

1 (In the presence of the jury)  
2 DEPUTY CORONER MS MONAGHAN: Good morning, members of the  
3 jury. We're going to have a passenger witness to start  
4 with, but, before we call the witness, we have a new  
5 representative here today and it might just be helpful  
6 if he could introduce himself and let you know who he is

1 in case he has to ask questions.  
 2 MR ANTROBUS: Members of the jury, Mr Balysz, who was  
 3 previously representing British Airways, indicated that  
 4 there would be a second barrister during the course of  
 5 the inquest. I am that second barrister. My name is  
 6 Antrobus, and I will be representing British Airways for  
 7 the remainder of the inquest.  
 8 DEPUTY CORONER MS MONAGHAN: Thank you very much. Can we  
 9 have Mr West then, please.  
 10 MR ANDREW WEST (affirmed)  
 11 Examined by THE CORONER  
 12 DEPUTY CORONER MS MONAGHAN: Good morning, Mr West.  
 13 **A. Good morning.**  
 14 DEPUTY CORONER MS MONAGHAN: Can you give us your full name,  
 15 please?  
 16 **A. Andrew Mark West.**  
 17 DEPUTY CORONER MS MONAGHAN: You know that you're here to  
 18 tell us about what you saw or heard on 12 October 2010.  
 19 Can you tell us first about what caused you to be in  
 20 Heathrow at that stage?  
 21 **A. Taking a flight to work.**  
 22 DEPUTY CORONER MS MONAGHAN: Which was?  
 23 **A. The work?**  
 24 DEPUTY CORONER MS MONAGHAN: Yes.  
 25 **A. Oil and gas industry.**

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1 **DEPUTY CORONER MS MONAGHAN: In?**  
 2 **A. Luanda, Angola.**  
 3 DEPUTY CORONER MS MONAGHAN: So you were preparing to board  
 4 a flight to Angola?  
 5 **A. Yeah.**  
 6 DEPUTY CORONER MS MONAGHAN: Can you tell us what time the  
 7 flight was due to depart?  
 8 **A. I think it was 7.30, 7.40, something like that, in the**  
 9 **evening.**  
 10 DEPUTY CORONER MS MONAGHAN: It was a bit later than that,  
 11 but have you had the opportunity to refresh your memory  
 12 from your earlier statements?  
 13 **A. I haven't seen the statement again but I have mullied it**  
 14 **over in my mind.**  
 15 DEPUTY CORONER MS MONAGHAN: Can you tell us something about  
 16 when you boarded, do you remember that?  
 17 **A. Yes. So I'd been going down to Angola quite a few**  
 18 **years. I got into the habit of getting to the gate**  
 19 **quite early, getting on quite early, as early as**  
 20 **possible, simply so you could get your luggage in place**  
 21 **and get seated.**  
 22 DEPUTY CORONER MS MONAGHAN: So you were one of the earlier  
 23 passengers so far as you recall?  
 24 **A. Yeah.**  
 25 DEPUTY CORONER MS MONAGHAN: Do you remember where you were

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1 seated?  
 2 **A. Approximately -- so as I boarded obviously turned to the**  
 3 **right. I was on the far side of the plane, about four**  
 4 **or five rows from the back.**  
 5 DEPUTY CORONER MS MONAGHAN: We have you down as number 37F.  
 6 Can you just give us an indication of that, and you can  
 7 tell us if that sounds about right to you. We'll have  
 8 the coroner officer show you.  
 9 **A. I presume that's the back of the plane.**  
 10 DEPUTY CORONER MS MONAGHAN: That's the back of the plane.  
 11 **A. Yeah, that would be about right.**  
 12 DEPUTY CORONER MS MONAGHAN: Okay. So can you talk us  
 13 through getting on the plane and what, if anything, you  
 14 saw happening or not?  
 15 **A. Well, so I got on the plane and as soon as I got on the**  
 16 **plane I obviously saw the three gentlemen and the person**  
 17 **who was being deported. So I hadn't seen them at the**  
 18 **gate. I got on fairly early. I hadn't seen them in**  
 19 **front of me so I was a little surprised to see a row**  
 20 **taken up when I already got on. I've seen this before**  
 21 **so I kind of assumed it was somebody being deported.**  
 22 DEPUTY CORONER MS MONAGHAN: Pause there. So at that stage  
 23 how many people did you see that you're identifying for  
 24 us now?  
 25 **A. The three security guards and the deceased.**

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1 DEPUTY CORONER MS MONAGHAN: So three security guards and --  
 2 we know this but just so we're clear, we have the same  
 3 picture as you -- were they white or black?  
 4 **A. The security guards were white.**  
 5 DEPUTY CORONER MS MONAGHAN: And the deportee?  
 6 **A. Was black.**  
 7 DEPUTY CORONER MS MONAGHAN: So you saw them and at that  
 8 stage where were they?  
 9 **A. They were seated.**  
 10 DEPUTY CORONER MS MONAGHAN: Do you remember what row? You  
 11 can remind yourself of the shape of the plane.  
 12 **A. I think as I sat down I think one of them was**  
 13 **immediately in the row behind and then the others were**  
 14 **in the row behind that.**  
 15 DEPUTY CORONER MS MONAGHAN: So just one of them was in the  
 16 row behind you?  
 17 **A. Yeah.**  
 18 DEPUTY CORONER MS MONAGHAN: And two of them of the security  
 19 guards were in the row behind that?  
 20 **A. Yeah.**  
 21 DEPUTY CORONER MS MONAGHAN: With the deportee?  
 22 **A. Yeah.**  
 23 DEPUTY CORONER MS MONAGHAN: Mr Mubenga?  
 24 **A. Yeah.**  
 25 DEPUTY CORONER MS MONAGHAN: Okay. I know you didn't know

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1 his name at that stage but we know it's Mr Mubenga. So  
 2 you see them there. What happens then, if anything?  
 3 **A. Well, they were just seated there. I sat down and**  
 4 **people boarded as normal.**  
 5 DEPUTY CORONER MS MONAGHAN: And then did you see anything  
 6 else happen?  
 7 **A. Well, not at that point, no.**  
 8 DEPUTY CORONER MS MONAGHAN: They are seated. Passengers  
 9 come on?  
 10 **A. Yeah.**  
 11 DEPUTY CORONER MS MONAGHAN: Then what happens? Did you  
 12 hear Mr Mubenga saying anything?  
 13 **A. They were talking but I'd already kind of come to the**  
 14 **conclusion that somebody was being deported. I mean,**  
 15 **that's what it looked like to me. They were talking**  
 16 **quite amicably. I can't remember exactly what they were**  
 17 **saying but it was general chit-chat, trying to,**  
 18 **I presume, pass the time and that, and, again, I didn't**  
 19 **think anything of it. I sat down, got my book,**  
 20 **whatever, and --**  
 21 DEPUTY CORONER MS MONAGHAN: This stage you can see them all  
 22 clearly or --  
 23 **A. Well, so I would have seen them as I walked down the**  
 24 **plane and sat down. As I was sat down I was**  
 25 **obviously -- they were behind me so I could -- because**

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1 **one person was immediately in the row behind and then**  
 2 **they were the row behind that. I could hear bits of**  
 3 **conversation and it seemed fairly amicable, yeah.**  
 4 DEPUTY CORONER MS MONAGHAN: Then carry on. Can you tell us  
 5 if anything happened next?  
 6 **A. Okay. So I don't exactly know how long but as people**  
 7 **were coming on I noticed more and more people seemed to**  
 8 **be sort of standing up and looking back towards me and**  
 9 **the back of the plane. I sort of -- then I heard a bit**  
 10 **of a kerfuffle and at some point then I would have**  
 11 **turned around and seen that there was, for want of**  
 12 **a better word, like a wrestling match going on.**  
 13 DEPUTY CORONER MS MONAGHAN: Can you tell us where that was,  
 14 was that in the seats or --  
 15 **A. So the end seat -- my side in the aisle so they would**  
 16 **have been in the -- either the very last row or the next**  
 17 **to last row and there was -- one of the guards was**  
 18 **basically sat in the seat and Jimmy was sort of sat, or**  
 19 **on top of him and he had his arms round him trying to**  
 20 **hold his hands back. And another guy was -- like, one**  
 21 **guy was sort of in the row in front trying to wrestle**  
 22 **with him as well. I think the third person couldn't**  
 23 **kind of get close enough with all the seats. So, yeah,**  
 24 **one person is kind of underneath him, trying to pull his**  
 25 **arms back, and one person was reaching forward, trying**

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1 **to hold on to him.**  
 2 DEPUTY CORONER MS MONAGHAN: Right. Then what happened?  
 3 **A. Well, then the stewardess sort of ushered everybody**  
 4 **forward out of that part of the cabin.**  
 5 DEPUTY CORONER MS MONAGHAN: Including you?  
 6 **A. Yeah.**  
 7 DEPUTY CORONER MS MONAGHAN: Did you see anything else  
 8 happen in relation to Jimmy?  
 9 **A. Not at that point, no. Then we got ushered forward.**  
 10 **Then when we were brought back to our seats he was sort**  
 11 **of -- I don't think I actually saw him. They were --**  
 12 **I can't remember if he was below the height of the seat**  
 13 **or if he was just being surrounded by people.**  
 14 DEPUTY CORONER MS MONAGHAN: So when you came back you were  
 15 walking back up the plane towards him?  
 16 **A. Yeah.**  
 17 DEPUTY CORONER MS MONAGHAN: You have told us you couldn't  
 18 see him at that stage, either because he's being  
 19 obscured --  
 20 **A. Yeah, I can't remember if he's being obscured or if**  
 21 **he's --**  
 22 DEPUTY CORONER MS MONAGHAN: -- or he's down?  
 23 **A. Yeah.**  
 24 DEPUTY CORONER MS MONAGHAN: Did you hear him say anything?  
 25 **A. Yes. So there wasn't a big commotion initially. Then**

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1 **obviously once the -- so there was no vocalisation.**  
 2 **Once they had had the little scuffle and we'd come back**  
 3 **to our seats, there was quite a lot of shouting and --**  
 4 DEPUTY CORONER MS MONAGHAN: Before I come to what was said,  
 5 if you remember, did you see anything by way of  
 6 handcuffing?  
 7 **A. I don't specifically remember seeing handcuffing. I do**  
 8 **remember hearing either of them saying about -- when**  
 9 **I first got on I think something about, "If you behave**  
 10 **yourself we'll take the handcuffs off" or something like**  
 11 **that.**  
 12 DEPUTY CORONER MS MONAGHAN: Just in relation to whether or  
 13 not you heard Mr Mubenga say anything, do you recall  
 14 that?  
 15 **A. Yes, I do.**  
 16 DEPUTY CORONER MS MONAGHAN: Can you tell us what you heard  
 17 him say?  
 18 **A. The only thing I remember him specifically saying was,**  
 19 **"They're killing me".**  
 20 DEPUTY CORONER MS MONAGHAN: Anything else?  
 21 **A. Not that I specifically recall, no.**  
 22 DEPUTY CORONER MS MONAGHAN: It's quite a long time ago.  
 23 You ought to have had your statement to refresh your  
 24 memory but for some reason it didn't get to you. Can  
 25 you ask him to look at his witness statement. Actually,

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1 before I come to that -- Mr Leese, before you give it to  
 2 him -- can I just ask you a question about how the  
 3 statements were taken. I'll come back to what happened,  
 4 looking at the chronology, but do you remember how the  
 5 witness statements were taken?  
 6 **A. Yeah.**  
 7 DEPUTY CORONER MS MONAGHAN: What happened?  
 8 **A. While we were still on the plane I think names and**  
 9 **addresses and seat number, whatever, was taken. We**  
 10 **spent a night in a hotel. We then went back to the**  
 11 **airport probably the equivalent time the following night**  
 12 **for the flight and in them sort of two hours before the**  
 13 **flight they took statements.**  
 14 DEPUTY CORONER MS MONAGHAN: Was a statement taken from you  
 15 by a police officer?  
 16 **A. Yes.**  
 17 DEPUTY CORONER MS MONAGHAN: That was the next day,  
 18 13 October?  
 19 **A. The next day, yes.**  
 20 DEPUTY CORONER MS MONAGHAN: So we can assume, I suspect,  
 21 properly that things were fresher in your mind then than  
 22 they are now?  
 23 **A. Yes.**  
 24 DEPUTY CORONER MS MONAGHAN: Can you ask Mr West, please, to  
 25 have a look at his statement. Does anybody have a clean

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1 copy of Mr West's statement? I'm sorry, for some reason  
 2 or another the only one I have is marked. Just bear  
 3 with me. Sorry, Mr West. You ought to have this to  
 4 refresh your memory. For some reason it hasn't got to  
 5 you so we'll just try to find a fresh copy for you.  
 6 MS MURPHY: Madam, there is a volume blue 3 in front here  
 7 that should have it at page 25.  
 8 DEPUTY CORONER MS MONAGHAN: If you don't have it, Mr Leese,  
 9 if you could take it out of volume 3, page 23. You will  
 10 have to put it back in there so we don't -- I am sorry  
 11 to keep you, Mr West, you should have had this  
 12 beforehand. (Handed)  
 13 Just take a little time to flick through that so you  
 14 can refresh your memory. (Pause) You don't need to read  
 15 the next page. That's a duplication.  
 16 It's quite normal, members of the jury, to have  
 17 a witness refresh their memory from their statement and  
 18 the only reason Mr West is doing that in the witness box  
 19 is that for some reason or another we overlooked getting  
 20 to it him in advance.  
 21 Does that help you?  
 22 **A. Yes.**  
 23 DEPUTY CORONER MS MONAGHAN: Can I just re-visit a couple of  
 24 things then, if I may.  
 25 **A. Yeah, sure.**

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1 DEPUTY CORONER MS MONAGHAN: First of all, when the initial  
 2 scuffle, as I think you described it, happened, can you  
 3 tell us did you hear anything said or anything  
 4 particular happen?  
 5 **A. Well, like I said, the main thing that I remember now,**  
 6 **before I read this, was just the fact that he said,**  
 7 **"You're killing me" but a couple of things I think**  
 8 **I mentioned about him not being ready to go yet and that**  
 9 **he had a family.**  
 10 DEPUTY CORONER MS MONAGHAN: Did you see anything by way of  
 11 handcuffs, do you think, now?  
 12 **A. Again, having read this now, I apparently thought I saw**  
 13 **one handcuff going on and one hand.**  
 14 DEPUTY CORONER MS MONAGHAN: But you don't have any  
 15 independent recollection of that now?  
 16 **A. Not now, no. I mean, from the -- as they were sort of**  
 17 **like trying to control him, they were obviously trying**  
 18 **to get his hands together.**  
 19 DEPUTY CORONER MS MONAGHAN: Assuming they were handcuffs,  
 20 you didn't see where they were positioned or how they  
 21 were positioned or anything of that sort?  
 22 **A. No.**  
 23 DEPUTY CORONER MS MONAGHAN: So you told us when you went  
 24 back -- the hostesses or the cabin crew having brought  
 25 you forward, you went back -- at that stage you weren't

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1 able to see Mr Mubenga?  
 2 **A. No, not that I recall.**  
 3 DEPUTY CORONER MS MONAGHAN: Do you remember anything else  
 4 about shouting, now you have had the opportunity to  
 5 refresh your memory?  
 6 **A. Just mainly about fact that he wasn't ready to go. He**  
 7 **was obviously, you know, going against his will. He**  
 8 **mentioned that he had a family.**  
 9 DEPUTY CORONER MS MONAGHAN: You said in your statement that  
 10 he said, "Help"?  
 11 **A. Yeah.**  
 12 DEPUTY CORONER MS MONAGHAN: Do you remember that?  
 13 **A. Now, yes.**  
 14 DEPUTY CORONER MS MONAGHAN: And that he needed air?  
 15 **A. Yeah.**  
 16 DEPUTY CORONER MS MONAGHAN: That he wanted air?  
 17 **A. "I can't breathe."**  
 18 DEPUTY CORONER MS MONAGHAN: You remember that now, do you?  
 19 I think you said that you heard the escorts saying  
 20 something to him about breathing?  
 21 **A. Something like, "If you can shout, you can breathe",**  
 22 **sort of thing.**  
 23 DEPUTY CORONER MS MONAGHAN: Then what happened? That's  
 24 happening, you hear the shouting. You can't see  
 25 Mr Mubenga. What happens then?

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<p>1 <b>A. So quite a bit of shouting. The plane is obviously</b>  2 <b>getting ready to taxi and then it sort of just went</b>  3 <b>quiet.</b>  4 DEPUTY CORONER MS MONAGHAN: And then what happened?  5 <b>A. Well, I think we did start taxiing and I think we turned</b>  6 <b>round and went back. I think the realisation that</b>  7 <b>something had gone wrong.</b>  8 DEPUTY CORONER MS MONAGHAN: Did you hear any announcements  9 or tannoys or anything of that sort?  10 <b>A. I think not immediately but once it was obvious that we</b>  11 <b>were going back I think there was an announcement made</b>  12 <b>that they were calling medical assistance.</b>  13 DEPUTY CORONER MS MONAGHAN: When you're taxiing back, do  14 you see or hear anything else happen that you remember?  15 <b>A. Not specifically, no. I was sort of just seated and</b>  16 <b>facing the other way.</b>  17 DEPUTY CORONER MS MONAGHAN: Of course Mr Mubenga,  18 presumably with the guards, is still behind you at this  19 stage?  20 <b>A. Yes.</b>  21 DEPUTY CORONER MS MONAGHAN: Fairly close behind you,  22 a couple of rows?  23 <b>A. Yes. So they -- initially one guard was in the row</b>  24 <b>behind and the other three were in the row behind that.</b>  25 <b>I think when we went back to be seated afterwards they</b></p> <p style="text-align: center;">Page 17</p>	<p>1 <b>know how many people were already back there.</b>  2 DEPUTY CORONER MS MONAGHAN: But you don't have any specific  3 recollection of cabin crew being there or not or  4 engaging in any --  5 <b>A. I assume they were in the vicinity. I don't remember</b>  6 <b>them necessarily running down the plane past me.</b>  7 DEPUTY CORONER MS MONAGHAN: Then you see the paramedics  8 come on. What happens next that you see or hear?  9 <b>A. Well, the next I kind of hear people saying, "He's</b>  10 <b>dead".</b>  11 DEPUTY CORONER MS MONAGHAN: You heard that said, did you?  12 <b>A. Yeah, but I'm not sure if it was by another passenger.</b>  13 <b>I'm not sure if they knew. I don't know if it was cabin</b>  14 <b>crew or ...</b>  15 DEPUTY CORONER MS MONAGHAN: Then what happened?  16 <b>A. Well, after a short time, when the paramedics came on,</b>  17 <b>then I think basically we started getting off.</b>  18 DEPUTY CORONER MS MONAGHAN: So when you got off, was  19 Mr Mubenga and the paramedics still on the plane?  20 <b>A. I think they were, yes.</b>  21 DEPUTY CORONER MS MONAGHAN: So you come off the plane; yes?  22 <b>A. Yes.</b>  23 DEPUTY CORONER MS MONAGHAN: Where do you go when you come  24 off the plane?  25 <b>A. Well, I think they kind of said that we would be put up</b></p> <p style="text-align: center;">Page 19</p>
<p>1 <b>had all moved back onto the back row.</b>  2 DEPUTY CORONER MS MONAGHAN: So I think we know this anyway,  3 it's not disputed, but it's consistent with your  4 recollection they had all moved back one row?  5 <b>A. Yeah.</b>  6 DEPUTY CORONER MS MONAGHAN: So that the guards with  7 Mr Mubenga were now at the very back row?  8 <b>A. Yeah.</b>  9 DEPUTY CORONER MS MONAGHAN: One in front and then one gap  10 and you?  11 <b>A. Yeah.</b>  12 DEPUTY CORONER MS MONAGHAN: Is that right?  13 <b>A. Yeah.</b>  14 DEPUTY CORONER MS MONAGHAN: So you're taxiing back. You  15 become aware that something is wrong. What happens next  16 so far as you were concerned?  17 <b>A. Well, so I mean there was no more shouting. It had all</b>  18 <b>gone quiet. And I think there were quite a few people</b>  19 <b>sort of starting to look behind and then -- I mean, the</b>  20 <b>next thing is paramedics came on.</b>  21 DEPUTY CORONER MS MONAGHAN: Did you see any cabin crew move  22 up towards Mr Mubenga or anything of that sort that you  23 remember?  24 <b>A. I mean, cabin crew were moving. I don't remember</b>  25 <b>specifically if anybody went backwards or not. I don't</b></p> <p style="text-align: center;">Page 18</p>	<p>1 <b>in a hotel. So I can't remember exactly where we went</b>  2 <b>but to a ticket desk or somewhere where they organised</b>  3 <b>us to stay in a hotel for a night.</b>  4 DEPUTY CORONER MS MONAGHAN: In the meantime your details  5 had been taken by the police?  6 <b>A. Yeah. So before we got off, the police came on and took</b>  7 <b>details.</b>  8 DEPUTY CORONER MS MONAGHAN: When you came back the  9 following day to re-board, this statement was taken from  10 you?  11 <b>A. Yes.</b>  12 DEPUTY CORONER MS MONAGHAN: We know that there was a second  13 statement taken from you which you have already looked  14 at in your documents there?  15 <b>A. Yes.</b>  16 DEPUTY CORONER MS MONAGHAN: That's the 8 February 2011 so  17 a fair bit later, some time later anyway?  18 <b>A. Yeah.</b>  19 DEPUTY CORONER MS MONAGHAN: What were the circumstances in  20 which that statement was given?  21 <b>A. A policeman came to my house and so it was at home.</b>  22 DEPUTY CORONER MS MONAGHAN: In Scotland?  23 <b>A. No, in Hove.</b>  24 DEPUTY CORONER MS MONAGHAN: For obvious reasons most of the  25 people involved are Scottish. So they came to see you</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

1 and did they just ask you --

2 **A. Yeah, they just wanted to clarify, follow-up on a few**

3 **things and clarify a few things, and ask if I, you know,**

4 **wanted to change anything or add anything. I mean, we**

5 **basically just sat and went through like the chronology**

6 **from the start to the finish.**

7 DEPUTY CORONER MS MONAGHAN: Did they take you back through

8 the first statement that you had made?

9 **A. I can't remember if I reviewed that or not. I know**

10 **that -- I think the policeman had it there in front of**

11 **him. He may have referenced it. Whether I had a read**

12 **of it, I can't remember.**

13 DEPUTY CORONER MS MONAGHAN: He asked you if you wanted to

14 change anything about what you said in any event?

15 **A. Yeah.**

16 DEPUTY CORONER MS MONAGHAN: Just stay there, Mr West,

17 because some of the representatives may have some

18 questions for you.

19 Examiné by MS MURPHY

20 MS MURPHY: Good morning, Mr West. I ask questions on

21 behalf of Mr Mubenga's widow, Mrs Kambana, and their

22 children. I just have some questions for you to assist

23 us with your location in relation to the events that

24 concern the jury and which aspects of those events you

25 heard and which you saw. Just looking at the plan of

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1 the plane, we appreciate that you were quite close to

2 the events and I think that's something that's important

3 for us to be aware of. During the initial aspect of the

4 events, when the kerfuffle commenced, you were able to

5 describe for us what occurred. You had a moving image

6 of those events. I think that's correct. It was quite

7 brief, but you saw actions and movements?

8 **A. Yeah.**

9 MS MURPHY: Thank you. It may be that the jury will find

10 that the more critical phase of these events occurred in

11 the second phase of the incident.

12 DEPUTY CORONER MS MONAGHAN: We'll see what they -- Mr West

13 can't help with that question.

14 MS MURPHY: But I will call that the second phase just for

15 my own purposes of being clear. Immediately before

16 Mr Mubenga was moved, that's when you were seeing the

17 moving image of the events. The learned coroner took

18 you to your statement and asked you to recall whether

19 you had seen a handcuff. I think you were able to

20 recall then that you had seen a handcuff. Am I right

21 that that was just before you moved up the plane?

22 **A. Yes, it would have been. So from what I -- sort of**

23 **trying to remember, I believe that he went to the**

24 **bathroom. So everything was amicable up until the point**

25 **where -- whether he was -- I can't say if he was**

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1 **handcuffed beforehand, but he was obviously allowed to**

2 **go to the bathroom --**

3 DEPUTY CORONER MS MONAGHAN: Pausing there. Did you see

4 that happen then, Mr West?

5 **A. No, I didn't.**

6 DEPUTY CORONER MS MONAGHAN: How do you know that he went to

7 the bathroom?

8 **A. I think I was told later that this -- when I sat down he**

9 **was seated in the middle and I was led to believe that**

10 **he had been allowed out to go to the bathroom.**

11 DEPUTY CORONER MS MONAGHAN: Sorry, Ms Murphy.

12 MS MURPHY: When you return, you glimpse a visual snapshot,

13 if I can call it that, would that be correct, of the

14 group but you cannot see Mr Mubenga; is that correct?

15 **A. When we sat down after we had been moved forward I don't**

16 **recall seeing him.**

17 Q. Mr Mubenga at that point?

18 **A. Yes.**

19 Q. Did you look towards the group as you returned to your

20 seat?

21 **A. Yes.**

22 Q. If I could describe that as a visual snapshot in which

23 you couldn't see Mr Mubenga, would that be broadly

24 accurate?

25 **A. Yes.**

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1 Q. Thank you. Then, coming on to the next aspect of your

2 evidence, would it be correct to say -- I think it's

3 very clear from your evidence -- that you then heard

4 aspects of the events, rather than visually observed

5 them?

6 **A. Yes.**

7 Q. Thank you. Just to run through the various matters that

8 you heard at that stage. Could I take you to your

9 statement in respect of a couple of those aspects before

10 trying to summarise them.

11 **A. Yeah.**

12 Q. Thank you. If I could ask you to turn to your third

13 page of your statement. The number at the bottom may be

14 25. Can you see that?

15 **A. Yeah.**

16 Q. Just at the top of the page, starting at the bottom of

17 page 24, do you see it says:

18 "I heard the African man asking to have his cuffs

19 removed and one of the escorts say, 'No, we've trusted

20 you before, Jimmy'."

21 **A. Yeah.**

22 Q. Do you now recall having heard that?

23 **A. I assume that I must have done, yes.**

24 Q. You made the statement closer to the events?

25 **A. Yes.**

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1 Q. In fact day after the events?  
 2 **A. Yes.**  
 3 Q. Thank you. Just moving down to the final sentence in  
 4 that paragraph, your statement reads:  
 5 "I also heard the African man say, 'I need air.  
 6 I want air' and then I also heard the escorts tell the  
 7 African man, 'Calm down and breathe'.  
 8 Do you now recall those words being spoken?  
 9 **A. Again, yeah, I must have heard those if I -- yeah.**  
 10 MS MURPHY: Thank you, Mr West. To summarise then in  
 11 relation to that second phase of the events, the matters  
 12 that you have told the jury you heard were as follows --  
 13 DEPUTY CORONER MS MONAGHAN: We don't need a summary. He  
 14 has given the answers.  
 15 MS MURPHY: Well, if I can just clarify that in your  
 16 statement that we have before us you haven't recorded  
 17 there in the precise terms that Mr Mubenga said,  
 18 "I can't breathe"? You did record there, "Calm down and  
 19 breathe" from the DCOs in response but you are now clear  
 20 that he said those words, "I can't breathe"?  
 21 **A. I'm fairly clear that if I put them in my statement that**  
 22 **I probably heard them, yes.**  
 23 Q. In fact, Mr West, you volunteered that as an additional  
 24 piece of information this morning to your statement.  
 25 You had in your statement that he said, "I need air.

Page 25

1 I want air" and obviously that's very similar to the  
 2 words, "I can't breathe". But just concentrating on  
 3 those words, "I can't breathe", are you confident that  
 4 he said those words?  
 5 **A. Well, something of that --**  
 6 Q. That was what --  
 7 **A. That's the impression that I would have got, yes.**  
 8 Q. Thank you. You also explained us to that you heard the  
 9 words, "If you can shout, you can breathe"?  
 10 **A. Again, I mean, I may have --**  
 11 Q. You may be paraphrasing?  
 12 **A. Yes.**  
 13 MS MURPHY: Thank you. Mr West, I think those are my  
 14 questions. Thank you.  
 15 DEPUTY CORONER MS MONAGHAN: Thank you very much. Who's  
 16 next? Ms Hewitt, would you like to go next?  
 17 MS HEWITT: Yes.  
 18 Examined by MS HEWITT  
 19 MS HEWITT: Mr West, you have been giving your evidence.  
 20 You have been referring to Mr Mubenga as Jimmy.  
 21 I assume you didn't know him before this event?  
 22 **A. No, not at all, no.**  
 23 Q. A moment ago you said you were asked or added, I think,  
 24 that you were aware that this initial incident had  
 25 started after Mr Mubenga had gone to the bathroom?

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1 **A. Well, yes, I'm not sure if I knew at the time that he**  
 2 **had gone to the bathroom but he had obviously got up and**  
 3 **moved.**  
 4 Q. In answer to the learned coroner's question, I think you  
 5 said you didn't know that but you were led to believe?  
 6 **A. Yes.**  
 7 Q. Led to believe he had been taken to the bathroom. Can  
 8 you remember who gave you that information?  
 9 **A. I'm not sure if I read it in the newspaper afterwards or**  
 10 **whether the police who interviewed me would have**  
 11 **mentioned it. I honestly can't say.**  
 12 Q. I wanted to ask you a few questions about what  
 13 conversations might have been taking place amongst  
 14 passengers and with others. Just to be clear, your  
 15 recollection is that you came off the aeroplane at  
 16 a relatively early stage. I think you said while you  
 17 think Mr Mubenga and the paramedics were still on board?  
 18 **A. Yes, I think they must have been still on board.**  
 19 **I honestly can't remember if -- I know we were moved**  
 20 **forward to have our details taken. We weren't in that**  
 21 **end cabin. I honestly can't remember if -- they**  
 22 **certainly -- I think while we were still there the**  
 23 **guards or the officers were -- I think they were taken**  
 24 **off. I honestly don't know if the body was taken off or**  
 25 **not. It certainly wasn't brought forward.**

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1 Q. No. You mentioned going to a hotel. I think it was  
 2 necessary, is this right, for all the passengers to  
 3 retrieve their luggage from the carousel?  
 4 **A. Yes.**  
 5 Q. Did you then, as a group of passengers, wait together to  
 6 be transported to the hotel?  
 7 **A. We were in the hotel that's right on Terminal 5 so**  
 8 **I mean basically people made their own way there.**  
 9 **I don't think -- we weren't bussed there or anything.**  
 10 Q. You weren't?  
 11 **A. No.**  
 12 Q. You said your evidence that you thought that you heard  
 13 people say that Mr Mubenga had died. Whilst you were  
 14 still on the aeroplane, is that right?  
 15 **A. Possibly, yes. I don't know if, again, it was while we**  
 16 **were in the back cabin or whether once we'd been moved**  
 17 **forward and the police were on board interviewing us.**  
 18 Q. As far as you were concerned, was there any conversation  
 19 or chat amongst the passengers about what had happened?  
 20 **A. Not that I -- I mean, I think everyone was obviously**  
 21 **aware that something had gone on and not gone to plan**  
 22 **because we were now back on the taxi stand and we were**  
 23 **basically getting ready to disembark. So I think it was**  
 24 **more a conversation about, you know, the fact that**  
 25 **people are not going to be able to get to work and**

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1 **things like that.**  
 2 Q. When you got to the hotel, again, can you remember  
 3 whether -- speaking for yourself or from what you could  
 4 see -- there was conversation then about what had  
 5 happened on the plane?  
 6 **A. Well, I wasn't travelling with anybody that I knew**  
 7 **particularly and as I was queuing up to get checked in**  
 8 **I didn't really hear much conversation about it.**  
 9 Q. Some people were travelling in groups, were they? Did  
 10 you get that impression?  
 11 **A. There would have been people -- a lot of the flight**  
 12 **would have been oil industry workers going down there.**  
 13 **So there would have been people who worked for the same**  
 14 **company and such.**  
 15 Q. You did say a moment ago that you did at some point read  
 16 coverage about what had happened?  
 17 **A. Yes, in the days after --**  
 18 Q. Do you remember when you first --  
 19 **A. Well, I think it was the Guardian about two or**  
 20 **three days later or the next day.**  
 21 Q. If I can go back to your recollection of what happened  
 22 in just a few respects, please. You were sitting close  
 23 to what was happening?  
 24 **A. Yes.**  
 25 Q. In earshot, would that be a fair way --  
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1 **A. I could hear the conversation as I sat down, yes.**  
 2 Q. To be clear about this, you were asked to move forward.  
 3 You then returned. Did you return to exactly the same  
 4 seat?  
 5 **A. Yes. I don't think everybody necessarily returned to**  
 6 **the same seat, but I did, yes.**  
 7 Q. When you say you don't think everyone necessarily  
 8 returned to the same seat, could you see that people  
 9 appeared to be sitting in different places?  
 10 **A. Again, just having gone over my statement, I remember**  
 11 **there was a mother and daughter who were behind me on**  
 12 **the wing -- on the outside seating. And I think what**  
 13 **had attracted me to the fact that there was something**  
 14 **going on was the fact that these people had moved or**  
 15 **were obviously wanting to move forward and move out the**  
 16 **way because, you know, the fight was kind of edging into**  
 17 **the aisle.**  
 18 Q. So that was the initial stage, was it?  
 19 **A. Yeah. Before we had been moved forward and before we --**  
 20 **so when I first sat down everything was calm and then at**  
 21 **some point it's turned into a fight. We got moved**  
 22 **forward. When we sat down again they were re-seated.**  
 23 Q. So the mother and child you had seen didn't go back to  
 24 those same seats?  
 25 **A. They didn't go back to that seat, no.**  
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1 Q. In the initial stage you say from what you could hear  
 2 Mr Mubenga was making it plain he didn't want to be  
 3 deported?  
 4 **A. Yes, yes.**  
 5 Q. When you returned, you say you couldn't see him. You  
 6 refer, is this right, in your statement to a huddle of  
 7 bodies and your view of him being obscured?  
 8 **A. I can't remember specifically if I couldn't see him**  
 9 **because somebody was in the row in front sort of leaning**  
 10 **over or whether he was sort of down below the height of**  
 11 **the seats. I just don't remember.**  
 12 Q. But for one reason or another?  
 13 **A. Yeah.**  
 14 Q. You said when answering the learned coroner's questions  
 15 that you heard it being said -- I think this is as you  
 16 put it -- "If you behave yourself, we'll take the  
 17 handcuffs off"?  
 18 **A. Yeah, that's in my evidence there.**  
 19 Q. Do you remember words or words to that effect?  
 20 **A. I mean, now that I've read it, sort of, yes. I mean,**  
 21 **yes, I think.**  
 22 Q. You also said, and were asked particularly about I think  
 23 that you -- this is from your statement as well. You  
 24 heard Mr Mubenga saying, "Help" and you said in your  
 25 statement that was directed towards the passengers and  
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1 crew?  
 2 **A. Well, I mean, it was a general cry for help. I kind of**  
 3 **assumed it was directed at anybody who was listening, so**  
 4 **yeah.**  
 5 Q. But although you heard that, you simply sat down and got  
 6 on with reading your book or carrying on with the  
 7 journey?  
 8 **A. Yeah.**  
 9 MS HEWITT: Thank you very much, madam.  
 10 DEPUTY CORONER MS MONAGHAN: Does anybody else have any  
 11 questions of Mr West?  
 12 MR MATTHEWSON: Just one matter, if I may.  
 13 Examined by MR MATTHEWSON  
 14 MR MATTHEWSON: It has obviously been quite a long time  
 15 since these events happened. You were there and you  
 16 obviously saw and heard certain things, but it can be  
 17 difficult, can't it, to untangle what you actually saw  
 18 and heard at the time with things that you have read  
 19 about and heard and discussed with other people since;  
 20 do you see?  
 21 **A. (The witness nodded).**  
 22 Q. Do you agree?  
 23 **A. Yes.**  
 24 Q. It's clear from your very candid evidence that you  
 25 struggle in some respects with that?  
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1 **A. I certainly don't remember specific -- there are certain**  
 2 **words that now I've read this that I'm fairly confident**  
 3 **were said. At other times I may have been paraphrasing**  
 4 **what I think I heard or whatever, yes.**  
 5 Q. Can I make it clear it's absolutely not a criticism.  
 6 Anybody in your position would face the same thing  
 7 because it was a major event that you would have  
 8 remembered; yes?  
 9 **A. Yeah.**  
 10 Q. So of course whenever it has been covered in the media  
 11 you would have pricked your ears up because you were  
 12 there and you would have listened carefully to what was  
 13 said; yes?  
 14 **A. Yes.**  
 15 Q. Can I ask you specifically about a comment that you said  
 16 that you had heard. It was the comment that, "If you  
 17 can talk, you can breathe". Are you able to say  
 18 definitely that this is something that you personally  
 19 heard at the time or whether it was something that you  
 20 have picked up subsequently or can you just not tell?  
 21 **A. I cannot certainly say that that's what I heard. I did**  
 22 **recall somebody saying, you know, "Calm down and**  
 23 **breathe".**  
 24 Q. So you definitely remember somebody saying, "Calm down  
 25 and breathe"?

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1 **A. Yeah.**  
 2 Q. But you appear to be less sure about whether or not  
 3 somebody actually said, "If you can talk, you can  
 4 breathe"?.  
 5 **A. Yes, I'm less certain about that.**  
 6 Q. Do I take it from that that you wouldn't be able to tell  
 7 us with any certainty who might have said that?  
 8 **A. The calm down and breathe or --**  
 9 Q. Yes.  
 10 **A. It was one of the escorts.**  
 11 Q. So you remember the escorts saying, you definitely  
 12 remember the escorts saying, "Calm down and breathe".  
 13 What you're less sure about is whether it was said, "If  
 14 you can talk, you can breathe"?.  
 15 **A. I would be less certain about actual wording but**  
 16 **confident that something of that --**  
 17 Q. Something was said about breathing?  
 18 **A. Yes.**  
 19 MR MATTHEWSON: Thank you very much.  
 20 DEPUTY CORONER MS MONAGHAN: Anybody else have any  
 21 questions?  
 22 MR ANTROBUS: Not from me. Thank you.  
 23 DEPUTY CORONER MS MONAGHAN: Just to be clear, when you made  
 24 this statement on the 13th, that was a statement you  
 25 signed?

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1 **A. Yes.**  
 2 DEPUTY CORONER MS MONAGHAN: Thank you very much, Mr West.  
 3 Thank you for coming and thank you for your evidence  
 4 which is very helpful to us. You're now free to leave.  
 5 You're welcome to stay of course but you're formally  
 6 released. Thank you very much.  
 7 (The witness withdrew)  
 8 DEPUTY CORONER MS MONAGHAN: Now we'll have another  
 9 statement read. We have two more passengers in person  
 10 coming today. What I'm going to try and do is interlock  
 11 some witness statements to be read with the passengers  
 12 so we break it up a bit. Can you just remind me who is  
 13 next on our list, please.  
 14 MR LEESE: Next on the list is Mr Buckley.  
 15 MR THOMAS BUCKLEY (statement read)  
 16 MR LEESE: This is the statement of Thomas Buckley, dated  
 17 13 October 2010:  
 18 "On 12 October 2010 and at approximately 19.25 I was  
 19 one of a group of 20 to 30 passengers awaiting to board  
 20 flight BA077 to Luanda, Angola, and had been asked to  
 21 wait at the aircraft door by a member of BA cabin crew.  
 22 I would describe her as white, female, aged  
 23 approximately 40 years with short blonde hair.  
 24 "After around ten minutes or so we were allowed to  
 25 board the aircraft and I made my way to seat 38H. As

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1 I got to within ten feet of my seat I heard a loud  
 2 disturbance taking place in the very last row of the  
 3 seats, in the centre of the aircraft, and against the  
 4 rear bulkhead. I looked and saw three uniformed white  
 5 men, apparently restraining an unseen fourth person.  
 6 The three were wearing black suits, light-coloured  
 7 shirts and black dress shoes. The nearest one was  
 8 facing away from me and leaning over the row of seats  
 9 immediately in front of the last row and appeared to be  
 10 pressing down on something or someone in the back row.  
 11 The second male was standing in the very last row of  
 12 seats and at right angles to the first and was facing  
 13 the third male. I could see that the second male was  
 14 dressed in the same uniform as the other two and again  
 15 he appeared to be struggling with an unseen individual  
 16 who was apparently being held by all three men in the  
 17 seats at the rear and below the level of the seats and  
 18 out of my line of sight. The third male was furthest  
 19 away from me and stood facing the second and at a right  
 20 angle to the first and again wearing the same uniform.  
 21 I would describe the first male as the tallest and the  
 22 youngest of the three, aged about 35 years and looked in  
 23 good shape. He had short black hair but not crew cut.  
 24 The second male was about 45 years and much thicker set  
 25 than either of the other two. He had brown hair which

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1 was trimmed off his ears but longer at the back and  
 2 reached his collar. He was about 5 feet 10 inches tall.  
 3 The third male was aged about 45 years and about 5 feet  
 4 10 inches tall and the slightest of the three. He had  
 5 black hair, with specks of grey running through it, and  
 6 it looked as though it was a crew cut that was growing  
 7 out. As I took my seat I heard a male's voice shouting,  
 8 'Let me up, you're killing me. You're killing me.  
 9 You're killing me. I cannot breathe. I cannot  
 10 breathe'. He then began to scream loudly and  
 11 I recognised that he had an African accent. I noted at  
 12 this point that both the first and second males were  
 13 sweating profusely and could clearly see sweat running  
 14 down their faces. As I watched I saw the top of  
 15 a male's head bobbed into view briefly and in the centre  
 16 of the first three I could see that this individual was  
 17 seated facing the first male and the front of the  
 18 aircraft but being restrained by all three males so that  
 19 his head was being held below the level of the seat in  
 20 front. I could see --"  
 21 DEPUTY CORONER MS MONAGHAN: Pause there, sorry. Ms Murphy?  
 22 MS MURPHY: Sorry, there was a word between "held" and  
 23 "below" that was skipped.  
 24 DEPUTY CORONER MS MONAGHAN: Do you just want to read the  
 25 sentence again beginning, "As I watched I saw the

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1 top..."  
 2 MR LEESE: "As I watched I saw the top of a male's head  
 3 bobbed into view briefly and in the centre of the first  
 4 three and I could see that this individual was seated  
 5 facing the first male and the front of the aircraft but  
 6 being restrained by all three males so that his head was  
 7 being held down below the level of the seat in front.  
 8 I could see from the glimpse that the restrained man was  
 9 black and with a short cropped haircut with grey flecks.  
 10 At this point I could see that the second man was  
 11 applying pressure to the restrained male using both his  
 12 hands out in front of him and also he had his right knee  
 13 up and appeared to be using this to reinforce his hand  
 14 pressure. This went on for about five minutes during  
 15 which the restrained male only gave loud moans which  
 16 steadily grew quieter and less frequent before stopping  
 17 completely. At this point the aircraft began to pull  
 18 out on to the taxi way. Just before the aircraft moved  
 19 I walked to the rear toilet which took me directly past  
 20 the group. As I passed I saw that the restrained male  
 21 was now sitting upright with his head inclined to the  
 22 right and I could see that his eyes were wide open and  
 23 staring and his mouth was slightly open. I could see  
 24 that two of the restraining males either side of him  
 25 were now seated and were not in contact with him. The

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1 first restraining male moved away to the other side and  
 2 spoke with a stewardess and I heard him say a phrase  
 3 which included the word 'problem'. I heard a PA  
 4 announcement by the captain regarding a long wait before  
 5 departure. I returned from the toilet within a few  
 6 minutes and both restraining males were still sitting in  
 7 the same positions and the restrained guy was still in  
 8 the same position. After a short while we returned to  
 9 the stand and the doors were opened and the paramedics  
 10 came on. Firstly, a single male paramedic but a few  
 11 minutes later several others arrived. The first medic  
 12 asked, 'What happened to this guy?' One of the  
 13 restraining guys responded but I could not tell which  
 14 one but I clearly heard the word 'restraining'. The  
 15 restrained male was then moved onto the aisle at the far  
 16 end of the row of the seats and out of my view as more  
 17 medics arrived and worked on him. Police officers were  
 18 on the scene shortly and moved us out of the  
 19 compartment."  
 20 This is the second statement of  
 21 Thomas William Buckley, dated 9 November 2011:  
 22 "This is a further statement to the one I made on  
 23 12 October 2010 with regards to the deportee that died  
 24 on flight BA077 to Luanda on the same date.  
 25 "I have read my previous statement and have made

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1 myself familiar with its contents. There are a few  
 2 areas of my statement which I need to expand on and give  
 3 further details on.  
 4 "This incident happened over a year ago but it is  
 5 still very clear in my mind. The details I will provide  
 6 will be my recall of the incident and not what I may  
 7 have heard from someone else. I may have trouble  
 8 remembering when, at what time, each event took place  
 9 but the detail and actions of the people involved I can  
 10 still remember vividly.  
 11 "On my previous statement I said that we had to wait  
 12 at the aircraft door for about ten minutes. In detail  
 13 as I walked down the floating jetty towards the aircraft  
 14 door we were stopped by the air hostess at the door  
 15 saying, 'Please stand for a couple of minutes'. There  
 16 are a couple of people in front of me. I was right  
 17 outside the entry door at this time and I could hear  
 18 loud shouting from the back-end of the aircraft. I have  
 19 shown on the map of the aircraft where we entered the  
 20 aircraft. I still believe we were waiting for about  
 21 ten minutes until the air hostess let us back on.  
 22 I only heard a couple of shouts at the door when we were  
 23 first stopped but didn't hear anything after that. As  
 24 I entered the aircraft I walked to the right aisle and  
 25 towards my seat which was 38H. As I was walking --"

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<p>1 DEPUTY CORONER MS MONAGHAN: Pause there, 38H, did we have 2 that before? 3 MR LEESE: Yes, he did. 4 DEPUTY CORONER MS MONAGHAN: You know where that is by now, 5 members of the jury. Thank you. 6 MR LEESE: "As I was walking I was obviously interested to 7 know where the shouting had been coming from. It was 8 made obvious by other passengers looking towards the 9 rear of the aircraft. As I entered economy and reached 10 halfway up the back I could clearly see three people in 11 the very back row, row 40 as per the plan. There 12 appeared to be someone being pushed down behind the 13 middle seat by one person either side. There was 14 a third person standing up in the left aisle adjacent to 15 row 40. He was just watching at that stage. I didn't 16 see these people until I was halfway down the aircraft 17 because there were other passengers standing up putting 18 their bags into upper lockers. As I reached my seat, 19 which was just two rows in front and to the side of the 20 male, the person being restrained he started to shout 21 again. I cannot add any more detail from my first 22 statement with regards to what he shouted. When 23 I reached my seat I stood up, took my book, glasses and 24 iPod out of my bag and then placed the bag in the 25 overhead locker. As I was doing so I was looking over</p> <p style="text-align: center;">Page 41</p>	<p>1 He was still shouting words he spoke earlier. At this 2 stage male 1 came from the left aisle and went into 3 row 39 and lent over the rear of seat 39E into 40E. He 4 appeared to be pushing the deportee down but I couldn't 5 see if he was pushing his head or shoulders as 6 I couldn't see behind the seat. 7 "These three males were really struggling to hold 8 the deportee in his seat. I then clearly saw male 2 9 appeared to lift up out of the seat, turn towards the 10 deportee and raise his right knee into the right 11 shoulder of the deportee and was using his hands to hold 12 down the deportee. I couldn't see male 2's hands on the 13 body of the deportee as my view was restricted by the 14 back of seat 39F but I could see his knee coming in and 15 pressing against the deportee's shoulder." 16 DEPUTY CORONER MS MONAGHAN: Could you read that, "... but 17 I could see..." again. 18 MR LEESE: "... but I could see his knee coming up and 19 pressing against the deportee's shoulder. The knee 20 appeared to be pressing horizontally, rather than 21 vertically, downwards. 22 "Once male 1, 2 and 3 started to hold down the 23 deportee the shouts became quieter and less frequent. 24 After about ten minutes of continuous pressure the three 25 males appeared to relax their pressure a little and</p> <p style="text-align: center;">Page 43</p>
<p>1 my right shoulder at the three people in the rear seats. 2 At this time I thought that this person being restrained 3 was drunk and was being restrained by the CID. The two 4 males either side were struggling to hold down the male 5 in the middle. The middle male I still couldn't see as 6 he was so low down and was being pushed forward. 7 "In my previous statement I described the male to 8 the left of the man in the middle as male 3, the male to 9 the right of the middle male as male 2 and the male was 10 eventually into row 39 as male 1. I will refer to the 11 male in the middle as the deportee. Male 2 was closest 12 to me as I was sitting just off the right aisle. 13 "Just before I took my seat I could see the 14 deportee's hands were behind his back and presumed he 15 was handcuffed. 16 "In my previous statement I said that male 3 was 17 stood up, but I remember now that male 2 and 3 were sat 18 down either side of the deportee and male 1 was stood in 19 the left aisle next to male 3. 20 "I sat down but was still looking over my left 21 shoulder at what was going on. I was aware of a female 22 and a child who had been sitting directly behind me had 23 been moved forward by an air hostess. Within a minute 24 of sitting down the deportee appeared to sit up. This 25 was the first time I realised it was an African male.</p> <p style="text-align: center;">Page 42</p>	<p>1 after a further five minutes male 1 moved from 39 to 2 stand in his original position in the left aisle 3 adjacent to row 40. I would estimate that the last word 4 or whimper or groan I heard from the deportee was after 5 the ten-minute stage when they released their pressure 6 on him. I would say that male 2 had his knee pressed 7 against the deportee for about ten minutes. 8 "Once number 1 moved away he stood beside number 3 9 for about two minutes. Then I think he sat in 39B for 10 take-off. The aircraft then appeared to move away from 11 the stand and after a couple of minutes male 3 to spoke 12 to male 1 in 39B and they then sat up the deportee. 13 I could see clearly his head was leaning to the right, 14 his eyes were wide open and his mouth was hanging open 15 a little bit. I turned to the guy next to the window in 16 38K and said, 'I think that guy's dead'. After about 17 two to three minutes male 2 got up out of his seat and 18 walked through the seats in row 39 and spoke to male 1 19 and 3 leaving the deportee lent back in his seat. They 20 spoke for a minute or two and number 1 spoke to the air 21 hostess. The aircraft at this stage had stopped. After 22 a minute the main man from BA came through the aircraft 23 at spoke with male 1 and the air hostess and left and 24 walked down the aircraft. Virtually straightaway there 25 was a tannoy to say that we were going back to the</p> <p style="text-align: center;">Page 44</p>

1 stand.	1
2 "No one at any time offered the deportee any first	2
3 aid. He was sat upright for about 15 minutes before the	3
4 first aider came onto the aircraft. I would say that	4
5 the first ambulance crew that came in removed the	5
6 deportee from his seat and onto the floor. I remember	6
7 when the ambulance crew came onto the aircraft they	7
8 said, 'What happened to the guy?' and someone replied	8
9 the word 'restraining'.	9
10 "I was about six to eight feet away from the	10
11 deportee. I had a clear view of male 1 and 2 and could	11
12 see the head and shoulders of male 3 whilst sat in my	12
13 seat. I was constantly watching the incident and didn't	13
14 look elsewhere at any time.	14
15 "I was wearing blue jeans, trainers and	15
16 a short-sleeved shirt. The male in 38K was	16
17 Antonio Rodrigues. I didn't make any calls at the time,	17
18 nor did I see anyone else using their phone. I wasn't	18
19 close enough to see if the deportee was wearing a seat	19
20 belt or had his seat table down.	20
21 "As I was watching the incident throughout I was	21
22 totally unaware of the safety demonstration or when the	22
23 doors closed or the movements of the air crew.	23
24 "When the deportee sat back in his seat I think, but	24
25 not 100 per cent sure, that his arms were still behind	25
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1 him and I can't remember seeing his arms in front of him	1 (Breaktaken)
2 at any time.	2 (11.30 am)
3 "At no time did I see anyone check the deportee for	3 (In the presence of the jury)
4 his pulse or offer him first aid.	4 DEPUTY CORONER MS MONAGHAN: We're now going to carry on, as
5 "My eyesight is very good. I only wear glasses for	5 I say, with a couple of statement before we see where we
6 reading and at the computer. The lighting in the cabin	6 get from there.
7 was good."	7 MR MICHAEL GERSTMANN (statement read)
8 Signed T Buckley.	8 MR LEESE: This is the statement of Michael Gerstmann, dated
9 DEPUTY CORONER MS MONAGHAN: Thank you very much. We'll	9 13 October 2010:
10 take a break now, members of the jury. We'll come back	10 "This statement refers to a flight BA0077 from
11 and we'll have a couple of other statements read and	11 Heathrow, London, to Luanda. I was on this flight on
12 then we'll have one of the next passenger witnesses.	12 12 October 2010 and I was assigned to seat 26B.
13 Thank you.	13 "When I boarded the aircraft all was well and it was
	14 a routine boarding. I made my way down towards my seat
	15 which was in the rear section where I was sat next to
	16 the bulkhead. As I got to my seat I was putting my bag
	17 into the overhead locker. I then saw some stewardesses
	18 running towards the front of the plane. I then heard
	19 shouting from the rear of the aircraft. I could hear
	20 a man repeatedly shouting, 'Help me'. When I looked
	21 around I saw a black man on the back row and this was
	22 the person shouting 'help me'. He was in
	23 a squat/standing position and he looked like he was
	24 trying to get up. His arms were behind his back at this
	25 point. There were three white men standing around the
	Page 48

1 black man. Two were wearing black suits and one had  
 2 a black leather jacket. There were two men to the black  
 3 man's left and one to his right. During the struggle  
 4 the men were moving around constantly so it's difficult  
 5 to differentiate between them. I could see the man to  
 6 the black man's right was trying to get hold of his arm.  
 7 The two men to the left were trying to get hold of him  
 8 also. One was trying to get hold of the black man's  
 9 left arm from behind his back. The other white man on  
 10 the left was getting his arm around the man's neck. At  
 11 this time it looked like the black man was going to tip  
 12 into the row in front. So by putting an arm around his  
 13 neck it looked like he was trying to steer him away as  
 14 opposed to getting him into a headlock. A stewardess  
 15 came and asked the other passengers to move to the next  
 16 section. I remained where I was as I had plenty of room  
 17 and felt safe. As the white men got the black man's  
 18 arms behind him they appeared to put some sort of  
 19 restraints on his hands so that he was bound with his  
 20 hands behind his back. The black man was still  
 21 shouting, 'Help me, help me'. It looked like they then  
 22 turned the man around and lay him face down on the floor  
 23 at their feet between the seats. Once the black man  
 24 went below the level of the seats I lost sight of him.  
 25 The black man then became quieter but was still saying,  
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1 'Help me, help me'. A short time later a heard him say,  
 2 "I can't breathe'. I looked around. I saw one of the  
 3 white men were looking down. Given the circumstances,  
 4 I presumed the three white men were police officers and  
 5 as such knew what they were doing so I did not  
 6 interfere. I think up to this point the incident had  
 7 lasted about ten minutes. The other passengers then  
 8 returned to their seats and the aircraft engine started.  
 9 There was now a lot more noise in the cabin and I did  
 10 not hear or see anything else of the black man. We were  
 11 taxiing for about four to five minutes when the captain  
 12 came on the tannoy and said there was a medical  
 13 emergency and that we had to return to the terminal. At  
 14 this point I had my seat belt on and was unable to see  
 15 what was going on in the rear row. Some time later  
 16 a number of medics and police officers arrived and it  
 17 became apparent there was a serious problem."  
 18 This is the second statement of  
 19 Michael Lee Gerstmann, dated 26 March 2011:  
 20 "This statement is in relation to a BA flight  
 21 I boarded on 12 October 2010 whereby an incident took  
 22 place resulting in the death of a male whom I did not  
 23 know at that time.  
 24 "My name is Michael Gerstmann and I work as a safety  
 25 advisor for Subsea. The only person I will mention  
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1 within the body of my statement is a fellow colleague  
 2 who was on the same flight but didn't bump into him  
 3 until the following day, 13 October, at a ticket desk.  
 4 I didn't realise he had been on the flight until I saw  
 5 him on 13 October.  
 6 "The seat I had was 28C. My seat was an aisle  
 7 seat --"  
 8 A MEMBER OF THE JURY: Is that different to the first one?  
 9 It was B to start with and now it's C.  
 10 DEPUTY CORONER MS MONAGHAN: His first one was 26B and his  
 11 second one was 28C which is two rows back.  
 12 A MEMBER OF THE JURY: Somebody else is already sitting  
 13 there.  
 14 DEPUTY CORONER MS MONAGHAN: Well, draw such inferences as  
 15 you think appropriate. You might think he's got it  
 16 wrong the second time, unless he's sitting on somebody's  
 17 lap. He's not here to ask him, but we can use our  
 18 common sense about that I think. Thank you.  
 19 MR LEESE: "My seat was an aisle seat in the last economy  
 20 section of the plane.  
 21 "On 12 October 2010 I was booked on to a BA flight  
 22 to Luanda departing in the evening --"  
 23 A MEMBER OF THE JURY: When he said he was sitting in 28C,  
 24 was that the next day he was flying out? Is it  
 25 referring to that seat there?  
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1 DEPUTY CORONER MS MONAGHAN: It could be, it could be right.  
 2 You may well be right. As we have said, it's unclear.  
 3 We have to go on what the written evidence is but that  
 4 may be a sensible conclusion for you to reach. Thank  
 5 you.  
 6 MR LEESE: "On 12 October 2010 I was booked on to BA flight  
 7 to Luanda departing in the evening. I arrived into  
 8 Heathrow mid-morning from Mexico City. I was travelling  
 9 alone and for the purpose of my work. I spent most of  
 10 the day in the airport using the internet.  
 11 Approximately 20 minutes prior to boarding I waited at  
 12 the gate. As far as I am aware boarding commenced on  
 13 time.  
 14 "I boarded by coming through business class and  
 15 premium economy. As I got to the bathroom section close  
 16 to my seat that's when I noticed there was some type of  
 17 commotion on board. People, I presume passengers, were  
 18 making their way back to the forward section of the  
 19 plane. There were only a couple of people doing this at  
 20 this point. There was a stewardess standing just in the  
 21 aisle in front of the toilets. I have marked this spot  
 22 S on exhibit MLG/1. I didn't know what was going on.  
 23 The stewardess was telling people to move back to the  
 24 forward front of the plane. I looked behind me and saw  
 25 it was bottlenecked. So I decided to stand in a clear  
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1 space by my seat by the exit door which was closed, the  
 2 emergency exit door. My first attention was to the  
 3 stewardess giving out instructions just in front of me,  
 4 stewardess A. The second thing I noticed was another  
 5 stewardess, B, on the starboard side of the plane in  
 6 hysterics, almost crying, running from the back of the  
 7 plane towards the front. You could tell she was trying  
 8 to get away. That's what brought my attention to the  
 9 back of the plane. When I looked back the section was  
 10 clear of all passengers. There may have been one  
 11 passenger left down in that section but I can't be sure  
 12 as I was focusing on X four males scuffling. The males  
 13 were between the last two seat sections which I've  
 14 marked as 1, 2, 3 and 4, 2 being the male that died whom  
 15 I now know to be Jimmy Mubenga. The last thing  
 16 I thought was that there were passengers fighting. What  
 17 changed my mind quite quickly on that was how three of  
 18 the males were dressed and haircuts. They looked like  
 19 police officers in dark smart jackets. What also made  
 20 me think they were police was how they were trying to get  
 21 Jimmy's hands behind his back. They weren't punching  
 22 him but trying to restrain him. Male 1 to the right of  
 23 Jimmy had his right arm around Jimmy's neck. You could  
 24 see Jimmy's face and mouth. Male 1's elbow would have  
 25 been in a full Nelson hold. It looked like male 1 was

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1 trying to pull Mr Mubenga back and down. Male 3 had his  
 2 arms behind Jimmy's back. I thought he was trying to  
 3 handcuff Jimmy. It's almost as if they were trying to  
 4 bring Jimmy to the left as there's no way you could get  
 5 someone down between the seats. It looked like male 3  
 6 was attempting to pull Jimmy back. Male 4 was pushing  
 7 Jimmy down and back. At one point male 4 pushed on  
 8 Jimmy's shoulders with both hands. He also pushed down  
 9 on Jimmy's head. It was obvious they were trying to  
 10 stop Jimmy from standing up. Once the males, 1, 3 and  
 11 4, had got Jimmy's head and body below the seat back  
 12 level, male 4 was on the front leaning over with both  
 13 arms. From what I could see all three males were on top  
 14 of Jimmy by way of using their body weight. All three  
 15 males were using both hands pressing down on Jimmy.  
 16 Since this incident and on reflection it has made me  
 17 think of a game we played as kids called dog pile where  
 18 basically whoever got the ball would be jumped on and  
 19 everyone would pile on top of you. I remember the fear  
 20 of not being able to breathe. While this was going on,  
 21 about three to five minutes, Jimmy was shouting. Jimmy  
 22 was begging for help and shouting, 'They're killing me'.  
 23 At one point while male 1 had his arm locked around  
 24 Jimmy's throat I heard Jimmy shout, 'I can't breathe'.  
 25 Jimmy kept saying, 'Please someone help me. They're

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1 killing me. I can't breathe' about six times. He kept  
 2 repeating the same statement. As Jimmy's head was going  
 3 down below the seat you could tell he was having trouble  
 4 breathing as his voice was getting muffled. It sounded  
 5 like someone sounds when they are in a choke hold. The  
 6 stewardess turned round to me and said, 'It's okay, he's  
 7 being deported and they normally calm down after the  
 8 plane takes off'. She was answering me as I'd asked her  
 9 what was going on. At that point I put my bag into the  
 10 overhead locker and sat in my seat, 28C. At this  
 11 point --"  
 12 DEPUTY CORONER MS MONAGHAN: There you are. 28C we have  
 13 again.  
 14 MR LEESE: "At this point I looked back over my seat.  
 15 I could see males 1 and 3 leaning towards the middle of  
 16 the seat section. I could see their backs. One or two  
 17 times after that I could hear Jimmy saying the same  
 18 things but his voice was very muffled. It almost  
 19 sounded like he had a pillow over his face. His airway  
 20 sounded restricted. After this time I didn't hear him  
 21 anymore and everything seemed to resume back to normal  
 22 as it were. The plane was loaded with passengers. We  
 23 taxied out to the runway. Approximately ten minutes  
 24 passed and I heard a tannoy advising that we were going  
 25 to return to the stand because of an emergency. When we

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1 got back to the gate we were asked to keep our seats.  
 2 At that point I saw a few paramedics rush on board as  
 3 well as a couple of police officers. We sat for  
 4 a further five to ten minutes. I saw a female paramedic  
 5 come back down to the front of the plane and then return  
 6 to the back. She looked pretty pissed. She looked  
 7 angry. I'm trained as a first responder but my ticket  
 8 has expired. From this point to when the paramedics  
 9 arrived approximately 15 minutes must have passed,  
 10 meaning Jimmy had no medical assistance other than from  
 11 the security guards with him but I cannot say whether  
 12 they did or didn't administer any form of CPR. Once  
 13 everyone had got on the plane there was a lot of  
 14 commotion and I couldn't see what was going on. When it  
 15 was announced that we were going back to the gate  
 16 because of a medical emergency I didn't look behind me  
 17 as I didn't know it necessarily had anything to do with  
 18 Jimmy's incident earlier. At no point did I hear anyone  
 19 request if there was a doctor on board.  
 20 "Initially I read the Guardian articles back in  
 21 October but they started getting really political so  
 22 I stopped reading them. There was an article on the  
 23 internet after I had made my initial police statement on  
 24 13 October. The article from the Guardian requesting  
 25 for witnesses, it wasn't actually an article but a link

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<p>1 to the advert. I rang Paul from the Guardian after  2 e-mail contact initially. I had a discussion over the  3 phone with him whereby I relayed my account. What  4 I didn't realise was that he had recorded our  5 conversation. I only realised this because there was  6 an article the following day offering a link to hear the  7 interview but not quoting my full name. The reason  8 I initially rang the Guardian was because I felt that  9 I needed to help by way of coming forward. I felt  10 guilty that a man had died on my flight and I hadn't  11 done anything to help.  12 "My seat 28C was approximately 35 to 40 feet away  13 from where Jimmy and the three security guards were  14 positioned.  15 "I can describe Jimmy Mubenga as a black male, 30 to  16 40 years old looking. I only ever saw shoulders up of  17 him.  18 "I can describe the three security guards as white  19 males, short haircut, wearing dark jackets. They ranged  20 from 5-foot 11 to 6-foot 1, burly build. I cannot  21 differentiate between each security guard, just a memory  22 from five months ago. The amount of time that they were  23 in my view was for about five minutes total.  24 "I can describe stewardess A as a white female with  25 darker colour hair than stewardess B. Stewardess B was  Page 57</p>	<p>1 description she has given you which was economy section,  2 last row of seating, next to the aisle and near the  3 galley and the toilet -- in front of the galley and the  4 toilet. Thank you.  5 MR LEESE: "The incident with the male occurred direct to my  6 right. The male being restrained was sat in my row and  7 I had a clear line of sight along the row where the male  8 was sat.  9 "As I sat down in my seat I noticed three males sat  10 together in a row talking in the centre seats of the  11 aircraft. The males were almost parallel with my seat  12 but the rows were slightly staggered. My attention was  13 then drawn to a black male who was shouting, 'No, no,  14 you can't make me'. The three males in suits then stood  15 up in front of the black male blocking the aisle. The  16 black male held his arms out and raised his hands in  17 a stopping motion, repeating his earlier sentence.  18 I was on my mobile phone at the time and face forward.  19 I was aware that the males had taken hold of him and  20 when I looked round next they were now sitting down with  21 the male. The black male was sat in the middle with  22 handcuffs to the back. Either side of him was two or  23 the men in suits. The third man in a suit was in front  24 of the seats leaning over the seat back towards the  25 black male. The third man in the suit was holding the  Page 59</p>
<p>1 skinny compared to stewardess A who was normal build.  2 During the incident the lighting was on and I could see  3 clearly. There were no obstructions in my view. I was  4 stood up and could see easily above and beyond the  5 seats."  6 Signed M Gerstmann.  7 DEPUTY CORONER MS MONAGHAN: We'll hear one more witness  8 statement and we'll see if we can then have a witness.  9 It's two statements but from the same witness.  10 MS HEENA MANDALIA (statement read)  11 MR LEESE: This is a statement of Heena Mandalia, dated  12 13 October 2010:  13 "This is a statement concerning an incident on board  14 flight BA077 to Angola. The flight was departing  15 London Heathrow on Tuesday, 12 October. The incident  16 involved a male being restrained on board the flight.  17 "I am a student and visiting Angola to see my  18 partner. I have residency in Angola and will leave  19 there for periods of the year.  20 "On board the flight I was sat in the economy  21 section in the last row of seating. My seat was next to  22 aisle and in front of galley and toilet."  23 DEPUTY CORONER MS MONAGHAN: Pausing there, we don't seem to  24 have a seat number for her. We don't have a seat  25 number. So you will have to concentrate on the  Page 58</p>	<p>1 black male's head down by a hand to the back of his  2 neck. The other two men in suits had hold of an arm  3 each either side. The black male was shouting, 'Help,  4 you're watching them kill me. How can you just sit  5 there?'.  6 "The three men in suits appeared to be working hard  7 in restraining the male. They were red-faced and had  8 started to perspire. I was still on my phone telling my  9 partner was what happening. It was at this point that  10 a British Airways female employee approached me and told  11 me to move forward. I was moved into the next cabin  12 which is World Traveller Plus. I could no longer see  13 what was happening but still hear the noise of the black  14 male shouting. This noise persisted for about  15 ten minutes before stopping as we moved. After a short  16 while I noticed we had stopped and paramedics and police  17 were on board. The incident caused me to fear for the  18 safety of the black male when I saw his head being  19 pushed down and the effort the three men were using.  20 Such was the effort of the three men in suits that  21 I could smell the perspiration from my seat opposite.  22 "I would describe the black male as aged in his 40s,  23 short hair, speaking with an accent, wearing casual  24 clothing. I can also recall him wearing white socks.  25 "I would describe the three men in suits as  Page 60</p>

<p>1 follows: the male sat to the subject's right was white,  2 aged 30 to 40 years. The male sat to the subject's left  3 was white, aged 30 to 40 years with brown short hair,  4 wearing a grey suit. This male was closest to me. The  5 male in front leaning over was again aged 30 to  6 40 years, white, but stockier than the other two."  7 This is a further statement dated 17 November 2011  8 from Heena Mandalia:  9 "I am making a further statement to police today in  10 respect of an incident I witnessed aboard a flight bound  11 to Angola back on 12 October 2010.  12 "I had originally given a statement to police today  13 following the incident on 13 October 2010. Today I have  14 been shown and had an opportunity to re-read my original  15 statement. I've been asked if I can add anything  16 further to my account and provide timings in respect of  17 what I'd seen. I have also today been provided a copy  18 of my phone billing for that night showing my incoming  19 and outgoing calls and text messages.  20 "Having re-read my original statement, I wish to  21 clarify the following points. Firstly, I described in  22 my statement three males sat together in a row talking.  23 These three men were the same guys I later described as  24 wearing suits. I remember at the time the guy sat  25 nearest to me, the other side of the aisle, had what</p> <p style="text-align: center;">Page 61</p>	<p>1 "Everything I've written in my original statement is  2 as I remember events. The aforementioned points just  3 clarify and add to my account. The only thing where my  4 memory differs slightly is when the black male first  5 shouted out. I suggest in my original statement the  6 guys in suits get up after the shouting but I now can't  7 recall if they were stood up beforehand. In respect of  8 the timings, having looked at my phone billing,  9 I believe that whilst at the back of the aircraft I made  10 one call to my husband at 19.33 hours and then he called  11 me back twice at 19.39 hours and 19.48 hours. It was at  12 some point between 19.48 hours and the call I make at  13 20.54 hours that quite a few of us were asked to move  14 forward. From memory from when I got to my seat at the  15 rear of the aircraft to when I was asked to move forward  16 it was around 20 to 30 minutes. During these 20 to  17 30 minutes in fact I do remember one of the suited guys  18 appearing to respond to someone and say something along  19 the lines of, 'They're always like this to begin with.  20 Later on he'll calm down'.  21 Signed H Mandalia.  22 DEPUTY CORONER MS MONAGHAN: Thank you. Just pause there  23 for a moment. I think our next witness has arrived so  24 if you just bear with us. We may need to rise for a few  25 minutes so that he can settle himself, but we'll just</p> <p style="text-align: center;">Page 63</p>
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<p>1 appeared to be a pair of handcuffs on his belt.  2 "Secondly, following on from this, I suggest my  3 attention was drawn to a black male shouting. To  4 clarify, this black male was stood in the aisle on the  5 opposite side of the aircraft, this is the right side as  6 you look towards the cockpit, and appeared to have had  7 emerged from the rear of the aircraft. Thirdly, my  8 attention wasn't always on what was happening between  9 the four guys and as I say in my previous statement  10 I was on my phone and facing forward at different times.  11 I go on to describe the black male being then sat in the  12 middle seat with the two suited males sat either side  13 and one in front. I can't describe how he got there.  14 I have been asked specifically as to what I saw whilst  15 they were sat in the seats. I don't believe I can add  16 anything further other than when the guy leaning over  17 the seats had his hand around the back of the neck he  18 appeared to squeezing his neck between his thumb and  19 fingers which I found odd. I can't determine exactly  20 how far forward the black guy was leant or indeed  21 describe the force applied. I can't describe if once  22 down the male was being pushed down further or in fact  23 just held in place.  24 "Finally, when I moved forward I remained in World  25 Traveller Plus.</p> <p style="text-align: center;">Page 62</p>	<p>1 check and see what the position is. (Pause) It looks  2 like he may be a few minutes. Why don't you go back to  3 your room -- sorry, members of the jury, let's check to  4 see what has happened.  5 We'll rise for a minute because he's just this  6 minute arrived. So we're going to give him a time to  7 refresh his memory and make himself a bit comfortable.  8 I don't think you will be kept for very long but if you  9 wouldn't mind going back to your room shortly.</p>
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<p>11 (In the presence of the jury)</p> <p>12 DEPUTY CORONER MS MONAGHAN: Thank you very much. Before we</p> <p>13 call our next witness, I am just going to re-read you</p> <p>14 a section from Mr Gerstmann's statement. That's because</p> <p>15 during the short break we realised some words had been</p> <p>16 inadvertently omitted. So when the statement was read</p> <p>17 to you a small number of words were missing. I'm just</p> <p>18 going to re-read that section to make sure it's read out</p> <p>19 to you. Mr Gerstmann, you will remember, was the man</p> <p>20 there was some confusion about his seat numbers. So</p> <p>21 this is a part of the statement and you'll recognise it</p> <p>22 when I start to read it out:</p> <p>23 "Approximately ten minutes passed and I heard</p> <p>24 a tannoy advising that we were going to return to the</p> <p>25 stand because of an emergency. When we got back to the</p> <p style="text-align: center;">Page 69</p>	<p>1 what happened on 12 October.</p> <p>2 <b>A. Yes.</b></p> <p>3 DEPUTY CORONER MS MONAGHAN: I think you have had the</p> <p>4 opportunity, have you, to read the two statements that</p> <p>5 you gave nearer the time?</p> <p>6 <b>A. Yes, I have.</b></p> <p>7 DEPUTY CORONER MS MONAGHAN: So as to help refresh your</p> <p>8 memory?</p> <p>9 <b>A. Yes.</b></p> <p>10 DEPUTY CORONER MS MONAGHAN: I would just like you to talk</p> <p>11 us through, please, what happened so far as you're</p> <p>12 concerned. Firstly, just by way of background, what</p> <p>13 were you doing at Heathrow on 12 October 2010?</p> <p>14 <b>A. I was actually flying down to work. I work down in</b></p> <p>15 <b>Angola and I had done for about a year prior to the</b></p> <p>16 <b>incident.</b></p> <p>17 DEPUTY CORONER MS MONAGHAN: So you were boarding a plane to</p> <p>18 Luanda for the purposes of work?</p> <p>19 <b>A. That's right.</b></p> <p>20 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened,</p> <p>21 roughly what time, so far as you can remember, you</p> <p>22 boarded and what you saw?</p> <p>23 <b>A. I can't remember the actual time. It is a scheduled</b></p> <p>24 <b>boarding time so I think it was quite late. I think it</b></p> <p>25 <b>was probably about half past six, something like that.</b></p>
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<p>1 gate we were asked to keep our seats. At that point</p> <p>2 I saw a few paramedics rush on board as well as a couple</p> <p>3 of police officers. We sat for another five to</p> <p>4 ten minutes. I saw a female paramedic come back down to</p> <p>5 the front of the plane and then return to the back. She</p> <p>6 looked pretty pissed. She looked angry. I'm trained as</p> <p>7 a first responder but my ticket has expired. However,</p> <p>8 from my training I am aware that the first few minutes</p> <p>9 of someone being unconscious are vital to the chances of</p> <p>10 recovery. From when we were turned round for a medical</p> <p>11 emergency, from this point to when the paramedics</p> <p>12 arrived approximately 15 minutes must have passed</p> <p>13 meaning Jimmy had no medical assistance other than from</p> <p>14 the security guards with him but I cannot say whether</p> <p>15 they did or didn't administer any form of CPR."</p> <p>16 I can be sure now that you have been read all the</p> <p>17 words. Thank you very much.</p> <p>18 We now are going to hear from Mr Campbell I think.</p> <p>19 MR BARRY CAMPBELL (sworn)</p> <p>20 Examined by THE CORONER</p> <p>21 DEPUTY CORONER MS MONAGHAN: Thank you very much,</p> <p>22 Mr Campbell. Can you give us your full name, please.</p> <p>23 <b>A. It's Barry Robert Campbell.</b></p> <p>24 DEPUTY CORONER MS MONAGHAN: Mr Campbell, you will know of</p> <p>25 course why you're here. You're here to help us with</p> <p style="text-align: center;">Page 70</p>	<p>1 <b>I'm trying to remember. The flight times are different</b></p> <p>2 <b>depending on the times of year.</b></p> <p>3 DEPUTY CORONER MS MONAGHAN: We know the flight time, just</p> <p>4 to help you with that, that night was about 8 o'clock.</p> <p>5 I think it was 7.00 for 8.00. Does that help you</p> <p>6 a bit --</p> <p>7 <b>A. It was on time so just boarding time the same as</b></p> <p>8 <b>everybody else's time. So I can't be more precise with</b></p> <p>9 <b>things, sorry.</b></p> <p>10 DEPUTY CORONER MS MONAGHAN: That's fine. So you board the</p> <p>11 plane?</p> <p>12 <b>A. I boarded plane, walked up the aisle to get to my seat.</b></p> <p>13 DEPUTY CORONER MS MONAGHAN: Do you remember what seat that</p> <p>14 was?</p> <p>15 <b>A. 35C.</b></p> <p>16 DEPUTY CORONER MS MONAGHAN: Can we just have that</p> <p>17 indicated. Thank you very much. So you went towards</p> <p>18 35C?</p> <p>19 <b>A. Yeah, put my luggage in the overhead compartment and</b></p> <p>20 <b>basically sat down.</b></p> <p>21 DEPUTY CORONER MS MONAGHAN: Were you with anybody?</p> <p>22 <b>A. I was with two other colleagues. The first colleague,</b></p> <p>23 <b>Kenneth Milne, was sitting approximately nine seats in</b></p> <p>24 <b>front of me.</b></p> <p>25 DEPUTY CORONER MS MONAGHAN: Nine seats in front?</p> <p style="text-align: center;">Page 72</p>
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1 **A. Yeah, and the director of the company was flying down**  
2 **with John Bowman. He was up in business class.**  
3 DEPUTY CORONER MS MONAGHAN: He was in business class so  
4 much further forward?  
5 **A. Yeah.**  
6 DEPUTY CORONER MS MONAGHAN: So you put your luggage in the  
7 overhead locker and then what happened?  
8 **A. Basically took my seat, you know, waiting for the plane**  
9 **to taxi out and start the journey. Obviously there was**  
10 **things going on. There was some noise and shouting.**  
11 DEPUTY CORONER MS MONAGHAN: Where was that coming from?  
12 **A. That was coming from the rear of the plane. My first**  
13 **thoughts were it was just somebody who has had a bit too**  
14 **much to drink and obviously when I took my seat I did**  
15 **see three men in suits. I thought that was hotel --**  
16 **sorry, the airport security kind of dealing with a drunk**  
17 **person. So I didn't really think too much of it.**  
18 DEPUTY CORONER MS MONAGHAN: Just on that, to stop you there  
19 so we can get a picture. When you stood up, where did  
20 you see that happening?  
21 **A. There was a guard -- one guard was in the rear seat**  
22 **facing the rear of the plane.**  
23 DEPUTY CORONER MS MONAGHAN: Looking backwards towards the  
24 rear of the plane in the rear seat?  
25 **A. Yeah, and there were two security guards actually**  

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1 **sitting down. You could just see kind of their**  
2 **shoulders and their heads, but they were sitting down.**  
3 DEPUTY CORONER MS MONAGHAN: Were they white or black?  
4 **A. They were white, all white.**  
5 DEPUTY CORONER MS MONAGHAN: So you have two white men  
6 sitting at the rear of the plane and then you have  
7 another white man in the seat in front?  
8 **A. In the seat facing rear, yeah.**  
9 DEPUTY CORONER MS MONAGHAN: Facing backwards?  
10 **A. Yes.**  
11 DEPUTY CORONER MS MONAGHAN: Facing toward the men that  
12 you're talking about?  
13 **A. Yes.**  
14 DEPUTY CORONER MS MONAGHAN: Was there anybody else in that  
15 little group?  
16 **A. Not that I could see at that time.**  
17 DEPUTY CORONER MS MONAGHAN: Not that you could see at that  
18 time. Okay. So if you can carry on. You heard some  
19 noise. You assumed they were airport security managing  
20 somebody who was drink?  
21 **A. Yeah. Basically about five minutes after taking my seat**  
22 **some stewardesses came to the back and they removed**  
23 **basically the whole of the rear of the plane from my**  
24 **seat, from 36 back, the allocated seats to the other**  
25 **passengers.**  

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1 DEPUTY CORONER MS MONAGHAN: Just let's go back a bit.  
2 Before the cabin crew came to get you and move you  
3 forward, apart from describing where the men were and  
4 who you could see, had you seen anything else? Did you  
5 see --  
6 **A. I hadn't seen anything. I only heard some groans and**  
7 **some comments coming from the rear of the plane.**  
8 DEPUTY CORONER MS MONAGHAN: Can you tell us what those  
9 comments were?  
10 **A. The comments were -- I think they were along the lines**  
11 **of, "What are you doing to me? Let me go? I can't**  
12 **breathe". Then I heard another voice -- I don't know**  
13 **who the voice was, but I know it was a different voice,**  
14 **saying, "Stop struggling. We'll let you go when you're**  
15 **airborne", that kind of thing. That kind of went on and**  
16 **it wasn't actually a drunk because if it was a drunk**  
17 **they'd just take him off the plane.**  
18 DEPUTY CORONER MS MONAGHAN: Did you hear the words, "You're  
19 killing me"?  
20 **A. Yes, that was another thing that was said. "I can't**  
21 **breathe here. I'm struggling to breathe. I can't**  
22 **breathe" and, yes, "You're killing me".**  
23 DEPUTY CORONER MS MONAGHAN: Did you see anything by way of  
24 handcuffs or not?  
25 **A. Not at that point. I did see them later on.**  

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1 DEPUTY CORONER MS MONAGHAN: So I am probably moving forward  
2 a bit too quickly then. So the cabin crew move you  
3 forward?  
4 **A. They moved everyone else forward from 36 and back to 40.**  
5 **So I was basically the last row that still had**  
6 **passengers on it until the guards.**  
7 DEPUTY CORONER MS MONAGHAN: Then what happened?  
8 **A. After about 15 minutes I got up to use the restroom and**  
9 **obviously you use the restroom at the rear of the plane,**  
10 **and that's when I've seen that it was actually**  
11 **a gentleman getting restrained. That's when I noticed**  
12 **he did have handcuffs on.**  
13 DEPUTY CORONER MS MONAGHAN: Where were the handcuffs?  
14 **A. They were on his wrists but they were to the side.**  
15 DEPUTY CORONER MS MONAGHAN: So they were front or back?  
16 **A. They were --**  
17 DEPUTY CORONER MS MONAGHAN: Was he like this or was he like  
18 that?  
19 **A. No, he's like that at the front. He was kind of getting**  
20 **restrained hunched over. So his head was in his lap**  
21 **sort of thing.**  
22 DEPUTY CORONER MS MONAGHAN: Which of the seats was he in?  
23 **A. He was in the centre seat.**  
24 DEPUTY CORONER MS MONAGHAN: Centre seat?  
25 **A. Yeah. There was a guard either side of him.**  

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1 DEPUTY CORONER MS MONAGHAN: Was he white or black, the  
 2 middle man?  
 3 **A. The middle one was black, yeah. The first guard on the**  
 4 **left of the plane had the gentleman in like a sort of**  
 5 **headlock, pushing his head down to stop him struggling,**  
 6 **and the other guard on the right-hand side of him was**  
 7 **kind of leaning on his back again to stop him moving**  
 8 **about. Again, his handcuffs were kind of at the side**  
 9 **and that's where I could see them.**  
 10 DEPUTY CORONER MS MONAGHAN: Are you able to help us with  
 11 how far down his head was?  
 12 **A. It was kind of level, slightly up from his lap but not**  
 13 **all the way in his lap.**  
 14 DEPUTY CORONER MS MONAGHAN: So if you can remember, and if  
 15 you can't just tell me, can you give us a sort of  
 16 impression. Was it a foot, was it three inches? If you  
 17 can't remember --  
 18 **A. I genuinely can't remember so I wouldn't like to say.**  
 19 DEPUTY CORONER MS MONAGHAN: But near to his legs?  
 20 **A. Near to his legs. Probably about six to eight inches**  
 21 **above his legs.**  
 22 DEPUTY CORONER MS MONAGHAN: You have told us about one of  
 23 the men on him. Was there anybody else touching him at  
 24 that stage?  
 25 **A. As I say, the guard to the left was kind of in a head**  
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1 **lock drop position and the guard to the right was on his**  
 2 **back and just holding him down as well. And then that's**  
 3 **when the people there actually had hands on him.**  
 4 DEPUTY CORONER MS MONAGHAN: When you say holding him down,  
 5 can you give us an impression about -- just if you just  
 6 do the --  
 7 **A. Again, the guard was basically leaning on him, just had**  
 8 **his -- not his elbows, but kind of his forearms kind of**  
 9 **holding him down.**  
 10 DEPUTY CORONER MS MONAGHAN: Both forearms?  
 11 **A. Yeah.**  
 12 DEPUTY CORONER MS MONAGHAN: Both forearms on his back?  
 13 **A. On his back, yeah, more his lower back because of the**  
 14 **way he was.**  
 15 DEPUTY CORONER MS MONAGHAN: More his lower back, both  
 16 forearms and did you get any impression about how heavy  
 17 that was or --  
 18 **A. He didn't look to be putting any strength. It was kind**  
 19 **of just to stop him moving about shaking. It wasn't**  
 20 **really any force putting on it.**  
 21 DEPUTY CORONER MS MONAGHAN: Okay. Talk us further through.  
 22 What happened then? Did you see or hear anything then?  
 23 **A. After that, as I say, went to the bathroom, came back**  
 24 **out and took my seat again. And when I walked past**  
 25 **again they were still in the same position.**  
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1 DEPUTY CORONER MS MONAGHAN: What about third white man?  
 2 **A. The third white man was still facing to the rear, not**  
 3 **touching him or anything but just facing to the rear.**  
 4 **I again took my seat. The shouts continued.**  
 5 DEPUTY CORONER MS MONAGHAN: What were the shouts?  
 6 **A. The shout were still, "You're killing me. Let me go.**  
 7 **What're you doing?" And the guards -- well, the guys in**  
 8 **the suit were saying, "Stop struggling, we'll let you**  
 9 **go", you know, and I believe one guy did say, "If you**  
 10 **can't breathe, how can you talk?" Again, this went on**  
 11 **for five or ten minutes and then we started to taxi out**  
 12 **to the runway. And then things kind of went a bit**  
 13 **quieter and I kind of just thought the person's accepted**  
 14 **that they're -- what's happening and then the tannoy**  
 15 **came on from the captain that a passenger had been taken**  
 16 **ill and we were returning to the stands again.**  
 17 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened  
 18 then?  
 19 **A. Obviously I was facing forward and I couldn't really see**  
 20 **what was happening at the back, but I think there was**  
 21 **some curtains drawn and the person was taken to the back**  
 22 **to give some treatment to.**  
 23 DEPUTY CORONER MS MONAGHAN: Did you see him being taken to  
 24 the back?  
 25 **A. No.**  
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1 DEPUTY CORONER MS MONAGHAN: So what did you do then at that  
 2 stage?  
 3 **A. At that point we were just -- you know, everyone on the**  
 4 **plane was just kind of waiting to find out what was**  
 5 **happening, whether the plane was going to be able to**  
 6 **leave, that kind of thing. Once we returned to the**  
 7 **stands, there was paramedics came onto the plane,**  
 8 **a couple of police officers and they went to the rear of**  
 9 **the plane to give first aid.**  
 10 DEPUTY CORONER MS MONAGHAN: What happened to you?  
 11 **A. We just stayed in the seats. Again, we must have been**  
 12 **there about 30 minutes waiting and then the**  
 13 **plain-clothes police came onto the plane as well,**  
 14 **started taking names and seat numbers of people. And**  
 15 **then after that, that was everything.**  
 16 DEPUTY CORONER MS MONAGHAN: Just going back and looking at  
 17 that a bit closer. During the second period, that is  
 18 when you moved back to where you originally were and  
 19 you've seen that the white men next to Mr Mubenga, the  
 20 black man, in the position you have described, you then  
 21 move forward back to your seats. Did you look round  
 22 again at any stage?  
 23 **A. No.**  
 24 DEPUTY CORONER MS MONAGHAN: So from when you walked up to  
 25 the toilets, saw what was happening and came back, sat  
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1 in your seat, from when you saw him in that position,  
 2 head down, forearms, neck down, until you heard on the  
 3 tannoy that you were going back because of a medical  
 4 emergency, can you give us any idea about how long that  
 5 period was?  
 6 **A. For 10 to 15 minutes.**  
 7 DEPUTY CORONER MS MONAGHAN: You then were taken off the  
 8 plane?  
 9 **A. Yes.**  
 10 DEPUTY CORONER MS MONAGHAN: What happened when you were  
 11 taken off the plane?  
 12 **A. Basically got put up in a hotel.**  
 13 DEPUTY CORONER MS MONAGHAN: So you got off the plane?  
 14 **A. Yeah.**  
 15 NEW SPEAKER: Did you meet up with your colleague or have  
 16 a chat?  
 17 **A. I met up with Kenneth and John. Obviously since John**  
 18 **was a director, the airline wasn't putting us up, just**  
 19 **paid for hotels, that kind of thing.**  
 20 DEPUTY CORONER MS MONAGHAN: Did they say they had heard or  
 21 seen anything?  
 22 **A. I know for a fact that John didn't because at one point**  
 23 **John actually tried to phone me on my phone to find out**  
 24 **what was happening. Obviously phones were off at that**  
 25 **point. Kenneth had never seen anything either because**

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1 **he was many rows in front.**  
 2 DEPUTY CORONER MS MONAGHAN: You have a chat with them. Do  
 3 you have a chat with any of the other passengers?  
 4 **A. I spoke to a guy called Keith Gregory just because**  
 5 **I know him from school. It just so happened he was on**  
 6 **the same plane. He was a couple of seats in front of me**  
 7 **I think. He didn't see anything. He just heard the**  
 8 **people struggling. He did say he was one of the first**  
 9 **people on the plane and he did see an altercation with**  
 10 **the black gentleman and one of the guards and he was**  
 11 **struggling and pushing.**  
 12 DEPUTY CORONER MS MONAGHAN: But you didn't see that?  
 13 **A. I didn't see that.**  
 14 DEPUTY CORONER MS MONAGHAN: You haven't said anything about  
 15 that in your statement?  
 16 **A. No. The only thing I did say in my statement is, when**  
 17 **the police came on and started getting people's names,**  
 18 **one of the guard did stand up and his shirt was ripped.**  
 19 DEPUTY CORONER MS MONAGHAN: Thank you for reminding us of  
 20 that. So you go back to your hotel that has been  
 21 arranged for you?  
 22 **A. Yes.**  
 23 DEPUTY CORONER MS MONAGHAN: Did you have any conversations  
 24 with the other passengers in the hotel?  
 25 **A. No.**

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1 DEPUTY CORONER MS MONAGHAN: What happens then? You stay  
 2 the night?  
 3 **A. I stay the night and just find out what time the flight**  
 4 **was the next day. So woke up, met up with John and**  
 5 **Kenneth again, had breakfast, took a walk over to the**  
 6 **airport, checked in. And when we got to the boarding**  
 7 **gate the police were then again taking some statements**  
 8 **from people.**  
 9 DEPUTY CORONER MS MONAGHAN: That's when you made the  
 10 statement that we have seen?  
 11 **A. Yes.**  
 12 DEPUTY CORONER MS MONAGHAN: I think you made a second  
 13 statement, didn't you?  
 14 **A. Yes, the --**  
 15 DEPUTY CORONER MS MONAGHAN: On 14 December?  
 16 **A. Yes, the next time I was travelling down to go to**  
 17 **Angola, I was met off the plane by the police and gave**  
 18 **a statement again.**  
 19 DEPUTY CORONER MS MONAGHAN: Was that arranged in advance?  
 20 **A. Yes.**  
 21 DEPUTY CORONER MS MONAGHAN: Did they tell you why they  
 22 wanted to see you again?  
 23 **A. They just said they wanted to go into more depth into my**  
 24 **statement to get as much information as possible.**  
 25 DEPUTY CORONER MS MONAGHAN: We can see that you have made

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1 a second statement and you have refreshed your memory  
 2 about that. Did you have any contact with the press at  
 3 any time?  
 4 **A. No, never talked to anybody.**  
 5 DEPUTY CORONER MS MONAGHAN: Did you read any media coverage  
 6 about this?  
 7 **A. No.**  
 8 DEPUTY CORONER MS MONAGHAN: No, not at all?  
 9 **A. I didn't even know it was in the paper because obviously**  
 10 **I was away and the internet is kind of restricted where**  
 11 **I work. So I didn't even see anything about it.**  
 12 **I believe it did appear in the paper but I didn't read**  
 13 **anything.**  
 14 DEPUTY CORONER MS MONAGHAN: You didn't see anything?  
 15 **A. No.**  
 16 DEPUTY CORONER MS MONAGHAN: Have you seen anything in the  
 17 newspapers since about this?  
 18 **A. No.**  
 19 DEPUTY CORONER MS MONAGHAN: You are going to be asked some  
 20 questions by some of the representatives. So if you  
 21 wouldn't mind staying there for a little while longer,  
 22 Mr Campbell.  
 23 Ms Murphy.  
 24 Examined by MS MURPHY  
 25 MS MURPHY: Good afternoon, Mr Campbell. I have a very few

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<p>1 questions for you on behalf of Mr Mubenga's widow,                  2 Ms Kambana, and the children.                  3 <b>A. Sure.</b>                  4 Q. Could I begin to ask you to help us with the timing of                  5 you arrival on to the plane. I appreciate your evidence                  6 has been that you were quite late relative to the other                  7 passengers, is that correct?                  8 <b>A. Yes.</b>                  9 MS MURPHY: Could the witness please have volume green 8,                  10 madam. At the very end of that bundle, Mr Campbell, you                  11 will find some printed data --                  12 DEPUTY CORONER MS MONAGHAN: What page are we?                  13 MS MURPHY: I don't believe it's been allocated a page.                  14 It's at the extreme end of that bundle, immediately                  15 after page 358.                  16 DEPUTY CORONER MS MONAGHAN: I don't have anything behind                  17 page 358.                  18 MS MURPHY: I believe your officer put the pages into the                  19 volume.                  20 DEPUTY CORONER MS MONAGHAN: It's not come to me. Do you                  21 have something behind 358?                  22 THE USHER: Nothing behind it.                  23 MS MURPHY: That may be my misunderstanding. Does anyone                  24 have a clean copy of this document? Madam, this is the                  25 document I proposed be added to bundles. I think it was</p> <p style="text-align: center;">Page 85</p>	<p>1 particular column on the first page.                  2 <b>A. First boarding.</b>                  3 Q. Mr Campbell, it appears from your evidence that you                  4 boarded at about 7.30, is that correct? 5                  5 <b>A. No, 6.30.</b>                  6 DEPUTY CORONER MS MONAGHAN: I think it says about 6.30                  7 actually but he wasn't quite sure what time the plane                  8 was going because they go at different times during the                  9 course of the year.                  10 MS MURPHY: I'll have to deal with that in a slightly                  11 different way then, I apologise.                  12 DEPUTY CORONER MS MONAGHAN: I think, just so you're not                  13 bemused about what all this us speaking in code, you are                  14 recorded as going through the boarding pass scanner at                  15 about half past six-ish or thereabouts. Just remind me                  16 what the time was, Ms Murphy.                  17 MS MURPHY: 18.31.28.                  18 DEPUTY CORONER MS MONAGHAN: But we're told that this is                  19 always set at British Summer Time. So in fact it would                  20 have been at that time of the year 19.31 for                  21 an 8 o'clock flight. So it's not a trick question. If                  22 you want to ask him what you want to ask him about that.                  23 Members of the jury, we'll hear some evidence about                  24 how this is compiled and we're not quite sure yet.                  25 We're just assuming it gives us an indication about how</p> <p style="text-align: center;">Page 87</p>
<p>1 agreed that it be added. I may have misunderstood that                  2 it had in fact been added.                  3 DEPUTY CORONER MS MONAGHAN: Just bear with me because I'm                  4 not sure I have it with me. Yes, I have.                  5 MS MURPHY: I'm borrowing a copy so we need to make sure it                  6 comes back. (Handed)                  7 Mr Campbell, if I could just begin by orientating                  8 you to this document. It is a four-page document                  9 headed, "Passenger Name List. All passengers only by                  10 leg by check-in time". If we look over to the second                  11 page of that document and into the middle of the                  12 document, can you see your name almost slap bang in the                  13 middle of the spreadsheet, Barry Rob Campbell?                  14 <b>A. Yes.</b>                  15 Q. Could I ask you to read across to the penultimate column                  16 and there's a timing there. Can you see that?                  17 <b>A. Yes.</b>                  18 Q. Would you let the jury know what that says in relation                  19 to your name. 20                  20 <b>A. It's 18.31.28.</b>                  21 Q. If you go back right up to the front page and the                  22 heading in that column, could you just read that for us                  23 as well?                  24 <b>A. Sorry, which one?</b>                  25 Q. The heading on the column on the front of that</p> <p style="text-align: center;">Page 86</p>	<p>1 things are, but we'll see in due course.                  2 MS MURPHY: Madam, thank you. That is very helpful. May                  3 I clarify. I think it is the other way round, that this                  4 is Greenwich Mean Time as opposed to                  5 British Summer Time.                  6 At any rate, Mr Campbell, as I understand it, and we                  7 will hear evidence about this and I may be incorrect,                  8 that is the time at which your boarding card was scanned                  9 presumably at or about the gate. Do you have any                  10 recollection as to the length of time between your                  11 boarding pass being scanned and your embarkation onto                  12 the aircraft?                  13 <b>A. If that's going through the boarding terminal, probably</b>                  14 <b>about five minutes.</b>                  15 Q. That's to getting on the plane or getting to your seat?                  16 <b>A. Yeah. It just depends how long the queue was in the</b>                  17 <b>tunnel to get to the plane.</b>                  18 DEPUTY CORONER MS MONAGHAN: Could I just clarify that, was                  19 that about five minutes to getting on the plane or to                  20 getting to your seat?                  21 <b>A. Getting to the plane and probably about another two</b>                  22 <b>three minutes. So that's probably about eight,</b>                  23 <b>nine minutes in total to scanning to actually taking my</b>                  24 <b>seat.</b>                  25 MS MURPHY: That would be the period that you were then on</p> <p style="text-align: center;">Page 88</p>

1 the plane observing or hearing matters until the plane  
 2 pushed back, in fact until it turned round?  
 3 **A. That's right.**  
 4 Q. Thank you. May I also ask you to be shown your second  
 5 statement. You probably have it there.  
 6 **A. Yes.**  
 7 DEPUTY CORONER MS MONAGHAN: This should be in the end of  
 8 volume 7 for me, should it?  
 9 MS MURPHY: That's correct, madam. That was my  
 10 understanding.  
 11 DEPUTY CORONER MS MONAGHAN: We'll give it some page numbers  
 12 in due course.  
 13 MR SANDERS: Madam, I think it's the end of volume 8.  
 14 DEPUTY CORONER MS MONAGHAN: I beg your pardon.  
 15 MS MURPHY: Mr Campbell, could I ask you to contextualise  
 16 the matters that you have included in the final page of  
 17 that statement.  
 18 DEPUTY CORONER MS MONAGHAN: Is this the first or the second  
 19 statement?  
 20 MS MURPHY: The second statement. Just looking over the  
 21 page at page 32, could I ask you to --  
 22 DEPUTY CORONER MS MONAGHAN: He doesn't have page numbers.  
 23 It's page 2 of 3.  
 24 MS MURPHY: If I could just ask you to refresh your memory  
 25 from the sentence beginning at the bottom of page 2 and

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1 reading over into page 3, and just a couple of sentences  
 2 into page 3. (Pause)  
 3 **A. Is this the section:**  
 4 **"I have been asked what I thought about the**  
 5 **incident..."**  
 6 MS HEWITT: Madam, I hope this won't be inviting a question  
 7 contrary to rulings.  
 8 DEPUTY CORONER MS MONAGHAN: Can you ask the question and  
 9 then he can express it in the way he thinks appropriate.  
 10 MS MURPHY: Yes. In relation to the events that you were  
 11 describing that you heard in that section --  
 12 **A. Yes.**  
 13 MS MURPHY: -- do you recall whether that was before or  
 14 after you went to the toilet? Do you recall having  
 15 heard that and, if so, whether it was before or after  
 16 you went to the toilet?  
 17 DEPUTY CORONER MS MONAGHAN: When you say that you heard him  
 18 say he couldn't breathe, which you told us about  
 19 already, was that before you went to the toilet or after  
 20 you went to the toilet?  
 21 **A. That was after.**  
 22 MS MURPHY: I think your evidence was actually that you  
 23 heard him say that before you went to the toilet.  
 24 **A. I think -- I'm trying to think. I think it could have**  
 25 **been before and after.**

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1 Q. You have used the words there "kept saying", is that  
 2 correct?  
 3 **A. Yeah -- well, if it's in the statement.**  
 4 DEPUTY CORONER MS MONAGHAN: So, so far as your recollection  
 5 goes, it could have been both before and after?  
 6 **A. Yeah, it could have been before and after.**  
 7 MS MURPHY: Thank you. Also could I just clarify in  
 8 response to the questions from the learned coroner you  
 9 were asked about whether you had ever been moved  
 10 forward. I think your evidence was that you remained in  
 11 your seat?  
 12 **A. I stayed, yes.**  
 13 Q. Other than using the toilet?  
 14 **A. The seat that I was in, 35C, that row was the final row.**  
 15 **Everything behind 36 to 40 people were moved forward,**  
 16 **but our row was kept.**  
 17 DEPUTY CORONER MS MONAGHAN: So you actually stayed --  
 18 **A. I was always in that seat. The only time I moved was to**  
 19 **go to the restroom and back to my seat.**  
 20 MS MURPHY: Thank you very much.  
 21 DEPUTY CORONER MS MONAGHAN: Ms Hewitt.  
 22 Examined by MS HEWITT  
 23 MS HEWITT: Mr Campbell, you have described travelling with  
 24 colleagues and also mentioned, I think, Keith Gregory.  
 25 The jury have already heard his statement read to them.

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1 You just happened to know him, is that right?  
 2 **A. Yes, I went to school with his brother. I've known him**  
 3 **all my life.**  
 4 Q. You said in your second statement that you boarded  
 5 relatively late because you had been having a drink in  
 6 the bar.  
 7 **A. It was with colleagues in the bar.**  
 8 Q. Was that then the group of people that you have already  
 9 identified?  
 10 **A. Yes.**  
 11 Q. Did you board the plane together as a group?  
 12 **A. Yes.**  
 13 Q. Not a criticism, can you give a bit of an idea about how  
 14 much you had had to drink?  
 15 **A. Probably about one drink because we were travelling with**  
 16 **the director. You don't really want to --**  
 17 MS HEWITT: Best behaviour.  
 18 DEPUTY CORONER MS MONAGHAN: Very wise.  
 19 MS HEWITT: The way in which you have described your  
 20 evidence, as I understand it, is that when you first got  
 21 on the plane you were aware of a commotion at the back  
 22 and you could hear things but you didn't really look  
 23 particularly or take anything in visually?  
 24 **A. No. That flight is kind of prone to hearing people**  
 25 **making noises. It's all oil workers and not everyone**

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1 **does just have one beer. So that's why I assumed it may**  
 2 **be somebody a bit drunk.**  
 3 Q. What you have described more carefully about seeing was  
 4 what you saw when you left your seat to go to the  
 5 restroom?  
 6 **A. Yes.**  
 7 Q. I want to ask you a few questions, if I can, then about  
 8 the two accounts you have given about what you saw then.  
 9 First of all, and just to put in context when you made  
 10 your way from your seat to the restroom, if we look at  
 11 the plan you were in seat 36C.  
 12 **A. 35C.**  
 13 Q. So the pink sticker there. So an aisle seat on the  
 14 lower of the two aisles as we're looking at the plan?  
 15 **A. Yes.**  
 16 Q. The restroom your made your way to, was it the one on  
 17 that side?  
 18 **A. It was to the rear of the plane.**  
 19 Q. To the rear of the plane?  
 20 **A. Yes.**  
 21 Q. But naturally on that aisle?  
 22 **A. Yes, same side.**  
 23 Q. When you made your way to the restroom, did you do it  
 24 effectively at a normal walking pace, walking from your  
 25 seat directly to the rest room?

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1 **A. Yes, just walked past and gave a glance to what was**  
 2 **going on.**  
 3 Q. Yes. So a glance to your left as you went past the rear  
 4 seats?  
 5 **A. Yeah.**  
 6 Q. That's where you got your view and your impression of  
 7 what was happening?  
 8 **A. Yeah, that's when I got the first kind of view and**  
 9 **then --**  
 10 Q. You say that you were in the loo for a couple of  
 11 minutes?  
 12 **A. Yes, at most.**  
 13 Q. When you walked back then from the restroom back to your  
 14 seat, again, was that walking back at a normal walking  
 15 pace?  
 16 **A. Probably a bit more nosey, could I say, give a bit of**  
 17 **a longer, but nothing -- I didn't stop or anything, just**  
 18 **a slower pace.**  
 19 Q. You didn't stop?  
 20 **A. No, I didn't stop.**  
 21 Q. Just glancing as you walked back but at a slightly  
 22 slower pace?  
 23 **A. Yeah.**  
 24 Q. Is that what you're saying?  
 25 **A. Yeah.**

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1 Q. Obviously you wouldn't know what was going on while you  
 2 were in the restroom itself?  
 3 **A. No.**  
 4 Q. But your view was as you went by there and back?  
 5 **A. Yes.**  
 6 Q. Your first statement, and do look at it if it helps  
 7 you -- the one of 13 October 2010 -- you give on the  
 8 first page of that statement, about three-quarters of  
 9 the way down, your description of what you say you saw.  
 10 You say:  
 11 "As I approached the bathroom I looked to my left."  
 12 You saw a male being restrained?  
 13 **A. Yes.**  
 14 Q. You say:  
 15 "The male nearest to me was leaning on the male."  
 16 **A. The man nearest to me was actually the person that had**  
 17 **him in the headlock -- had his head and the person on**  
 18 **the opposite side was the one that was leaning on his**  
 19 **back.**  
 20 Q. Certainly what you have described today is that the man  
 21 nearest to you had what you describe as a necklock?  
 22 **A. Yeah.**  
 23 Q. And the officer on the other side of Mr Mubenga was  
 24 leaning on him?  
 25 **A. Yes.**

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1 Q. But if you have a look at the statement you made at the  
 2 time, 13 October -- or the next day, can you see there  
 3 that you say that the man nearest to you was leaning on  
 4 the male?  
 5 **A. Yeah.**  
 6 Q. Just pausing there. That would be the officer sitting  
 7 in row 40D?  
 8 **A. D.**  
 9 Q. Is that right? Then you say in your first statement:  
 10 "The second male had the black male in a headlock  
 11 and was pushing down."  
 12 Your reference there to the second male would have  
 13 been the officer in 40F, wouldn't it?  
 14 **A. Yeah. I'm trying to picture how it was because**  
 15 **obviously I've seen the handcuffs but if the person --**  
 16 **yeah, it's difficult to -- you might -- if I'm being**  
 17 **honest, if that's in the statement, that's nearer the**  
 18 **time when it happened, that is probably more accurate so**  
 19 **it may be it's the other way round, the person was in**  
 20 **the headlock was the other side. That would mean**  
 21 **I would be able to see the handcuffs.**  
 22 Q. Certainly that's from how it looks at the first  
 23 statement that you had it the other way round at the  
 24 time?  
 25 **A. Yeah.**

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1 Q. At the time of the first statement did you also say then  
 2 that the third man, so is that a reference to the third  
 3 officer?  
 4 **A. Yes, the man sitting in 39.**  
 5 Q. Yes. You say he was standing in the adjacent row and  
 6 was not involved in the restraint?  
 7 **A. Well, yeah, he was kneeling on the seat facing the rear.**  
 8 Q. Have a look at your statement though of 13 October. Can  
 9 you see there the sentence:  
 10 "The third man was standing in the adjacent row...?"  
 11 **A. Yeah, I see that.**  
 12 Q. None of this is criticism. I am trying to be sure about  
 13 how sure you can be about the details of this.  
 14 **A. No, well, it wasn't -- he was definitely kneeling**  
 15 **because he was on the seat and facing the forward.**  
 16 DEPUTY CORONER MS MONAGHAN: Just so I'm clear --  
 17 **A. I think he was kind of standing upright but on his**  
 18 **knees.**  
 19 DEPUTY CORONER MS MONAGHAN: Was that in the middle seat,  
 20 did you say?  
 21 **A. Yes.**  
 22 MS HEWITT: Then if you want to turn then to your second  
 23 statement which you made I think a couple of months  
 24 later almost exactly in the December, is that right?  
 25 **A. That's right.**

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1 Q. In this account you have it as you have just said the  
 2 other way round, don't you?  
 3 **A. Yes.**  
 4 Q. I'm looking now at the top of pages 2 of 3:  
 5 "There was a guard either side and one on the seat  
 6 directly in front. He was on his knees."  
 7 So you refer there to the guard in front kneeling?  
 8 **A. Yes.**  
 9 Q. It's in this statement then you say that guard 1, as you  
 10 call him, who was sitting in 40D, so that's the guard  
 11 nearest to you?  
 12 **A. Yes.**  
 13 Q. Had his right arm around the black guy's neck in  
 14 a headlock?  
 15 **A. Yeah.**  
 16 Q. Pausing there. You refer to it as a headlock but your  
 17 description is that it was an arm around the neck.  
 18 **A. His arm was round his head but it wasn't kind of locked**  
 19 **in. It was just round and pushing it down, sort of**  
 20 **thing, so his other hand was kind of at the back of his**  
 21 **head pushing him down.**  
 22 Q. When you describe that in your statement, do have a look  
 23 if it helps you, you refer -- and I think this is to  
 24 Mr Mubenga's head being between someone's legs. Can you  
 25 be clear about where Mr Mubenga's head was in relation

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1 to legs?  
 2 **A. It was pushed down towards his own legs.**  
 3 Q. Whose own legs?  
 4 **A. The gentleman in the middle? The person who was being**  
 5 **restrained? His head was being pushed down towards his**  
 6 **own legs in the seat.**  
 7 Q. As you go on, you then describe again the other way  
 8 round, that the other guard, which you then say sitting  
 9 in 40F, appeared to have both his hands on the back of  
 10 the black guy?  
 11 **A. That's right.**  
 12 Q. When you were asked a little bit earlier by the learned  
 13 coroner, you said that he had his forearms on the lower  
 14 back, didn't look to be using any force, just to stop  
 15 the man in the middle moving around?  
 16 **A. That's right.**  
 17 Q. Is that fair?  
 18 **A. Yes.**  
 19 Q. In relation to Mr Mubenga's position, a little bit  
 20 further down in your statement you said:  
 21 "As I walked past them all I saw the black guy was  
 22 in the position mentioned but had both his right arms to  
 23 his right."  
 24 **A. That's right.**  
 25 Q. Maybe both his arms?

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1 **A. That's right, they were handcuffed to the right.**  
 2 Q. To one side?  
 3 **A. Yes.**  
 4 Q. Could it have been also that his head was to one side  
 5 and towards the legs of one of the guards?  
 6 **A. I couldn't say. I never seen his -- I just seen the**  
 7 **guard because of the way he was hunched over.**  
 8 Q. The description though of Mr Mubenga's arms being to one  
 9 side, was it then that his body was twisted to some  
 10 extent one side or the other?  
 11 **A. I couldn't really say. I mean, from what I remember**  
 12 **seeing, the arms were to the right but, you know,**  
 13 **although I did take a glance I couldn't tell you really**  
 14 **his body position.**  
 15 DEPUTY CORONER MS MONAGHAN: Are you sure, because this may  
 16 be quite important for us, that his head was, as you  
 17 described it to me, down towards his knees or towards  
 18 his knees or lap -- I can't remember how you described  
 19 it -- with the gap you described between the two  
 20 positions?  
 21 **A. Yes.**  
 22 DEPUTY CORONER MS MONAGHAN: Are you sure about that?  
 23 **A. Yes.**  
 24 DEPUTY CORONER MS MONAGHAN: So when you walk past, you look  
 25 round and you can see that that's the position of him?

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1 **A. Yes.**  
 2 DEPUTY CORONER MS MONAGHAN: And you're clear in your own  
 3 mind about that?  
 4 **A. Yes.**  
 5 MS HEWITT: I think you said your estimate was of maybe six  
 6 to eight inches above knees?  
 7 **A. Yeah, about that.**  
 8 Q. What I'm really exploring with you and wondering about  
 9 is whether what was occurring when you saw it was  
 10 Mr Mubenga's head moving down or down in that position  
 11 but towards the legs of one or other of the guards?  
 12 **A. I believe the way he was facing was towards his own**  
 13 **legs, straight down.**  
 14 Q. But certainly the arms not directly behind him, is that  
 15 right?  
 16 **A. No, they were definitely to the right-hand side of him.**  
 17 **That's the only way I knew that the gentleman was black**  
 18 **because I seen his hands to the right.**  
 19 Q. Presumably as you walked past you would have a clearer  
 20 view of where his arms were than where his head and face  
 21 was?  
 22 **A. Yes.**  
 23 Q. One matter that you include in your second statement,  
 24 the December statement, and I am looking if it helps you  
 25 at the bottom of page 1, is a comment that you say you

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1 heard one of the guards say. Just pausing there. In  
 2 your first statement you did include a number of  
 3 comments that you had heard said at the time?  
 4 **A. Yes.**  
 5 Q. In your second one you include this. You said:  
 6 "I heard one of the guards say, 'If you can't  
 7 breathe, how can you talk?'"  
 8 **A. That's right.**  
 9 Q. That's something that didn't appear in your first  
 10 statement?  
 11 **A. To be fair, the first statement was given five minutes**  
 12 **before boarding the plane to go to work so I only gave**  
 13 **a five-minute statement. That's why I was asked to give**  
 14 **a further statement to go into more depth.**  
 15 Q. Did you specifically remember that or did you think  
 16 something like that may have been said?  
 17 **A. No, it was specifically like that.**  
 18 Q. You said, and again I think it's another matter that  
 19 didn't appear expressly in your first statement or  
 20 I think the second, that you also thought you heard them  
 21 saying, "Stop struggling" or, "If you stop struggling,  
 22 we'll let you go"?  
 23 **A. Yes.**  
 24 Q. Is that right?  
 25 **A. That's right.**

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1 DEPUTY CORONER MS MONAGHAN: He did say that in his first  
 2 statement.  
 3 MS HEWITT: It's in the first statement.  
 4 DEPUTY CORONER MS MONAGHAN: The last line of page 1:  
 5 "I heard one of the men saying, 'Stop struggling.  
 6 We'll let you up when we're airborne'."  
 7 MS HEWITT: Slightly different I think, but yes. That's  
 8 helpful. Thank you. I think that's it, madam. Thank  
 9 you very much.  
 10 Examined by MR MATTHEWSON  
 11 MR MATTHEWSON: In answer to one of the questions earlier,  
 12 about five minutes ago I think it was -- I'm trying to  
 13 find it on the transcript but I can't -- you said in  
 14 answer to one of the questions that to be fair the first  
 15 statement you made was more likely to be accurate than  
 16 the second statement you made?  
 17 **A. No, I would say the second statement is probably more**  
 18 **accurate because the first statement was only for**  
 19 **five minutes before I boarded.**  
 20 Q. Would you wait a minute then because I think I may need  
 21 to find this. (Pause) I am reading, madam, for your  
 22 benefit, page 94, line 22. May I just read this out to  
 23 you, please. Ms Hewitt, I think it was, said to you:  
 24 "Is that right? Then you say in your first  
 25 statement:

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1 "The second male had the black male in a headlock  
 2 and was pushing down.'  
 3 "Your reference there to the second male would have  
 4 been the officer in 40F, wouldn't it?  
 5 "Answer: Yeah. I'm trying to picture how it was  
 6 because obviously I've seen the handcuffs but if the  
 7 person -- yeah, it's difficult to -- you might -- if I'm  
 8 being honest, if that's in the statement, that's nearer  
 9 the time when it happened, that is probably more  
 10 accurate so it may be it's the other way round, the  
 11 person was in the headlock was the other side. That  
 12 would mean I would be able to see the handcuffs."  
 13 Do you see what you're saying there is tolerably  
 14 clear? What you're saying is, "Because my first  
 15 statement was nearer the time, events were fresh in my  
 16 mind, it's more likely to be accurate"?  
 17 **A. I understand that. I agree with that but I go into more**  
 18 **depth in the second.**  
 19 Q. There's a difference, isn't there, between accuracy on  
 20 the one hand and detail on the other?  
 21 **A. Yeah.**  
 22 Q. The first statement then was more accurate but the  
 23 second was more detailed?  
 24 **A. Yes.**  
 25 Q. The reason that your first statement was more accurate

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1 is because, first, you gave it the very day after the  
 2 incident; correct?  
 3 **A. Yes.**  
 4 Q. When events were absolutely fresh in your mind?  
 5 **A. Yes.**  
 6 Q. And before the process of (a) talking to other people  
 7 and (b) thinking about these things and the tricks that  
 8 time can play on your memory have had any effect on?  
 9 **A. Yes.**  
 10 Q. That's why an earlier statement is more likely to be  
 11 accurate than a later statement?  
 12 **A. Yeah.**  
 13 MR MATTHEWSON: Thank you very much.  
 14 DEPUTY CORONER MS MONAGHAN: Any more questions from  
 15 anybody?  
 16 MS BALLARD: No, thank you.  
 17 MR ANTROBUS: Not from me.  
 18 DEPUTY CORONER MS MONAGHAN: Thank you very much. That's  
 19 your evidence then, Mr Campbell. Thank you very much  
 20 for coming along. That's very helpful to us so thank  
 21 you. You're now free to leave. You're welcome to stay  
 22 but you're free to leave if you want to. Thank you very  
 23 much.  
 24 It's just after 1 o'clock then, members of the jury.  
 25 I wanted to finish off Mr Campbell if we could so we

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1 could let him go. So we'll rise now for lunch and if  
 2 you could come back, please, at 2.15.  
 3 DEPUTY CORONER MS MONAGHAN: Good afternoon. Are you  
 4 cold again?  
 5 A MEMBER OF THE JURY: Yeah.  
 6 DEPUTY CORONER MS MONAGHAN: The temperature does seem  
 7 to

1 have dropped. Suddenly scarves are appearing and  
 2 cardigans. We'll have a check at the temperature again  
 3 and see if we can make it more comfortable. Sorry.  
 4 This afternoon we'll follow pretty much what we did  
 5 this morning. So we'll have a couple of witness  
 6 statements read to you -- sets of witnesses -- and then  
 7 we'll have a live passenger to come along and give  
 8 evidence. As I said to you yesterday, the live  
 9 witnesses aren't chosen for any special reason. They  
 10 are here because they are the only ones we could get  
 11 hold of. We do have another one coming this afternoon.  
 12 We'll have a couple of witness statements next.  
 13 MR JAMES RODGERS (statement read)  
 14 MR LEESE: This is the statement of James Rodgers dated  
 15 13 October 2010:  
 16 "I have been asked to make a statement with regards  
 17 to an incident that happened on British Airways  
 18 flight 18 BA0777.  
 19 "On Tuesday 12 October 2010 I boarded  
 20 a British Airways plane and was allocated seat 27C..."  
 21 DEPUTY CORONER MS MONAGHAN: Pausing there, can we have 27C.  
 22 Did you all see that, members of the jury? Yes.  
 23 MR LEESE: "... which was about the second row from the  
 24 front. I was one of the first to board the plane and as  
 25 I did I was aware of a black man causing a commotion at

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1 back of the plane. The man was in the middle row.  
 2 There was three security men around him and trying to  
 3 drag him back as the black man was trying to climb over  
 4 the seats. I could hear the black man shouting out,  
 5 'I'm not going' or, 'I don't want to go'. I could not  
 6 see the black man's hands but he was trying to lunge  
 7 over the seats. I could not hear what the security men  
 8 were saying to him as the black man was very loud  
 9 screaming out. I then got moved seats into Premium  
 10 Economy. When I was told to go back to my seat which  
 11 was after about ten minutes I could no longer see the  
 12 black man. I could hear him shouting out but it was  
 13 muffled so I couldn't make out what he was saying but  
 14 I knew it was the black man. I could see the security  
 15 men sitting down. So I assumed they had put him down  
 16 onto the ground in between the seats. I then asked the  
 17 stewardess if I could move seats as the lady passenger  
 18 beside me smelt. I then got moved back to Premium  
 19 Economy before the pilot announced on the tannoy that we  
 20 was returning back as there was a problem with the  
 21 passenger's health. The stewardess sitting beside me  
 22 told that it was the same black man. I work in Angola  
 23 as an electrician returning every three to four weeks."  
 24 This is the second statement of James Francis  
 25 Rodgers, dated 17 November 2010:

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1 "This is a further statement from my original  
2 statement which I made on 13 October 2010. There are  
3 a few things I wish to add and clarify.  
4 "On Tuesday, 12 October 2010 I boarded flight BA077  
5 at about 7.35 pm. I entered the aircraft from the  
6 second door on the left. The aircraft was split into  
7 four different classes of cabin, First Class, Business,  
8 Economy Plus and Economy. My seat was in Economy. As  
9 I walked through the Business Class and into Economy  
10 Plus I could hear very loud shouting from the rear of  
11 the plane. I continued walking down the aisle into the  
12 Economy Class and saw four persons standing up at the  
13 back row of seats in the middle. I saw a black male  
14 being restrained by three security officers. My  
15 immediate thought was that the black man was being  
16 deported and that the other three men were security for  
17 a company who were employed to ensure the black man  
18 didn't escape. When I first saw them there was one  
19 security man to the left and to the right of the black  
20 man and there was one security man in the front row.  
21 The black man looked as if he was trying to break free.  
22 He appeared to have his arms behind his back towards his  
23 backside. He looked as if he was trying to get over the  
24 seat in front but the security man in front was trying  
25 to push him back into the middle seat at the back. The

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1 two security guards to the left and right were facing  
2 towards the black man trying to pull him back into his  
3 seat. I heard the black man shout, 'I'm not going' or,  
4 'I don't want to go'. These words confirmed to me that  
5 he was a deportee. He shouted these words very loudly  
6 and I thought to myself that I hoped that he wouldn't be  
7 flying and that he would be taken off.

8 "I put my rucksack in the locker above but still  
9 watched the commotion at the rear. The black man  
10 continued to struggle. The security man in front then  
11 went from the row in front to the right aisle and  
12 observed from the right side of the black male.

13 "I then took my seat which was on the left aisle.  
14 I could still hear the shouting. I kept looking  
15 forward. After a few seconds of sitting down I had to  
16 stand up for a man who was sitting in seat 27A.

17 "Over the next five minutes or so I took a glance at  
18 the rear but can't really remember what I saw, but  
19 I think they had him seated at that point. The shouting  
20 was still going on. When I sat down my view of the four  
21 males at the back was restricted by the back of the  
22 seats. I am only 5 foot 8 inches so I sit low in my  
23 seat. The lights in the cabin were on and at this time  
24 there weren't too many people walking around.

25 "After about five minutes of sitting down

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<p>1 a stewardess put a message over the tannoy saying that 2 everyone in Economy must move forward into Economy Plus. 3 The man in 37A and I went forward and eventually stood 4 in the area to the rear of Economy Plus. The stewardess 5 pulled the curtains so I couldn't see what was happening 6 at the rear but I could still hear very loud shouting. 7 I stood around in that area for about 10 minutes talking 8 to other males. These were from England and Scotland 9 but I can't describe them. 10 "We were then told to take our seats again. 11 I walked back down the left aisle to 27C. As I reached 12 my seat I took a look at the back and saw the tops of 13 the head of the security males. There was one either 14 side and one in the row in front facing the rear. 15 I couldn't see the black male but I could hear muffled 16 shouting so I knew he was there somewhere. The muffled 17 shouting was reasonably loud because everyone else was 18 boarding and as I was about 12 rows in front so I heard 19 him over the noise of the other passengers. 20 "The man in 27A took his seat first and I sat down 21 after and faced the front. A big black lady then wanted 22 to sit in seat 27B so I stood up and the man in seat 27A 23 then stood up and said, 'Can you smell her?' I said, 24 'Yes' and he said, 'I'm going to see the stewardess and 25 see if we can move'. We both then proceeded forward to</p> <p style="text-align: center;">Page 113</p>	<p>1 hostess said that the black male and tried to headbutt 2 her. The hostess was slightly taller than me, slim, 3 late 40s, blonde hair. When I first saw her she was 4 stood at the back of the plane on the left side. 5 I didn't see any handcuffs at any time. I couldn't 6 recognise any of the security men again. When I first 7 boarded I had a clear view of the four males but I was 8 13 rows in front, but there were very few people on 9 board at the time so they weren't stood in the way 10 either." 11 DEPUTY CORONER MS MONAGHAN: Shall we do now Mr Rhude? 12 MR TIMOTHY RHUDE (statement read) 13 MR LEESE: This is the first statement of Tim Walter Rhude, 14 dated 13 October 2010: 15 "I was travelling on British Airways flight BA077 to 16 Luanda from London. At about 7 o'clock, 7-ish, 17 I boarded the plane and took my seat, 27D. I settled 18 myself into my seat and started using my iPod. I think 19 it was about ten minutes later I could hear a man scream 20 even though I was wearing earphones. I removed my 21 earphones and stood up and could see something behind me 22 on the plane. I saw a large black man struggling and 23 shouting, 'You're killing me. You're killing me'. He 24 was wrestling with three other men. The black man was 25 putting up a good fight and the other guys were having</p> <p style="text-align: center;">Page 115</p>
<p>1 the economy plus and were re-seated in seat 24G. We had 2 only been sat in 27C for a couple of minutes before the 3 black lady took her seat. 4 "From taking my seat in 24G I didn't hear the black 5 male again. 6 "The plane began to move after a further 7 five minutes and when we neared the runway the captain 8 came over the tannoy stating that there was a medical 9 emergency and that we were going to return to the stand. 10 "After about five minutes of reaching the stand, 11 paramedics, fire brigade and police came onto the plane. 12 After about an hour other half we were told to leave the 13 plane and taken to a hotel. I then flew out the next 14 day on the same aircraft. 15 "The man who had sat next to me in 27A I would 16 describe as white, early 30s, polo-shirt and jeans, 17 thinning hair and Glaswegian. 18 "The black man was of large build but not much hair 19 on top, round face and wearing a jacket. 20 "The three security males I couldn't differentiate 21 from each other but they were all white, wearing dark 22 blue suit jackets, one of them had a Group 4 Security 23 badge on him, and were all about early to mid-40s. 24 I didn't see any punching or kicking by the security. 25 "At the start of the incident when I boarded an air</p> <p style="text-align: center;">Page 114</p>	<p>1 a problem containing him. I saw that the black man was 2 restrained from behind in a choke hold and he had one of 3 his arms behind his back. It was his right arm. He was 4 still shouting at this stage. I saw one of the guys 5 grab the black man's face and try and force him down 6 into the seat. The three guys were wearing dark suits. 7 During the struggle they managed to get the black man 8 into a seat but not sitting up. I then saw one of the 9 guys getting some handcuffs from behind his blazer. The 10 black man was still shouting and they were all 11 struggling. I don't remember any of the three guys 12 saying or shouting anything to the black man. I then 13 saw the stewardess moving passengers but the other 14 passengers didn't move quickly as they were watching 15 what was going on. I was moved to further up the 16 aircraft. I could hear the black man but couldn't see 17 him now. I think I was in the other cabin for about 18 ten minutes and when I returned to my seat I could hear 19 the man moaning. I couldn't see him. I put my 20 headphones back on when I got in my seat. I could see 21 other passengers were still looking. Some passengers 22 were moved away from the hot zone to other seats. We 23 started taxiing out and I hear announcements that 24 a passenger needs medical treatment. We return back to 25 stand and paramedics boarded the plane. I also saw BAA</p> <p style="text-align: center;">Page 116</p>

29 (Pages 113 to 116)

1 staff and fire department came on board. I looked back  
 2 down the plane and saw them at the rear of the plane.  
 3 I saw a body being carried in galley area. I saw the  
 4 feet going around the corner. I also saw a lot of  
 5 police officers on the plane too. We were then informed  
 6 that the flight would be cancelled and police were  
 7 looking for witnesses regarding an incident on the  
 8 plane. A male officer took my details whilst I was  
 9 sitting in my seat. I then left the plane. I got on  
 10 board at about 7 o'clock and they were still working on  
 11 him at 9 o'clock. I left the aircraft at about  
 12 midnight. I am willing to attend court if required."  
 13 This is the second statement of Timothy Walter Shaw  
 14 Rhude, stated 29 November 2010:  
 15 "I have been asked by police to give further  
 16 statement to the one I made on 13 October 2010. On that  
 17 day I gave a statement to police officers regarding  
 18 an incident involving a black guy and some white guys,  
 19 three of them. I entered the plane near the front with  
 20 other passengers. I turned right and walked to my seat.  
 21 I am pretty certain that it was 27D. It was at the back  
 22 of the plane but I was at the front of that section.  
 23 I was about two or three rows from the partition. My  
 24 seat was in the middle set of three and on the aisle the  
 25 same side as I had entered. I put my bags in the

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1 overhead compartment and settled into my seat. Nothing  
 2 grabbed my attention as I boarded and took my seat.  
 3 There was nobody in the middle seat. There was a guy  
 4 sitting in the other aisle seat. He was 45 years old,  
 5 black golf shirt, moustache. I think he was with  
 6 a group of guys possibly Scottish. He was greying. He  
 7 had dark hair slightly thinning, 5-foot 6 tall,  
 8 approximately, slightly heavier than average. His shirt  
 9 was short-sleeved and had three buttons. It had some  
 10 kind of gold pattern on it. I think he had khaki pants  
 11 on. I did not really speak with him. I took my seat.  
 12 The plane was filling up. I put on my headphones to  
 13 listen to music. That's when I heard the shouting.  
 14 I began to look around. That's when I was aware of the  
 15 black guy shouting at the back of the plane. I have  
 16 been asked if I could remember any details of the three  
 17 men that were struggling with the black guy. I can only  
 18 remember that they were all white. They were wearing  
 19 dark suits. I think they were all about the same  
 20 height. One was slightly heavier. I do not think that  
 21 I will be able to pick them out of a crowd. I only  
 22 watched the struggle for about two minutes. I seemed to  
 23 concentrated on the black guy more than them. I can  
 24 describe actions that the guards took but I could not  
 25 say which guard it was. The whole scenario seemed to me

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1 that three guys were trying to contain a big guy that  
 2 did not want to be there. They were trying to get him  
 3 to sit in a seat. They were trying to keep him losing  
 4 the plot. I saw that the black guy was standing up in  
 5 the aisle at the back of the galley area. That's the  
 6 other aisle to me. One of the white guys in the suit  
 7 had his arm around the neck of the black guy. I think  
 8 it was his right. He had his arm right around, his  
 9 elbow was pointing out from the black guy's neck. So he  
 10 was standing behind him. This guy that had the  
 11 head-hold on had black handcuffs. I remember that  
 12 during part of the struggle when the black guy went down  
 13 into the seats. I saw that his jacket came open and  
 14 I saw the handcuffs on his hip. I cannot remember what  
 15 the other two were doing at this time. I think one was  
 16 behind him. One was in the seats at the very back in  
 17 the set of seats behind me. I saw that the guy was  
 18 trying to pull the black guy down into the seats. The  
 19 guy with the choke hold on seemed to twist and with his  
 20 body weight forced the black guy down into the seat  
 21 area. I think at the same time the third guy had also  
 22 managed to get his hand on the face of him between all  
 23 three. They seemed to fall in the seats. It was then  
 24 that I saw the handcuffs. I thought at the time that  
 25 they had things in control. I could still hear shouting

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1 from the black guy as I mentioned. I sat back down in  
 2 my seat. After a short while, less than a minute, the  
 3 stewardesses started to ask people to move further to  
 4 the front of the plane. People had already started  
 5 doing this because I remember not being able to get out  
 6 into the aisle straightaway. We moved further forward  
 7 into the next section. I did not see anything further.  
 8 There were too many people in the aisles and milling  
 9 about. It was at this time we were told by one of the  
 10 other passengers that he was being deported. Up until  
 11 that point I thought they may have been air marshals  
 12 detaining somebody. When I went back to my seat I could  
 13 not see the black guy at the back. I took my seat again  
 14 and we began to get ready to taxi for take-off. I could  
 15 hear the black guy. He was only moaning now. It was  
 16 muffled like he had his head in a pillow. I couldn't  
 17 hear words. I mentioned that I saw paramedics come onto  
 18 the plane with other emergency officers. After some  
 19 minutes I looked around. I saw the black guy was  
 20 sitting up with his head back but not moving. I thought  
 21 he was on the seat directly behind me at the very back.  
 22 I did not see the three guards. They were not near him  
 23 at this time. I only saw emergency crews. After a few  
 24 minutes again I saw what I thought was the guy being  
 25 carried/dragged to the very rear of the plane.

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1 I presumed that they are taking him back to the galley  
 2 area to work on him. I did not see who carried him  
 3 away. I never saw the black guy again, nor did I hear  
 4 him. The next time I saw the three guards they were  
 5 walking off all together with officers. They were  
 6 escorted off. I was wearing black trainers, light blue  
 7 denim jeans, brown jacket, Colombian titanium fleece.  
 8 I am white, Canadian, 6-foot 1, slim build, brown hair,  
 9 brown eyes, 200 pounds, a yellow metal ring third finger  
 10 right hand. I do not carry a phone or watch. I was  
 11 clean-shaven. I have said I wore the brown jacket.  
 12 I had it but might not have kept it on. I have not  
 13 spoken with the press about this incident. I took no  
 14 photos of the incident. I did not see any punches  
 15 thrown by anyone. The black guy was a big guy. He was  
 16 hyper. He didn't want to do what the guards wanted him  
 17 to do. He did not want to get down into the seats."  
 18 Signed T Rhude.  
 19 DEPUTY CORONER MS MONAGHAN: Thank you very much. Thank  
 20 you, Mr Leese. We'll have Mr Brown now. We're going to  
 21 call Mr Brown, one of the passengers, to give evidence  
 22 now.  
 23 MR DAVID BROWN (sworn)  
 24 Examined by THE CORONER  
 25 DEPUTY CORONER MS MONAGHAN: Thank you very much, Mr Brown.

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1 Before we start questions with you, can you just give us  
 2 your full name, please.  
 3 **A. David Peter Brown.**  
 4 DEPUTY CORONER MS MONAGHAN: Can you try and keep your voice  
 5 up when you are answering questions because the jury has  
 6 to hear it right across the other side of the room.  
 7 **A. Yeah.**  
 8 DEPUTY CORONER MS MONAGHAN: You know that we're here to  
 9 help us with the events of 12 October 2010?  
 10 **A. Yeah.**  
 11 DEPUTY CORONER MS MONAGHAN: Really what I'd like you to do  
 12 is just talk us through it. So if you could just start  
 13 by telling us why you were at Heathrow on  
 14 12 October 2010?  
 15 **A. I was travelling out to Angola for work.**  
 16 DEPUTY CORONER MS MONAGHAN: For work?  
 17 **A. Yeah.**  
 18 DEPUTY CORONER MS MONAGHAN: Can you tell us what happened  
 19 when you came to board at some point? Can you talk us  
 20 through that part of the journey.  
 21 **A. Well, I was one of the last to go on board and as we**  
 22 **approached the plane we were stopped at first. There**  
 23 **was an incident we were told. After three or**  
 24 **four minutes we were told we could carry on boarding and**  
 25 **I got onto the plane, turned to my right to walk down to**

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1 **the seat which was at the back.**  
 2 DEPUTY CORONER MS MONAGHAN: Do you remember what number  
 3 seat it was?  
 4 **A. 39A.**  
 5 DEPUTY CORONER MS MONAGHAN: So you'll know where that is by  
 6 now, members of the jury.  
 7 **A. It's the window seat at the back.**  
 8 DEPUTY CORONER MS MONAGHAN: So you're on 39A which is the  
 9 window seat. We'll just have the usher put a sticker  
 10 there to help us.  
 11 **A. Yeah, that's the one.**  
 12 DEPUTY CORONER MS MONAGHAN: Right at the very back. So you  
 13 walk up the aisle towards your seat.  
 14 **A. Yeah. I see a colleague who was sitting -- I think he**  
 15 **was sitting in the second row as we went in to the**  
 16 **Economy Class who mentioned that, "Take your time", he**  
 17 **said to me, "There's something kicking off down there".**  
 18 DEPUTY CORONER MS MONAGHAN: Can you tell us the colleague's  
 19 name?  
 20 **A. It's written down in my statement, James -- can I look**  
 21 **at me first --**  
 22 DEPUTY CORONER MS MONAGHAN: Yes, sorry. I didn't see it.  
 23 I would have helped you otherwise. James Rodgers,  
 24 I think is the second statement.  
 25 **A. Yeah.**

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1 DEPUTY CORONER MS MONAGHAN: So James Rodgers was  
 2 a colleague of yours?  
 3 **A. Yeah, he was working on the same site.**  
 4 DEPUTY CORONER MS MONAGHAN: And he was the second as you  
 5 walk up?  
 6 **A. As you walk in the Economy, he was on the right-hand**  
 7 **side there. I don't know which seat he was in but**  
 8 **I think it was the second row.**  
 9 DEPUTY CORONER MS MONAGHAN: Okay.  
 10 **A. I carried on down to the back. I couldn't see anything**  
 11 **at first but as I approached the back rows I realised**  
 12 **something was going on there. When I got to my seat,**  
 13 **I put my stuff up, I turned round and I saw there was**  
 14 **a bit of a commotion there.**  
 15 DEPUTY CORONER MS MONAGHAN: When you say "there", where did  
 16 you see a commotion?  
 17 **A. Well, I turned then to my right and it was in the middle**  
 18 **seats on the back row. The gentleman in question was --**  
 19 **well, in a position where I think he was kneeling on the**  
 20 **floor. He's backside was to the row in front and his**  
 21 **head -- I got the impression his head was under the**  
 22 **seat.**  
 23 DEPUTY CORONER MS MONAGHAN: When you say the man in  
 24 question, can you describe him, was he white or black?  
 25 **A. He was a coloured gentleman because the only thing**

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1 I could see was his hands that were handcuffed up his  
 2 back. That's all I saw. Of the two or three minutes  
 3 that I was present there I did not see his head at all.  
 4 DEPUTY CORONER MS MONAGHAN: Were there any other people  
 5 around him?  
 6 A. There was the guards that were with him.  
 7 DEPUTY CORONER MS MONAGHAN: I'm just going to ask you to  
 8 describe them. First of all, what did they look like?  
 9 A. Well, they were three big burly guys.  
 10 DEPUTY CORONER MS MONAGHAN: White?  
 11 A. Yeah, white with grey suits on.  
 12 DEPUTY CORONER MS MONAGHAN: What were they doing or where  
 13 were they in relation to Mr Mubenga, the black man?  
 14 A. Well, there was one either side of him and then one on  
 15 the far seat on the other side of the plane on the back  
 16 row. He did the talking.  
 17 DEPUTY CORONER MS MONAGHAN: Just pause there. So there's  
 18 one either side of Mr Mubenga?  
 19 A. Yeah.  
 20 DEPUTY CORONER MS MONAGHAN: Then there's one in front, is  
 21 that right?  
 22 A. No, one the far side. There's one, Mr Mubenga, another  
 23 one, and then I took the guy in charge was the furthest  
 24 one away.  
 25 DEPUTY CORONER MS MONAGHAN: So you're looking up the

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1 aisle --  
 2 A. No, to my right. I'm in my seat and standing up, and  
 3 I'm looking there right to the -- on the back row.  
 4 DEPUTY CORONER MS MONAGHAN: You have one --  
 5 A. A guard, Jimmy, another guard and then the guy who spoke  
 6 to him.  
 7 DEPUTY CORONER MS MONAGHAN: What's the guard speaking to  
 8 him, what's he saying?  
 9 A. He said to him, he's an illegal, he's a deportee, he's  
 10 going home and he doesn't want to go, words to that  
 11 effect.  
 12 DEPUTY CORONER MS MONAGHAN: Right. Then can you talk us  
 13 through what happened?  
 14 A. Well then a British Airways steward came round, walked  
 15 round the plane to the top aisle, cut through the aisle  
 16 there, come back down the other side and then the  
 17 passenger, a young lady sat next to me, or was going to  
 18 sit next to me, we were both moved up into Premium  
 19 Economy.  
 20 DEPUTY CORONER MS MONAGHAN: Just before we come to that  
 21 then, you said you saw his hands cuffed?  
 22 A. Yes, his hands up his back with handcuffs on.  
 23 DEPUTY CORONER MS MONAGHAN: So his hands were behind his  
 24 back?  
 25 A. Yeah.

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1 DEPUTY CORONER MS MONAGHAN: Could you see what position his  
 2 hands were cuffed in?  
 3 A. Like that (Indicated).  
 4 DEPUTY CORONER MS MONAGHAN: Just turn round and show the  
 5 jury.  
 6 A. Like that (Indicated).  
 7 DEPUTY CORONER MS MONAGHAN: So palms outwards basically?  
 8 A. Yeah.  
 9 DEPUTY CORONER MS MONAGHAN: So you don't see his head. His  
 10 head's down somewhere, you can't see it in any event?  
 11 A. Yeah.  
 12 DEPUTY CORONER MS MONAGHAN: Are any of the two men sitting  
 13 by him touching him?  
 14 A. Well, I couldn't work out whether his head was under the  
 15 seat or one of them had got his body over his head, but  
 16 at that point the British Airways guy started to move us  
 17 forward.  
 18 DEPUTY CORONER MS MONAGHAN: Okay. So what happened when  
 19 you were moved forward?  
 20 A. We went in the Economy seats on the right-hand side of  
 21 the plane this time and I could still hear him calling  
 22 out for help.  
 23 DEPUTY CORONER MS MONAGHAN: So you heard something from  
 24 Mr Mubenga as well, apart from the guard talking?  
 25 A. Yeah.

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1 DEPUTY CORONER MS MONAGHAN: Did you hear what Mr Mubenga  
 2 said?  
 3 A. He was just saying, "Help, help".  
 4 DEPUTY CORONER MS MONAGHAN: Anything else?  
 5 A. No. Not that I could make out no.  
 6 DEPUTY CORONER MS MONAGHAN: So what does the cabin crew  
 7 member, the male cabin crew a member, do when he comes  
 8 to move you down?  
 9 A. He wasn't a crew member. He was a ground staff person.  
 10 DEPUTY CORONER MS MONAGHAN: A ground staff person?  
 11 A. Yeah. He just said, "Ill move you forward" and he took  
 12 us up into the next section, Premium Economy.  
 13 DEPUTY CORONER MS MONAGHAN: Premium Economy?  
 14 A. Yeah.  
 15 DEPUTY CORONER MS MONAGHAN: What happened then?  
 16 A. He just gave us a seat there and just left us to it.  
 17 DEPUTY CORONER MS MONAGHAN: What happened then? Presumably  
 18 you got off at some point or did you see Mr Mubenga  
 19 again?  
 20 A. No, no.  
 21 DEPUTY CORONER MS MONAGHAN: So you have moved up?  
 22 A. I think it was row 25, I think.  
 23 DEPUTY CORONER MS MONAGHAN: Just inside next section of the  
 24 cabin?  
 25 A. Yeah.

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1 DEPUTY CORONER MS MONAGHAN: What happens then?  
 2 **A. We backed away from the gate. We turned to taxi --**  
 3 **started to taxi to the runway. We never got to the**  
 4 **runway and the plane turned round. The pilot came over**  
 5 **the radio and said there's been a medical emergency and**  
 6 **we need to go back to the gate. And that's what we did,**  
 7 **went back to the gate, and then the services came on**  
 8 **board.**  
 9 DEPUTY CORONER MS MONAGHAN: So did the services come on  
 10 board after you had left the plane or before you had  
 11 left the plane?  
 12 **A. No, before. Before.**  
 13 DEPUTY CORONER MS MONAGHAN: Then you are taken off the  
 14 plane?  
 15 **A. No, the police then were asking everybody for their**  
 16 **names and addresses, so they could collect a statement,**  
 17 **which we did and then we were taken away -- by this time**  
 18 **I think it was about midnight, I think, and then we were**  
 19 **put up in a hotel at the airport.**  
 20 DEPUTY CORONER MS MONAGHAN: Then you gave a statement  
 21 I think to the police the following day?  
 22 **A. The next morning, yeah.**  
 23 DEPUTY CORONER MS MONAGHAN: Before you gave the statement  
 24 to the police, did you speak to anybody about what had  
 25 happen?

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1 **A. No.**  
 2 DEPUTY CORONER MS MONAGHAN: Not your colleague, Mr --  
 3 **A. No, I didn't see him.**  
 4 DEPUTY CORONER MS MONAGHAN: Okay. I just want to sort of  
 5 unpick that a bit more about what you saw on the plane  
 6 itself. So you don't see Mr Mubenga's head at all?  
 7 **A. No, not at all.**  
 8 DEPUTY CORONER MS MONAGHAN: You see his hands cuffed behind  
 9 his back?  
 10 **A. Yeah.**  
 11 DEPUTY CORONER MS MONAGHAN: As to the guards, I'm not quite  
 12 sure what you were saying --  
 13 **A. Well, one was to his right, leaning over him, and the**  
 14 **one the other side of him was leaning to his left**  
 15 **leaning over him. They were stopping him from getting**  
 16 **up.**  
 17 DEPUTY CORONER MS MONAGHAN: So they were both leaning over  
 18 him?  
 19 **A. Yeah.**  
 20 DEPUTY CORONER MS MONAGHAN: So far as you could tell, were  
 21 they putting pressure on him or were they just sort of  
 22 above him?  
 23 **A. I couldn't tell. I think they were just holding him**  
 24 **there to stop him getting up while everybody boarded.**  
 25 DEPUTY CORONER MS MONAGHAN: You have told us that you heard

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1 him saying, "Help, help"?  
 2 **A. Yeah.**  
 3 DEPUTY CORONER MS MONAGHAN: Did you hear him saying  
 4 anything else that you remember?  
 5 **A. No.**  
 6 DEPUTY CORONER MS MONAGHAN: After you made your statement  
 7 on the 13th, you made another statement on 29 November?  
 8 **A. Yeah.**  
 9 DEPUTY CORONER MS MONAGHAN: Just tell us how that happened?  
 10 Did police ring you up or what happened about that?  
 11 **A. I received an e-mail while we were still on site in**  
 12 **Sogo(?) asking us when we were getting back and I told**  
 13 **them I was due in four weeks. So when I got back**  
 14 **I contacted the person who had sent the e-mail and then**  
 15 **a male and a female police officer, from they said**  
 16 **Scotland Yard, came up to the house and took a statement**  
 17 **there.**  
 18 DEPUTY CORONER MS MONAGHAN: Between giving your statement  
 19 on 13 October and the making of your statement on  
 20 29 November, did you read any press reports about  
 21 Mr Mubenga?  
 22 **A. I read a report in the paper -- well, on the laptop**  
 23 **while we were out there that he'd suffered a heart**  
 24 **attack and I think that's when everybody started to**  
 25 **contact people back home.**

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1 DEPUTY CORONER MS MONAGHAN: Did you speak to anybody before  
 2 29 November about what had happened to Mr Mubenga?  
 3 **A. No.**  
 4 DEPUTY CORONER MS MONAGHAN: Any other passengers?  
 5 **A. No.**  
 6 DEPUTY CORONER MS MONAGHAN: The media?  
 7 **A. No. Because the passengers -- when we go out there**  
 8 **people are on different timescales. You might do**  
 9 **four weeks, 5 weeks, so it's very rare you see anybody**  
 10 **coming back.**  
 11 DEPUTY CORONER MS MONAGHAN: In your second statement you  
 12 said that you heard Mr Mubenga say that he couldn't  
 13 breathe.  
 14 **A. Yeah.**  
 15 DEPUTY CORONER MS MONAGHAN: But you weren't quite sure when  
 16 that was. Do you remember that?  
 17 **A. I think that was when we'd moved down to Premium**  
 18 **Economy. I remember him shouting out, "I can't breathe"**  
 19 **after that.**  
 20 DEPUTY CORONER MS MONAGHAN: Are you sure you heard him say  
 21 that?  
 22 **A. Yeah, "Help me, I can't breathe".**  
 23 DEPUTY CORONER MS MONAGHAN: The reason I am exploring that  
 24 with you is because it's not in your first statement.  
 25 Are you able to help us with why that is?

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1 **A. No, not really. No, I just had more time to think about**  
 2 **it when the two police officers came.**  
 3 DEPUTY CORONER MS MONAGHAN: Thank you very much. That's  
 4 lovely. You are going to be asked some questions now  
 5 from some of the representatives so if you just stay  
 6 there a minute, Mr Brown. Thank you.  
 7 Examined by MS MURPHY  
 8 MS MURPHY: Mr Brown, I only have a small number of  
 9 questions for you on behalf of Mr Mubenga's widow,  
 10 Mrs Kambana, and their children. Could I just come to  
 11 the point the learned coroner has just been dealing  
 12 with, the process of taking your statement in November,  
 13 on 29 November. Could the witness possibly see the blue  
 14 volume 3.  
 15 DEPUTY CORONER MS MONAGHAN: Is this his statement?  
 16 MS MURPHY: It's a document in between his two statements.  
 17 It's page 6, Mr Brown. Mr Brown, if I could just help  
 18 you by explaining what this document is. It is headed  
 19 up, "David Peter Brown, statements notes, 29/11/10".  
 20 Can you see there the name DC Jenny Morley at the top of  
 21 the page?  
 22 **A. Yeah.**  
 23 Q. I think it's not controversial, she is indeed an officer  
 24 from Scotland Yard. Just below the two crossings out,  
 25 there's a paragraph that begins on the left, "Big guy",

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1 can you see that about two-thirds down?  
 2 **A. Yes.**  
 3 Q. Could I ask you to read that out to the jury?  
 4 **A. "Big guy man in charge two others with him never saw his**  
 5 **head, 'help me I can't breathe' said one while I was**  
 6 **there, couple of lines ..."**  
 7 Q. "Couple of times" perhaps?  
 8 **A. Yeah:**  
 9 **"... when moved could hear him saying something**  
 10 **started taxiing out."**  
 11 Q. Mr Brown, it appears to me that those are your words.  
 12 Are those your words given to DC Morley when she came to  
 13 see you?  
 14 **A. Yes.**  
 15 Q. Her notes?  
 16 **A. Yeah.**  
 17 Q. Thank you. Bear with me one moment. Could I just ask  
 18 you to clarify, Mr Brown, the point where you had used  
 19 the expression that you thought Mr Mubenga was kneeling.  
 20 Just that I can understand that fully, you're not saying  
 21 kneeling up in terms of being able to see his head?  
 22 **A. No, his knees were on the floor.**  
 23 Q. So not genuflecting in that sense?  
 24 **A. Yeah.**  
 25 Q. Is it correct that your evidence was you didn't see his

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1 head at any point?  
 2 **A. No, I never saw his head at all. The only thing I saw**  
 3 **of him were his arms.**  
 4 MS MURPHY: Thank you, Mr Brown. No more questions from me.  
 5 Thank you very much.  
 6 Examined by MS HEWITT  
 7 MS HEWITT: Mr Brown, can I ask you to have a look at your  
 8 first statement. That's the statement you made on  
 9 13 October. I want to ask you a few points about it.  
 10 They're not trick questions. I want to try and ask you  
 11 a little bit about the accuracy of what you saw and the  
 12 impression you got at the time.  
 13 **A. Yeah.**  
 14 Q. On that first statement you made, at the top of page 2  
 15 onwards, I think that's the point at which you start  
 16 describing what you could see once you got to the bottom  
 17 of the plane and to your seat?  
 18 **A. Yeah.**  
 19 Q. You have described I think putting your luggage away.  
 20 There was someone sitting in the aisle seat of row 39,  
 21 is that right?  
 22 **A. Correct, a young lady.**  
 23 Q. And you were going to be in the window seat?  
 24 **A. Correct, yeah.**  
 25 Q. What you have described already seeing, in relation to

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1 the man being deported and the guards, did you see that  
 2 when you were standing up or once you sat down in your  
 3 seat?  
 4 **A. Standing up.**  
 5 Q. When you were standing up?  
 6 **A. Yeah.**  
 7 Q. So it's from that position that you set out here in your  
 8 statement what you could see?  
 9 **A. Yeah.**  
 10 Q. You referred to the officers and the black man. In your  
 11 statement you refer to row 39. Were they in the back  
 12 row?  
 13 **A. They were on the back row, yeah.**  
 14 Q. In fact I don't know if you can see it from there but we  
 15 know, so it's not a trick, that is in fact row 40; but  
 16 you remember them being in the back row, do you?  
 17 **A. Yeah, yeah.**  
 18 Q. You say this, that there were four seats in the middle  
 19 of the aircraft which you describe as 39 -- it would be  
 20 40 in fact -- C, D, E and F?  
 21 **A. Yeah.**  
 22 Q. You describe, don't you, seeing a guard nearest to you?  
 23 **A. Yeah.**  
 24 Q. Then the black man being deported?  
 25 **A. Yes.**

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1 Q. Then another guard?  
 2 **A. Another guard, yes.**  
 3 Q. Then a fourth guard further on?  
 4 **A. Yeah.**  
 5 Q. All four of them in a row?  
 6 **A. Yeah.**  
 7 Q. That's as you remember it?  
 8 **A. Yeah.**  
 9 DEPUTY CORONER MS MONAGHAN: Four guards, did you say?  
 10 **A. No, three guards.**  
 11 MS HEWITT: Three guards, four men.  
 12 DEPUTY CORONER MS MONAGHAN: Sorry, Ms Hewitt, my fault.  
 13 MS HEWITT: Not at all; four men sitting in a row on the  
 14 back row?  
 15 **A. Three of them were sitting, one of them was kneeling.**  
 16 Q. Which one was kneeling, the black man?  
 17 **A. Yeah.**  
 18 Q. Let me stay at the moment of them all being in a row  
 19 together. Is that something you were asked to try and  
 20 be accurate about when it came to making your second  
 21 statement?  
 22 **A. I don't remember that. I don't remember being asked**  
 23 **that.**  
 24 Q. I ask you that because in your second statement you're  
 25 being shown a plan and you say in your statement:

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1 "This plan shows three seats in the middle but to my  
 2 memory I thought there were four seats as there were  
 3 four men in the row."  
 4 **A. Correct.**  
 5 Q. Is that as you remember it still now?  
 6 **A. That's how I remember it, yes.**  
 7 Q. I'm back at your first statement now, top of page 2.  
 8 You say that in 39C, but that would be the back row --  
 9 **A. The aisle seat.**  
 10 Q. The aisle seat of the back row is what you mean by that?  
 11 **A. Yeah.**  
 12 Q. You say:  
 13 "There was a male who would later be identified to  
 14 me as one of the security guards."  
 15 Can you remember who was identifying people to you  
 16 later on?  
 17 **A. No.**  
 18 Q. That officer, that male, had his back to you?  
 19 **A. Well, not all his back. He was sideways.**  
 20 Q. Turning in towards --  
 21 **A. In towards --**  
 22 Q. Mr Mubenga?  
 23 **A. Yeah.**  
 24 Q. When it comes to Mr Mubenga's position, you say that it  
 25 appeared to you that he was down on his knees in the gap

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1 between 39D, as you describe it; do you mean his own  
 2 seat?  
 3 **A. Yeah.**  
 4 Q. And the seat in front?  
 5 **A. Yes, and the row in front, yes. That's correct.**  
 6 Q. You then say this:  
 7 "This male's head was towards me and the male in  
 8 seat 39C."  
 9 Was that a description then of Mr Mubenga's head --  
 10 **A. No, the guard. I never saw Mr Mubenga's --**  
 11 MS HEWITT: Have a look at your statement so you can see the  
 12 sentence I'm asking you about. Can you see top  
 13 paragraph on page 2?  
 14 DEPUTY CORONER MS MONAGHAN: Sorry, what sentence am  
 15 I looking at, Ms Hewitt? "I could then see this  
 16 male...?"  
 17 MS HEWITT: The reference to:  
 18 "Another male appeared to be down on his knees in  
 19 the gap between 39D and the seat in front."  
 20 Then you say:  
 21 "This male's head was towards me and the male in  
 22 seat 39C."  
 23 Where it says "this male's head" --  
 24 **A. I think that's just been typed-up wrong there.**  
 25 DEPUTY CORONER MS MONAGHAN: Hold on a second.

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1 "This male was sat with his back to me. He was  
 2 leaning over towards 39D."  
 3 This is a security guard.  
 4 "I now saw a male who would later be identified to  
 5 me as a security guard. This male was sat with his back  
 6 to me, he was leaning over towards 39D. I could then  
 7 see that this male was leaning over another male who  
 8 appeared to me to be down on his knees."  
 9 So is it the security guard leaning over the man on  
 10 his knees?  
 11 **A. Yes.**  
 12 DEPUTY CORONER MS MONAGHAN: Who's the man on his knees?  
 13 **A. The coloured guy. He's the only one that was on his**  
 14 **knees.**  
 15 DEPUTY CORONER MS MONAGHAN: Am I following this right,  
 16 Ms Hewitt, because I'm -- maybe you're getting to  
 17 a different point, but go on.  
 18 MS HEWITT: The sentences I am looking at, Mr Brown, and  
 19 madam, really, just to be absolutely clear, can you see  
 20 it starts:  
 21 "I could then see this male was leaning over...?"  
 22 **A. Yes.**  
 23 Q. "I could then see that this male was leaning over  
 24 another male who appeared be down on his knees in the  
 25 gap between the seat and the seat in front. This male's

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<p>1 head was towards me and the male in 39C."  2 That seems to be a reference to the head being  3 towards you and towards the officer who was in the aisle  4 seat, looking at the seat references --  5 <b>A. As I've already stated at no time did I see the coloured  6 guy's head. At no time whatsoever.</b>  7 Q. You describe seeing though Mr Mubenga kneeling in your  8 first statement. When you were asked again about it in  9 your second statement you were still of that view. You  10 still had that impression?  11 <b>A. Yeah. He never changed -- he never moved his position.</b>  12 Q. I am now looking for everyone else's benefit and yours,  13 if you would like to look, at page 2 of 3 in your second  14 statement towards the top. There is this sentence:  15 "I could only see the black man's hands behind his  16 back in handcuffs. I could not see the rest of him but  17 due to the position of his back, arms and hands  18 I believe he was kneeling on the floor, facing the back  19 of the plane/seat."  20 <b>A. Yeah.</b>  21 Q. Is that right?  22 <b>A. Yeah.</b>  23 Q. Your impression was that Mr Mubenga was facing the  24 back --  25 <b>A. The rear of the plane.</b></p> <p style="text-align: center;">Page 141</p>	<p>1 Q. You made a joke, didn't you?  2 <b>A. Yeah, I just said, "I hope that's not the pilot you've  3 got down there".</b>  4 DEPUTY CORONER MS MONAGHAN: Sorry, what did you say?  5 <b>A. "I hope that not the pilot you've got down there"  6 because at first it appeared it was something out of  7 a comedy film.</b>  8 DEPUTY CORONER MS MONAGHAN: Did you hear what he said?  9 I think Mr Mubenga's wife is -- what he said was,  10 "I hope you haven't got the pilot down there".  11 MS HEWITT: What you say in your statement, Mr Brown, is  12 that you saw what you have just been describing going on  13 and you said:  14 "I hope that's not the pilot you're wrestling with  15 there."  16 Did you get a response to that?  17 <b>A. The guard in the far seat who I -- in my impression  18 I thought he was in charge, said to me, "He's an illegal  19 and he's going home to Luanda".</b>  20 Q. When you were asked by that a few moments ago, I think  21 you started to say those words before, "He's  22 an illegal", but you corrected yourself and said that he  23 said he's a deportee?  24 <b>A. A deportee.</b>  25 Q. Was that the wording in fact?</p> <p style="text-align: center;">Page 143</p>
<p>1 Q. The rear of the plane?  2 <b>A. Yeah.</b>  3 Q. But that wasn't from seeing his face?  4 <b>A. No.</b>  5 Q. That was from what you saw of his body?  6 <b>A. Yeah, from looking at his back.</b>  7 Q. From what you could see you knew, didn't you, that  8 Mr Mubenga's arms were handcuffed behind his back?  9 <b>A. Correct.</b>  10 Q. But from the position you saw them in you nevertheless  11 got the impression that he was down on his knees and  12 facing the back of the plane?  13 <b>A. That's correct, yeah.</b>  14 Q. Was his body then -- this is Mr Mubenga I am asking you  15 now about. Did you see whether his body was twisted  16 round in any way or were you not able to see?  17 <b>A. No. I got the impression his head was under the seat.</b>  18 Q. Under the seat?  19 <b>A. Yeah.</b>  20 Q. Facing the back?  21 <b>A. Yeah.</b>  22 Q. In your first statement you say that you had a short  23 conversation with one of the guards about what was going  24 on. Do you remember that?  25 <b>A. Yeah.</b></p> <p style="text-align: center;">Page 142</p>	<p>1 <b>A. Yeah.</b>  2 Q. So you were told that Mr Mubenga was being deported?  3 <b>A. Hmm, hmm. Correct.</b>  4 Q. Was that the totality of the exchange? Was that all  5 that was said?  6 <b>A. That's all that was said, yeah. At that point the  7 British Airways steward came and moved us forward.</b>  8 Q. Can we take it, from that, that at least one of the  9 guards knew that you were standing there watching what  10 was going on putting it bluntly?  11 <b>A. Yeah.</b>  12 Q. You had that engagement. Did you see any of the three  13 guards change or alter what they were doing while you  14 were standing there watching them?  15 <b>A. No.</b>  16 Q. It was after that, was it, that you then moved away?  17 <b>A. We were then moved forward, yes.</b>  18 Q. I think you say in your statement -- I think you've said  19 it already but just to be absolutely clear -- the whole  20 time that you were standing where you have described  21 watching what was going on in total was about  22 two minutes or so?  23 <b>A. About two or three minutes at tops, yes, correct.</b>  24 Q. You said at the end of your second statement that you  25 didn't hear the men, the officers in grey suits, say</p> <p style="text-align: center;">Page 144</p>

36 (Pages 141 to 144)

1 anything to the man handcuffed during the time you were  
2 there?

3 **A. No, he just spoke to me, that's all, when I asked the**  
4 **question.**

5 MS HEWITT: I think that's it. Could I just have one  
6 moment?

7 DEPUTY CORONER MS MONAGHAN: Certainly.

8 MS HEWITT: (Pause) Thank you very much. Thank you.

9 DEPUTY CORONER MS MONAGHAN: Just wait there, if you  
10 wouldn't mind, Mr Brown, just in case there's somebody  
11 else who would like to ask you some questions. Is there  
12 anybody else? Thank you very much for coming. It's  
13 been of considerable help to us to have some passengers  
14 come and tell us what happened. So thank you very much.  
15 You're now formally released. You can stay if you like  
16 but you're free to leave. Thank you very much.

17 (The witness withdrew)

18 DEPUTY CORONER MS MONAGHAN: I think we will take a short  
19 break now then. We're going to have a couple more sets  
20 of witness statements before we finish today. We're  
21 getting near the end of the statements, you'll be happy  
22 to know, but a couple before we finish tonight. Thank  
23 you very much. If you'd like to go back to your room.

1  
 2 (In the presence of the jury)  
 3 DEPUTY CORONER MS MONAGHAN: We're now going to hear  
 4 statements from two more witnesses before we finish for  
 5 this evening. I know it's getting colder. I can feel  
 6 it up here myself. We are again going back to the  
 7 relevant people and doing our best. Short of lighting  
 8 a fire in the middle of the room, there isn't much more

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1 males say anything. The black male was a big man very,  
 2 stocky, maybe 5 feet 11 inches to 6-foot tall. He  
 3 looked very heavy. He was really struggling. I would  
 4 say that the black male was about 40 years old and he  
 5 was wearing a black jacket. The three white males were  
 6 all wearing dark suits with shirts. After a few minutes  
 7 we were ushered forward by female stewards into the  
 8 front compartment and the curtains were drawn behind us  
 9 leaving the black male and three white males in the rear  
 10 compartment. After a few minutes we were told that  
 11 everything was under control and that we could return to  
 12 our seats, which we did. Once I had returned to my seat  
 13 I could hear a male voice moaning somewhere behind me,  
 14 although I could no longer see the black man who had  
 15 been struggling, nor the three white men who had been  
 16 restraining him. This went on for a few minutes. It  
 17 didn't sound like he was in pain, more like a sobbing  
 18 noise. The moaning stopped and the plane started  
 19 taxiing to the runway when a tannoy from the captain  
 20 announced that the passenger had been taken ill and  
 21 needed medical treatment. Once we got back to the stand  
 22 several paramedics turned up as well as fire brigade and  
 23 uniformed police officers. All the emergency services  
 24 walked past me from direction of the front of the plane  
 25 towards the rear. I did not see the black male again

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1 we can do about it at the moment but we are very aware  
 2 of it. Thank you very much.  
 3 MR STEVEN MURDOCH (statement read)  
 4 MR LEESE: This is the statement of Steven Murdoch:  
 5 "On Tuesday 12 October 2010 I was sat in seat 30A on  
 6 BA flight 77. I was flying from London Heathrow airport  
 7 to Luanda Airport in Angola. The time was about 7.45 pm  
 8 and the aircraft was still in boarding position at  
 9 Heathrow Airport. I heard a male's voice screaming,  
 10 'You are killing me, you are killing me' and, 'I need  
 11 justice'. The screaming was coming from behind me and  
 12 so I turned around to see what was happening. About  
 13 ten rows of seats behind me on the back row I saw three  
 14 white men struggling with a large black man. At first  
 15 I thought that the three white men were plain-clothes  
 16 police officers. The black man was trying to get free  
 17 whilst the three white men were trying to restrain him.  
 18 One of the white men was behind the black male trying to  
 19 get his arms behind his back. The other two white men  
 20 were trying to hold the black man's arms and waist and  
 21 one of the white men was on a seat reaching across.  
 22 This went on for a couple of minutes with the struggling  
 23 stopping every so often as if the black male was taking  
 24 a rest. The black male was screaming and shouting  
 25 incoherently on and off. I didn't hear the three white

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1 but I saw the three white men talking to police before  
 2 walking past me towards the front of the plane. At  
 3 about 10.45 pm we were told that the flight had been  
 4 cancelled and would be rescheduled. Before leaving the  
 5 aeroplane I gave my name and phone number to a uniformed  
 6 police officer but did not give a statement at that  
 7 time."  
 8 The second statement of Steven Murdoch, dated  
 9 15 November 2012:  
 10 "Further to my previous statement dated  
 11 13 October 2012 I would like to add the following  
 12 details.  
 13 "I boarded the plane at about 7.30 pm. My seat was  
 14 30A which was on the left-hand side of the plane, about  
 15 ten rows back from the rear. Seat A was next to the  
 16 window. I remember I was one of the first on board so  
 17 there were very few people in the economy cabin. Saying  
 18 that, I took very little notice because Scotland were  
 19 playing Spain so I was keeping an eye on the score of my  
 20 iPhone.  
 21 "I must have been sat down for about 15 minutes when  
 22 I heard loud screaming from the back of the cabin. At  
 23 this time there was a man sat in seat 30C, two seats  
 24 away from me. I looked over my right shoulder and can  
 25 see about ten rows back. In the far aisle the black

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1 male was standing up alongside the last row of seats.  
 2 He was being restrained by three white males. I have  
 3 marked on a plan of the aircraft their exact positions  
 4 as A, B and C. I have shown the black male as 'D' and  
 5 me as 'me'. This plan I exhibit as STM/1."  
 6 DEPUTY CORONER MS MONAGHAN: Pause there. We don't have  
 7 that map but it doesn't matter because he's going to  
 8 explain the various thing in his statement.  
 9 MR LEESE: "Man A was stretched over the back of the seats  
 10 in front trying to grab man D around the waist."  
 11 DEPUTY CORONER MS MONAGHAN: Man D is the black man, you  
 12 will remember.  
 13 MR LEESE: "Man C was doing the same with the left arm of  
 14 man D. Man B was trying to force man D behind his back.  
 15 My view of this was very good. There was nobody in  
 16 between them and me. The lights of the cabin were on  
 17 and I was watching them for a few minutes before the  
 18 stewardess asked us to move forward. Before I moved  
 19 I heard the man D shout, 'You're killing me' and,  
 20 'I need justice'. By this I thought he meant that they  
 21 were killing him by taking him away not by hurting him.  
 22 At no time did I see any of the males strike or hit each  
 23 other. Male D was obviously trying to get free and  
 24 males A, B and C were trying to restrain him. After  
 25 a few minutes the stewardess told us to move forward and

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1 into the next cabin. At this time, whilst moving,  
 2 male D had been moved to a more central position within  
 3 the centre row of seats. As I reached the area between  
 4 economy and the next class of cabin I could still see  
 5 via the loosely pulled curtain. I now noticed male D  
 6 was in the middle seat at the rear and man A was leaning  
 7 over the front seat towards man D. Man A was to the  
 8 right of man D and man C was to the left of man D.  
 9 I think I heard the man still shouting, 'I want  
 10 justice'. All four men were still struggling. It  
 11 appeared to stop for a few seconds, like man D was  
 12 taking a breather, but then it would start up again.  
 13 "After a minute or two the stewardesses then pulled  
 14 the curtain across completely and I couldn't see  
 15 anything. I then spoke to a few males about what was  
 16 happening. One of the males was from Aberdeen but  
 17 I couldn't describe him or the other males.  
 18 "Within a further two to three minutes the  
 19 stewardess told us that everything was in control and we  
 20 could take our seats.  
 21 "As I went back to my seat I could see the males A,  
 22 B and C in the back row but I couldn't see male D and  
 23 I thought he must have been taken off.  
 24 "As I sat down I sat looking forward and heard  
 25 groaning, a moaning voice from the back, but I didn't

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1 look back and realised male D was at the back and that  
 2 he must have been lying down.  
 3 "For a good few minutes the moaning was on and off  
 4 but there was no shouting for help or anything like  
 5 that. It was a moaning of unhappiness rather than  
 6 a complaint of pain. The aircraft then moved and we  
 7 appeared to be ready for take-off when the captain told  
 8 us over the tannoy that someone was unwell and we had to  
 9 go back to the stand. The paramedics then came on and  
 10 I couldn't see anything.  
 11 "Man B I would describe as male, white, short hair  
 12 and tall. I didn't really get a look at the other two  
 13 and I couldn't describe any of the four males or  
 14 recognise them again.  
 15 "I didn't see male D wearing handcuffs at any time.  
 16 I read the reports in the paper after the incident. The  
 17 reports were not accurate and misrepresented to what  
 18 actually happened.  
 19 "I didn't hear at any time the man shouting that he  
 20 couldn't breathe."  
 21 MR SEBASTIAN NSINGI (statement read)  
 22 MR LEESE: This is a statement of Sebastian Nsingi, dated  
 23 13 October 2010:  
 24 "Yesterday, 12 October 2010, I was on a flight that  
 25 was due to leave Heathrow Airport at 8.45 pm destined

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1 for Luanda Airport, Angola. At about 8.15 pm I boarded  
 2 the flight from gate B36. I would say that I was one of  
 3 the first 30 people on the plane. I boarded the plane  
 4 from the front. My seat number was 29H which is on the  
 5 right-hand side as you look towards the front of the  
 6 plane. I got to my seat and began to load my hand  
 7 baggage into the compartment above the seat.  
 8 "At this point a situation started to occur. I had  
 9 not seen those involved or the events that led up to  
 10 this situation before the situation unfolded.  
 11 "I heard a loud scream and turned to see a large  
 12 black man shouting in English. This man was being  
 13 restrained by four white men. They were at the back of  
 14 the plane 10 to 15 rows behind where my seat was. I had  
 15 a very clear and unobstructed view of the events. The  
 16 black man seemed very emotional and scared of something  
 17 and was resisting the white men. The black man was  
 18 struggling. The white men were holding his arms. At  
 19 one stage of the white men had hold of the black man's  
 20 face for a few seconds.  
 21 "I would describe the situation as wrestling as  
 22 opposed to boxing. It was a big struggle with the white  
 23 guys trying to subdue the black man. I could not hear  
 24 the white guys talking but they were trying to push him  
 25 downwards to the floor or the seats. The black man was

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1 shouting, 'You are killing me', 'No' and, 'Don't do	1 more passenger witness statements and we have two live
2 that'. I saw one of the white men draw some handcuffs.	2 passengers coming along to give evidence. I can say now
3 The black man was resisting but eventually was subdued	3 that you won't be required on Friday so you will have
4 and pushed into the seat. The struggle lasted around	4 a long weekend. For those of you who need to make plans
5 10 minutes.	5 you can assume that we won't be sitting Friday. I think
6 "There was no boxing punches thrown but it was	6 that's right, isn't it, on any analysis?
7 a very violent struggle. It was very difficult to see	7 Just so you know, next week we're going to hear the
8 whose arms were doing what. It did not look as if the	8 BA crew. We're doing it in sort of chunks of witnesses.
9 black man would overpower the white men.	9 So passengers this week, BA crew next week.
10 "There was a gradual lowering of the noise to	10 So back tomorrow, finish off the passenger witnesses
11 silence then. The black man's voice got quieter and	11 and then I'll give you some further directions about
12 quieter until there was silence. The pilot apologised	12 next week.
13 and over the tannoy asked people to return to their	13
14 seats.	14
15 "I looked back occasionally and could see the white	15
16 men standing by the back now. I could no longer hear	16
17 nor see the black man. Flight attendants were attending	17
18 to the men, going backwards and forwards.	18
19 "Somebody nearby said and black man was allegedly	19
20 being deported to Angola and that he had been doing	20
21 something in the toilet causing the white men to push	21
22 the door open to the toilet.	22
23 "The plane then began to taxi for a few moments	23
24 before the pilot came on the tannoy and announced that	24
25 the flight had been delayed as one of the passengers was	25



1 sick. This was about 15 minutes after the black man had  
2 been sat down.  
3 "The plane stopped and about 5 minutes later  
4 paramedics boarded the plane and went to the four white  
5 men and black man. I did not see the paramedics leave  
6 the plane. About 15 minutes after the paramedics got on  
7 the plane I and the other passengers left the plane.  
8 "The black man is aged around 35 to 40 years, about  
9 6-foot tall of a medium build. He had short hair and  
10 was wearing a black jacket, I think.  
11 "All I can say about the white men was that they  
12 were all aged between 28 and 35 years. One of the white  
13 men had tattoos on his arms. He was wearing a blue  
14 T-shirt. All the white men were wearing plain-clothes  
15 but I believe they were some kind of officers because of  
16 what I'd seen and heard.  
17 "I did not feel personally threatened by any of the  
18 individuals involved in the incident. I would add that  
19 shortly after the paramedics entered the plane that five  
20 or six uniformed police officers entered the plane as  
21 well."  
22 Signed S Nsingi.  
23 DEPUTY CORONER MS MONAGHAN: Thank you very much. Thank  
24 you, members of the jury. That's the evidence for  
25 today. Tomorrow it's essentially the same. We have

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