UK: Hillsborough stadium disaster prosecution collapse ends 32 year fight for justice

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The collapse of the prosecution of retired police officers Donald Denton and Alan Foster, and South Yorkshire Police (SYP) solicitor Peter Metcalf ends any possibility of bringing to justice anyone responsible for the deaths of 96 people in the Hillsborough football disaster and the decades long-cover-up that followed.

Denton (aged 83), Foster (74) and Metcalf (71) were accused of changing statements by police officers prepared for Lord Justice Taylor's public inquiry into the disaster, to withhold evidence implicating South Yorkshire Police for the terrible loss of life at the 1989 FA Cup semi-final between Liverpool and Nottingham Forest at Hillsborough stadium, in Sheffield.

The Taylor Inquiry was held in Sheffield, beginning on May 15, 1989 and lasting 31 days.

On Wednesday, Mr Justice William Davis ruled that there was no legal case to answer for Denton, Foster and Metcalf on two counts of doing acts tending and intended to pervert the course of justice. The judge stopped the trial before it went to a jury, declaring there was no "course of public justice" that could be perverted by amending statements.

He supported the argument of the defence who called on expert, Sir Robert Francis QC, who told the jury there was no legal duty of candour for police at a public inquiry.

Prosecutors had argued that Denton, Foster and Metcalf had sought to "mask the failings" of SYP after 164 police statements were "significantly amended". In response Metcalf's barrister Jonathan Goldberg QC, said that his client was able to remove whole areas of evidence because he had no legal duty to tell the truth to the Taylor inquiry. He argued, "This court is not a court of morals. This court is not a court of common decency."

No appeal of Davis' ruling is permitted.

It took 28 years for the Crown Prosecution Service (CPS) to even bring charges against the three. The case was thrown out this week, despite a verdict in an inquests hearing that concluded in 2016 (after the longest legal case ever heard by a jury) by finding that 96 Liverpool supporters, men, women and children, who died at Hillsborough were unlawfully killed.

The victims suffered terrible deaths. Just minutes before the scheduled 3pm kick-off, David Duckenfield, the South Yorkshire Police officer in command, gave the order to open Hillsborough stadium's Exit Gate C. Several thousand fans waiting to enter were directed into two dangerously overcrowded "pens." Many suffocated in the crush, while others passed away after escaping onto the pitch. The youngest victim was 10 years old and the oldest 67.

The Davis ruling was denounced by the families of the deceased. Margaret Aspinall lost her son James, 18, in the disaster. Speaking at the Hillsborough memorial at Anfield, Liverpool, she said, "What a very sad day today is for the justice system of this country. We've got the death certificate with 96 unlawfully killed but yet not one person has been held to account."

The families had suffered "a cover-up over a cover-up" and "could go no further," she added. "They are tired, they are getting old, a lot of them have gone to their graves tormented and to me that is a disgrace."

Referring to the filthy slanders issued by the media and politicians against those that died and the survivors, Aspinall said, "Our loved ones went to a football match and were killed, then they and the survivors were branded hooligans. We've been put through a 32-year legal nightmare looking for the truth and accountability."

Mary Corrigan, who lost her 17-year-old son Keith, denounced "the lies, the lies that they've come out with."

Right to the very end, the ruling elite were confident

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that there could be no other outcome. Goldberg told the court, “There was no cover-up at Hillsborough”. Denton’s solicitor Mike Rainford declared that the ruling had ended the “myth of the Hillsborough cover-up once and for all”, after “years of lies, half-truths and rumours”.

Hillsborough provides an object lesson in how class justice works to the benefit of the ruling elite through various legal institutions set up for that purpose, especially when it comes to public or judicial inquiries.

Davis correctly described the Taylor Inquiry, the first that followed the disaster, as “an administrative exercise”. Taylor had no powers and his inquiry was set up with the following limited terms of reference: "To inquire into the events at Sheffield Wednesday Football Ground on 15 April 1989 and to make recommendations about the needs of crowd control and safety at sports events."

Taylor himself acknowledged that his was already the “ninth official report covering crowd safety and control at football grounds.” These included reports over the mass loss of life at other stadiums for which the authorities were to blame but for which no-one was brought to justice, including the 1946 disaster at Bolton Wanderers ground (33 deaths), the 1971 Ibrox Park disaster (66 deaths) and the 1985 Bradford stadium fire (56 deaths).

In 1966, 144 people, including 116 children and 28 adults died in the Aberfan disaster, when an avalanche of coal waste from a 34 metre tip engulfed Pantglas Junior School and nearby houses. Even after an inquiry report published four months later found that National Coal Board liability for the disaster was “incontestable and uncontested”, no one was prosecuted, dismissed, fined or even disciplined.

The mechanism of the “independent” public inquiry has become a favoured mechanism in ruling circles for resolving politically dangerous situations. They have repeatedly ensured that the guilty evaded justice, even, as with the case of the Hutton and Chilcot Inquiries, when this involves crimes of the magnitude of the Iraq war.

Next month will mark four years since the Grenfell tower block fire which took the lives of 72 men, women and children. The inquiry taking place into the deaths, overseen by Sir Martin Moore-Bick, was organised by the Conservative government under the terms of the 2005 Inquiries Act brought in by Tony Blair’s Labour government. Under the Act Moore-Bick “has no power to determine, any person’s civil or criminal liability” over the Grenfell events. For good measure Moore-Bick and then Prime Minister Theresa May agreed beforehand that any issues of a “social, economic and political nature” would be barred from the inquiry.

The only outcome of the Grenfell Inquiry, based on all experience, is that parties guilty of social murder for arranging that flammable cladding be put on outside of a 24-storey building will shed a few crocodile tears. Last year, the representatives of major corporations and other institutions demanded even more protection. Attorney General Suella Braverman ruled that “any individual who gives evidence to the Inquiry… cannot have that evidence used in any prosecution against them in the future.”

In protecting its own interests, the ruling elite leave nothing to chance. As Hillsborough and Grenfell demonstrate, it is perfectly acceptable for them to lie and equally acceptable to admit guilt because in both cases the guilty get away with heinous crimes.

Labour Party Mayor of Greater Manchester Andy Burnham is now calling for the introduction of a “Hillsborough Law,” imposing a “duty of candour” for police. This week’s events prove that far more than a minor change in the law is needed.

The notion that public inquiries offer a path to justice, whether for Hillsborough, Grenfell or the latest demand related to an examination of the Covid pandemic and the deaths of over 150,000 people, must be rejected once and for all. The fight against class injustice must be answered by a unified movement of the working class for socialism, bringing an end to the capitalist state and its repressive apparatus.

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