

Britain: Perverse verdict clears security guards of Jimmy Mubenga killing

By Julie Hyland
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The acquittal this week of three private security guards charged with the manslaughter of Angolan national Jimmy Mubenga was extraordinary.

The 46-year-old father of five died after being restrained by the three G4S guards on a British Airways flight from Heathrow on October 12, 2010, as he was being deported to Angola. G4S is contracted to the UK Border Agency, part of the Home Office.

Terrence Hughes, Colin Kaler and Stuart Tribelnig were accused of manslaughter by negligence for forcing Jimmy Mubenga's head down, restricting his breathing for 36 minutes, as he sat handcuffed from behind in his seat. Mubenga collapsed and suffered a heart attack, dying later in hospital.

The restraint technique, "carpet karaoke", is known to risk asphyxia. Some 20 witnesses, passengers on board the flight, had said that they had heard Mubenga cry out repeatedly, "I can't breathe."

Nicholas Herbig, from New Mexico, testified, "I could hear somebody being loud, like he did not want to be there.

"He was saying 'All you people are watching them kill me. I can't breathe. They are going to kill me'."

Despite this, the guards were cleared of the charges. The three claimed that they did not hear Mubenga plead for help and that they had been forced to restrain him after he became aggressive.

Just days later, it was revealed that a stream of racist text messages sent by two of the guards had been concealed from the jury. Among the 100 or so racially abusive messages sent by Hughes and Tribelnig was one referring to immigrants, stating, "F*** off and go home you free-loading, benefit-grabbing, kid-producing, violent, non-English-speaking, c**k suckers and take those hairy-faced, sandal-wearing, bomb-making, goat-f***ing, smelly rag head b*****ds

with you."

Following Mubenga's killing, Hughes posted on Facebook an image of a dark-skinned man on a plane, with his seatbelt above his shoulder, under the question, "Come on then what's wrong with this pick [sic]???" One of his friends replied, "He hasn't got two hairy arsed escorts either side of him, no cuffs and not shouting, 'Kill me now I'm not a hanimal'."

The texts were not disclosed to the jury after the judge ruled them inadmissible on the grounds they might "prejudice" the trial.

The defence successfully argued that the texts had no bearing on whether the guards had deliberately placed Mubenga in a dangerous hold and ignored his protests that he could not breathe. Allowing jurors to see the texts would amount "to an invitation to speculate about the defendants' motivation."

The jury was also not told that a coroner's inquest last year had recorded a verdict of unlawful killing.

Three leading medical specialists agreed at the inquest that the cause of Mubenga's death was cardio-respiratory failure caused by restraint.

The inquest jury found that "Mr Mubenga was pushed or held down by one or more of the guards, causing his breathing to be impeded. We find that they were using unreasonable force and acting in an unlawful manner."

In her report, Coroner Karon Monaghan QC concluded there was an "unhealthy culture" in the G4S workforce and "endemic racism."

"It seems unlikely that endemic racism would not impact at all on service provision," she wrote, stating there was "enough evidence" of racism to "cause real concern, particularly at the possibility that such racism might find reflection in race-based antipathy towards detainees and deportees and that in turn might manifest

itself in inappropriate treatment of them.”

“...the potential impact on detainees of a racist culture is that detainees and deportees are not ‘personalized’,” Monaghan went on. “This may, self-evidently, result in a lack of empathy and respect for their dignity and humanity potentially putting their safety at risk, especially if force is used against them. It is for that reason that the subject properly forms part of this Report.”

Speaking after the verdict, Mubenga’s widow, Adrienne Makenda Kambana, said, “It is hard for me to understand how the jury reached this decision with all the overwhelming evidence that Jimmy said over and over that he could not breathe.”

Mubenga and his wife arrived in Britain in 1994, after he was forced to flee the Angolan regime. Granted exceptional leave to remain, their five children were born and raised in the UK.

In 2006, Mubenga was involved in a fight and sentenced to two years in prison, after which he was ordered to be deported. A long legal battle against the order failed and Mubenga was placed in a detention centre in August 2010 where he remained until October when he was put on the plane to Luanda, Angola, under escort.

Adrienne had last spoken to her husband less than an hour before he died, when he called her on his mobile in the aircraft, telling her he would call back.

The case has drawn obvious parallels with the chokehold killing of Eric Garner by New York police. Garner’s last words were also, “I can’t breathe.”

The treatment meted out to Mubenga was neither accidental nor the result of the actions of a few “bad apples”. Only last year, during a debate on the UK Border Agency in the House of Lords, several peers spoke openly of the “loutish and aggressive” behaviour among its staff and commercial contractors.

Lord Marlesford stated, “The problem with the staff of the border agency is not just that they are of indifferent calibre; they have been shown to be seriously and systemically corrupt.”

“Some 30 Home Office staff members have received heavy prison sentences for misconduct in public office. The great majority were from the border agency,” he said.

Several investigations, and the revelations of a number of whistleblowers, have revealed systematic

mistreatment of detainees.

That despite this no action has ever been taken against the Agency or private contractors is because hostility and brutality is intrinsic to Britain’s immigration system.

The state never wanted Mubenga’s case to come to trial. In 2012, the Crown Prosecution Service ruled out any charges over his death. It was forced to reconsider following the inquest verdict and the damning findings of the coroner. However, the CPS decided to charge the three guards, rather than G4S, and then established a trial in which crucial information was withheld from the jury.

Approximately 16,000 people a year are deported from the UK by private contractors working for the government. In many instances, the guards are paid by “results”, i.e., for ensuring the person is successfully removed quietly and without disruption. The guards involved in Mubenga’s death received a monthly retainer of £1,000 per month and £6 per hour for every deportation they completed.

A working environment in which misanthropy thrives, combined with financial incentives to ensure the “easy” despatch of deportees is a recipe for cruelty.

Moreover, the racism evidenced by the guards’ text messages is one deliberately cultivated by the powers-that-be as they scapegoat foreign workers for the social crisis capitalism has created. The vile diatribe against immigrants cited above as being “free-loading, benefit-grabbing” is repeated, in one form or another, by all the political parties and the media.

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