

# Jimmy Mubenga – The Danger of Rear Handcuffing

Jimmy Mubenga died during a physical restraint on a British Airways Boeing 777 as he was being repatriated to Angola. At the manslaughter hearing which followed the incident, Prosecutor Mark Dennis QC described the events that led to Mubenga's death. He told the court that following a commotion a physical struggle ensued in which Mubenga was forced to sit down in his seat. Mr Dennis added: "He was then further restrained by the application of rigid handcuffs with his arms, hands bound in that way behind his back and his seat belt being applied around his waist thereby holding him into the seat."

Accounts from witnesses indicate that one 'Detainee Custody Officer' sat either side of Mr Mubenga, with another Officer leaning over from the seat in front. Between them they forced Mubenga to bend forward, a position from which he couldn't escape. This position compromised Mubenga's ability to breathe. Witnesses reported that he shouted out during the struggle: "Please let me go, I want to see my family... you're killing me. Please help."

Mr Dennis QC told the court that while Mr Mubenga was seated motionless and "simply staring open-eyed ahead of him", the officers appeared to have "disregarded their duty of care" and assumed he was feigning his condition. It was only when one officer realised Mr Mubenga was in fact in a critical state that a "medical emergency" was reported to the airport authorities. "By then, however, Mubenga had almost certainly already suffered a cardiac arrest and was, in all likelihood, beyond recovery."

In the prelude to the criminal case the jury at the coroners hearing had already stated that: "Based on the evidence we have heard, we find 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. The fact that Mr Mubenga was pushed or held down, or a combination of the two, was a significant, that is more than a minimal, cause of death. The guards, we believe, would have known that they would have caused Mr Mubenga harm in their actions, if not serious harm".

In the report subsequently produced by Assistant Deputy Coroner Karon Monaghan QC, some key points were made about the way risks were managed: "Before Mr Mubenga's death there had been many warnings from various bodies about the dangers of handcuffing to the rear especially on an aircraft. The evidence indicated that there are dangers associated with rear handcuffing, as opposed to handcuffing to the front, on an aircraft in particular.

These are:

- In an emergency handcuffs to the front can be more easily released
- A person will be better able to help themselves in an emergency (by managing an oxygen mask; using an emergency slide, for example) if cuffed to the front
- Handcuffing to the rear can restrict breathing if they cause a seated detainee to lean forward or make it difficult for him or her to sit upright

Mr Monaghan QC concluded that "whilst there was a great deal of evidence that (G4S personnel) had been warned about the risks of positional or restraint asphyxia, the circumstances of Mr Mubenga's death means that there can be no complacency about this subject".