

Britain: Jury verdict over killing of Jean Charles de Menezes demolishes police lies

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The jury at the inquest into the death of Jean Charles de Menezes have rejected police claims that he was lawfully killed and returned an open verdict. Jurors criticised the police operation led by deputy assistant commissioner, formerly commander, Cressida Dick and dismissed claims by officers that they had shouted a warning to de Menezes as he advanced "aggressively" towards them, before they shot him. Instead they accepted the evidence of commuters on the train in which Jean Charles was shot—some of which was heard in public for the first time—who said that no warning had been made to the young Brazilian electrician.

Jean Charles was fatally shot two weeks after the July 7, 2005 bombings in London, which killed 56 people, and one day after an apparent failed second attempt to detonate devices. He was reportedly mistaken for Hussain Osman, one of the failed July 21, 2005 bombers. Having trailed him from his flat, anti-terror officers burst through the doors of a London underground train, pinning Jean Charles to the floor and pumping seven bullets into his head at point-blank range.

Following the verdict, Jean Charles's cousin Patricia da Silva Armani said, "Today is a very important day for our family and campaign for justice. We have spoken to Jean's family in Brazil and they like us feel vindicated by the jury's verdict. The jury's verdict is a damning indictment of the multiple failures of the police and the lies they told. It is clear from the verdict today that the jury could have gone further had they not been gagged by the coroner. We maintain that Jean Charles de Menezes was unlawfully killed."

Da Silva said that the family would continue the struggle to find out the truth. They would contact the Home Secretary to "voice our concerns" about the conduct of the inquest, the failure of the Independent Police Complaints Commission's investigations, the decision of the Crown Prosecution Service not to prosecute, and the Metropolitan Police Service's failure to discipline the officers involved. They would also appeal to the Chair of the Metropolitan Police Authority, London Mayor Boris Johnson, to take action against the police officers involved in the shooting and to ask the parliamentary Home Affairs Select Committee to undertake an inquiry.

The family's solicitor, Harriet Wistrich, called for action

against officers she alleged had committed perjury. Lawyer Gareth Peirce pointed out that the family had highlighted "25 serious and catastrophic failures on the part of Cressida Dick alone."

The jury's brave decision by a majority of eight to two to issue an open verdict was made in the face of enormous pressure from the state during the three-month-long inquest. It was the most damaging outcome possible for the Metropolitan Police after the coroner, Sir Michael Wright, had ruled out the possibility of an unlawful killing verdict.

Wright sided with the five legal teams representing different groups of police officers involved in the killing, who maintained that the evidence only supported a lawful killing or open verdict. He also accepted their demand for the scope of the narrative, allowed under the European Convention of Human Rights, to be restricted to a set of specific questions to which the jury could only answer yes, no, or cannot decide. (See here for the questions)

He rejected arguments made by the family's lawyers that there was sufficient evidence to permit the jury to consider an unlawful killing (murder) verdict in respect of the two policemen who shot Jean Charles and an unlawful killing (gross negligence, manslaughter) verdict in respect of Dick and two other commanders. He denied their requests for him to give the jury a "comprehensive" set of questions and allow them to write a "meaningful" narrative in their own words.

Wright justified his decision saying that the jury could not give a verdict that was inconsistent with the 2007 Health and Safety trial, in which the Metropolitan Police was fined £175,000 for "endangering the public" by allowing Jean Charles's death and concluded that Dick bore "no personal culpability."

The terms of that trial were in fact strictly limited. Most importantly, any consideration of the legality of Jean Charles's killing was ruled out, and no evidence was taken from those officers who pulled the triggers, nor members of the public who witnessed the killing.

The family's lawyers also point out that statements of the firearms officers involved in the shooting were drafted after they had conferred with each other and knew that they had shot the wrong person. Any officer who requested it was granted

anonymity by the coroner, even though in most legal proceedings anonymity will not be granted to witnesses except in the most exceptional circumstances.

In addition, the legal team says, the investigation into the killing was hampered by the absence of CCTV evidence on the platform and the tube, the lack of any audio recordings of communications between officers, the lack of video recording by the surveillance officer of Jean Charles leaving his apartment, and the lack of any recording (either written or audio) of the briefings given to the firearms and surveillance officers. It is inconceivable that at least some of this data would have not have survived.

There were also doubts about the truth of certain entries in the surveillance log, including that of surveillance officer Owen, who admitted removing a line from his notes that said, "Management discussion. CD [Cressida Dick]: Can run on to tube as not carrying anything," which contradicted police claims that Jean Charles posed a threat.

Following Wright's decision to disallow an unlawful killing verdict, on December 5 members of Jean Charles's family held a courtroom protest unzipping their coats to reveal T-shirts with the slogans, "Your Legal Right to Decide" and "Unlawful Killing Verdict" to the jury. They instructed their legal team to cease participating in the inquest and to challenge Wright's decision through judicial review proceedings as is their legal right.

Nothing was known of the family's protest for weeks, as a gagging order was placed on the press and the family from publicising the legal challenge, whilst Wright gave "the wholly misleading impression that the family's legal counsel were in agreement with his decisions."

The family's lawyers asked Wright to adjourn the inquest so they could pursue the judicial review, but he refused. Contrary to normal practice, he then proceeded with his summing up. He also issued the list of questions to the jury, "thus making it almost impossible for our challenge to be successful."

As the legal team pointed out, the questions were framed "in a particularly prejudicial way" that the Menezes family found "highly offensive," including the "ludicrous" suggestion that Jean Charles may have been in some way to blame for his own death because "his innocent behaviour ... may have aroused officers' suspicions." The questions also failed to address the briefing given to the firearms officers, the 40 minutes in which it was possible to intercept Jean Charles after he left his apartment and before he boarded the underground train, Dick's instructions leading up to the shooting, the late deployment of the firearms team, and above all the shoot to kill policy—Operation Kratos.

Operation Kratos was adopted in secret two years before Jean Charles's shooting, in high-level discussions between top police officers and the Blair government in furtherance of the "war on terror." Under its remit, a senior police officer is on standby 24 hours a day at Scotland Yard, the MPS headquarters, with the

authority to deploy special armed squads to follow and, if deemed necessary, deliver a "critical head shot" to suspected bombers with special ammunition.

The evidence from the inquest clearly shows that, without any clear identification or indication of an imminent threat, the police were determined that someone would die that day. Jean Charles was denied an opportunity to surrender, even though he made no aggressive moves. It was a case of deliberate and premeditated murder, primarily aimed at instilling fear in the population and sending out the clear message—first articulated by Blair—that the "rules of the game" had changed.

This is the reason that even disciplinary prosecution of a single officer was considered intolerable. The two firearms officers who shot and killed Jean Charles will return to frontline duties without any review, even though the jury effectively accused them of lying about the killing.

At least five officers involved in the operation have since been promoted, including Dick, who was praised after the verdict by former Labour London Mayor Ken Livingstone. He declared she was one of the "most talented" officers he had worked with and had the "potential" to be a future Metropolitan Police Commissioner. Although top police officials say "things will change," these changes relate to making the shoot-to-kill policy more efficient. As Chief Supt. William Tillbrook told the inquest, training for marksmen at Scotland Yard has remained "broadly the same" since Jean Charles was killed.

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. It is determined to prevent questions being raised over the dangers posed to the public by the granting of such repressive powers to the police, because they might become a focus for much broader political opposition.



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