

# Britain: Charges dropped against police in de Menezes shooting

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The Independent Police Complaints Commission (IPCC) has dropped disciplinary charges against 11 front-line firearms and surveillance officers involved in the shooting of Jean Charles de Menezes on July 22, 2005.

The officers were part of an anti-terrorist squad that was investigating the failed explosions on London's transport system the previous day. They shot the innocent 27-year-old electrician from Brazil seven times in the head on a tube train at Stockwell station.

The disciplinary charges stood little chance of success following the decision by the Crown Prosecution Service (CPS) last year to drop criminal proceedings against the officers on charges of evidence tampering and obstructing public justice. The CPS justified its decision on the basis that there was "insufficient evidence to provide a realistic prospect of conviction."

IPCC chair Nick Hardwick defended his May 11 decision on the same grounds, saying, "On the basis of the evidence I have available to me now or any development that might reasonably be foreseen, I have concluded that there is no realistic prospect of disciplinary charges being upheld against any of the firearms or surveillance officers involved."

Hardwick continued, "In reviewing the original material I am struck again by the challenge facing officers of the Metropolitan Police Service (MPS) following the carnage [the London bombings] on 7 July 2005."

Hardwick suggested one of the surveillance officers should receive "management advice" in relation to "action" he took after the incident—believed to be a reference to his alteration of a log book recording the day's events.

Hardwick also postponed a decision regarding four more senior officers, including the commander of the

"shoot-to-kill" operation Cressida Dick—recently promoted to deputy assistant commissioner—until after the trial of the Metropolitan Police Service (MPS) for breaching health and safety legislation. The Met faces one charge, under the Health and Safety at Work Act 1974, for failing in its duty of care towards de Menezes—the only prosecution now planned—scheduled to start in October.

Citing the same reason, the IPCC has also postponed publication of the Stockwell I report that led to the charges against the officers in the first place, and the Stockwell II report that examined the truth of comments made by the MPS Commissioner Sir Ian Blair after the shooting.

A spokesman for the MPS said, "We acknowledge and welcome today's recommendation...that 11 officers should not face a disciplinary tribunal.... We are pleased for these officers and their families who have faced much uncertainty."

Patricia da Silva Armani, Jean Charles's cousin, said, "I cannot believe the police have been able to get away with this. It is disgraceful the IPCC can make such a decision—they are letting the police get away with murder. First officers killed my cousin, then they lied about it and now the officers are walking away without any punishment. It is a travesty of justice and another slap in the face for our family. The police officers' lives go on as normal while we exist in turmoil, fighting to get the answers and the justice we deserve."

The family's solicitor, Harriet Wistrich, said it was "premature" and "highly unusual" for the officers to be cleared before the conclusion of an inquest or health and safety prosecution. "The family are again gravely disappointed that exculpatory decisions are being made about officers directly responsible for the killing of an innocent man before they have had full access to the

evidence and before any of that evidence has been tested in court,” Wistrich said.

“In our experience it is highly unusual for such decisions to be made prior to the conclusion of any criminal and inquest proceedings. We can see no advantage in making this early announcement, other than to provide relief to the officers facing potential disciplinary charges. Whilst the officers are spared that ongoing anxiety, the family are given no relief to their own agony, grief and anxiety caused by their lack of access to all the evidence surrounding the shooting of their loved one.”

Wistrich added that her legal team believed there was a reasonable prospect of conviction at a disciplinary tribunal and that a prosecution could itself reveal new evidence. She explained that the IPCC’s decision meant that if new evidence did now emerge, police officers could argue that any further charges were an “abuse of process.”

The decision could now prejudice the family’s application to the House of Lords for a review of the CPS’s failure to bring criminal charges against the officers, she explained. The family believed criminal charges for manslaughter through gross negligence could still be brought against Dick and the three other senior officers, and “ultimately that all the officers about whom evidence emerges of wrongdoing that led to this wrongful death are ultimately rendered fully accountable.”

Despite the tenacious campaigning and hopes of the de Menezes family, however, all the evidence points to the opposite happening. There have only been two instances of police officers ever facing charges of manslaughter or murder, neither of which resulted in a prosecution. Most cases have been abandoned, using the pretext that there was insufficient evidence to prosecute.

In the de Menezes case, the refusal to allow the prosecution of those involved raises more serious issues than other police killings. His execution revealed the existence of a previously secret “shoot-to-kill” policy known as Operation Kratos, agreed to by Prime Minister Tony Blair and former Home Secretary David Blunkett without any public debate. In turn, Operation Kratos sits at the top of a huge body of legislation enacted by the government that has empowered the police to act as judge, jury and executioner on the basis

of the so-called “war against terror.”

It is for this reason that even disciplinary prosecution of a single officer was considered intolerable. Not only would it open the door to demands for the prosecution of leading figures within the MPS, but it would raise questions over the dangers posed to the public by granting such repressive powers to the police. Inevitably, it would become a focus for political opposition to the government itself. The cover-up surrounding Operation Kratos is one more link in the chain of lies used by the government to justify its predatory foreign policy and the accompanying erosion of fundamental democratic rights at home.



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