



Ministry of
JUSTICE



Independent Advisory Panel on Deaths in Custody

Chair: Lord Toby Harris
Secretary: Jane Boys

Post Point 4.16
4th Floor Clive House
70 Petty France
London
SW1H 9HD

Tel: 0300 047 5729

Kenneth Clarke QC MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
London
SW1H 9AJ

20th December 2010

Dear Ken

Re: Confirmation of the Government's Position on the Recommendations Contained within the Forum for Preventing Deaths in Custody's Report on the Investigation of Deaths in Custody (January 2009)

In January 2009, the Forum for Preventing Deaths in Custody published a report, which examined whether the systems for investigating deaths in custody comply with the UK's human rights obligations under Article 2 of the European Convention of Human Rights (ECHR). Conducting an independent investigation is one of the key requirements in any case of a death in custody. This report suggested that in certain circumstances, the independence requirement would not be met, particularly in relation to the investigations of deaths of detained psychiatric patients and argued that there were questions about whether the regime for investigating the deaths of detained children was fully human rights-compatible.

The Independent Advisory Panel (IAP) on Deaths in Custody was established in April 2009 as part of the Ministerial Council on Deaths in Custody and our role is to help to shape government policy in this area through the provision of independent advice and expertise to the Ministerial Board on Deaths in Custody. The work of the IAP is primarily being taken forward via working groups led by a member of the Panel, one of which is considering the issue of Article 2 compliant investigations.

I understand that Andrew Dismore MP, the previous Chair of the Joint Committee on Human Rights, wrote to Jack Straw MP on the 7 May 2009 requesting confirmation of whether the previous Government accepted the Forum's recommendations; I am however unable to locate a copy of the response to this request. As part of the work being taken forward by the IAP in relation to Article 2 complaint investigations, we are considering the contents of the Forum's report and would be grateful to receive confirmation of the Government's position on its conclusions.

Yours Sincerely

A handwritten signature in black ink that reads "Toby Harris". The signature is written in a cursive style with a large initial 'T' and a stylized 'H'.

Lord Toby Harris
Chair, Independent Advisory Panel (IAP) on Deaths in Custody