

Bhatt Murphy Solicitors

PRESS RELEASE

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MET POLICE APOLOGISE AND PAY £25,000 COMPENSATION FOR GAZA PROTEST ASSAULTS

The Metropolitan Police have apologised and paid £12,500 each to twin brothers Ashley and Russell Inglis for unprovoked assaults by police officers in the course of the protests outside the Israeli Embassy in London on 3 January 2009 against the Israeli military operations in Gaza. This outcome is a telling prelude to the appeals due to be heard on 13 July 2010 in the Court of Appeal against the draconian sentences imposed upon a number of other protestors convicted of violent disorder in the same series of protests.

Russell Inglis said:

We presented no threat whatsoever to the police. We were simply exercising our democratic right to peaceful protest in order to express our grave concern at Israel's lethal assault on Gaza. It would have been shocking enough for just one of us to have been struck on the head; but the fact that we both were, one while attempting to help the other, shows that such indiscriminate violence was part and parcel of the policing on that day.

Ashley Inglis said:

The assaults upon my brother and me are only a small part of a shocking pattern of police violence against those demonstrating in protest at the Israeli massacre in Gaza in December 2008 and January 2009. Moreover, it is of great concern that many of those officers - including the officer who struck me - sought to act with impunity by covering up their shoulder numbers.

Michael Oswald of Bhatt Murphy, solicitor for Ashley and Russell Inglis said:

The apology and the sums paid to our clients in satisfaction of their claims go some way toward the vindication and accountability they have sought. However, it is significant and regrettable that their attempt to achieve those objectives through the statutory police complaints system in the first instance came to nothing, and that they were required to bring their civil claims to compel the Metropolitan Police Commissioner to recognise the wrong that had been done in his name.

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Note to Editor:

A detailed account of the relevant events can be found in the attached document.

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ASHLEY AND RUSSELL INGLIS

The events of 3 January 2009

- 1 After they had been at the demonstration for around half an hour our clients became aware that the crowd were being pushed back and they could hear loud chants of “Shame on you” coming from the protestors further forward in the demonstration. They formed the impression that the police were now becoming more aggressive toward the protestors. As the crowd was being pushed back, the protestors were being crushed together. Russell Inglis had struck up conversation with an elderly Lebanese woman, who he believes to have been in her sixties. He became very concerned for her welfare and held on to her in an attempt to protect her.
- 2 At this point, as the crowd was thinning, Ashley Inglis found himself moving forward toward the front of the demonstration, whilst Russell Inglis stayed behind with the elderly Lebanese woman. On his way toward the front, Ashley Inglis saw a protestor who had fallen to the ground and he heard other protestors shouting “Shame on you”. He formed the impression that the protestor on the ground had been assaulted by the police. When he reached the front of the crowd, he shouted “Shame on you” at the police officers in front of him. One of those officers took a step forward, raised his baton and then brought it down hitting Ashley Inglis very hard on the head. He fell to the ground.
- 3 Around ten minutes after our clients had first been separated, Russell Inglis saw someone some way further forward in the crowd fall to the ground. He could tell that it was his brother - Ashley Inglis - who had fallen, although he did not see what had caused him to fall. He moved forward in order to try to reach him. When he had made his way to where Ashley Inglis had fallen at the front of the demonstration, he found Ashley Inglis picking himself up from the ground with a lot of blood on his face.
- 4 As Ashley Inglis rose to his feet, Russell Inglis turned to the officer directly in front of where they were standing, who he assumed had assaulted Ashley Inglis, and shouted words along the lines of: “Shame on you; he hasn’t done anything.” At this point, Russell Inglis was a short distance – some 4 or 5 feet – away from that officer. He turned again to check on Ashley Inglis, who he could tell was severely shocked by the attack. Russell Inglis then turned back to the officer and shouted again “Shame on you!” In response, the officer stepped forward raising his baton and brought it down in a diagonal motion, hitting Russell Inglis very hard just next to his right eye. Russell Inglis was stunned and shocked and said to the officer words to the effect of: “What are you doing?”
- 5 As far as Ashley Inglis can recall, he immediately tried to speak to a senior officer in order to report the assault upon him. He asked several officers to direct him to a senior officer. Some officers simply ignored him while others raised their batons as though they were going to strike him again. He was unable to speak to a senior officer and moved back from the front of the demonstration. It is Russell Inglis’

recollection that as soon as he and Ashley had been hit, they moved back from the front of the demonstration without attempting to speak to a senior officer at that stage.

- 6 In any event, shortly after they were assaulted, our clients moved back from the front of the demonstration. Despite their injuries, our clients were determined to take immediate steps in order to address the treatment to which they had been subject and to that end, they moved to the front of the demonstration in order to try to record the shoulder number of the officer who assaulted them. Their attempts to record officers' shoulder numbers were met with aggression on the part of the officers and they were pushed back by officers using their riot shields. When they located the officer who they believe was responsible for the attacks it was not possible to record his shoulder number as, like many other officers, he had covered it with a piece of white cloth.
- 7 Russell Inglis recalls that at around that time he asked numerous officers to direct him to a senior officer who would have responsibility for the actions of the other officers and to whom he could complain about the assaults which he and Ashley Inglis had suffered. However, his requests were simply ignored. At one point an officer said to him words to the effect of: "Was it me who hit you or your brother?" He made no reply to this officer. This officer had his shoulder number covered, however Russell Inglis has no reason to believe that this was the officer who hit him and Ashley Inglis.
- 8 After our clients had returned from the front of the demonstration having attempted to record officers' shoulder numbers, Ashley Inglis was spoken to briefly by a man with a video camera. They later discovered through an internet search that this video was available on YouTube¹.
- 9 Shortly afterwards, our clients were attended to by police medics, one of who was called 'Daryl'. Those medics called an ambulance and after a long wait, our clients were conveyed in an ambulance to the Accident and Emergency Department at Charing Cross Hospital, where they received treatment for their injuries. Those records record that Ashley Inglis received a 1.5 - 2 cm laceration to his forehead of full skin thickness which required stitches, and that Russell Inglis received a 2 - 3 cm laceration at his right eyelid, which was glued, and a 1 x 1 cm area of swelling to his forehead. After receiving treatment, our clients were discharged from the hospital.

The complaint investigation

- 10 Having been frustrated the previous night in their attempts to speak to a senior officer to report the treatment to which they were subject, our clients were determined to continue those efforts the following morning, 4 January 2009. Quite correctly, they considered that the unprovoked attacks they had suffered at the hands of the police amounted to very serious crimes and should be treated as such. Russell Inglis took the view at the time that the injuries suffered by Ashley Inglis were more serious and that if they were to have any success in achieving accountability, the attack upon Ashley Inglis should be the focus of their efforts in this regard.
- 11 That morning, Ashley Inglis handwrote a detailed account of the events of the previous night. Later that morning, Ashley Inglis went to Oxford Police Station with his handwritten account and the photographs taken that morning, in order to report the

¹ www.youtube.com/watch?v=nLLRjS2LCfg&feature=email

attack on him as a crime. The officers at the police station told him that as the attack took place in London, he would need to report the matter to the Metropolitan Police Service (MPS) and they gave him a telephone number. He rang the number using the telephone in the police station. He explained to the operator who answered the phone that he wished to report a crime. The operator began to take details, but when he realised that the allegation was against a police officer, he said that the matter would need to be dealt with by someone else. However, he gave him a crime reference number, which he believes to be CAD-4818-4thJan09. Ashley Inglis then spoke to someone else who he believes may have been from Kensington Police Station. He gave brief details of the allegation and was told that someone would return his call.

- 12 At some point in the following days, Ashley Inglis received a telephone call from Anthony Hyland, who he believes was an Inspector at Kensington Police Station. He gave this officer some brief details regarding his complaint, making clear that he expected there to be a considerable amount of video footage available of the incident. He was informed that the matter would be passed to the Metropolitan Police Service Directorate of Professional Standards (DPS) to be dealt with. In the following days he made a number of calls to the DPS in order to find out how the matter was being dealt with, but was unable to get any helpful response.
- 13 By way of a letter dated 12 January 2009 from the DPS he was informed that the matter had been referred to the Independent Police Complaints Commission (IPCC). By way of a letter also dated 12 January 2009 from the IPCC, he was informed that his complaint would be the subject of a local investigation conducted by the DPS.
- 14 On 14 January 2009 he received a call from DI Crispin Lee of the DPS who explained that he would have responsibility for the investigation of the complaint. DI Lee arranged an appointment for DS Trevor Struthers to meet with Ashley Inglis at Oxford Police Station on 22 January 2009. Again, Ashley Inglis stressed that he considered it vital that the officers consider the video footage that would undoubtedly be available of the incident.
- 15 On 22 January 2009, the arranged meeting took place with DS Struthers and one other officer, whose name Ashley Inglis cannot now recall. Ashley Inglis brought with him the word-processed copy of his account of the relevant events, which he gave to DS Struthers. DS Struthers spent around three hours copying that document, apparently paraphrasing some parts and occasionally asking Ashley Inglis for further information. While DS Struthers was doing this, the other officer present repeatedly sought to reassure Ashley Inglis that the MPS took allegations such as his very seriously.
- 16 Once DS Struthers had finished preparing the statement, Ashley Inglis was shown it and believes that he signed it. He was told by DS Struthers that he would be provided with a copy of this statement although he never has been. He also signed a form of authority to allow the DPS access to his medical records from the Accident and Emergency Department at Charing Cross Hospital. Again, he sought to impress upon DS Struthers the importance of the investigation into his complaint considering video footage of the incident. He also informed DS Struthers that he had photos of his injuries and he was provided with DS Struthers' email address so that he could forward the photographs.

- 17 The outcome of the investigation was communicated to Ashley Inglis by way of a letter dated 30 March 2009 from DI Lee, which includes the following conclusions:

I have found that the use of batons upon this occasion does appear to be justified given the level of violence and disorder by protestors. I have no reason to suspect that you were one of the violent protestors and I therefore agree with you that you should not have been struck by a police baton. However, I have been unable to identify which officer struck you or why.

In the absence of sufficient evidence to prove that a particular officer has committed an offence, I have no option but to conclude that there is **no case to answer**. That is not to say that I do not believe what you say, it is simply that I cannot find sufficient evidence to prove that an officer struck you for reasons that he/she cannot justify. [Emphasis in original]

- 18 Our clients considered the investigation conducted by the DPS to be very seriously defective and they appealed to the IPCC in April 2009. The IPCC provided their Assessment of Investigation Appeal under cover of a letter dated 5 August 2009. Notwithstanding that the IPCC's decision itself is defective in many respects and gave our clients serious cause for concern, elements of the appeal were upheld by the IPCC including with regard to consideration of the CCTV evidence. The matter was referred back to the DPS.
- 19 That led to a further purported investigation into the complaint, the outcome of which was communicated by way of DI Lee's letter to Ashley Inglis dated 8 September 2009. In that letter, DI Lee states that video footage from the Palace Green Hotel was viewed but that the attack upon Ashley Inglis was not captured and that the outcome of his investigation remains that there is no case to answer.
- 20 As a result of the purported investigation into Ashley Inglis' complaint, our clients were left with the very clear impression that the DPS are without either the skill or the inclination to carry out an investigation of any quality:
- a) They note in particular that the DPS is apparently quite content to allow an officer to avoid any sanction for misconduct amounting to a serious criminal offence because of his further act of misconduct, i.e. the covering up of his shoulder number.
 - b) They consider it remarkable that DI Lee did not consider even the most simple of steps to identify this officer, for example by interviewing the officers that were identifiable, analysis of the available video footage or by obtaining some records of the officers on duty on that day and their deployment, which surely must exist.
 - c) They have become aware of reports in the media which serve to highlight the zeal with which the Metropolitan Police Service has endeavoured to bring to justice those protestors accused of criminal behaviour at the demonstrations in January 2009. They cannot avoid noting the stark contrast with the manner in which the DPS have approached their allegations of criminal behavior on the part of a police officer.

- d) Moreover, at the demonstration on 3 January 2009 they were aware of a very large number of cameras in the area in which the attacks upon them took place. They find it very hard to believe that there is no footage whatsoever that shows either assault. They note that in DI Lee's letter of 31 March 2009, he states:

The CCTV does capture you at about 6.30 pm close to the police lines and again at 6.38 pm by which time it is clear that you have sustained an injury. However, the actual strike that caused the injury is not captured.

- e) It is with considerable regret on their part that our clients simply do not feel able to take such statements at face value. Their concern in that regard has been heightened by the media reports that have come to their attention regarding the MPS handling of CCTV evidence in the case of Mr Jake Smith, who faced prosecution in relation to events that were alleged to have taken place in the course of related demonstrations.
- 21 In short, our clients were left with no option but to assume that the MPS was actively seeking to avoid addressing the very serious matters that they had raised. However, having been left with an equally disappointing view of the IPCC, they were not minded to engage further with the complaints process. Against that background, they sought advice as to any other route by which their concerns could be addressed and in due course they were directed to us.