

- 1 Study the following passage and complete the task that follows.

Ms Linda Hong was arrested on arrival at Changi Airport and charged with *causing a violent disturbance* on flight AZ 101 from Johannesburg. She in turn accused Karen Van Dyk, an employee of the airline and another member of the crew, of over-reacting and using unnecessary force. Linda Hong alleges that Karen first spilled coffee over her, and then mistook her (Linda's) behaviour for aggression.

Linda said in her statement to airport police: "They were hurrying to collect the meal trays, and the stewardess (Karen) was reaching over to get the tray of the man in the middle seat. His half finished coffee fell into my lap. I was understandably angry, and jumped up, possibly knocking some of the things on the trolley. I called the stewardess clumsy and she told me to calm down. I tried to push past her to go to the toilet and wash the stain off, but she blocked my way. She called for assistance and she and another crew member restrained me, wrenching my shoulder in the process."

Karen Van Dyk admitted that the coffee was spilled, but that Linda had knocked it off the tray herself. She claims: "Linda leapt to her feet shouting insults and threats at me. I asked her to sit down and apologised for the spilled coffee, even though it was not my fault, but she would not listen. I retreated to the other side of the trolley. She gave the trolley a violent push so that objects fell off it on to other passengers. I called for help and my colleague and I tried to get her to sit down as we were soon going to land. She lashed out at me and we had to hold her down until she was calm."

The passenger in the next seat said he did not see who knocked the coffee off the tray, but confirms that the staff did seem to be in a hurry. He stated that Linda was angry and that she stood up and muttered something to the stewardess. "Linda tried to push past her," he said, "but the trolley was blocking the aisle. There was a struggle and Linda was pushed back into her seat and held down until she became calmer."

Dr Sharma, who was sitting in the seat behind, saw Linda stand up. He said: "I couldn't hear what she was saying, but I could tell she was annoyed. I heard the stewardess say: 'Please sit down. It was just an accident. I'll get a cloth.' There was a scuffle and the stewardess called for help. A steward came and they pushed her into her seat. When the plane landed, the security guards came on board and took her off first."

Marian Deane, aged 74, sitting across the aisle and a row in front of Linda, reported trays and empty cups landing on her. She said: "Well, this woman (Linda Hong) went crazy and sent stuff flying everywhere. The stewardess, who'd been very nice to me, told her to calm down but she wouldn't. It was quite frightening really. The cabin staff were very brave. She could have been armed."

Other passengers who were questioned said that they had been aware of a scuffle, but had not seen or heard enough to make a statement. None reported trays or cups falling on them.

Ms Hong is 27, unmarried, and a teacher. She has no record of violent behaviour.

Assess the evidence for and against Karen Van Dyk's claim that Linda Hong caused a violent disturbance on the aeroplane. Consider the credibility of each of the witnesses and their statements in the light of other information and evidence. From the evidence decide how likely it is that Karen's version of events is accurate.

**[15 marks]**

Page 1 of 7	Mark Scheme	Syllabus	Paper
	AS Level Examinations - June 2002	8436	2

Marking Guidelines: June 2002

1) The claim made by Karen Van Dyk (K) is that Linda Hong (L) caused a violent disturbance. This is a strong claim requiring more than evidence of mere annoyance, or even mild aggression, to support it. With this in mind, the evidence can be considered as follows:

Evaluation of main points

- 1 Fact Coffee was spilled, by either K or L, each blaming the other;
- 2 Fact L was angry and showed it.
- 3 Fact L stood up and there was a scuffle; the trolley was pushed by L and one or more objects may have fallen off it
- 4 Fact K and a colleague restrained L and security guards took her off the plane on landing.
- 5 Fact Linda was a 27 year-old, unmarried teacher with no record of violence

6 Statement - (K)

K claims L herself spilled the coffee, then: 'leapt to her feet', 'shouted insults and threats', refused to listen to apologies, violently pushed a trolley so things fell on other passengers, and 'lashed out' when restrained. If true, these would certainly amount to violent disturbance.

7 Statement - (L)

L claims the coffee was spilled on her because the staff were hurrying. She admitted to being angry and to calling K clumsy. Claims that K stopped her going to toilet to wash stains and admits she may have pushed trolley in the process.

8 Witness - man in next seat: (NS)

Did not see who spilled coffee. Claimed L was angry and stood up and 'muttered something'. Agreed with L that the trolley blocked her way and that there was a struggle. Does not state or imply that L was violent or unduly aggressive. If accurate his statement suggests that K was exaggerating.

9 Witness - doctor Sharma (S)

Neutral as to extent of violence. Could not hear what was said even from seat just behind, suggesting that K exaggerated when she claimed that L 'shouted insults and threats'.

10 Witness - Marian Deane (MD)

Strongly endorsed K's story: claimed L 'went crazy' and sent objects flying everywhere and cups and trays falling on her. However MD seems to have taken a liking to K and possibly sided with her against L because she (K) had been 'very nice' to her. She is also fairly elderly and by the tone of her statement has a tendency to dramatise – 'she could have been armed', 'staff very brave', etc. Against the more level statements of other nearby passengers, MD does not come over as a reliable witness.

11 Witnesses - other

None supported claims of violence and shouting. No objects fell on them.

12 Motives

In falsifying her statement, L has the obvious motive of avoiding prosecution. However, K also has one or more motives for falsifying (or at least exaggerating) her evidence: 1. To justify her alleged over-reaction; 2. To offset her (alleged) carelessness in spilling the coffee and hurrying her work.

Page 2 of 7	<b>Mark Scheme</b>	<b>Syllabus</b>	<b>Paper</b>
	<b>AS Level Examinations - June 2002</b>	<b>8436</b>	<b>2</b>

#### Conclusion

It would be unsafe to conclude that L acted in the manner reported by K. Though no witnesses actually claim that K did over-react, the neutrality of their statements suggests that L's behaviour did not warrant K's response.

L's own version, in which she admits to annoyance and irritation, is reasonable and consistent both with facts and with other witness statements: she tried to push past the trolley to go to the toilet, and this was wrongly interpreted as aggression.

A tenable conclusion would be: K's claims were probably, or very probably, untrue or exaggerated.