

Britain: No one to be held accountable for police murder of Jean Charles de Menezes

By Socialist Equality Party (Britain)
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The announcement that no police officers are to be charged in connection with the shooting of innocent Brazilian Jean Charles de Menezes has been met with justifiable outrage.

On July 22, 2005, Jean Charles was shot on a tube train at Stockwell station by an anti-terrorist squad that was investigating the failed explosions on London's transport system the previous day.

From the moment it became clear the police had killed an innocent man, all the machinery of a cover-up was set in motion. However, so public and brutal was the manner of Jean Charles's death that it appeared at least someone would have to be held to account.

Instead, the Crown Prosecution Service (CPS) has rejected any criminal proceedings against any of the officers directly involved in the shooting and those who commanded them on the spurious basis that there is "insufficient evidence to provide a realistic prospect of conviction."

To add insult to injury, the CPS has said that the Metropolitan Police will instead face prosecution under the Health and Safety at Work Act 1974 for "failing to provide for the health, safety and welfare" of Jean Charles. In response, the police complained that they were "clearly disappointed" that any case at all was to be brought against them.

The degree of contempt implied by this decision is hard to convey. The Health and Safety Act is more normally associated with workplace regulation and controlling dangerous substances and emissions. Even should the prosecution prove successful, the most the Metropolitan Police faces is a fine that would ultimately be paid by the taxpayer.

Jean Charles's treatment at the hands of the Metropolitan Police makes the charge of a failure of care even more grotesque.

He was covertly trailed by a police surveillance team as he left his home and made his way to work as an electrician. No attempt was made to detain him en route. At Stockwell station, some 26 minutes later, he was followed onto a train where, without warning, plainclothes, armed police officers grabbed Jean Charles, pinned him to the seat and pumped 11 bullets at point blank range into his body—7 directly into his head.

These were not negligent actions. They were deliberate. The CPS accepts this fact, but argues that a prosecution is not possible because it cannot be proved beyond reasonable doubt that police believed Jean Charles was not a suicide bomber.

Justifying its decision, Stephen O'Doherty, from the CPS's Special Crime Division, said, "The two officers who fired the fatal shots did so because they thought that Mr. de Menezes had been identified to them as a suicide bomber and that if they did not shoot him, he would blow up the train, killing many people.

"In order to prosecute those officers, we would have to prove, beyond reasonable doubt, that they did not honestly and genuinely hold those beliefs."

This statement is a mass of contradictions, half-truths and evasions. The officers are said to have acted in good faith because they "thought" someone had identified Jean Charles as a suicide bomber. Either he was identified as such or he was not. If no one had in fact identified him as a

terrorist, then the officers should face criminal charges. If, however, Jean Charles was identified as a suicide bomber, then the person who wrongly did so must be prosecuted.

The only justification for targeting Jean Charles that has ever been offered is that he lived in the same block of apartments as someone under surveillance and had "Mongolian eyes."

The CPS statement insists that all that was involved were individual "errors in planning and communication," but "no individual had been culpable to the degree necessary for a criminal offence."

The CPS decision amounts to a pronouncement that there can be no criminal conviction because no one has owned up to a crime! The argument is that nothing can be proven because no one has accepted responsibility for either the identification of Jean Charles or giving the order to shoot. Yet there must be an established command structure that if followed would prove whether or not an order to shoot was given or, if not, a shooting was carried out without authorisation.

The CPS has recommended a prosecution in numerous instances where there is neither an admission of guilt nor a certainty of conviction. Its refusal to do so in this case is political. It reaffirms the essential truth that no matter what happens, the state will make sure that the police continue to enjoy a de facto license to kill. There have only been two instances of police officers ever facing charges of manslaughter or murder, neither of which resulted in a prosecution. In most cases, as with Jean Charles, the CPS has ruled that there is insufficient evidence to prosecute.

The fact that the police are to all intents and purposes above the law is underscored by the decision to invoke Section 33 of the Health and Safety Act. This relates to the falsification of a police log. The log, which had initially noted that Jean Charles had been positively identified as a terrorist suspect, had been changed to make the opposite claim by the simple insertion of the word "not." Yet once again, no one is to be held to account for this flagrant evidence tampering.

Despite their outraged pose, prosecution under Health and Safety legislation is a gift to the police. Not only does its remit fit in with claims that the shooting of Jean Charles was a "procedural error." It prevents the release of the investigation by the Independent Police Complaints Commission into the shooting, potentially for years to come.

The IPCC is by no means genuinely independent. It is a state body funded by the Home Office, with commissioners appointed by the Home Secretary.

Nevertheless, some of its findings are rumoured to be politically damaging to both the leadership of the Metropolitan Police and the government.

Public access to the IPCC report was denied on its completion on the grounds that it might prejudice a potential legal action against police officers. This proscription can now be maintained by citing the charges under Health and Safety legislation.

From the start, the Metropolitan Police were opposed to any investigation into the killing at Stockwell. Metropolitan Police

Commissioner Sir Ian Blair notoriously tried to block an IPCC investigation for five days, even denying its commissioners access to the scene of the crime.

The IPCC, in fact, did what it could to shield Sir Ian, choosing not to interview him personally and ending its initial investigations with Cressida Dick, the officer in charge of the operation that led to Jean Charles's shooting.

However, the IPCC was forced to convene a separate investigation into the Metropolitan Commissioner's conduct following complaints by Jean Charles's family. These relate to the campaign of misinformation by the police in the hours following Jean Charles's shooting—that he was wearing a heavy coat on a hot day (so as to disguise a bomb) and had tried to evade capture. The most serious charge was that Sir Ian Blair had told a press conference that Jean Charles's killing was “directly linked to the ongoing and expanding anti-terrorist operation,” hours after it had already been established that an innocent man had been shot.

No doubt, the prosecution of the Metropolitan Police under the Health and Safety Act will also be cited to delay indefinitely the release of this report also.

Working people must draw the fundamental political lessons from these events. The refusal to countenance any prosecution of those involved in the killing of Jean Charles de Menezes is about far more than protecting this or that police officer.

Whilst immediate responsibility for the young worker's death lies with the firearm squad and their commanding officers, political and moral culpability for his killing rests with Prime Minister Tony Blair and his government.

Jean Charles was shot as a result of a shoot-to-kill policy adopted in secret two years earlier in high-level discussion between top police officers and the government. In turn, “Operation Kratos” sits at the pinnacle of a vast body of legislation enacted by the government that has empowered the police to act as judge, jury and executioner, all on the basis of the so-called “war against terror.”

Indeed, the lies surrounding the state execution at Stockwell are only a link in the chain of lies employed by the Blair government to justify its predatory foreign policy and the accompanying erosion of fundamental democratic rights at home.

It is for this reason that the CPS determined that not even a single officer could be prosecuted as a token gesture to placate widespread public anger. To do so would not only open the door to demands for the prosecution of leading figures within the Metropolitan Police. It would raise questions over the dangers posed to the public by granting such repressive powers to the police and inevitably become a focus for political opposition to the government itself.

Neither the government nor the police can tolerate any questioning of the draconian measures that have been adopted. This was made clear by the official response of the Metropolitan Police to the CPS decision. Its spokesman stressed that shoot-to-kill “remains a legitimate policy and, in the absence of a viable alternative, we will continue to use it where necessary to protect London and Londoners from any threat posed by suicide bombers.”

The refusal to prosecute those guilty of killing Jean Charles de Menezes is a signal to the police that they continue to enjoy *carte blanche*. Indeed, the CPS decision that police cannot be held to account for any shooting if they “genuinely believed” there to be a risk makes impossible any future prosecution. Only last month, police opened fire on another innocent man, Abdul Kahar, in the course of a 250-strong police raid on a home in east London. It appears purely accidental that he too was not killed.

The CPS decision has also exposed the absence of any constituency for the defence of democratic rights within ruling circles, including the nominally liberal milieu.

Not a single newspaper has queried, let alone denounced, the failure to

prosecute. The *Independent* described the decision as “correct,” arguing, “All the evidence in the public domain so far suggests that Mr. Menezes was the victim of a tragic case of mistaken identity.”

The *Guardian* insisted that there was no alternative, and that, “The CPS was surely right to conclude that there was no prospect of a murder conviction.”

A press statement by the civil rights group Liberty made no comment on the CPS decision, merely urging the publication of the IPCC report.

The Labour Mayor of London Ken Livingstone did not even attempt to conceal his support for the police behind the claim that a prosecution would fail. Instead, he denounced the proposal to bring charges under Health and Safety legislation on the grounds that it was setting too high a standard of accountability.

“I doubt that al-Qaeda will be considering the implications for health and safety legislation when they are planning their terrorist activities,” he complained.

This readiness to accept the creation of death squads and the murder of people innocent of any crime has deep social and political roots.

Britain has become a country characterised by acute disparities. Opposed by the vast majority of the population, the Blair government is charged with defending the interests of a financial elite seeking to enrich itself through colonial plunder and the destruction of the living standards of the working class.

In the final analysis, this social process lies behind the resort to new forms of rule based on lawlessness and criminality. This is what Blair meant when he declared “the rules of the game have changed.” Whatever their criticisms over this or that aspect of government policy, all sections of the establishment are just as ready to do what is necessary in order to preserve their wealth and privileges from the “threat below.”

Jean Charles's family has denounced the CPS decision and is considering a private prosecution. Every such effort to secure justice must be energetically supported by working people. This must be part of a broadly based political struggle in which the working class takes responsibility for the defence of democratic rights and replacing the profit system that is the source of militarism, war and social inequality.



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