

UK police get away with killing of Mark Duggan

Julie Hyland**10 January 2014**

The eight to two verdict by a coroner's inquest that Mark Duggan was lawfully killed by London's Metropolitan Police is a travesty of justice.

The jurors arrived at their findings despite unanimous agreement that the 29-year-old father of six was unarmed when he was shot twice in Tottenham, north London by an armed police officer on August 4, 2011.

Duggan's killing was the spark for riots that began just two days later in Tottenham after a protest over the young father's murder and which quickly spread across the country.

From the start, the powers that be had been reluctant to hold any investigation into Duggan's shooting—not least because of their insistence that the riots were not the result of yet another instance of police brutality, but were down to “criminality”.

As in case of previous police killings, most notoriously the shooting of Jean Charles de Menezes, the innocent Brazilian worker murdered by police in July 2005, misleading information as to Duggan's shooting was initially given to the press.

The misnamed Independent Police Complaints Commission (IPCC), which has been involved in the cover-up of every police shooting, briefed the media that when three police cars blocked the taxi in which he had been travelling, Duggan leapt out of the vehicle and began firing at police. A police officer had only narrowly escaped death, it was claimed, when one of the bullets fired by Duggan lodged in his radio.

The IPCC was forced to apologise as it emerged that Duggan had been unarmed and that the only shots fired were by a police officer—identified only as V53.

An account to the inquest by the only independent eyewitness to the shooting—known only as “B”—said that Duggan raised his hands in surrender, and looked “trapped and baffled” before being shot twice—the second time straight through his chest. It was that bullet which,

having exited his body, hit the police radio. A pathologist said that Duggan was dead within “10 heartbeats” of that shot.

At a pre-inquest hearing into Duggan's death in March 2012, the IPCC said that a full inquest might not be able to take place because “sensitive material relating to police decision-making may have to be withheld from the coroner,” and suggested that it might have to be held in secret.

It subsequently emerged that the most basic essentials of investigation at the crime scene were not pursued. The taxi was removed by police before a thorough examination and had to be returned, while police officers present at the scene refused to answer IPCC questions, providing written statements instead, after conferring between themselves. In addition, the family was not officially informed for several days of Duggan's death.

The two-year delay in the coroner's inquiry provided ample time for the authorities, in collaboration with the media, to step up their campaign of vilification against Duggan in order to justify his murder.

The young father was branded one of the most notorious “gangsters” in Europe, despite only two petty convictions—for cannabis possession and handling stolen goods—and no custodial record. At the inquest, police admitted that much of the intelligence on which such allegations were made “was of a quality equivalent to someone hearing a conversation in a pub.”

Central to this campaign was the decision to try Kevin Hutchinson-Foster prior to the coroner's inquiry on charges of “selling or transferring a prohibited firearm” to Duggan. But the jury failed to arrive at a verdict and a retrial was ordered. On January 31, 2013 Hutchinson-Foster was found guilty and sentenced to 11 years in prison.

This meant that, when the inquest finally began on September 16, 2013, Duggan's reputation had already

been destroyed by police and media. In his summing up to the jury, the inquest coroner said Hutchinson-Foster's conviction for supplying the gun was "not determinative" of Duggan having a gun in the taxi, but it was "very strong evidence."

In the event, the inquest took three months and heard from 93 witnesses, in what the *Independent* coyly described as a "case with major implications for police credibility and community relations."

The court was cleared of public and journalists for the testimony of V53, who claimed Duggan was armed when he shot him.

The inquest heard that Duggan was tailed in a taxi by 31 police officers from the Metropolitan Police's Trident unit, including armed officers from CO19. Shortly before 6pm, the decision was taken to perform a "hard stop" on the taxi by three unmarked police cars boxing it in on the public highway. The inquest heard that the objective of such a tactic is to "shock and awe" those who are targeted—the language employed by US and British military in Iraq.

V53 claimed Duggan exited the taxi, and raised his gun to fire and so he shot him once in the biceps and then again in his chest. But his account was flatly contradicted by eye-witness B, who said that Duggan had been holding a mobile phone. Phone records confirmed that Duggan had just used the phone to contact his brother to tell him he was being followed by police.

The use of such large numbers of police to tail Duggan, and then shoot him to death, is inexplicable. As his mother, Pamela, pointed out, when British Army soldier Lee Rigby was hacked to death in broad daylight on a London street by Islamic extremists on May 22, 2013, armed officers at the scene shot only to wound the assailants, despite being charged by the two wielding axes and meat cleavers.

Moreover, in the months prior to Duggan's killing, the police had been given warrants to search his property but did not use them.

The inquest was forced to explain an anonymous note sent to Duggan's family and the Met Police Commissioner, claiming that a police informant had set Duggan up to pick up the gun and deliver it to another person. Duggan was bound to be shot, the letter continued, in order to conceal the identity of the police informant. In court, police rejected the claims as without substance.

The jury did find that the police had failed in their intelligence and in taking measures to seize the gun prior

to August 4.

The inquest also heard that immediately upon the shooting of Duggan, the gun disappeared. It was later retrieved from behind a hedge 20ft (6m) from the crime scene.

Lawyers for the family alleged that police had removed the gun from the taxi and planted in the grass. One member of the police team, V59, was caught on CCTV cameras walking to the spot where the gun was eventually retrieved. Another eye witness, known only as Miss J, said she had seen an officer go into the taxi and come out with a gun.

None of the police officers offered evidence that they had seen Duggan throw the gun. According to IPCC Community Reference Group member, Stafford Scott, three police officers gave statements that they witnessed another officer, throwing the gun into the grass.

Forensics found no traces of Duggan's DNA on the weapon or the sock that it was wrapped in, and the gun was not primed for use.

Based on such overwhelming evidence, the jury agreed unanimously that Duggan did not have a gun when he was shot. But they found by a majority of nine to one that it was "probable" he had thrown the weapon just as police stopped his taxi.

Even so, the law states that police should only open fire if absolutely necessary in the face of an imminent threat. Given that the jury accepted Duggan was unarmed, this makes all the more extraordinary their finding that he was lawfully killed.

Speaking on the steps of the Royal Courts of Justice after the verdict, the Duggan family's solicitor Marcia Willis-Stewart said, "Today we have had what we can only call a perverse judgment. The jury found that he [Duggan] had no gun in his hand and yet he was gunned down. For us that's an unlawful killing.

"No gun in his hand and yet he was killed—murdered as they have said, no gun in his hand."

Mark Duggan's aunt, Carole, said, "The majority of people in this country know that Mark was executed. He was executed and we still believe that... We are not giving up. No justice, no peace!"



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