

Government to apologise to Alder family over police custody death

'Unilateral declaration' made by UK to European court of human rights is highly unusual admission of failures in investigation



📷 The government is to apologise to the family of Christopher Alder, who died in a Hull police station.
Photograph: PA Photo/Picture Publicity/PA

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The government will formally apologise through the [European court of human rights](#) (ECHR) to the family of Christopher Alder, a black ex-soldier who choked to death in handcuffs on the floor of a Hull police station 13 years ago.

The "unilateral declaration" made by the United Kingdom to the court is a highly unusual admission of widespread failures in the investigation into the cause of the Falklands veteran's death.

In its statement to the ECHR, the government will concede that it breached its obligations in regard to preserving life and ensuring that no one is subjected to inhuman or degrading treatment. The family is to receive

€34,000 (£29,000) from the government in an ex gratia payment and to cover legal costs.

The unusual step of issuing a statement of that sort is a form of settlement and invites the court to strike out the case. The government had fought not to have the case heard in Strasbourg, before lodging an official statement and apology to the Alder family. Its apology is on behalf of Humberside police.

The text of the apology states: "The government of the United Kingdom regrets the occurrence of the actions which have led to the bringing of the present application, in particular the treatment in custody of the applicant's brother, Mr Christopher Alder, and the anguish that this treatment and his death have caused to his family."

"The government accepts that the lack of an effective and independent investigation in this case constitutes a violation of the procedural obligations in articles 2 and 3 of the Convention. Further, the government accept that the treatment that the applicant's brother received in police custody amounted to a substantive violation of article 3 with 14 of the Convention."

Earlier this month it emerged that Alder's body had mistakenly been left in a mortuary for 11 years after his family believed they had buried him.

His death in April 1998 was one of the most controversial in police custody. Closed-circuit TV footage was recovered showing the 37-year-old father-of-two gasping for air as officers chatted and joked around him. The film showed he received no help from five police officers, who thought he was play acting, as he lost his fight for life. It took 11 minutes for him to stop breathing. Afterwards, as Alder lay dead, monkey-like noises were detected on the audio tape.

After an inquest lasting seven weeks, a jury returned a verdict of unlawful killing, citing "positional asphyxia". Five police officers were prosecuted for manslaughter but the trial was halted when the judge ruled there was no evidence for a conviction. They were later cleared by a police disciplinary hearing of neglect of duty.

Janet Alder, the dead man's sister, said: "It has taken 13 years to break through what I see as a reluctance of the organisations dealing with controversial custody deaths to hold police officers accountable, or to believe or consider whether police officers could be capable of severe maltreatment of citizens within their custody."

"Why or where did Christopher sustain the additional injuries he suffered? Why was another of his teeth missing? Where was his belt? These concerns have never been investigated or addressed.

"It has taken bringing an action in the European court of human rights - and judges there unanimously acknowledging my complaints were admissible

after watching the horrific video of Christopher's death - to force the government to apologise for failing to hold the officers responsible accountable.

"It wasn't hard to see that my brother - an ex-paratrooper decorated for his services - was denied his right to life; that his treatment was inhuman and degrading and that race played a part in his death."

Welcoming the UK's declaration, the human rights organisation Liberty, which has supported Janet Alder, said: "The government's unprecedented apology and admission of blatant violations of fundamental human rights are hugely significant and certainly not before time.

Corinna Ferguson, the legal officer for Liberty, added: "More than 13 years on still no one in the police has been held responsible for Christopher's shocking death. Proper accountability is vital in these situations and in future the Independent **Police** Complaints Commission must take stronger, more decisive action where serious human rights violations occur.

"The offence of misconduct in public office is completely inadequate in these circumstances - as demonstrated by the fact that these officers were somehow cleared of it. Sadly admissions and apologies will matter little if such tragic cases keep occurring."

● *This article was amended on 22 November 2011. The original headline stated that he died in a police cell and the original text suggested that Liberty is supporting the entire Alder family. These have been corrected.*

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