

## Naming the Harm

### Why Some Deaths Arising from Investigative Suppression Require New Legal Language

A supplementary public paper

#### 1. Why language now matters

In the preceding paper, “***When the State Switches Off Investigation***” we examined how centrally coordinated suppression of crime recording and investigation can lead to foreseeable loss of life.

That analysis raises a further, unavoidable question:

If existing legal language cannot accurately describe the harm that has occurred, how can accountability ever be meaningfully pursued?

Law depends on naming.

Where harm cannot be named, it is rarely remedied.

## **2. The limits of existing terminology**

Current legal and public discourse tends to frame deaths linked to systemic failure as:

- “tragic outcomes,”
- “regulatory failure,”
- “oversight breakdown,” or
- “institutional error.”

These terms may be appropriate where:

- failures are accidental,
- risks are not known,
- or systems are overwhelmed despite good-faith effort.

They are not adequate where evidence shows:

- deliberate suppression of investigation,
- centrally enforced non-recording of allegations,
- knowledge that harm would foreseeably continue,
- and persistence of that suppression after risks became clear.

At that point, the language of failure no longer describes reality.

### **3. The conceptual problem we now face**

Deaths arising in these circumstances do not sit comfortably within traditional categories because:

- there may be no single lethal act,
- no isolated decision-maker,
- no immediate temporal link,
- and no investigation capable of testing causation.

Yet the deaths are not random, not unforeseeable and not detached from state action.

They arise from institutional design choices.

This creates a conceptual gap:

- too grave to be dismissed as maladministration,
- too systemic to be reduced to individual negligence.

#### **4. Introducing a necessary working term**

To describe this category of harm, a working term is required.

The term proposed, cautiously, provisionally, and for analytical purposes, is:

***“Novel homicide”***

This term is not introduced lightly, nor as a criminal charge.

It is introduced to describe a form of lethal harm produced by mechanisms not previously encountered at scale.

## **5. What is meant by “novel”**

“Novel” does not mean unprecedented death.

It means a new mechanism of causation.

Specifically:

death arising not from a direct act, but from the engineered suppression of processes which exist to prevent death, where that suppression is deliberate, coordinated, and sustained.

The novelty lies in how the harm is produced - through policy-driven institutional silence.

## **6. What is meant by “homicide” (in this instance)**

The term “homicide” is used here in its analytical, not accusatory sense.

It reflects the reality that:

life has been lost, the loss was foreseeable and the loss is causally connected to state action or state-mandated inaction.

This usage does not assert:

- criminal intent,
- individual guilt,
- or settled legal liability.

It asserts something narrower, but profound:

That death has resulted from a system knowingly disabling its own life-protective functions.

## **7. Why existing law struggles with this category**

Traditional homicide and manslaughter frameworks assume:

- identifiable acts,
- proximate causation,
- and intact investigative pathways.

Here, the investigative pathway itself has been removed.

This creates a paradox:

the more effective the suppression, the harder it becomes to attribute responsibility, even as harm increases.

“Novel homicide” names that paradox and prevents it from being hidden behind administrative language.

## **8. Relationship to human rights law**

Human rights frameworks, particularly the right to life, already recognise:

- duties to protect life, and
- duties to investigate death.

What this concept adds is clarity around intentional systemic obstruction of those duties.

Where investigation is deliberately suppressed:

the procedural breach becomes substantive and the harm extends beyond paperwork into mortality.

## **9. Why naming this matters now**

Without language:

- deaths are compartmentalised,
- responsibility is diffused,

- and systems remain unchanged.

With language:

- patterns become visible,
- accountability can be discussed honestly,
- and future suppression becomes harder to justify.

Naming is not escalation, but rather, it is precision.

## **10. What this paper does and does not do**

This paper does not:

- accuse individuals,
- declare criminal findings,
- bypass due process.

It does:

- identify a new category of state-induced harm,
- explain why existing terms are inadequate,
- and invite serious legal, ethical and institutional examination.

## **11. The invitation**

The term “novel homicide” is offered as a working concept, not a verdict.

It invites:

- legal scholars to test it,
- coroners and investigators to reflect on causation,
- policymakers to confront structural risk,
- and the public to ask better questions.

The alternative is silence and silence has already proven lethal.

## **Closing reflection**

When a state disables the mechanisms which exist to prevent death, and people die as a result, the harm must be named or it will otherwise almost certainly be repeated.

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