Do you remember him saying, "They're trying to kill me" Page 249</p>	<p>1 mind about what had caused this? 2 A. I don't know what caused it. 3 Q. Something must have gone through your mind? 4 A. My mind at the time was, "Something's wrong here, I need 5 to get him checked by medics". 6 Q. What did you think might have happened? 7 A. It could be any number of things. He could have had 8 a heart attack. It could have been anything. 9 Q. What else might it have been? 10 A. Well, it could -- you know, as it says here, it could 11 well have been positional asphyxia. 12 Q. It could have been positional asphyxia. 13 A. That wasn't the first thought that was in my mind. 14 Q. Well, what you told the officers who interviewed you -- 15 and I'll take you to it if you want but I'll read it out 16 to you. Madam, it's page 125 of witnesses volume 2. 17 You were asked by the police what you thought. The 18 officer said to you: 19 "It could have been positional asphyxia of course." 20 You said: 21 "It could have been, yes." 22 The officer said: 23 "Did you consider that it could have been positional 24 asphyxia?" 25 You said: Page 251</p>
<p>1 or, "You're trying to kill me"? 2 A. He shouted a lot of stuff. A don't remember exactly 3 what was said. 4 Q. You accept and you accepted when you were interviewed 5 when you chose to speak to the police in March that if 6 you had heard him say, "I can't breathe", then you 7 should have released the restraint? 8 A. Yes. 9 Q. If in fact you have lied and you did hear him say, 10 "I can't breathe", do you accept then that you behaved 11 complete inappropriately? 12 A. As I said, I did not hear him. 13 Q. You see, you have told us when giving evidence today 14 that a police officer came on to the plane? 15 A. Yes. 16 Q. Did you speak to the police officer? 17 A. I can't remember. 18 Q. Did he speak to you? 19 A. I can't remember. 20 Q. Well, you could remember when you were interviewed who 21 had -- that a police officer had spoken to you, didn't 22 you? 23 A. I can't remember. 24 Q. When Mr Mubenga was in a distressed state at the time 25 that the paramedics arrived, what was going through your Page 250</p>	<p>1 "To be honest, I didn't know what to consider. 2 I asked for the crew to call the medics. The medics 3 came on board the aircraft. The first thing that was 4 mentioned to me about positional asphyxia was one of the 5 police officers that came on the aircraft afterwards 6 said to me, 'Are you aware of positional asphyxia?'" 7 So you were able to remember on 3 March 2011 that 8 this is something that had been raised by one of the 9 police officers; yes? 10 A. If it's in my statement, yes. 11 DEPUTY CORONER MS MONAGHAN: It's in your interview, not 12 your statement. 13 MR BLAXLAND: The question from the officer was: 14 "Right, and what did you say when he asked you 15 that?" 16 You answered: 17 "And I said to him, 'Yes, I am aware of it'. " 18 So from a very early stage you knew this, that the 19 police were raising the question of whether or not 20 Mr Mubenga had died as a result of positional asphyxia. 21 You knew that? 22 A. If that's -- yeah, if that's the statement. 23 Q. You knew that. You knew that from a very early stage 24 the police were raising the question as to whether or 25 not he had died from positional asphyxia; yes? Page 252</p>

1 **A. At the time the police were on the plane we were unaware**
 2 **he was dead.**
 3 Q. Well, the condition in which he was had something to do
 4 with positional asphyxia. You went to the police
 5 station?
 6 **A. Yes.**
 7 Q. Were you told at that very early stage that there was
 8 a homicide investigation?
 9 **A. No.**
 10 Q. Were you worried when you were at the police station?
 11 **A. Of course I was worried. I was worried about what was**
 12 **happening to Mr Mubenga.**
 13 Q. Were you worried about what might happen to you?
 14 **A. No, my main concern was for Mr Mubenga.**
 15 Q. Mr Tribelnig, were you worried for your own sake?
 16 **A. No. My concern was for Mr Mubenga. I didn't know what**
 17 **was wrong with him. I didn't know why he was taken**
 18 **away. I was unsure why we were taken to the police**
 19 **station. Obviously he was taken away in an ambulance**
 20 **and that was all I knew.**
 21 Q. If the conclusion were that Mr Mubenga died as a result
 22 of positional asphyxia, you were in trouble, weren't
 23 you?
 24 **A. I would have been, yes.**
 25 Q. Right. Is your understanding this, that positional

Page 253

1 asphyxia is caused by somebody being forced down?
 2 **A. Yes.**
 3 Q. Right. Of course you knew perfectly well that anybody
 4 who had been able to see what was going on back in
 5 row 40 would have seen a man surrounded by three
 6 detention and custody officers who was effectively bent
 7 right over in his seat?
 8 **A. He was restrained in his seat.**
 9 Q. Right. In fact, you have told us that for a period of
 10 time he was bent so far forward that his head was right
 11 down at the level of his knees?
 12 **A. We did not put him in that position.**
 13 Q. Ah, but he was in that position, wasn't he?
 14 **A. I don't know how far down his head was. I was kneeling**
 15 **on the seat in front. I know he was bent over. His**
 16 **said was fairly low. We didn't put him in that**
 17 **position.**
 18 Q. Of course if you had put him in that position, you were
 19 in trouble, weren't you?
 20 **A. We would have done but we didn't put him in that**
 21 **position.**
 22 Q. Right. If you had heard him saying, "I can't breathe",
 23 you were in trouble, weren't you?
 24 **A. If I'd heard him saying, "I can't breathe", we would**
 25 **have reacted by releasing him and checking him out.**

Page 254

1 Q. Right. But if you had heard him say, "I can't breathe"
 2 and you had done nothing about it, you knew you were in
 3 trouble?
 4 **A. We would be in trouble, yes.**
 5 Q. Right. Is what happened this: all three of you knew
 6 that in fact you had forced him down and heard him say
 7 he couldn't breathe and you knew that that was going to
 8 cause real problems for you?
 9 MS HEWITT: I am being invited to stand up so I will.
 10 DEPUTY CORONER MS MONAGHAN: I am only asking now if it
 11 might be a time to remind Mr Tribelnig that you don't
 12 have to answer any questions that might tend to
 13 incriminate you. I think it's right to give you another
 14 warning about that and that you can refuse to answer
 15 questions.
 16 MR BLAXLAND: I would be very hesitant to stand up because
 17 I don't like to interrupt the flow but there's a degree
 18 of repetition about the questions which I think the
 19 witness has already answered and I was concerned, I have
 20 to say, about one question put in that I didn't think it
 21 was based on something that necessarily flowed from the
 22 question but I won't say any more than that at present.
 23 DEPUTY CORONER MS MONAGHAN: I'm sure Mr Blaxland is being
 24 very careful, but, Mr Blaxland, you can now carry on.
 25 I've given the warning and you have heard what has been

Page 255

1 said by Ms Hewitt and I'm sure you'll be --
 2 MR BLAXLAND: Thank you very much. You were all together at
 3 the police station, weren't you, the three of you?
 4 **A. Yes.**
 5 Q. The following day -- overnight you all stayed in the
 6 same hotel?
 7 **A. We were all taken to the same hotel, yes.**
 8 Q. Before we get there, I'd just like to ask you what you
 9 remember being said, if anything, to the police officer.
 10 I have already asked you about what you remember about
 11 what you were told about positional asphyxia by a police
 12 officer, but I would just like to ask you if you have
 13 any recollection of anything else that was said by
 14 either you or one of your colleagues because I don't
 15 know if you have seen this. There is a statement from
 16 an officer who went on to the aeroplane. A man called
 17 PC Hawes. Have you seen that?
 18 **A. I've possibly seen it. I don't recall it.**
 19 Q. Do you remember giving any brief summary to the officer
 20 who attended the -- who came on to the aeroplane?
 21 **A. I don't remember, no.**
 22 Q. You were the head man, weren't you? You were the senior
 23 detention and custody officer so it would have been your
 24 responsibility to deal with the authorities, is that
 25 right?

Page 256

<p>1 A. Yes.</p> <p>2 Q. Right. I just wonder whether you remember saying this</p> <p>3 by way of explanation of what had happened:</p> <p>4 "Mubenga had continued to fight as much as possible,</p> <p>5 trying to bite and headbutt."</p> <p>6 A. I don't remember saying that.</p> <p>7 Q. Do you remember anybody saying right at the outset, "Oh,</p> <p>8 he was trying to bite"?</p> <p>9 A. As in a member of the team?</p> <p>10 Q. Yes. Either you or Mr Hughes maybe or Mr Kaler?</p> <p>11 A. As I said, I'm not 100 per cent sure but I am fairly</p> <p>12 sure that Mr Hughes had mentioned that he was trying to</p> <p>13 get bitten. Now, whether that was done verbally or</p> <p>14 whether it was facial expression, I don't know.</p> <p>15 Q. You specifically said when you were interviewed by the</p> <p>16 police that Mr Hughes had said, "He's trying to bite</p> <p>17 me". He had said something like that. That's what you</p> <p>18 said in your interview?</p> <p>19 A. Yes.</p> <p>20 Q. You repeated it in the statement but you now don't</p> <p>21 remember?</p> <p>22 A. I can't remember how I was told he was trying to bite.</p> <p>23 Q. I am going to look in due course at the detail of the</p> <p>24 Use of Force Form. I just want to finish this:</p> <p>25 "He managed to bite Hughes."</p> <p style="text-align: center;">Page 257</p>	<p>1 told by one of the three of you. He doesn't recall who.</p> <p>2 Do you have any recollection of any of that being said?</p> <p>3 A. I don't have any recollection of speaking to the police</p> <p>4 officers, no.</p> <p>5 Q. "Then Mubenga had suddenly gone limp."</p> <p>6 Well, did you have any conversation at all with your</p> <p>7 colleagues, that is your colleagues Mr Kaler and</p> <p>8 Mr Hughes, before the three of you recorded your Use of</p> <p>9 Force Forms?</p> <p>10 A. No.</p> <p>11 Q. None at all?</p> <p>12 A. No. At the time that we were taken to the police</p> <p>13 station I didn't really want to speak to anybody and</p> <p>14 I didn't meet anybody.</p> <p>15 Q. You were in the same hotel together, weren't you?</p> <p>16 A. We were in separate hotel rooms.</p> <p>17 Q. Yes, but did you not feel the need just to have some</p> <p>18 sort of conversation with them about how this had all</p> <p>19 come about?</p> <p>20 A. As I said, I did not want to speak to anybody at the</p> <p>21 time.</p> <p>22 Q. At that time, what did you think had caused it?</p> <p>23 A. I still didn't know.</p> <p>24 Q. What did you think he might just have had a weak heart</p> <p>25 or something of that sort?</p> <p style="text-align: center;">Page 259</p>
<p>1 Do you remember Mr Hughes mentioning that Mr Mubenga</p> <p>2 had actually bitten him?</p> <p>3 A. I can't remember, no.</p> <p>4 Q. "At one point he had been butting the seat in front."</p> <p>5 Was that correct?</p> <p>6 A. I can't remember, no.</p> <p>7 Q. Had you ever seen headbutting the seat in front?</p> <p>8 A. I had -- as I said, I had the cushion across the screen</p> <p>9 to prevent him should he wish to do so.</p> <p>10 Q. "Tribelnig had used a pillow to cover the edge of the</p> <p>11 seat to prevent injury."</p> <p>12 Did you tell the police officer that?</p> <p>13 A. Not the edge of the seat. I was covering the TV screen.</p> <p>14 Q. So if the officer recorded somebody said this to him:</p> <p>15 "Tribelnig had used a pillow to cover the edge of</p> <p>16 the seat", that would be a misunderstanding or</p> <p>17 a misrecollection on his part?</p> <p>18 A. Yeah. I don't understand.</p> <p>19 Q. "Mubenga was alternatively held up to prevent butting</p> <p>20 and biting and held down to prevent him from rising from</p> <p>21 his seat. This had continued for the whole time the</p> <p>22 aircraft had been loading. The fighting had lasted for</p> <p>23 between 40 and 45 minutes, during which Mubenga had been</p> <p>24 very violent."</p> <p>25 So this is a police officer's account of what he was</p> <p style="text-align: center;">Page 258</p>	<p>1 A. It's possible.</p> <p>2 Q. So what would be the problem with talking to your two</p> <p>3 colleagues about it?</p> <p>4 A. I don't know. I just know at the time I didn't want to</p> <p>5 speak to anybody.</p> <p>6 Q. You were very shocked, weren't you, by what had</p> <p>7 happened?</p> <p>8 A. I was very much in shock, yes. I didn't even phone my</p> <p>9 partner at home to tell her.</p> <p>10 Q. I mean, on your account you had done absolutely nothing</p> <p>11 wrong, is that right?</p> <p>12 A. Yeah. As far as I'm aware, we did nothing wrong.</p> <p>13 Q. The man might just as well have had some condition which</p> <p>14 had led to him suddenly passing away while he was in</p> <p>15 your custody, is that right?</p> <p>16 A. It's possible, yes.</p> <p>17 Q. Right. Did you not want just to talk about that to your</p> <p>18 two colleagues?</p> <p>19 A. I have said I did not want to speak to anybody about</p> <p>20 anything.</p> <p>21 Q. Is the reason for that that you were deeply worried</p> <p>22 about your own position?</p> <p>23 A. No.</p> <p>24 DEPUTY CORONER MS MONAGHAN: Is that a convenient moment?</p> <p>25 MR BLAXLAND: Thank you.</p> <p style="text-align: center;">Page 260</p>

1 DEPUTY CORONER MS MONAGHAN: We're going to break now.
2 We're going to break, members of the jury. Thank you
3 for sitting a bit longer today. That's very helpful.
4 We have managed to catch up a little bit.
5 Mr Tribelnig, I'm very sorry you haven't finished
6 your evidence today but you are required to come back
7 tomorrow to complete your evidence. As I said to you
8 before lunch and as I say to all witnesses, since you're
9 giving evidence now it's very important indeed that you
10 do not discuss this inquest or any of the matters
11 arising, including your own evidence, with anybody. Is
12 that clear?
13 **A. Yes, ma'am.**
14 DEPUTY CORONER MS MONAGHAN: We'll have the jury out. Thank
15 you.

