

Britain: Report into death of Jean Charles de Menezes handed to Crown Prosecution Service

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A report on the death of Jean Charles de Menezes, the 27-year-old Brazilian man shot by police at Stockwell Tube station in London the day after the abortive July 21 bombings, has been sent to the Crown Prosecution Service (CPS).

The CPS received the report by the Independent Police Complaints Commission, which was charged with investigating the circumstances of the killing of de Menezes, on January 19. It was delivered in two boxes to the CPS offices by John Cummins, the senior IPCC investigator in the case.

The CPS will decide whether any police officers should face charges after studying the report. Copies will also be sent to Scotland Yard, the Metropolitan Police Authority and Inner South London coroner John Sampson. Home Secretary Charles Clarke was given the report on the order of Nick Hardwick, IPCC chairman, because of the “grave and exceptional” circumstances of the case. The commission said in a statement that it had the discretion to provide the home secretary with a copy.

No one else, including the de Menezes family, has been allowed to see the report on the pretext that this would be prejudicial to any trial of police officers involved. In reality, all sections of the state and the government have been given a privileged position in preparing a legal defence.

The cover-up that began immediately after de Menezes was shot continues. The home secretary said that he hoped to make the report public after any trial or inquest arising from the case has been completed, but this could be years away. Moreover, the report was marked “secret” because it contains information about national security and Clarke has the power to suppress information if he decides that it has implications for anti-terrorist policy.

The CPS said: “The file will now be reviewed by a

senior lawyer from our special crime division and a decision will be notified to the IPCC in due course.” A spokeswoman said the case was being treated as a priority, but there was no timetable on when a decision would be made. “We will review it as quickly as possible, but the most important fact is that it is reviewed thoroughly,” she stated.

The de Menezes family will receive a copy when “legal considerations” allow, the IPCC said.

Jean Charles de Menezes’ mother commented, “Those who took my son’s life should be prosecuted with those who gave the orders. As long as we don’t have the report we won’t trust British justice ... when we see the report, then we may trust them.”

His brother, Giovanni da Silva, said, “We are very upset because they gave the report to the police but not to our lawyers or to our cousins in London.”

Cousin Patricia da Silva Armani said, “We remain in the dark.... This investigation was a test for the IPCC about its own credibility with victims, we can only say it has failed in that respect. Everything we have learnt over the last months has strengthened our conviction that those responsible for the killing of Jean should be prosecuted. Real justice can only be found in a court of law.”

Reports have suggested that between 10 and 15 officers questioned under caution by the IPCC during its six-month investigation may face charges, up to and including manslaughter and murder. But the IPCC stressed that its standards for determining whether there was a case to answer were lower than those of the CPS. Under the Police Reform Act 2002, the IPCC sends its findings to the CPS when “the report indicates that a criminal offence may have been committed by the person whose conduct was the subject-matter of the investigation.” However, the CPS will prosecute only if it believes there is a greater

than 50 percent chance of conviction and that the public interest would not be harmed by trying officers who were involved in a national security operation.

Everything possible has been done to shield those guilty of de Menezes' murder, given the limitations placed on the state by the massive public interest in the case. It was only after his death that police revealed they had agreed on a "shoot-to-kill" policy, known as Operation Kratos, with the government two years earlier. The IPCC investigation was only carried out five days after July 22—the day de Menezes was shot eight times, of which seven shots were to the head. For days after the killing, the police stonewalled and gave out false information suggesting that the victim looked like a suicide bomber, was wearing a suspicious-looking overcoat on a hot day, and had tried to run away after he was challenged by police. It then emerged that Metropolitan Police Commissioner Sir Ian Blair had personally blocked an IPCC investigation.

Documents from the IPCC leaked last August proved that all the police claims were lies. De Menezes was wearing a light jacket and had never tried to escape because the armed police never identified themselves. Far from vaulting a ticket barrier and running down an escalator, he walked at a normal pace and picked up a newspaper. The police death squad held him down and shot him while he was peacefully seated on a train.

The IPCC has never questioned Sir Ian Blair as part of its inquiry, nor is it known whether any of the soldiers involved in surveillance of the block of flats where de Menezes lived has been interviewed. A separate IPCC investigation being held into Blair's handling of the affair was agreed to in November of last year as a result of a campaign by de Menezes's family. But this is being kept separate from the IPCC's existing investigation into the circumstances of the shooting, with IPCC chairman Nick Hardwick claiming, "Neither we nor Jean Charles's family want this complaint to *distract us* from the main task of finding out how and why Jean Charles died" (emphasis added).

The IPCC would not confirm whether it had received a written statement from Blair. The Conservative Shadow Home Secretary David Davis criticised the decision not to interview Blair as "inexplicable." "The public expect no stone to be left unturned in this inquiry," he said. "The last thing anyone wants is to encourage conspiracy theories about a cover-up." But there is little doubt that a cover-up is being mounted and that the IPCC investigation forms part of that cover-up.

To refer to an investigation into Blair's role as a "distraction" is in line with the general thrust of the IPCC investigation. What little information that has been made public suggests that the IPCC focused on alleged communication failures to explain why de Menezes was shot.

The scenario being presented is that police and soldiers were watching the block of flats where de Menezes lived because they believed that a man suspected of the attempted bomb attacks on July 21 lived there. A soldier saw Mr. de Menezes leave his flat and thought he resembled the suspect, suggesting that it was "worth somebody else having a look." This was then taken as positive confirmation that de Menezes was identified as the suspect of the attempted bombings.

Commander Cressida Dick, the officer in charge of deciding whether the threat was so great that shoot-to-kill tactics were needed, is said to have barely slept because of a shortage of senior officers trained to handle suicide bomb situations at Scotland Yard. It is also claimed that the firearms team did not arrive in time to confront de Menezes during his long journey by foot and bus to the Tube station because the team was too far away from the travelling suspect when the commanding officer called for support. And further, that police radios did not work in the London Underground tunnels, making it impossible to send information or receive an official go-ahead.

It is therefore being promoted that everything that led to the shooting resulted from a series of unfortunate errors for which no one was overall responsible. Significantly, this supposedly would mean that no direct order to kill de Menezes was given. Meanwhile, the questioning of Sir Ian Blair is put off for the immediate future, while no one in the government faces any investigation.

One source close to the case told the *Independent* on January 20 that "it will be a major surprise if any officer ends up in court." If blame is apportioned to either of the two officers directly involved in the shooting of de Menezes, former firearms officers have warned that this would lead to national protests by police. Such protests might involve armed officers refusing to carry guns.



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