

PRESS RELEASE

For immediate release 19 September 2008

INQUEST STATEMENT FOR THE OPENING OF THE INQUEST INTO DEATH OF JEAN CHARLES DE MENEZES

INQUEST has been working with lawyers representing the family of Jean Charles de Menezes and supporting the family campaign since his tragic shooting in July 2005. A detailed briefing on the case is available on the family campaign website www.justice4jean.org.

Since Jean Charles' death, INQUEST has raised specific areas of concern in relation to his shooting. These include:

- The operational and intelligence failings that led to the shooting;
- Operation Kratos - the new 'shoot to kill' policy and its introduction without parliamentary scrutiny or public debate;
- The lawfulness of the shooting;
- The role of the IPCC in investigating the death;
- The misinformation and lies that were allowed to circulate in public about Jean Charles' behaviour and demeanour;
- The failure for appropriate criminal charges to have been brought.

INQUEST will be closely monitoring the inquest into Jean Charles' death to ensure it complies with minimum human rights standards as set out in leading case law and article 2 of the European Convention on Human Rights (as incorporated in the Human Rights Act 1998). We share the concerns of the family campaign about the blanket anonymity awarded to police officers, the facilities for the public to participate in the inquest and the necessity for key operational documents such as Operation Kratos to be scrutinised publicly.

Deaths in custody have been a source of tremendous pain and anger amongst Londoners and has resulted in the relationship between the Metropolitan Police and the community they serve being frequently under severe strain. Public confidence in the police – essential if they are to carry out the job that we need them to do – must not be undermined by any suggestion that the rule of law should not apply to the police. Therefore it is imperative that the inquest fulfils its role to allay suspicions and rumours surrounding the shooting and for an open and transparent investigation to take place.

Police Shootings – 1997 to date

INQUEST has major concerns about the number of fatal shootings by police and the procedures for holding the police to account which serve neither the public interest nor the

families of the deceased. A disturbing number of these deaths could and should have been avoided. INQUEST believes that the seriousness of this case warrants a fully independent public inquiry into the death and the wider issues it raises. INQUEST has raised its concerns about the case with government Ministers, MPs and human rights organisations.

Most recently INQUEST monitored the cases of Mark Saunders and Dayniel Tucker, who were shot dead by police officers within the last 12 months. Concerns have been raised in the High Court about the way in which the investigations into their deaths are conducted. This related to the disclosure of information to families during an IPCC investigation and the practice of police officers conferring before making their statements. Judgment is expected in October 2008.

Since 1997 there have been 30 fatal police shootings in England & Wales, 13 by Metropolitan police officers. Six of the Metropolitan police shootings have been of men from black and minority ethnic (BME) communities – representing a significantly disproportionate 46% of shootings. Jean Charles de Menezes' death raises serious questions about the disproportionate number of young BME men who die following the use of force by police.

Appendix 1

| Police Shooting deaths England & Wales 1997-2008 | | | | |
|--|-----------------|------------|--------------------|--|
| Name | Ethnicity | Date | Force | Area |
| Mark Saunders | UK White | 06/05/2008 | Metropolitan | Markham Square, Chelsea |
| Dayniel Tucker | UK White | 29/12/2007 | Kent | Stansted, Kent |
| Andrew Markland | Black | 13/09/2007 | Metropolitan | Bournemouth Road, Chandler's Ford, Hampshire |
| Mark Nunes | Black | 13/09/2007 | Metropolitan | Bournemouth Road, Chandler's Ford, Hampshire |
| Ann Sanderson | UK White | 11/06/2007 | Kent | Sevenoaks, Kent |
| Terry Nicholas | Black | 15/05/2007 | Metropolitan | Hanger Green, Ealing |
| Robert Haines | UK White | 31/10/2006 | Metropolitan | New Romney, Kent |
| Phillip Marsden | UK White | 19/12/2005 | Staffordshire | Meir, Stoke-on-Trent |
| Craig King | UK White | 11/09/2005 | Greater Manchester | Ashton Under Lyne |
| Jean Charles de Menezes | Other Brazilian | 22/07/2005 | Metropolitan | Stockwell underground station |
| John (Mark) Scott | UK White | 16/07/2005 | Northumbria | Stocksfield, Northumbria |
| Azelle Rodney | Black Caribbean | 30/04/2005 | Metropolitan | Hale Lane, Burnt Oak |
| Simon Murden | UK White | 22/03/2005 | Humberside | Hull |
| Nicholas Palmer | UK White | 12/05/2004 | Metropolitan | Brigstock Road, Thornton Heath |
| Phillip Prout | UK White | 04/05/2004 | Devon & Cornwall | Launceston, Cornwall |
| Keith Larkins | UK White | 06/06/2003 | Metropolitan | nr Heathrow Airport |
| Colin O'Connor | UK White | 23/01/2003 | Bedfordshire | A6 nr. Clophill |
| Fosta Thompson | Black Caribbean | 16/08/2002 | Avon & Somerset | St Werburgh's, Bristol |
| Jason Gifford | UK White | 24/06/2002 | Thames Valley | Aylesbury, Bucks |
| Michael Malsbury | UK White | 14/11/2001 | Metropolitan | Harrow |
| Steven Dickson | UK White | 01/11/2001 | Derbyshire | Cadnor, Derbyshire |
| Derek Bennett | UK Black | 16/07/2001 | Metropolitan | Brixton |
| Andrew Kiernan | UK White | 12/07/2001 | Merseyside | Wavertree, Liverpool |
| Patrick (Kieron) O'Donnell | Irish White | 30/10/2000 | Metropolitan | Upper Holloway |
| Kirk Davies | UK White | 24/09/2000 | West Yorkshire | Pinderfields Hosp, Wakefield |
| Harry Stanley | UK White | 22/09/1999 | Metropolitan | Hackney |
| Derek Bateman | UK White | 22/06/1999 | Surrey | Dorking, Surrey |
| Antony Kitts | UK White | 10/04/1999 | Devon & Cornwall | Falmouth |

Police Shooting deaths England & Wales 1997-2008

| Name | Ethnicity | Date | Force | Area |
|--------------------|-----------|------------|--------------|--------------------|
| Michael Fitzgerald | UK White | 26/02/1998 | Bedfordshire | Bedford |
| James Ashley | UK White | 15/01/1998 | Sussex | St. Leonard on Sea |

Source: INQUEST casework and monitoring

Appendix 2

| Type | Deaths involving the Metropolitan Police 1997-2008 | | | | | | | | | | | | Total |
|----------------|--|------|------|------|------|------|------|------|------|------|------|------|------------|
| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | |
| Custody | 15 | 13 | 15 | 5 | 9 | 11 | 12 | 5 | 9 | 4 | 6 | 5 | 109 |
| (of which BME) | 3 | 3 | 7 | 1 | 3 | 6 | 6 | 2 | 5 | 4 | 4 | 4 | 48 |
| Shooting | 0 | 0 | 1 | 1 | 2 | 0 | 1 | 1 | 2 | 1 | 3 | 1 | 13 |
| (of which BME) | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | 3 | 0 | 6 |

Source: INQUEST casework and monitoring

Shading indicates INQUEST involved in case – more detail can be provided if necessary.

ENDS

Notes to editors:

1. INQUEST is the only non-governmental organisation in England and Wales that works directly with the families of those who die in custody. It provides an independent free legal and advice service to bereaved people on inquest procedures and their rights in the coroner's courts and conducts policy work on the issues arising.

| | |
|------------------------------------|--|
| Further Information | www.inquest.org.uk |
| INQUEST | office 020 7263 1111 |
| Helen Shaw, Co-Director | office 020 7263 1111 |
| INQUEST website | www.inquest.org.uk |
| Justice4Jean Campaign | www.justice4jean.org |
| Official Stockwell inquest website | www.stockwellinquest.org.uk |