

English Constitution Party.

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The Crime of Torture

Criminal Justice Act 1988 UK Public

General Acts 1988 c. 33 Part XI Torture paragraph 134

(1) A public official or person acting in an official capacity, whatever his nationality, commits the offence of torture if in the United Kingdom or elsewhere he intentionally inflicts severe pain or suffering on another in the performance or purported performance of his official duties.

Why has this never been used since it came into force in 1988? The Government have a veto on this charge, it is the police that charge it and have to ask permission from the Attorney General, a private prosecutor must ask permission of the AG (paragraph 135), even the IOPC (Independent Office for Police Conduct) must ask permission, in 19 years only eleven requests for consent have been pursued, of which only two were given consent, as far as I know these two were not prosecuted. On average in the last 19 years 16 people have died in police custody at arrest or detention (304). In 19 years over 2000 serious assaults meaning more than common assault and reaching the threshold of Aggravated assault, Actual Bodily Harm (ABH) or Grievous Bodily Harm (GBH), Grievous Bodily Harm (GBH) **Attempted section 18**, Man Slaughter, Attempted Murder or Murder. These offences once reaching this threshold should be charged as torture as the person committing the offence is acting [**in the performance or purported performance of his official duties**] (Police are Crown Servants, state officials).

Bear in mind that training a police officer in the use of pain-inducing restraint techniques is no different to a boxer being trained in violence (and licensed to fight) and the law says that once trained in violence your fists become a weapon. Therefore the police are using a weapon in restraint. Using these pain-inducing restraint techniques once a person has been placed into the prone position (face down and hand cuffed) goes beyond lawful violence during arrest. It becomes torture. [**It is neither necessary, reasonable nor proportionate.**]

Parliamentarians are there to protect your civil rights, your right to life and liberty yet they have removed the right to an English Grand Jury. The Grand

Jury would have decided “probable cause” and made the decision on whether a public official (Crown Servant) acting in that capacity should be tried for torture. However, this protection was removed and we are now seeing the effects of escalating violence by the state towards subjects of the realm.

The Attorney General’s Office (AGO) has made an anonymous request for complete disclosure of the entire prosecution case against state officials (Police Officers), even though the state has not provided full names and addresses of those state officials upon request (Basic Disclosure). Prior to the British abolition of the English right to a Grand Jury, the Grand Jury would have been responsible for determining whether there was a case to answer by returning a bill of indictment. We can now clearly understand why this essential safeguard against state violence and corruption was abolished.

The British Government are complicit in the torture of the English and Welsh by “operating” a state veto [**a policy of crown immunity**] on the prosecution of torture.

A comparison: If a Construction company (not all just one, a construction company plc) in England and Wales with a workforce of 120,000 people were responsible for an average of 16 deaths a year and 100 serious injuries a year for 19 years. That is to say 16 members of the public dying every year, they are not connected to the construction company and without that contact with the construction company they would still be alive. Do you think someone would be held responsible? Do you think the Health and Safety Executive would have prosecuted? Do you think that an increase in deaths 2022/3 to 23 deaths including a 93-year-old man, in a care home, suffering from dementia, with one leg and in a wheel-chair who was battered, pepper sprayed and tasered by crown servants (police) leading two weeks later to his death. The victim was a retired working man of good character. **The definition of this case is torture.**

When a state, bound by both international and domestic laws to prosecute cases of torture, neglects to take any action, even when informed about such crimes, it can be seen as a state [**omission**]. This omission may imply that the state is passively accepting or agreeing to the wrongdoing, effectively [**acquiescing**] to it. Moreover, if state officials, such as the police, are involved in committing acts of torture and other officers witness the torture and do nothing, this is deemed as [**Joint enterprise**]. The state’s failure to address and prosecute these cases provides evidence of the state effectively operating a policy of crown immunity, contrary to [**Jus Cogens**] International Law.