

Britain: New inquest into police shooting of Harry Stanley

Keith Lee
4 October 2003

On September 22, a vigil was held by relatives, friends and supporters of the Harry Stanley Campaign in Hackney, East London, in remembrance of the 46-year-old father's death.

Stanley was shot dead by two armed police four years ago as he was returning home from the pub. Just days earlier, he had been released from hospital after an operation for colon cancer.

Police claimed they opened fire because Stanley had deliberately sought to make out that the table leg he was carrying was a gun, cradling it to his body. However, an inquest into Stanley's death in June 2002 heard forensic evidence that he was facing away from the police when he was shot.

The family is still none the wiser why Stanley was shot and are no closer to receiving any kind of justice over the killing. The family has not even received an apology from the police. Instead, the British state has sought to exonerate the officers and has done its utmost to ensure they do not face prosecution. The Crown Prosecution Service (CPS) has refused to press charges, claiming that it has "insufficient evidence" to do so.

In April, however, the family of Harry Stanley won the right to a fresh inquiry into his death after a High Court overturned the first inquiry's findings and ordered a re-examination of the case. The fresh inquiry has now been set for January 2004.

At the High Court, Justice Silber was heavily critical of Dr. Stephen Chan, the coroner in the 2002 inquiry. Silber said that Chan had made several important errors. In particular, he had barred independent firearms experts from testifying at the inquiry and had allowed the jury to hear "irrelevant" evidence of Stanley's previous, spent convictions, which could have influenced a jury to absolve the police from blame.

The judge also said it was wrong to allow the jury to

hear about a "provisional" CPS investigation that had ruled out charges being brought against the police because of lack of evidence. He said that on hearing this news a jury would have been "greatly influenced" in their decision.

Silber has now laid down strict guidelines for the future inquiry "in the hope that the same errors will not be made at the second inquest, or by any other coroner." Silber said that "in cases in which there is a credible accusation of murder or manslaughter by a state agent," Article 2 (right to life) of the European Convention on Human Rights comes into play.

In such cases, he said, "previous convictions can only be adduced to a jury in exceptional cases when such evidence relates to the issues at the inquest."

Evidence from the CPS concerning the possibility of "not prosecuting any person for anything done prior to the death" should not be allowed except in "the most exceptional circumstances, when it might be relevant to the jury's deliberations."

In any event, the jury should be warned that the CPS decision was only "provisional" and would have to be reconsidered after the inquest. A coroner should hear argument, in the absence of the jury, before deciding whether or not to allow experts to give evidence.

Deborah Coles, the co-director of the pressure group Inquest, welcomed the ruling. She said: "The judgement is a vindication of everything we said was fundamentally wrong about the first inquest and the conduct of the coroner, which was utterly reprehensible. This judgement is extremely important for other families in the way in which death by state agents and death in custody will be handled by coroners as it sets very clear guidelines."

The case has very broad implications for the families of other such shootings. Legal experts said that were a

verdict of unlawful killing given at an inquest, there would almost certainly be a prosecution. This is something the family of Harry Stanley has now been campaigning for four years.

So far, the current Labour government has steadfastly refused to hold a public inquiry into deaths in police custody. The Home Office said that, instead, “the department preferred to focus on improved training, safer facilities, more monitoring and better understanding of drug and alcohol problems.”

The home secretary in the past had been challenged for not publishing a report critical of the way such cases are investigated. The report by the European Committee on the Prevention of Torture had investigated a number of important cases of deaths in custody in Britain and had called for changes to the police complaints procedure.

Since taking office, the Blair government has been hostile to any major changes in the way the police are investigated. It has allowed the police to continue carrying out all investigations themselves through the internal Police Complaints Authority (PCA) and sought to prevent public disclosure of evidence relating to a death in custody.



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