

Public Statement

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United Kingdom: No justice for Harry Stanley and Roger Sylvester

Amnesty International expressed concerns about the decision of the Crown Prosecution Service (CPS) on 4 December not to bring any criminal charges against the police officers of the armed response unit who shot dead unarmed Harry Stanley on 22 September 1999, in Hackney, East London.

The CPS decision follows its previous ruling on 20 November, in which the CPS ruled out prosecuting the police officers who were reportedly involved in the death of Roger Sylvester after eight police officers tried to restrain him, on the night of 11 January 1999, in front of his house in Tottenham, North London.

"These are strong prima facie evidence cases. It is deeply disturbing that the CPS decided that they should not be subjected to the public scrutiny of a criminal trial," Amnesty International said.

Amnesty International believes that these decisions by the CPS underscore once more the inadequacy of the present system to guarantee independence, impartiality, thoroughness and promptness of investigation and prosecution for deaths in custody.

Amnesty International strongly criticizes the present system whereby possible unlawful actions committed by the police are investigated by the police themselves.

The European Committee for the Prevention of Torture severely criticized the system, in its report published on 13 January 2000, and suggested the substitution of the Police Complaints Authority with a fully-fledged independent agency to investigate complaints against the police.

The government has the duty to protect the right to life, which includes, under the Human Rights Act, an effective investigation and public scrutiny of the

legality of actions when individuals are killed as a result of the use of force by agents of the state.

The decisions not to bring those responsible for the deaths of Harry Stanley and Roger Sylvester to justice follow investigations which have reportedly left both victims' families very unsatisfied. Investigating officers have allegedly given the impression of focusing the inquiry on the victim's life instead of on the police officers' actions and access to important information was reportedly often denied notwithstanding the 1999 Home Office guidance on pre-inquest disclosure.

Amnesty International warns about the risk of allowing police officers accused of committing human rights violations to escape justice. The European Committee for the Prevention of Torture shared Amnesty International's concerns when it noted the vicious circle which reportedly arises from the CPS's awareness of the difficulty of securing the conviction of a police officer, thus resulting in the application of a higher standard of proof to bring charges against police officers.

Amnesty International renews its call for prompt, independent and impartial inquiries into the deaths of Harry Stanley and Roger Sylvester and for a wide-ranging inquiry into all aspects of investigating a death in custody. The authorities must ensure that the perpetrators of unlawful killings are brought to justice and that the legislation governing the permissible use of lethal force is in conformity with international standards.

The human rights organization calls for the revision of police restraint techniques, in order to outlaw those involving a significant risk for life; and repeated training schemes for police officers dealing with persons in custody.

Amnesty international calls on authorities in the UK to allow victims' families access to relevant documents and evidence in preparation for inquests. They should also be accorded full legal aid to cover the costs in relation to their inquests.

Background:

Following criticism of the present system by international and national authorities, lawyers and expert non-governmental organizations, including Amnesty International, the government carried out a consultation on the system of investigating police misconduct, to which the organization contributed with the report entitled "United Kingdom - Deaths in custody: lack of police accountability" (AI Index: EUR 45/42/00). New legislation proposals are expected soon.

Harry Stanley was walking home with a table leg, which had just been mended, in a bag. He had stopped in a pub, where another customer mistook his Scottish accent for Irish and the table leg for a sawn-off shotgun and called 999. An armed response unit arrived in the area and approached Harry Stanley from behind. They reportedly shouted "Stop, armed police!". Harry Stanley, who had no reason to imagine that the police wanted him, did not stop. Reportedly, the police officers shouted again. Harry Stanley responded by turning around and was shot dead.

Roger Sylvester, aged 30, died after a seven-day coma. He had reportedly been detained that night under Section 136 of the Mental Health Act 1983.

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