

**Press Statement #2**  
**Jean Charles de Menezes**

**Response to the evidence made public during the last 24 hours as to the true circumstances of the death of Jean Charles de Menezes.**

Yesterday the family of Jean Charles de Menezes and we, their lawyers, became aware through the press that virtually the entire body of information either placed, or allowed to remain, in the public domain since Jean Charles de Menezes was killed on July 22<sup>nd</sup> 2005, has been false.

Insofar as the claim of the existence of an official inquiry has contributed to or provided for a situation in which a blanket of secrecy has covered the true facts, and lies and false scenarios have been allowed to hold good, we on behalf of the family suggest that claim has constituted a grave public disservice.

In consequence, we ask now that the nature and pace and ultimate objectives of any investigation change. The de Menezes family ask for only one outcome and that that be swift, that is that the entire truth surrounding Jean Charles death be made public now as a matter of urgency.

The public interest coincides completely with the interests of the family. From the beginning the most senior of police officers and government ministers including the Prime Minister, claimed the death of Jean Charles to be an unfortunate accident occurring in the context of an entirely legitimate, justifiable, lawful and necessary policy. In the context of the lies now revealed, that claim has become even less sustainable and even more alarming. It is inconceivable that the true facts as revealed yesterday, were not made known to senior police and ministers immediately; for any to have made comments publicly without first informing themselves of the true facts would have been entirely reckless and wrong.

From the outset the family have raised a number of obvious questions

1. How was Jean Charles de Menezes first identified as a suspect and on what basis?
2. Why was he allowed to board a bus without challenge if he was indeed a suspect?
3. Why was he allowed to continue his journey unchallenged if he was a suspect?
4. Why was he allowed to board an underground train if he was a suspect?
5. When did police identify themselves to him and how?
6. What opportunities were afforded for alternative action other than execution?
7. What alternative means of incapacitating a suspect were available on that day; if alternative means were not available why not, and if they were why were they not used?
8. Where did a "shoot to kill" policy emanate from and on what claimed legal basis? What public debate and democratic accountability surrounded the coming into being of that policy?
9. Why was the suggestion that five bullets were fired allowed to continue as a public assertion, uncorrected, when there were eight (seven to the head)?
10. Why were members of the de Menezes family in the UK, having been made homeless by the securing of Jean Charles' residence, placed inaccessibly in a hotel by the police and the telephones in their rooms ordered to be cut off by the police so that they could not contact Brazil.
11. Why did police officers actively lobby Brazilian officials here to dissuade Jean Charles' parents (without a telephone in Brazil) from obtaining a second post mortem?

12. Why was the pathologist at the post mortem conducted on 23<sup>rd</sup> July (at which senior investigating police officers were present) told the following:  
“This man’s death occurred as part of the emergency relating to the planting of bombs on public transport in London. On the morning of the 22<sup>nd</sup> July 2005 he was pursued by armed police officers as a result of surveillance. He was followed into Stockwell Tube Station where he vaulted over the ticket barrier. He ran downstairs and onto a tube train where it appears that he stumbled. The officers then immobilised him and a number of shots were fired. At the present time I am not sure as to any further details.”
13. Why was he not told by the time of writing his report on July 27<sup>th</sup> of the true facts?
13. Why was he not told of the true facts which clearly by then must have been available?
14. What CCTV footage from the outside and inside of Stockwell underground station and from within the underground train exists? If there is none, why is there none?

In the light of many of the questions above having been answered during the last 24 hours by information clearly already in the possession of the police, we emphasise that we are unable to have confidence in any of the investigative processes that are now on offer in this case. We point in particular to the failure of the police, in breach of their statutory duty, to invite the IPPC to commence its investigations from the first moment of the shootings on July 22<sup>nd</sup>. A fatal delay of several days, we understand, occurred thereafter during which time we are unaware that the IPPC itself proactively attempted to intervene. We have the gravest of concerns.

1. First that evidence may not have been appropriately retrieved by independent investigators and may now have permanently disappeared. We point in particular to the unresolved question as to whether any CCTV footage of the station or the train does in fact exist and was retrieved.

2. We observe that a number of written statements by police officers in direct contradiction to what was previously understood are being revealed through the press; one in particular points to the fact that Jean Charles de Menezes was never in fact, appropriately identified as a suspect from the time of his leaving the house.
3. We do not know whether police officers who appear already to have made statements in this inquiry have made statements under caution and are being treated as suspects in relation to a proper investigation of an unlawful killing, or are being treated instead as only witnesses and not suspected of any level of involvement in what at its lowest must be gross negligence (a potential ground for an accusation of unlawful killing).
4. We do not know at what levels police officers, including senior police officers, are being interviewed and whether under caution or not. We do not know who is being interviewed and by whom?
5. We do not know whether these include senior police, past and present who appeared to believe, wrongly, that they were entitled to order a blanket "shoot to kill" practice.

In these circumstances, on behalf of the family, we suggest that a different, urgent, and open inquiry and public debate take place. It is neither sane nor responsible to have issues of such enormous public importance, as well as of such pain to the family concerned, to be allowed to drift towards an unspecified date at an unspecified and perhaps inappropriate hearing in the future which may too late consider itself to be too limited in any event to consider the important issues that have to be raised here and now.

We underline as a reminder, that immense public debate took place immediately after the shooting of Jean Charles de Menezes. All of that debate took place and was allowed to take place on entirely wrong factual assumptions. We are now in a very

different situation. Someone with official access has, it appears, been sufficiently disturbed by that dangerous position, to make internal documents public. In these circumstances, we and the family of Jean Charles de Menezes regard the action of revealing those documents as a true public service and ask that that initiative not now be undermined by renewed secrecy, delay and inactivity on the part of those with responsibility for investigation.

**Birnberg Peirce & Partners**  
**(Harriet Wistrich/Gareth Peirce)**

17<sup>th</sup> August 2005