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Public Statement

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UK: The death of Jean Charles de Menezes: coroner's inquest must go ahead to ensure full and public scrutiny

Amnesty International today calls for the coroner's inquest into the death of Jean Charles de Menezes to be resumed without further delay, and for the inquest to be given a wide enough scope to ensure that critical information about the circumstances surrounding his death is made public.

In early December 2007 the coroner hearing the inquest will hold a pre-inquest hearing, to consider whether there is still a need for the inquest to go ahead. Amnesty International considers it essential that it does.

Neither the investigation into the shooting carried out by the Independent Police Complaints Commission (IPCC), nor the recently-concluded prosecution of the Office of the Commissioner of the Metropolitan Police under health and safety legislation, have enabled the members of the family of Jean Charles de Menezes to ask their own questions about how their relative, an unarmed young Brazilian man, came to be shot dead by officers of the Metropolitan Police on board a London Underground train in July 2005.

The family of a person who has died in circumstances such as these is entitled, under international human rights law, to be kept involved in the investigation into the death. A coroner's inquest would allow the family of Jean Charles de Menezes to participate in the proceedings, as next-of-kin to the deceased – a participation which the health and safety prosecution, by its very nature, could not allow.

Moreover the jury in the coroner's inquest would be able to return not only a verdict on the cause of the death of Jean Charles de Menezes, but also a narrative as to "how, when and where" the death occurred. By contrast the jury in the recent trial was asked to decide only the relatively narrow question of the criminal liability of the Office of the Commissioner of the Metropolitan Police for an offence under health and safety legislation – an offence relating not directly to the death of Jean Charles de Menezes, but to the risks posed to the health or safety of the public by the operation which led to his death.

The inquest may therefore be able to bring to light information about all of the circumstances of the death which did not emerge during the prosecution. It may be able to hear from key witnesses who were not called to give evidence at the trial, such as the officers who fired the fatal shots, and passengers who were in the train carriage at the time of the shooting.

Amnesty International remains concerned that the Metropolitan Police initially sought to prevent the IPCC from conducting the investigation into the death of Jean Charles de Menezes. The fact that the Metropolitan Police retained control over the investigation at the crucial initial stage runs counter to the obligation under international human rights law for such an investigation to be carried out independently of those responsible for the shooting.

In the light of this concern, and others raised by the recently-published report of the IPCC investigation into the shooting, Amnesty International considers it vital both for the family of Jean Charles de Menezes and for the public at large that the events which led to his death should be the subject of the fullest possible independent public scrutiny. The coroner's inquest is one way of ensuring such scrutiny, and it should be allowed to proceed without delay.

Background

In September 2006 the coroner hearing the inquest into the death of Jean Charles de Menezes agreed to a request from the Crown Prosecution Service to adjourn the inquest, pending the completion of the prosecution of the Office of the Commissioner of the Metropolitan Police.

Amnesty International opposed that adjournment. The organization considered that it would result in an unnecessary and disproportionate delay in the holding of the inquest, and would compound the distress, pain and suffering already experienced by the family of Jean Charles de Menezes.

Nevertheless the inquest was postponed. With the completion of the prosecution of the Office of the Commissioner of the Metropolitan Police, the coroner hearing the inquest is now required, by the Coroners Act 1988, to consider whether to resume the inquest, "if in his opinion there is sufficient cause to do so". The pre-inquest hearing at which this question will be considered is scheduled to open on 7 December.

For further details see: *The death of Jean Charles de Menezes: full and public scrutiny still needed* (AI Index: EUR 45/018/2007) <http://web.amnesty.org/library/index/engneur450182007>
The killing of Jean Charles de Menezes (AI Index: EUR 45/015/2006) <http://web.amnesty.org/library/index/engneur450152006>