

# European Court rubber-stamps police murder of Jean Charles de Menezes

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The European Court of Human Rights has ruled in defence of the police officers who killed Jean Charles de Menezes in 2005.

In doing so, the ECHR has endorsed the state murder of de Menezes, a 27-year-old Brazilian electrician, and its political cover-up by the British state.

Judges in Strasbourg ruled by a majority of 13 to four that the UK had not violated article two of the European Convention of Human Rights protecting the right to life, stating, “The decision not to prosecute any individual officer was not due to any failings in the investigation or the state’s tolerance of or collusion in unlawful acts. Rather, it was due to the fact that, following a thorough investigation, a prosecutor had considered all the facts of the case and concluded that there was insufficient evidence against any individual officer to prosecute.”

Anyone familiar with De Menezes’ killing will understand that there was every possibility of a successful prosecution, but this was blocked.

The death of Jean Charles was the result of Britain’s “shoot-to-kill” policy adopted in secret two years earlier in high-level discussion between top police officers and the Labour government of Tony Blair. Part of “Operation Kratos”—repressive legislation adopted on the basis of the “war against terror”—it gave Scotland Yard authority to deploy armed squads and, if necessary, to deliver a “critical head shot” to suspected bombers.

The policy was first employed against an innocent man, without any evidence of his posing a threat.

Jean Charles was shot dead at Stockwell underground station more than a decade ago, on July 22, 2005, after he was mistakenly identified as a suicide bomber. This occurred just two weeks after the July 7 London bombings in which 56 people died, and the day after

failed bombings on three London underground trains and a London bus. Two of the terrorist suspects lived at the same block of flats as Jean Charles in Scotia Road, Tulse Hill.

When de Menezes left for work, he was followed by surveillance officers who thought he was one of the suspects because he had “Mongolian eyes”. The officers made no attempt to detain him on his journey until he had boarded an underground train at Stockwell, some 26 minutes later. Only there, and without warning, did plainclothes, armed CO19 police officers grab Jean Charles, pin him to the seat and pump 11 bullets at point blank range into his body—seven directly into his head.

In the immediate aftermath of his slaying, the police mounted a campaign of disinformation to back up their assertion that de Menezes was a suicide bomber. They claimed he wore bulky clothing to disguise a suicide belt, and that when challenged by police officers he evaded arrest by jumping a ticket barrier at the station and running onto a train. This was a tissue of lies. Jean Charles wore light summer clothes, and walked at a leisurely pace into the underground station—even stopping to buy a newspaper.

An Independent Police Complaints Commission (IPCC) report in 2006 said De Menezes had been killed because of avoidable mistakes and identified a number of possible criminal offences that might have been committed by the officers involved, including murder and gross negligence. But in July 2006, the Crown Prosecution Service ruled that no officer could realistically be prosecuted because it could not be proved beyond reasonable doubt that police believed Jean Charles was not a suicide bomber.

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.”

The identity of the man who supposedly misidentified Jean Charles to the firearms officers was never revealed. Referred to as “Frank”, and later identified as a soldier on secondment to the undercover surveillance unit, he had supposedly compared Menezes to the CCTV photographs of the bombing suspects from the previous day and felt he warranted further attention.

The CPS statement insisted that there had been “errors in planning and communication” and that “no individual had been culpable to the degree necessary for a criminal offence.” But as the Socialist Equality Party wrote, “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.”

A successful prosecution was brought in 2007 against the Metropolitan Police under the Health and Safety at Work Act 1974 for De Menezes’ death, due to failings in the operation’s planning and implementation. The Met was fined a paltry £175,000 plus £385,000 costs, but the judge issued a rider absolving the officer in charge of the operation of any “personal culpability.”

At an inquest that was finally held in 2008, the jury returned an open verdict after rejecting the official account of events, but only after being advised by the coroner that it was not open to them to return a verdict of unlawful killing.

In 2009, the family brought a civil action in damages which resulted in a confidential settlement in 2009. The details of the settlement are covered by a confidentiality clause, but press reports suggest the compensation is in the region of £100,000—just a third of the £300,000 they were seeking.

The ECHR challenge was brought in January 2008 by Patricia Armani Da Silva, De Menezes’ cousin. Birnberg Peirce argued for Da Silva that the CPS decision not to prosecute was based on an assessment that there was less than a 50 percent chance of conviction, which was too high a bar and not compatible with Article 2 of the European Convention.

The case was heard in the grand chamber of the ECHR as one potentially affecting interpretation of the European convention. The ECHR ruling means that the decision taken by the CPS—based on their claim that there was not enough evidence to prosecute anyone—does not breach human rights laws.

Patricia da Silva Armani, speaking for Jean Charles’ family, said, “We had hoped that the ruling would give a glimmer of hope, not only to us, but to all other families who have been denied the right to justice after deaths at the hands of the police.

“We find it unbelievable that our innocent cousin could be shot seven times in the head by the Metropolitan Police when he had done nothing wrong, and yet the police have not had to account for their actions.

“As we have always maintained, we feel that decisions about guilt and innocence should be made by juries, not by faceless bureaucrats and we are deeply saddened that we have been denied that opportunity yet again.”



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