

For immediate release 25 January 2008

INQUEST CONDEMNS GOVERNMENT PROPOSALS FOR "SECRET" DEATH IN CUSTODY INQUESTS

INQUEST today condemned government proposals in the Counter-Terrorism Bill 2008 which give unprecedented powers to the Secretary of State to intervene in death in custody inquests where issues of state intelligence are involved.

Clause 64 of the Bill gives the Secretary of State extraordinary powers to issue certificates at his or her discretion to hold "secret" inquests, without juries, in any case in which the Secretary of State believes that material will be revealed contrary to the public interest. The discretion given to the Secretary of State is broad and is to include reasons of national security, international relations *or any other public interest*. In these circumstances it is proposed inquests are to be conducted at least partly in private, with government vetted coroners and government vetted counsel overseeing the "sensitive material". This would exclude bereaved families and their legal representatives - as well as the public at large - from the process.

INQUEST has written today to Bridget Prentice MP, Parliamentary Under Secretary of State responsible for coroners to express its extreme concern that this measure has been introduced without any consultation. This is despite the organisation and members of its Lawyers Group being in regular and ongoing dialogue with Ministers and officials about the operation of the inquest system and other proposed reforms.

The family of Azelle Rodney, shot seven times by police in a pre-planned surveillance operation in April 2005, have already been told that their case will be subject to the new measures.

Daniel Machover, solicitor for Susan Alexander, Azelle Rodney's mother said:

"These proposals mean that Ministers and those responsible for intelligence gathering will never be held properly to account for the validity of their tactics. It is a fiasco, bearing no resemblance to a fair system of justice. Presented with the problem of what to do with sensitive material that is relevant to the circumstances of how and why a person was killed by a state agent, the government proposes to remove the vital democratic accountable layer of a jury and hide away from the bereaved family crucial evidence about the death. My client, Susan Alexander, is very distressed that having expected a new law which would finally enable her to see and question the key evidence that led to the police shooting of her son, she will end up being worse off than before."

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Helen Shaw, co-director of INQUEST said:

“We have serious concerns about these far reaching proposals which have been introduced without consultation and have wide reaching consequences. The public will find it difficult to have confidence that these coroner-only inquests, with key evidence being suppressed, can investigate contentious deaths involving state agents independently.”

Notes to editors:

1. The Counter Terrorism Bill 2008 received its first reading in the House of Commons on 24 January 2008.
2. The proposals contained in Clauses 64-67 of the Bill regarding inquests arose from legal challenges brought on behalf of the family of Azelle Rodney over admissibility of intelligence evidence.
3. 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.

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