



Case of Fatal Shooting by Police in London Underground Pending before European Court of Human Rights

A case concerning the fatal shooting of Brazilian national Jean Charles de Menezes by the police in the London Underground is pending before the European Court of Human Rights in Strasbourg.

Mr de Menezes, who was mistakenly identified as a terrorist suspect, was shot dead on 22 July 2005, aged 27, by two special firearms officers of the Metropolitan Police Service at Stockwell underground station.

The case ***Armani da Silva v. the United Kingdom*** (application number 5878/08) was lodged with the Court on 21 January 2008 by Mr de Menezes' cousin Patricia Armani Da Silva, a Brazilian national, born in 1974 and living in London.

Ms Armani Da Silva complains under Articles 2 (right to life) and/or Article 3 (prohibition of inhuman or degrading treatment or punishment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights about the decision not to prosecute any individuals in relation to her cousin's death.

The case has been communicated¹ to the United Kingdom Government, which has been asked to submit its observations as well as all decisions of the Independent Police Complaints Commission (IPCC) as regards possible disciplinary charges against relevant officers. A [statement of facts](#) submitted to the Government is available only in English on the Court's website (<http://www.echr.coe.int>). The Court's ruling in the case will be made at a later stage.

Principal facts

The shooting of Mr de Menezes occurred the day after a police manhunt was launched to find those responsible for four unexploded bombs, found on three underground trains and a bus in London. Two weeks earlier, four suicide bombers had detonated explosions on the London transport network, killing 56 people.

Two of the terrorist suspects lived at the same address as Mr de Menezes in Scotia Road, London, which had been placed under surveillance.

As he left for work on the morning of 22 July, Mr de Menezes was followed. Just after 10 a.m. police officers followed him onto the platform at Stockwell Station, ultimately shooting him several times in the head. The subsequent post-mortem examination recorded the cause of death as "multiple gunshot wounds to the head".

On 25 July 2005 the investigation was referred to the IPCC, which, on 2 August 2007, concluded that there was insufficient evidence to conclude that any offence had been committed. However, it made a number of operational recommendations.

¹ In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

On 17 July 2006 the deceased's family was informed that the Director of Public Prosecutions had decided to prosecute the Metropolitan Police Commissioner's office (OCPM) for failing to provide for the health, safety and welfare of Mr de Menezes, contrary to the Health and Safety at Work etc Act 1974. No individual was to be prosecuted in relation to his death, as there was "insufficient evidence to provide a realistic prospect of conviction against any individual police officer".

On 16 October 2006 Ms Armani Da Silva applied unsuccessfully for leave to apply for judicial review of the decision not to prosecute any individual police officer for criminal offences. Leave to appeal to the House of Lords was refused by the High Court and, on 26 July 2007, by the House of Lords.

On 1 November 2007 the OCPM was found guilty of breaching the 1974 Act. The Designated Senior Officer was not considered to bear any "personal culpability" for the events in question. The sentence imposed was a fine of 175,000 British pounds sterling (GBP) and the OCPM was ordered to pay costs of GBP 385,000.

On 11 May 2007 the IPCC decided that no disciplinary action should be pursued against any of the frontline and surveillance officers (11 officers) involved in the operation since there was no realistic prospect of any disciplinary charges being upheld.

On 12 December 2008 the jury of the inquest returned an open verdict.

On 2 October 2009 the Chairman of the IPCC rejected the family's submissions that new evidence emerging from the Inquest supported the issuance of disciplinary proceedings.

A civil action in damages was brought by Mr de Menezes' family, including Ms Armani Da Silva, against the Metropolitan Police Commissioner, which led to a confidential settlement on 16 November 2009².

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

² The amount was reported in the press as just over 100,000 pounds sterling (*The Guardian*, 23 November 2009).