

No Nearer To The Truth

**Briefing by the Jean Charles de Menezes
Family Campaign**



September 2008

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“Whilst recognising that due process needs to be followed, it cannot be right that three years later, there is still no definitive account of what happened on 22 July 2005.”

Stockwell Scrutiny, Metropolitan Police Authority, July 2008

1. Who was Jean Charles de Menezes?

- 1.1 Jean was born in the interior of the state of Minas Gerais in Brazil. He grew up in the small countryside village of Gonzaga, where his parents were labourers with a small piece of land they farmed. He liked parties, was always in the company of friends and was loved by both his immediate family and his extended family of many cousins, uncles and aunts. Jean came to London in 2002 to raise money for himself and his family and to improve his English and broaden his experience of the world.
- 1.2 On 22nd July 2005, Jean was at Stockwell tube station when he was shot seven times in the head by police officers as part of a pre-planned anti-terrorist operation. He was 27 years old.

No one has been held accountable for his death

Since his death, Jean’s cousins in London have tirelessly campaigned for justice and accountability in relation to his death and to raise public awareness of the issues arising from his death.

2. Investigations and Developments since July 2005

- 2.1 Since the killing of Jean Charles de Menezes there have been
 - Two investigations by the Independent Police Complaints Commission
 - A trial under the Health and Safety at Work Act that found the Metropolitan Police guilty of 19 key failings
 - A scrutiny report by the Metropolitan Police Authority
 - and now, finally, a Coroner’s inquest.
- 2.2 Despite this protracted process and the long, detailed reports produced by state bodies supposedly responsible for the accountability of London’s police; we are still no nearer to the truth about Jean’s death. Instead, the family and the public at large have seen the slow, uneven emergence of new information that is

increasingly unfavourable to the Metropolitan Police. On the one occasion that members of the public have had the chance to examine the Metropolitan police's conduct, as jury members during the trial into breaches of the Health and Safety at Work Act, they found the police guilty of risking not only Jean's life but those of Londoners as a whole.

3. What We Do Know

- We know that surveillance officers watched Jean walking to a bus stop and boarding a bus heading to Stockwell Tube station, wearing a light denim jacket and not the heavily padded coat that was initially reported.
- We know from CCTV footage from the ticket hall at Stockwell station that Jean entered the station at a normal walking pace, picked up a free *Metro* newspaper, used his Oyster card to pass through the ticket barrier and slowly descended to the platforms on an escalator.
- We know that no CCTV footage exists of the tube platform and of what happened in the tube carriage. We know that CCTV cameras provided footage of the ticket halls and the escalators, but that despite London being on high alert after the attempted attack the previous day, the police claim that the CCTV system on the Northern Line platform at Stockwell was not working at the time of the shooting.
- We know that the IPCC "Stockwell 1" investigation into the shooting raised grave concerns about the effectiveness of the police response on 22 July 2005. This was not only regarding the risk of an entirely innocent member of the public being killed "but also whether the police response would stop a terrorist who was intent on causing harm."
- We know that the Old Bailey jury at the trial into breaches of the Health and Safety Act found that Scotland Yard commanders had made a string of errors that culminated in an unwarranted risk to the public and ultimately to Jean's death.
- We know that despite this catalogue of failures, neither the Independent Police Complaints Commission nor the Crown Prosecution Service has held any police officer to account through prosecution for involuntary manslaughter or other criminal charge or through any disciplinary action.
- We know that instead, the senior officer in charge of the operation, Cressida Dick, was promoted to Deputy Assistant Commissioner by the Metropolitan Police Authority and that Andy Hayman, who was accused by the IPCC of deliberately misleading the public over the shooting, was awarded a CBE in 2006. We know that although investigations were ongoing into Jean's death, the officers who shot him were back on duty and one has shot and killed another member of the public during an alleged attempted robbery in Kent in November 2006.

- We know that Sir Ian Blair, the Metropolitan Police Commissioner, initially tried to prevent the Independent Police Complaints Commission from carrying out its statutory duty to investigate Jean's death. We know that in the immediate aftermath of Jean's death, Blair vigorously defended the actions of his officers.
- We know that the IPCC called for a "wide and well-informed public debate" about the Metropolitan police's shoot-to-kill policy – and that such a public debate has never taken place. The details of Operation Kratos, the codename for policies for dealing with suspected terrorists and suicide bombers, including the use of lethal force, remain secret "for operational reasons".

4. The inquest

- 4.1 The inquest into Jean Charles de Menezes death will begin at 10am on 22nd September at Oval Cricket Ground, The Brit Oval, Kennington, London, SE11 5SS. It is expected to last three months. Jean's mother and brother will be coming over from Brazil for approximately one month of the inquest from early October. The family will be represented at the inquest by Michael Mansfield QC from Tooks Chambers, Henrietta Hill from Doughty Street Chambers and Harriet Wistrich from Birnberg Peirce and Partners.
- 4.2 The inquest is the first public examination of the evidence relating to how Jean was killed. It will bring together witnesses and evidence into one court proceeding for the first time. Until now the Menezes family has been effective bystanders to the investigations into his death which all happened without their involvement. The inquest however will be the first time the Menezes family will be able to ask the questions they want of the police officers involved in the botched operation on 22nd July, including questioning the firearms officers who killed Jean.
- 4.3 The family hope that the inquest will shed new light on the policies and decisions that led to Jean's killing and hope for a suitable verdict to be brought as well as a jury narrative verdict to fully explore the issues. They also hope that following the inquest, if the Coroner believes that action could be taken to prevent the recurrence of a similar death, he will use his powers under the newly reformed rule 43 of the Coroners Rules 1984.
- 4.4 The family hope the inquest will examine:
- (a) The setting of the Scotia Road strategy and the implementation of that strategy by senior officers, their support staff and the firearms and surveillance officers;
 - (b) Operation Kratos, whether it was followed during the operation, and the training of officers in it

- (c) The legality of their use of firearms
- (d) Issues surrounding the alleged identification of Jean as Hussain Osman,
- (e) Post-shooting events, including the issues surrounding the closure of the scene, the lack of CCTV, the alteration of the surveillance log, and potentially certain issues arising from the IPCC's "Stockwell 2" report, insofar as they could assist in determining events related to the shooting.

4.4 Whilst hopeful about what the inquest may bring, deep seated concerns remain over how much evidence will be heard in public and what attempts the Metropolitan police will make to keep what happened on 22nd July 2005 secret. As of the week before the inquest the police have applied, ex parte, and been granted 'public interest immunity' in respect of key documents relating to the tactical options and implementation of Operation Kratos. The family legal team are seeking to challenge this as some of the documents are considered likely to be of critical importance to the issues to be explored in the inquest

4.5 Following applications by the police, the Coroner has already granted anonymity to almost fifty police officers. The move, which was opposed by several media organisations means that the officers will give evidence behind screens and will be given codenames hiding their identity from the public. In response to representations made that the family should be able to see the officers giving evidence in order to assess their demeanour, provisions have been made for the family to be included together with the legal teams and jury in being able to see the officers giving evidence. But campaigners for the family continue to call for such blanket anonymity to be lifted as they believe it undermines the key principles of transparency and accountability and hinders public scrutiny of public officials. It is very hard to believe that all of these officers need such a high level of protection. Rather it seems the Metropolitan police continue to promote tactics which would ensure that named individuals evade responsibility for the deliberate killing of an innocent man.

5. Achieving Justice 4 Jean

- 5.1 The Menezes family eagerly anticipating the inquest which they hope will bring them closer to a definitive account of what happened on 22 July 2005. They hope it will reveal the whole truth about Jean's death, which his family believes was unlawful. However, an inquest is not a trial. An inquest cannot determine, or appear to determine, criminal or civil liability. It cannot apportion guilt or attribute blame.
- 5.2 The inquest cannot examine why statutory agencies such as the IPCC, the Crown Prosecution Service or the Metropolitan Police Authority have been so unable to hold anyone to account for the killing or maintain public confidence in the police. Next year is the ten year anniversary of the McPherson report into the death of Stephen Lawrence and it is notable that ten years on from the report –

we are no closer to having a system for police accountability that creates public confidence.

- 5.3 It also cannot look into whether the government's 'shoot to kill' policy is a proportionate response to the threat of terrorism, or why there was no parliamentary or legal scrutiny of such an important policy or how a similar tragedy might be prevented from happening again.
- 5.3 It cannot look at the treatment of the family by the Metropolitan police and the IPCC in the immediate aftermath of the killing. This includes the family's treatment by Family Liaison Officers, the family being sent away to a hotel in Kingston by the police and having had their phone lines cut off and unsolicited trips by members of the Metropolitan police to Brazil in the early weeks after the killing as just three examples of inappropriate behaviour.
- 5.3 We therefore continue to call for an independent inquiry, once the inquest has been completed, that is broad enough to look at all the issues surrounding Jean's death.

6. Contacting the Family Campaign

- 6.1 The campaign has set up a separate blog for the duration of the inquest at <http://inquest.justice4jean.org>. This will contain regular comment and updates on proceedings.
- 6.2 You can contact the campaign on
E-mail: **justice4jean@gmail.com**
Telephone: **07931337890 or 07944069956**
Website: **www.justice4jean.org**