

The Shooting of Jean Charles de Menezes: Use of Force and Counter-Terrorism Policy

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Jean Charles de Menezes

- 22 July Jean Charles de Menezes was shot by London police
- Stockwell Underground station
- Mistaken for a terrorist
- Multiple shots to the head
- Tragedy

Jean Charles de Menezes

- This presentation: publicly available information only
- Official investigation remains confidential
- No 'private' sources
- Policy issues and implications

Context

- 7 July: suicide bombers—3 trains and one bus bombed in central London—56 dead
- 21 July: unexploded bombs found on trains and a bus
- Thwarted attacks awaiting prosecution
- Jihadist threat:
 - 9/11 (1993 attack)
 - Bali, Casablanca, Madrid, Istanbul
 - Strasburg, Singapore

Jihadist threat and the 'war against terrorism'?

- 9/11, et al: crimes or war?
- Not crime:
 - Dedicated, determined, self-sacrificing
 - Motivated by ideals
 - Utterly ruthless
- Not war:
 - Representing no nation state
 - Signatories to no international treaties
 - No negotiating parties for making peace

Irregular war

- 1st principle of war: attack opponent at weakest point
- Democratic West invincible on battlefield
- Weakness of secular liberalism:
 - Individualism: anonymity, freedom of movement—camouflage
 - Rights: surveillance, detention, force
 - Scepticism of the state

Intelligence

- 'Intelligence': euphemism for *poor* information
- Terrorists strive to remain anonymous
 - 'Joining up the dots'
 - 'Needle in a haystack': problem is the haystack–information overload/joining dots
 - False positives
 - Real time decision–making

22 July: Intelligence failure

- Address connected to unexploded bombs
- Surveillance
- Poor photograph of bomber, Osman
- Possible sighting
- Confirmation on the move

22 July: command failure?

- Myth of panoptical command
- Commanders inevitably operate 'blind'
- Inevitably poor information
 - Unstructured
 - Fluid
 - Incomplete

22 July: organisational failure?

- Surveillance officers not armed
- Armed officers rendezvous
- Different radio frequencies

22 July: excessive force?

- 'Kratos': overrides presumption of surrender
- Arrest criminal
- Ambush combatants
- Loughgall
- Suicide bombers detonate explosive

22 July: excessive force?

- Non-survivable injury: 'Suniland' and the 'empty gun'
- 'Catastrophic headshot': routine option
- Prevent 'reaction shot' = severing brainstem
- Low velocity weapons
- *Killing is not enough*
- Attack at weakest point: force the state into threateningly forceful response

Getting it right

- Terrorists attack at weakest point: allow their opponent only one successful option
 - Kill armed terrorist *in flagrante*
- Other options:
 - Fail to prevent suspected terrorist attack
 - Kill an innocent person

Legitimacy

- Tilly: state legitimacy is founded on
 - Capacity
 - TrustTerrorism strikes at both
- Capacity to protect homeland from attack, cf. RAF attacks on German cities in 1940
- Trust that coercive power will not be used against citizens, e.g. safeguards of criminal justice

Terrorist threat to legitimacy

- Get it wrong:
 - Demonstrate lack of capacity
 - Public criticism of
 - Design of twin towers
 - Readiness/equipment of fire/police departments
 - ‘Intelligence failures’
 - Undermine trust
 - Police brutal
 - Out of control
 - ‘Shoot to kill’, ‘execution’, etc
- Attack opponent at weakest point

Accidents happen

- > 2000 people die annually in NHS hospitals from ‘medical accidents’
 - 30% of those who die in ITU are misdiagnosed in A&E
 - 50% of misdiagnosed could have been saved with correct diagnosis
- ‘Risk society’: aversion to error

Democracy

- Terrorism undermines legitimacy by proxy
 - Anger of victims
 - Campaigners/sympathisers
 - Media
 - Official investigation/revelation
- Attack at weakest point

Extend capacity Engender trust

- ‘State of Terrorist Emergency’
- International ratification
- Legitimate reduction in liberties as proportionate

Irremediable intolerance of error

- **'Collateral damage'**
 - **Sacrificing innocent lives**
 - **War is always barbarous**
 - **Living with barbarity is illiberal**
- Attack at weakest point**