

## United Kingdom:

### Death in Custody of Ibrahima Sey

Amnesty International is concerned about the circumstances in which Ibrahima Sey died while in police custody. Ibrahima Sey, 29, a Gambian asylum-seeker, died on 16 March 1996 after he was taken into custody by Forest Gate police officers to Ilford Police Station in east London.

According to his family and friends, there was a domestic disturbance between Ibrahima Sey and his wife as a consequence of which his wife, Amie, rang a friend at 3.30 am asking him to come to the house and later rang the police. When the friend, Paa Ebou nDimbalan, arrived he mediated between the police and Ibrahima Sey; this resulted in Ibrahima Sey agreeing to go voluntarily to the police station if Paa Ebou nDimbalan was allowed to accompany him. Ibrahima Sey was arrested at 4.57 am and the two of them were driven to Ilford Police Station. During this time Ibrahima Sey was not handcuffed and according to friends was peaceful. When they arrived at the station yard at approximately 5.10 am, the police attempted to forcibly separate the two friends and to take Ibrahima Sey into the station on his own. At this point Ibrahima Sey became very agitated and kept asking his friend Paa Ebou nDimbalan to go with him. He was also reciting holy words. Paa Ebou nDimbalan said, "Ibrahima wanted me to stay. The police created a barrier between us and then grabbed Ibrahima bringing him to the ground.... As I was being led away, the last sight I had of Ibrahima was of him lying on his stomach, with the police pulling his arm around his back as if to handcuff him." Paa Ebou nDimbalan was then kept in the police station until about 11 am. Before his release he was informed that Ibrahima Sey died shortly after they had been separated.

A police press statement said that after his arrival at the police station, Ibrahima Sey became unwell and was taken to a hospital where despite medical assistance he died. A post-mortem was carried out at 5 pm the same day in the presence of three pathologists (one representing the Coroner, one representing the Police Federation and one representing the Metropolitan police). When the family and friends were informed of Ibrahima Sey's death, they were not aware that they had a right to have an independent pathologist present at the post-mortem. Selective details from the initial post-mortem were made public, including a provisional finding of death following a period of exertion and that Ibrahima Sey was suffering from hypertensive heart disease<sup>1</sup>. The family claims that Ibrahima Sey had no history of heart trouble. No further details of the post-mortem findings, for example, of marks or bruises on the body, were given. The family subsequently requested an independent pathologist to carry out a further post-mortem. The independent pathologist found no evidence to support the original diagnosis of heart disease.

Press reports state that Ibrahima Sey collapsed at the police station and was dead on arrival at the hospital. The official time of death was given as 6.23 am.

Police statements confirmed that CS incapacitant spray had been used on Ibrahima Sey after arrest and while he was handcuffed. A CS spray is a small canister containing a chemical irritant pressurized under gas in a solvent. When this is sprayed at suspects it causes, at a minimum,

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<sup>1</sup>According to The Voice of 26 March 1996, Professor Ian Cruishank of Manchester University stated: "Hypertension is nothing but the heart under stress. If someone was holding you and pressing you in the back, you are putting it under enormous stress."

irritation to the eyes. However, according to Statewatch, there is evidence that CS can cause permanent but non-lethal lung damage; that if it is used on people suffering from asthma, or using other drugs, or subject to restraining techniques which restrict the breathing passages, there is a risk of death. Statewatch also cited the Himsworth-Committee Report that in situations where high exposure to CS has occurred, heart failure, hepatocellular damage and death have been reported. The Newham Monitoring Project stated: “As a weapon of restraint it has been ranked as above a truncheon but below a gun. Independent research has shown that an antidotal substance should be administered soon after its use.”

The police argued, however, that there was no evidence to suggest that the CS spray contributed to the death, even though tests still needed to be carried out. The Police Complaints Authority (PCA), which is supervising the Hertfordshire police investigation of the incident, said on 17 March: “We can’t be absolutely sure of this until we have the results of toxicological tests, which should show whether the gas contributed to Mr Sey’s death. We must also examine whether the use of the spray was appropriate.” The results of these tests have not been made public to date and the PCA investigation has not yet been completed. Police officers involved in the incident were not suspended pending the investigation; however, one officer was assigned to desk duties.

A number of Members of Parliament have called for the suspension of the use of CS spray until the exact cause of death is known. At the time of the incident, CS spray was on a trial run for five months; since then the Home Office has given the go-ahead for all police forces in England and Wales to be equipped with CS spray. The Association of Chief Police Officers (ACPO) says it conducted detailed studies before declaring the spray safe for use. However, three police officers are planning legal action because of their experiences of being burned by the spray.

The guidelines concerning the circumstances in which CS spray can be used are not generally available to the public although a copy has been lodged with the House of Commons Library. The guidelines, issued by the ACPO, state that officers should use the spray “primarily for self-defence ... to provide officers with a tactical advantage in a violent encounter” and “primarily for dealing with violent subjects who cannot otherwise be restrained”. However, according to an article in the Independent of 24 April 1996, at least five officers were attempting to restrain Ibrahima Sey when the spray was squirted into his face; that at the time his arms were handcuffed behind his back; and that several officers suffered from the effects of the spray and were replaced by other officers. The article also stated that he subsequently complained of feeling unwell.

Amnesty International is concerned about the serious allegations that the police treatment of Ibrahima Sey contributed to his death and urges the authorities to carry out a fully independent investigation of the circumstances of his death and to make the findings of that investigation public.