

## **Roger Sylvester, deceased: The Family Response**

On Friday 26 November 2004 the unlawful killing verdict returned unanimously by the jury at the inquest into Roger's death was quashed by the High Court. Mr Justice Collins accepted that there was evidence which allowed the jury to conclude that Roger was unlawfully killed, but nevertheless he chose to quash their verdict. In his opinion, 'justice' required the verdict to be quashed because of errors made by the Coroner in his summing up and by the jury on the inquisition form. In other words, the verdict was quashed on a technicality.

Throughout the hearing at the High Court, Mr Justice Collins made it clear that what he found objectionable was the very idea of an 'unlawful killing' being available to an inquest jury in the context of a death in custody, just as he had difficulties with the very idea of a family in our position having the temerity to ask for justice in relation to such a death.

So, having reminded himself that whether he would have returned the verdict on the evidence was irrelevant, he goes on to impose nothing but his own personal view that "a verdict of unlawful killing was not and would not be a just verdict".

And, while insisting that "justice is impartial", he has no qualms about pronouncing his personal views on the prospects of any criminal prosecution relating to Roger's death – a pronouncement that is not only outside his remit but also a deliberate attempt to influence and pre-empt a decision that has yet to be made by the Crown Prosecution Service.

Mr Justice Collins of all people should know better. We agree entirely that justice is and must be seen to be impartial, without fear or favour to anyone. Unfortunately, that does not appear to be the case here, when a High Court judge allows his personal prejudices to stand in the way of the rule of law.

We continue to stand by our campaign for justice for Roger and all others who have died in custody. Recent events served only to strengthen our determination by demonstrating what is wrong with the system: the way in which police officers responsible for such deaths in custody are allowed to avoid scrutiny and accountability. It is a matter of shame when those responsible for such a death are protected instead of being called to account, while the family of the victim is condemned for doing no more than insisting upon accountability.

Ours is a just cause. Throughout the ages there have been those who use their privilege of authority to cover up unfair and unjust infringements on the rights of others. In Roger's case, it was his right to life that was infringed.

Try as they may, the officers responsible for Roger's death cannot quash the truth. Even Mr Justice Collins was compelled to accept that the evidence was there to allow the inquest jury to conclude that the officers had lied on oath; that in fact they had deliberately held Roger down in a position which they knew to be unlawful and dangerous; and that they then gave a false account to cover up their actions. That evidence has only ever been heard in full before the inquest jury, the conclusions reached by that jury retain a legitimacy that can never be undermined.

Many everyday privileges and rights that we enjoy today have been won through ordinary people struggling against those in authority to affect social change and create a more equal and just society. These achievements have been won through our blood, sweat and tears. They have not been gifted to us by the judiciary or, for that matter, any Commissioner of Police whose interests all too often lay in maintaining the status quo.

Families like ours are part of a struggle to change how the criminal justice system responds to deaths in custody. Our fight for justice is not simply for Roger; it is for all those who have died and continue to die in custody. We seek a criminal justice system where the public can be confident that those responsible for such deaths are called to account, and that value judgments are not made about our loved ones when they die in these circumstances.

Our quest for justice for Roger will continue.