

AMNESTY INTERNATIONAL

Public Statement

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UK: The killing of Jean Charles de Menezes

Amnesty International considers that the attempt by the Metropolitan Police Service (Met) to delay the Independent Police Complaints Commission (IPCC) from taking over the investigation into the killing of Jean Charles de Menezes was directly contrary to international human rights law and standards on the effective investigation and prevention of unlawful killings. Amnesty International is gravely concerned that this delay at the initial crucial stage of the investigation may have critically compromised its effectiveness.

Relevant international and domestic law and standards require that an investigation into an incident such as the killing of Jean Charles de Menezes be carried out promptly, and that it be conducted independently and thoroughly from the very outset. The investigative authority must have the power to obtain all the information necessary to the inquiry. In light of what has transpired so far, Amnesty International is concerned these key requirements were not fulfilled. For example, the delay in the IPCC taking over the investigation may have meant that crucial evidence was destroyed or otherwise lost.

The fact that the Met retained control over the investigation at the crucial initial stage runs counter to the need for it to be carried out independently of those responsible for the killing. This fact, together with the initial statements about the circumstances of the killing, attributed to the UK authorities, have given rise to allegations of a cover-up.

Amnesty International has called for a prompt, thorough, independent, impartial and effective investigation into the killing of Jean Charles de Menezes. The organization considers that all the circumstances leading up to the killing, as well as its immediate aftermath, including the above-mentioned official statements and the alleged cover-up should be investigated in a manner which strictly complies with relevant international and domestic human rights law. In particular, Amnesty International has urged that there be full public scrutiny of the actions of state agents and agencies involved, including the Met and the security services, so as to ascertain whether the killing of Jean Charles de Menezes was lawful. Specifically, the investigation should consider whether the force used was no more than absolutely necessary and a proportionate response in the circumstances.

Amnesty International considers that as the IPCC carries out its investigation, it should ensure that it does so in a manner which earns and maintains the confidence of the family of the victim and of the general public that it will be effective in getting at the truth. The IPCC should ensure that the inquiry is carried out independently, impartially and thoroughly, and that it obtains all the information necessary, as required by human rights law, including, in particular, the case-law of the European Court of Human Rights under Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms enshrining the right to life.

Background

On 22 July 2005, plainclothes officers shot dead Jean Charles de Menezes, a Brazilian national who had been working in the UK for the last three years. Initial police statements stated that he was a suspect linked to the bombing incidents which have taken place in London, since 52 people were killed in coordinated attacks on 7 July. However, on 24 July the Chief Commissioner of the Metropolitan Police stated categorically that Jean Charles de Menezes had no involvement in any suspicious activities, and that he had been shot dead as a result of a mistake.

At the present moment, the IPCC has full control over the inquiry into the killing of Jean Charles de Menezes.