

**HIGH COURT DECIDES DPP'S DECISION WRONG NOT TO PROSECUTE
PRISON OFFICERS FOLLOWING UNLAWFUL KILLING OF BLACK
PRISONER
- ALTON MANNING'S SISTERS WIN JUDICIAL REVIEW**

Today in the Royal Courts of Justice the Lord Chief Justice ruled that the decision of the Director of Public Prosecutions (DPP) not to commence any criminal proceedings against any of the prison officers involved in the restraint-related death of black prisoner Alton Manning at the private Blakenhurst Prison on 8 December 1995 was unsustainable in law.

INQUEST has worked with Mr Manning's family since his death and arranged their legal representation.

Following the judgement Elizabeth Melbourne, Mr Manning's sister said
"I am pleased with the outcome but also angry that it has taken 5 years to reach this decision. This has placed its toll on all of our family. We just hope that the DPP will now take the right decision.

Deborah Coles Co-Director of INQUEST said:

This decision is a vindication of the work of INQUEST and the tenacity of the families we work with. This judgement should send a clear message to all police and prison officers that they are not above and beyond the law. The Government can no longer ignore demands for a full inquiry into the way in which deaths in custody are investigated at every level - from the initial investigation through the inquest and up to the decision making process of the CPS and the DPP".

Raju Bhatt, a partner at Bhatt Murphy Solicitors and the solicitor acting for the family of Alton Manning said:

"This case serves to expose the continuing malaise and crisis at the heart of decision making by the CPS and the DPP in relation to cases of ill-treatment and death in custody. Yet again, it has been found that when confronted with the evidence in such cases, their reaction is to seek an 'innocent' explanation, even if that explanation has to be based, as it was here, on a thesis that is simply untenable on the available evidence.

"What we see, in this case as in previous cases, is an institutionalised inability or unwillingness on the part of the DPP and the CPS to uphold the rule of law when those appointed to enforce the law are alleged to have abused their powers. And we see this very same weakness mirrored in the flawed and inadequate investigations of such allegations, as in the complacency of our political masters when confronted with the extent and depth of the problem."

The Lord Chief Justice found that:

- ❑ Serious questions arising on the available evidence had not been addressed in relation to the crucial issue of the neckhold leading to the death.
- ❑ The refusal to prosecute was ultimately based on a hypothesis untenable on the available evidence.

□ A press release issued in the name of the DPP to announce the refusal to prosecute in Feb'99 did not accurately reflect the true basis of the decision.

□ The DPP is under an obligation to give an accurate, reasonable and plausible explanation for a decision not to prosecute in such cases:

“The right to life is the most fundamental of all human rights ... The death of a person in the custody of the state must always arouse concern ... If the death resulted from violence inflicted by agents of the state that concern must be profound.”

“Where an inquest [into a death] ... culminates in a lawful verdict of unlawful killing implicating [an identifiable individual] the ordinary expectation would naturally be that a prosecution would follow.”

“In the absence of compelling grounds for not giving reasons, we would expect the director to give reasons in such a case.”

In essence, the Lord Chief Justice accepted that:

□ Allegations of ill-treatment or death in custody require an effective official investigation capable of leading to identification of those responsible for unlawful violence and their punishment through a criminal prosecution;

□ In the absence of such an investigation and ensuing prosecution, legal protection of human rights would be ineffective in practice because it would be possible in some cases for agents of the state to abuse the rights of those within their control with virtual impunity.

Notes to Editors:

□ In July 1997 the then DPP, Dame Barbara Mills QC, suffered acute embarrassment in the High Court when unable to justify refusal to prosecute police officers in 3 separate cases (Lapite, O'Brien and Treadaway).

□ Within days the government established an independent inquiry under His Honour Judge Butler QC to examine the quality and process of decision-making within the CPS in relation to deaths in police custody, and interim safeguards were put in place anticipating the outcome of that inquiry requiring the DPP to consult treasury counsel on every such case and to consult the Attorney General and Solicitor General if she wished to depart the advice of treasury counsel.

□ Dame Barbara Mills QC resigned in May 1998, following the delivery of the Butler Inquiry report in February 1998, but ahead of its publication and the acceptance of its recommendations by the present DPP in August 1999.

□ See also the Glidewell report published in 1999 and the report of the European Committee for Prevention of Torture published in January 2000.