

# Britain: judge overturns verdict of unlawful killing in Harry Stanley case

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In a move that poses a serious threat to civil liberties, a High Court judge has overturned the verdict of unlawful killing reached by an inquest into the police killing of Harry Stanley on September 22, 1999.

The 46-year-old father was returning home from the local pub in Hackney, East London, and was just 600 yards from his home, when two armed policemen opened fire from a distance of 15 feet, shooting Stanley twice.

The police officers claimed they were told Stanley was carrying a sawn-off shotgun. In fact, he was holding a blue plastic bag with a coffee table leg inside, which had just been repaired by his brother Peter. Officers approached him from behind and called for him to stop. He turned to face them and was shot dead.

An initial inquest into Stanley's death returned an open verdict, but only after Coroner Dr. Stephen Chan had refused to allow the jury the possibility of returning a decision of unlawful killing, attempting to direct it towards a verdict of lawful killing. Last year the Stanley family won a High Court battle that quashed the open verdict and the judge ordered a new inquest. At a second inquest the jury decided that Stanley had been unlawfully killed by Chief Inspector Iain Sharman and Constable Kevin Fagan. Sharman had shot the painter and decorator in the head, killing him instantly. PC Fagan also opened fire, hitting Stanley in the left hand.

Last year's unlawful killing verdict provoked a furious reaction from the Metropolitan Police and the SO19 armed response unit staged an unprecedented two-day protest in which they refused to carry weapons. The action was met with supportive interventions from senior officers and conciliatory statements from the then home secretary, David Blunkett. Labour Prime Minister Tony Blair said at the time, "If the

government is to review murder legislation then surely there must be a place for measures which protect armed police from the prospect of serious criminal charges and prosecution."

While no such measures have officially been brought forward, the third inquest resulting from a legal challenge by the Police Federation sets the stage for the granting of police demands for immunity from prosecution. Unlike the previous hearing that was held in front of a jury, the verdict of unlawful killing was overturned by a single judge in the High Court.

Justice Brian Leveson ruled last week that there was "insufficient evidence" to support the verdict of the previous inquest. He said he was prepared to accept that there was sufficient material "for the jury to be able to conclude that the very detailed account provided by the officers of Mr. Stanley's precise movements was not accurate (and perhaps not honest)."

But he added that a properly directed jury could not safely conclude "beyond reasonable doubt that they [the officers] were not acting in self-defence."

After the ruling, solicitors for Stanley's widow, Irene, said that if the judge's decision was correct, "It is difficult to see how any jury will be able to decide in future that anyone was unlawfully killed in a police shooting."

Outside court, Glen Smyth, chairman of the Metropolitan Police Federation, said that "common sense" had prevailed. "These officers acted entirely in accordance with their training." Firearms officers had to "make split-second decisions which last a lifetime," risking their lives "to protect others," Smyth said. He called on the Crown Prosecution Service (CPS) to reach a speedy conclusion on whether the officers would face charges.

Even with the earlier verdict there was reason to

doubt that any prosecutions would be brought. In eight cases in which a jury has returned a verdict of unlawful killing in the last decade, the CPS has refused to prosecute the officers responsible. In that time, only two prosecutions of police have taken place—in the case of David Ewin, who was shot dead in his car in South London in 1995 and in that of James Ashley, shot in January 1998. On both occasions the officers were acquitted. The quashing of the verdict of unlawful killing makes it almost inevitable that no charges will be brought for the killing of Harry Stanley.

Justice Leveson said he would not order a third inquest as no one had asked for one, and he agreed that one should not be held, meaning that there is an open verdict on Stanley's death. The judge denied permission for the family to appeal, but they have a legal right to approach the court directly.

Irene Stanley voiced her anger at the hearing and said she would fight to have the unlawful killing verdict reinstated. She told the *Scotsman*, "I just feel let down by the system. I didn't think they would take the unlawful killing away because members of the jury were behind me.

"The officers who killed my husband are back to work, but what about me and my family? They've taken my life away.

"It's been a long, hard struggle but we're going to keep fighting for justice. The police have no respect for the public. They've just got away with it.

"They've never apologised to me. It's out of order. I've given up trying to get them to say sorry because they are only words anyway. They shouldn't have killed Harry in the first place and an apology isn't going to bring him back."

Debra Coles of the pressure group Inquest, which supports victims of deaths in police custody, told the *Guardian* that the verdict sent "a message that families cannot have any confidence in the system. They feel they cannot get justice when a death in custody occurs."



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