

Britain: Family of Jean Charles de Menezes forced to accept derisory compensation award

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After a four and a half year struggle for justice, the family of Jean Charles de Menezes has been forced to make an out-of-court settlement with the Metropolitan Police. The family could have received just a third of the £300,000 compensation award they were seeking.

Jean Charles was shot on July 22, 2005, two weeks after the July 7 bombings in London that killed 56 people. He was mistaken for one of the failed July 21 bombers and was trailed from his flat by anti-terror officers. They burst onto a London underground train at Stockwell tube station, pinned him down and delivered seven shots to his head at point-blank range.

The details of the settlement are covered by a confidentiality clause, but press reports suggest the compensation is in the region of £100,000. It would have been much higher if Jean Charles had left a widow and children or came from a wealthy family. His parents are considered too “poor” to receive more money because they were subsistence farmers in a poor region of Brazil. Obscenely, because Jean Charles was not officially the victim of a crime his relatives are not entitled to criminal injuries compensation.

In a joint statement, lawyers for the de Menezes’s family and the Metropolitan police said, “The Commissioner of Police of the Metropolis and representatives of the de Menezes family are pleased to announce that all litigation between them arising out of the tragic death of Jean Charles de Menezes has been resolved.”

“In view of the physical and mental distress caused to the members of the family by these events and the understandable publicity and press interest, it has been agreed that it is in the best interests of the family that no further statement in relation to this settlement will be made either by them or the commissioner.”

The settlement means legal action over the case has been brought to an end. No police officer was ever found culpable of Jean Charles’s death and the Metropolitan Police, as an organization, got off with a £175,000 fine for breaking health

and safety rules before the shooting.

Jean Charles’s brother Giovanni earlier expressed anger at a first payment of £15,000, which allowed Jean Charles’s body to be flown home and buried. “We are a hard-working, honest people. And what did we get in exchange? Stupidity and barbarity,” he said. The family has also been unsuccessful in its campaign for a permanent memorial to Jean Charles at Stockwell.

The out of court settlement was the only legal option open to the de Menezes family following the decision earlier this year by the Crown Prosecution Service (CPS) not to press charges against any police officer for the killing of Jean Charles. The CPS refused to re-open the case following the open verdict given in December 2008 by an inquest jury, which rejected the police account of events.

These centred on statements made to the press suggesting that de Menezes was a known terror suspect, whose behaviour had been suspicious. He was described as wearing a bulky jacket that might have concealed a bomb, and that when challenged by the police at Stockwell station he had leapt the ticket barriers and run onto the train.

At the inquest eyewitnesses rejected the police account of what happened. De Menezes was lightly attired and walked casually onto the train. Witnesses insisted that he received no warning and that firearms officers did not identify themselves. It was also revealed that firearms officers conferred before writing their statements, vital CCTV evidence had gone missing and the surveillance log had been altered because it contradicted police claims that de Menezes posed a threat.

Despite these revelations the coroner insisted the jury could not return an unlawful killing verdict and prevented them from writing a “meaningful” narrative in their own words. When the family protested the coroner’s restrictions, a gagging order was placed on the press and family to prevent them from publicising the legal challenge and the protest.

In the event the jury's open verdict rejected police claims that de Menezes's shooting was a lawful killing.

Since then, two of the top policemen at the time of the de Menezes's shooting have written their memoirs. The UK's most senior police officer responsible for counter-terrorism strategy Andy Hayman, author of *The Terrorist Hunters*, admitted to an *Evening Standard* reviewer that he knew it was wrong for Metropolitan Police Commissioner Ian Blair to tell a press conference that the shooting was "directly linked to the ongoing anti-terrorist operation" and that "the man was challenged and refused to obey" police orders.

"I could have gone to Blair immediately after the briefing and challenged him directly on his facts but instead I said nothing," says Hayman. "I could have brought him up to speed with what we knew at that moment--which was that we couldn't say for sure either way but it was looking more and more like an innocent man had been shot."

Hayman's book was hastily removed from bookstores in July after the attorney-general obtained a last-minute injunction. The banning went ahead even though the book had been vetted by a number of government departments and extracts had appeared in the *Times*.

Earlier this month, Ian Blair also published his memoirs. In *Policing Controversy* he denies putting pressure on the then Deputy Assistant Commissioner Brian Paddick to change his account of a meeting they had to discuss de Menezes's death. Paddick had claimed that Blair was told the dead man was not a terrorist on the night of the shooting.

Blair calls the Independent Police Complaints Commission (IPCC) a slow "toothless tiger". But it was he who telephoned the IPCC chairman and wrote a letter to the Home Office stating that "the shooting that has just occurred at Stockwell is not to be referred to the IPCC and that they will be given no access to the scene at the present time." He is set to receive a six-figure payout for his memoirs on top of his full police pension, estimated to be worth about £160,000 per year. (He is believed to be receiving his £240,000 commissioner's salary until his contract expires in February 2010). Blair resigned in October 2008 after disagreements with Boris Johnson, the new Mayor of London.

One of Blair's top aides, Commander Moir Stewart, who became head of Scotland Yard's complaints department has also done well. He has been appointed the IPCC's new director of investigations and a member of its management board. The IPCC report into the de Menezes's killing found Stewart had also failed to tell Blair that the wrong man had been shot.

Harriet Wistrich, solicitor for the de Menezes family, described Stewart's as "a shocking appointment" and warned, "If he wants to obtain any confidence from complainants, we would expect him to disown the attempt to smear Jean Charles de Menezes at the health and safety trial." Lawyers acting for the police tried to paint Jean Charles as a cocaine-taking drug addict whose judgement was impaired.

Meanwhile, the Labour government has moved to squash every type of limited investigation that took place into the de Menezes killing. The recent Coroners and Justice Act, contains provisions to replace such inquests with a judicial inquiry. It means that the Lord Chancellor can decide to impose secret hearings into controversial deaths.

Civil liberty campaigners said, "It will affect those really sensitive cases, where for example police shoot somebody dead or somebody dies in very strange circumstances in prison."

High Chancellor and Justice Secretary Jack Straw insisted the power would only be used in a "tiny" number of cases. However, the de Menezes killing is just such a case. It was only after Jean Charles was killed that it became apparent that the government had adopted a shoot-to-kill policy, "Operation Kratos," as part of the "war on terror". Kratos gave Scotland Yard authority to deploy armed squads and, if necessary, to deliver a "critical head shot" to suspected bombers.

Birmingham coroner Aidan Cotter called Straw's repeated efforts to bring in secret hearings "a disgrace". It could render the role of a coroner to a large extent "irrelevant". Cotter explained, "Once you have the Government saying, even in just one case, 'no, the public are not to know why,' then as far as I am concerned it is the end of democracy. I appreciate there are cases where for the security of this country you cannot allow all the evidence that has been given, but the law already provides what they call public interest immunity."

The Coroners and Justice Act measures are predicated on the more than 200 pieces of separate anti-terror legislation enacted by the Labour government over the last years. The essential driving force behind the adoption of such dictatorial methods is not the maintenance of "public order", but the need to defend the existing order, preserving the wealth and power of a privileged few at the expense of working people under conditions of the greatest breakdown in the world capitalist economy since the 1930s.



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