



Statewatch Analysis

UK

The death of Jimmy Mubenga: "Securing your world" through "privatised manslaughter"

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Jimmy Mubenga's death during his removal by private security company civilian staff is indicative of the treatment forced removals are subjected to. Government bodies, campaigning organisations and medical charities have all condemned the "excessive force" applied during forced removals, and criticised private security companies for breaching their duty of care

Introduction

The death of Jimmy Mubenga (46) during his removal to Angola on a British Airways commercial flight from Heathrow to Luanda on Tuesday 12 October 2010 had a tragic inevitability given the numerous warnings issued by campaigners who monitor removals. Mr Mubenga, who was forcibly restrained while handcuffed at the rear of the plane, lost consciousness after what eye-witnesses described as "excessive force" had been used against him by three civilian staff employed by the Anglo-Danish G4S private security company, formerly known as Group 4 Securicor.[1] G4S, whose company slogan is "securing your world", is contracted by the Home Office to oversee its forced removal programme.

Jimmy Mubenga was taken from the plane to Hillingdon hospital, where he was pronounced dead. A post-mortem examination has proved inconclusive. Jimmy's family have written to the Home Affairs Select Committee requesting a parliamentary inquiry into the "systematic problems" with the removal system [2]. Deborah Coles, the co-director of Inquest, a charity that provides a free advice service to relatives of individuals who have died contentiously in custody, has condemned the "culture of secrecy that pervades the use of force on detainees" and supported the family's call for an inquiry. [3] Meanwhile, a Metropolitan police statement [4] said that the force was investigating the death of a man who was taken "unwell" on a British Airways flight.

Following the death, three G4S "escorts" were arrested and questioned by the police although none of them have been charged: they have all been released on bail. The Metropolitan police, after interviewing whistleblowers from G4S, is reported to be considering bringing a corporate manslaughter charge against the company. Under the *Corporate Manslaughter and Corporate Homicide Act 2007*, prosecutors would need to prove that the death was caused by a gross breach of duty of care and that senior management played a significant role in that breach. [5]

Two weeks after the arrest of staff members G4S lost its multimillion-pound contract to forcibly deport foreign nationals on behalf of the Home Office. A new contract was awarded to the Reliance Security Group, a company which already provides the Home Office with prison and electronic tagging services. Reliance, which uses the slogan "Exceptional People, Exceptional Service," [6] has offered to employ all G4S staff involved in the controversial removals. G4S still has contracts with UK government departments: it manages four prisons and three immigration removal centres and

escorts prisoners to and from court. These activities are estimated to be worth £600 million. Removals from the UK between 2005 and April 2010 cost the Home Office almost £110 million. [7]

A month after Jimmy's death, on 12 November 2010, around 200 people, led by Jimmy's family and supporters from the Angolan community, marched from the Angolan Embassy to the Home Office to hand in a letter that demanded an inquiry into the use of force in the removal process. The march was supported by a wide range of organisations from across the UK and two sisters of Sean Rigg, who died after being arrested by Brixton police officers in August 2008. [8] While passing Wellington military barracks, in Petty France, marchers were jeered by soldiers, one of whom threw a bottle that narrowly missed the Mubenga family and a child in a pushchair. At the Home Office a rally was addressed by speakers from the Union of Angolans in the UK, Medical Justice, INQUEST and Jeremy Corbyn MP. Adalberto Miranda, of the Union of Angolans in the UK, said of Jimmy Mubenga:

"He asked permission to enter into the land of freedom, and you gave him the keys for the land of oppression and humiliation. He begged you to allow him to live with his family, and you sent him alone to the mortuary."[9]

Behind the scenes of removals for profit

In February 2011, in secret evidence submitted to the Home Affairs Select Committee and published by *The Guardian* newspaper [10], four G4S employees disclosed that their managers had been warned repeatedly that illegal restraint techniques were being used by escorts. Their evidence also alleged that staff were not properly trained, were criticised by management for showing compassion and ostracised if they voiced any concerns. A G4S executive, who was summoned to appear before the committee after Mr Mubenga's death, had said that he was unaware of any staff concerns about any aspect of the removal process.

The vulnerability of asylum seekers and undocumented migrants was recently detailed by the Institute of Race Relations (IRR) in a paper by Harmit Athwal, entitled *Driven to Desperate Measures: 2002–2010* [11] which reported 77 asylum seekers and migrants who have died, either in the UK, or attempting to reach the UK in the past five years.

The Introduction to Athwal's report observes:

"No section of our society is more vulnerable than asylum seekers and undocumented migrants. Forced by circumstances beyond their control to seek a life outside of their home countries, prevented by our law from entering legally and from working, denied a fair hearing by the asylum system and excluded from health and safety protection at work, kept from social care and welfare, unhoused and destitute, vilified by the media and therefore dehumanised in the popular imagination, their hopes of another life are finally extinguished."

"Carpet Karaoke"

The brutality of Jimmy Mubenga's death has been revealed in descriptions by at least three eye-witnesses, passengers who were on the fatal commercial flight to Angola. Kevin Wallis, who sat across the aisle from Mubenga, said that he had been heavily bound with handcuffs and that "excessive force" was used to further restrain him. Wallis said he thought the security guards were scared of Mubenga: "they put so much pressure on him because he looked a big lad. The three security guards were big blokes as well." [12]

According to evidence from G4S whistleblowers to the Home Affairs Select Committee, the use of excessive force by private escorts is commonplace. They explained that refused asylum seekers who were uncooperative are subjected to what guards nickname "Carpet Karaoke", which involves the handcuffed victim being forcibly bent over in their seat with their heads forced between their legs. [13] This posture is strictly prohibited because it can lead to positional asphyxia, a form of suffocation. Because of the frequency of its use on deportees it has become known colloquially as "privatised manslaughter." As Inquest's Deborah Coles has pointed out: "The risks of positional

asphyxia have been well-known since the April 2004 restraint death of 15-year old Gareth Myatt in the secure training centre at Rainsbrook." [14]

Wallis stated that Jimmy Mubenga had complained of breathing difficulties, shouting "I can't breathe, I can't breathe" for at least 10 minutes before he lost consciousness. He had tried to stand up pleading, "I don't want to go." Wallis added: "They must have been forcing him down, because I didn't realise until afterwards that he was handcuffed." Wallis also heard one of the security guards say:

"He'll be alright once we get him in the air - he just doesn't want to go...once we get him up in the air he'll be alright."

Once it was obvious that Mubenga had lost consciousness he was laid down in the aisle of the plane. The captain was alerted and police and paramedics were called.

The criminalisation of intervention

Organisations such as Inquest have repeatedly warned the government of the danger of using potentially fatal restraint techniques, information acquired over many years of ground-breaking work on restraint-related deaths in custody. Inquest has pointed out its concerns over the use of force applied during deportations to HM Inspector of Prisons, among others. Injuries caused through violent treatment have been comprehensively researched and widely publicised by organisations such as Medical Justice [15]. In October 2007, *The Independent* newspaper compiled a dossier of 200 assault allegations, which were dismissed out of hand by the Home Office as "unsubstantiated assertions." [16]

In their 2008 report, *Outsourcing Torture*, [17] the legal firm Birnberg Peirce and Partners, and the campaigning groups Medical Justice and the National Coalition for Anti-Deportation Campaigns, described 300 instances of abuse involving "an alarming number of injuries sustained by asylum deportees at the hand of private "escorts" contracted by the Home Office." It revealed well documented evidence for the:

"widespread and seemingly systemic abuse of vulnerable people who have fled their own countries seeking safety and refuge."

It also found that the assault claims had been "brushed off" by the Home Office.

A recent example of the type of brutal handling that deportees can expect, and the criminalisation of citizens who protest at the violence used by private security escorts, was reported in *The Guardian* newspaper in October 2010 [18]. The allegations are all the more convincing because the incident shares many similarities to the treatment handed out to Jimmy Mubenga. It again involves an eye witness account, this time by student Matt Taylor.

Taylor described the screams of an unnamed African deportee as he was forcibly restrained by three G4S guards on a Virgin Atlantic flight. He was handcuffed to a seat with security guards posted at either side of him and in front. The student described how the detainee "was handcuffed, clearly in pain and being violently restrained." Taylor said:

"The passengers around me looked on in disbelief as they were confronted by the scene of this restrained man calling out for help...Clearly the man was in considerable distress and pain."

He was screaming because of pain and asking for his medication, but was told by his escort that he could not have it until he got to Nairobi. When the student attempted to alert a flight attendant to the escort's actions, one of the private security guards pushed him back in his seat and ordered him to shut up:

"I was immediately pushed in my back by one of the men that had been violently restraining the African man; he told me to sit down, keep quiet and that the African was being deported, that these men were his minders."

Despite the intimidation, Taylor and a colleague persisted and demanded to see the plane's captain in the hope of bringing an end to the brutality. Once he had raised his concerns with the captain armed police were called and he was given the "option" of leaving the plane before being questioned under anti-terrorism powers for several hours. He was then put on a train and sent back to London.

Conclusion

For a decade, Inquest has warned the government of the dangers inherent in the restraint techniques practiced by private security firms removing people. Concerns at the use of excessive force in the removal process have been raised by government agencies, such as HM Inspector of Prisons, and the injuries inflicted have been recorded by charitable organisations such as Medical Justice and the Medical Foundation for the Care of Victims of Torture. Respected legal firms, such as Birnberg Peirce and Partners, with the help of campaigning organisations, have compiled first hand evidence through interviews. The Institute of Race Relations has documented case studies through exhaustive research showing the vulnerability of asylum seekers and undocumented workers in its extensive studies of deaths across Europe.

According to a G4S senior executive's evidence to the Home Affairs Select Committee there have been no breaches in their duty of care. The evidence against this is deemed to be simply untrue, "unsubstantiated" accusations made by disgruntled employees or political propaganda. The fact is that G4S' own employees contradict their the firm's claims, stating that the abuse meted out to vulnerable people seeking protection is frequent. The testimony of eye-witnesses, if reported at all, is considered to be simply anecdotal, while the coercive state apparatus treats these same witnesses as potential terrorists.

Sources

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