

OPUS 2

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London Bridge / Borough Market Inquests

Day 1

February 9, 2018

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Friday, 9 February 2018

(10.30 a.m.)

HOUSEKEEPING

THE CHIEF CORONER: Mr Hough, before we start the hearings today, can I just say one or two words: the hearing today is a pre-inquest review hearing concerning the tragic events that took place on the first Saturday of June 2017.

A few weeks ago at this court, a pre-inquest review took place addressing the events in March of 2017 on and close to Westminster Bridge. As with those events, just under three months later, Central London and another iconic bridge over the River Thames and the nearby area of Borough Market were the scenes to shocking events of high and terrible drama that devastated the lives of many. The central events here spanned no more than ten minutes. Can I start by expressing my sincere condolences to the families of those who lost loved ones.

The purpose of the inquest that will be held in relation to those deaths will be to examine the key issues for a coroner: who died, when and where they died and how they died. In the course of the inquest, I hope the process will provide answers to the obvious and understandable questions that the families of those who died will have. I hope that the key issues around how they died will be explored and answers provided that will give some comfort in

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such difficult circumstances.

On Saturday, 3 June 2017 a white Renault Master van containing the three attackers was driven south over London Bridge. As they did so, it repeatedly mounted the pavement on one side of the bridge. Two people walking across the bridge, Xavier Thomas and Christine Archibald, were killed and a number of others injured. The van then hit railings outside the Barrow Boy and Banker pub.

The attackers left the van. Each was armed with a large knife. Each had items strapped to their bodies, that looked as if they were improvised explosive devices. The three attackers then stabbed people in the area of the pub and the Boro Bistro. They made their way towards Borough Market, attacking people as they did so. James McMullan, Alexandre Pigear, Kirsty Boden, Sebastien Belanger, Sara Zelenak and Ignacio Echeverria Miralles de Imperial were all victims of their attacks.

The emergency services were quickly on the scene. At 10.15 p.m. the three attackers were in Stoney Street and set upon a man by the Wheatshaf Pub. Firearms officers of the City of London Police confronted the attackers. Other armed officers were soon also on the scene and the three attackers were fatally shot.

Andrew Harris, the senior coroner for

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Inner South District of Greater London, opened inquests into the deaths of those who died. Responsibility for these inquests is now passed to me and with your assistance, Mr Hough, and for those present in court, we will turn to deal with the management on the inquests.

Before you begin, I should make one important point for the media, one which I expect is well understood by experienced reporters. These inquests are likely to take place early next year and it seems that a jury will be required for at least the inquest concerning the three attackers; Khuram Butt, Rachid Redouane and Youssef Zaghba. The jurors must decide the case solely on the evidence they hear in the court. It is important that reporting should be accurate and balanced. Nothing should be published, including by way of online commentary or social media, which could run the risk of prejudicing the outcome of the inquest.

I have the power to refer anything to the Attorney General if, in my view, it may amount to a contempt of court. Thank you.

Submissions by MR HOUGH QC

MR HOUGH: Sir, first of all, for the benefit of everyone in court, I will deal with representation. I appear with Aaron Moss as counsel to the inquest and Bircham Dyson Bell are solicitors to the inquest, the team

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led by Siân Jones.

Victoria Ailes, instructed today by Hogan Lovells, appears today for the families of Christine Archibald, Kirsty Boden, James McMullen, Alexandre Pigear and Sara Zelenak.

Dominic Adamson, instructed by Slater and Gordon, appears for the family of Xavier Thomas.

The families of Ignacio Echeverria and Sébastien Bélanger are not represented, but there are lines of communication with them via police family liaison officers.

Kate Ellis of Imran Khan and Partners appears for the family members of Rachid Redouane.

Adam Morgan, instructed by GSJ Law, appears for the family of Khuram Butt.

The family of Youssef Zaghba is not represented today. There have been communications with that family about the inquests.

Fiona Barton QC appears for the Commissioner of the City of London Police. Matthew Butt appears for the Commissioner of Police of the Metropolis.

James Eadie QC appears for the Secretary of State for the Home Department and is representing security agencies.

Philip Hatherall of Capsticks is for the London Ambulance Service. Guy Ladenburg is for London Fire

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1 and Emergency Planning Authority responsible for the
2 London Fire Brigade.
3 John Gayer is for the Director—General of the
4 Independent Office for Police Conduct, formerly the IPCC.
5 Howard Stevens QC, instructed by Kennedys, appears
6 for Hertz UK Limited and Probus Insurance.

7 I hope I have mentioned all representatives. Last
8 week the solicitors to the inquest circulated an agenda for
9 today's hearing and a set of written submissions on our
10 part. Those are available to the press today on the central
11 table.

12 The various interested persons have helpfully
13 provided their submissions in writing. Although our
14 document sets out matters quite fully, I propose to
15 summarise the main points for the benefit of everyone in
16 court following the order of the agenda.

17 At the outset, I should say that this is the first
18 pre-inquest hearing and preparations are, therefore, at
19 a relatively early stage. There are some issues on which we
20 would invite you to make procedural directions now, others
21 which should properly wait until interested persons are able
22 to make more informed submissions at the next hearing.

23 Most importantly, we would like to stress in this
24 first hearing the high public importance of these inquests.
25 The horrific attacks of 3 June last year claimed the lives

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1 of eight people and resulted in many more being injured.
2 They were terrifying for all those caught up in them, as the
3 evidence will show. Our guiding purpose must be to carry
4 out a full, rigorous and fair inquiry, both for the bereaved
5 and for the wider public interest.

6 So first of all, addressing the first item on the
7 agenda, interested persons. As you are aware, sir, one of
8 the coroner's first responsibilities in preparing for a
9 inquest is to recognise people and organisations as
10 interested persons in the inquest. This designation carries
11 various rights, including the right to receive documents and
12 the right to examine witnesses at the final hearing. The
13 designation of interested persons is governed by
14 section 47(2) of the Coroners and Justice Act 2009. There
15 are various categories of person and organisation who must
16 be recognised as interested persons. Then a residual
17 category giving a coroner a discretion to recognise others
18 on the grounds of sufficient interest.

19 In summary, we support all the various
20 applications for interested persons status which have been
21 made and, we consider, responsibly made.

22 First of all, for each of the inquests into the
23 deaths of the eight victims, they should be recognised as
24 interested persons, the persons' close family members, as
25 identified in the section, the Metropolitan Police Service

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1 and the Commissioner of the City of London Police. Those
2 applications are straightforward and the reasons are given
3 in our submissions.

4 Secondly, for each of the inquests into the deaths
5 of the three attackers, there should be recognised as
6 interested persons that person's close family members, as
7 identified in the section. Again, the Metropolitan Police,
8 Commissioner of the City of London Police and also the
9 Director—General of the IOPC. Again, reasons are given in
10 our submissions.

11 The London Fire and Emergency Planning Authority
12 seeks designation as an interested person in the inquests
13 concerning the eight victims of the attacks on the grounds
14 that it was involved in the emergency response, which
15 involved participating in the care and treatment of at least
16 some of the victims. We submit that that application is
17 well-founded on the basis of sufficient interest as the
18 emergency response will form a part of the subject matter of
19 the inquest.

20 The London Ambulance Service seeks designation as
21 an interested person in relation on all eleven inquests
22 since it too was involved in the care and treatment of the
23 victims and it played a role in making a clinical assessment
24 of the deaths of the attackers. We support that application
25 too for reasons given in the submissions of the LAS.

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1 The Secretary of State for the Home Department
2 seeks designation so as to represent the interests of
3 security agencies. Those agencies have a clear interest in
4 the aspects of the inquest which will look into the
5 background of the attackers and what was known about them by
6 the authorities.

7 Finally, Hertz, the company which hired out the
8 van used in the attack, and Probus, the insurer of the van,
9 a company related to Hertz, seek designation on grounds set
10 out in correspondence. We can see that the hiring of the
11 van may be a subject of inquiry and that the insurer may
12 have its own legitimate interests. For the reasons given in
13 correspondence by their lawyers, Kennedys, we would support
14 their applications.

15 I then turn, sir, to the investigations to update
16 everyone in court about those. The attacks have obviously
17 been the subject of a major investigation by
18 counter-terrorism command of the Metropolitan Police. It
19 has involved many strands, as set out in paragraph 10 of our
20 submissions.

21 Witness statements have been taken from nearly
22 1,800 witnesses, divided into categories. A trawl of
23 CCTV footage has been carried out both in the area of the
24 attacks and in the area of the attackers' homes. Footage
25 has been recovered from police body-worn cameras and

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1 an appeal to the public has yielded further footage and
2 images.

3 Extensive forensic evidence has, of course, been
4 recovered from the scene and analysed. Experts have been
5 engaged, including a firearms expert, vehicle collision
6 reconstruction experts and toxicologists. The entire scene
7 of the attacks has been the subject of computer modelling to
8 produce a three-dimensional model of the area.

9 The work of the police investigating team provides
10 a large amount of material to explain the sequence of events
11 in the attacks and how each of the victims sustained fatal
12 injuries. The team has been working on a separate report
13 for each victim which draws together witness evidence and
14 footage relating to that victim. They are not all complete,
15 but our hope is to provide each of the bereaved families in
16 the near future with a copy of the report for their loved
17 one. We can say that they are more immediately informative
18 than a review of the statements alone.

19 In addition to the police inquiries, there was
20 an IPCC investigation into the conduct of the armed officers
21 from the two police forces involved. Such an investigation
22 is standard in any case where officers have used lethal
23 force. The IPCC produced a report to the coroner in
24 December 2017 and announced at the same time that none of
25 the officers involved had been under suspicion of wrongdoing

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1 at any time.

2 The report provides a very helpful account of the
3 sequence of events from the policing arriving in the
4 Borough Market area and confronting the attackers, through
5 the engagement with the attackers. We hope to be able to
6 disclose it to interested persons, possibly with some
7 redactions. For good reason, the IOPC is not publishing
8 detailed conclusions until the inquests have are concluded
9 and again, that is common practice.

10 There have also been various reviews by security
11 agencies, including MI5, about the background of the
12 attackers and whether they were known to the authorities
13 before the attacks. An independent assessment of those
14 reviews by David Anderson QC, which has been published
15 online, gives some important information about all
16 three attackers. It shows that Khuram Butt had been the
17 subject of an MI5 priority investigation from 2015, but that
18 the other two attackers had never been the subject of
19 an investigation by the security services.

20 Moving on then, sir, to disclosure. As the
21 lawyers here will be well aware, interested persons in
22 inquests are entitled to disclosure of relevant evidence
23 before the inquest hearing subject to any legal restrictions
24 and objections. What our approach will be is to set up
25 a document management system online and disclose statements,

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1 reports and other documents by uploading them to that system
2 and giving access to interested persons. Details of that
3 system will be provided in correspondence.

4 In the manner which is now commonplace for
5 inquests of this scale and importance, we propose asking
6 interested persons, other than the Metropolitan Police who
7 carried out the investigation, to complete standard
8 confidentiality undertakings. Those limit the use of
9 disclosed material for the proper purposes of the inquest.
10 They are obtained before disclosure is given. We don't
11 expect that to be a controversial process.

12 Our priority in disclosure is, as I have said, to
13 arrange disclosure of the victim reports and also the
14 IPCC report because they are the best initial guides to the
15 events which happened. The victim reports we hope can be
16 disclosed relatively soon. The IPCC report may take
17 a little longer because there may be a need for the police
18 to check that report and to suggest any redactions on the
19 grounds, for example, of sensitive tactics.

20 For the victim reports, we'd envisage a staged
21 process whereby each report is provided first to the family
22 of the person concerned before disclosure is given to others
23 in the inquests of the victims so that the family can, for
24 example, make any representations about distressing or
25 graphic content.

11

1 We also intend to give relatively early disclosure
2 of the most significant statements of the witnesses to the
3 attack itself, which is a cohort of around 100 statements.
4 Those statements have first to be reviewed by your team so
5 as to redact irrelevant personal information, such as
6 telephone numbers and addresses, and for some, irrelevant
7 security sensitive information.

8 I can say now that statements of armed officers
9 will contain pseudonyms since they will be making
10 applications for anonymity. The same approach will also be
11 taken to the names of some family members of the attackers
12 who may also be applying for anonymity.

13 We have not yet received post-mortem reports, but
14 expect to receive them relatively soon. They will first be
15 provided to the relevant families by police family liaison
16 officers before anyone considers disclosure to other
17 interested persons.

18 Moving on then to some procedural matters for
19 consideration today, first of all, the organisation of the
20 inquests. As the lawyers will be aware, when a number of
21 people die in an incident or a sequence of events, it is
22 usual for there to be a single hearing of their inquests or
23 hearings of groups of individuals' inquests. How those
24 inquests are organised into hearings is a matter for case
25 management discretion.

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1 We've made a proposal, which we believe is
2 supported by all interested persons who are legally
3 represented, including the bereaved families, and that isn't
4 opposed by anyone. First, there should be a hearing of the
5 inquests concerning the victims of the attack. Secondly,
6 separately, but immediately afterwards, there should be
7 a hearing of the inquests concerning the attackers.

8 There are four reasons for that approach: first of
9 all, for very good reasons, the families of the victims
10 would not wish their inquests to be heard together with
11 those of the attackers. The court ought to respect that
12 wish so far as practicable as happened in the 7/7 London
13 bombings inquests and as happened recently in the
14 Westminster Bridge inquests.

15 Secondly, the inquests into the deaths of the
16 victims raise different issues from those concerning the
17 attackers. The former raise questions about whether
18 anything realistically could have been done to prevent the
19 attack or better safeguard members of the public. The
20 latter will involve consideration of the engagement with the
21 armed officers.

22 Thirdly, the period during which the victims were
23 killed and the period during which the attackers were shot
24 were separate periods of time, even though very close in
25 time, and they can sensibly be considered in separate

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1 hearings without excessive duplication of evidence.

2 Fourthly, as I will explain in a moment, the
3 approach enables you, sir, to hear the inquest into the
4 deaths of the victims without a jury and to give a more
5 fully reasoned set of conclusions than a jury could.

6 Subject to any representations by others that we
7 have not, perhaps, foreseen, we propose that you make
8 a direction today concerning the organisation of the
9 inquests into those two hearings.

10 Moving on to the scope of the inquests, we don't
11 propose that the court today makes any ruling or direction
12 about the scope of the inquiry. Too little is known by some
13 interested persons for them to make proper submissions on
14 the subject. We've set out our provisional submissions at
15 paragraph 24 of our document. We anticipate that they can
16 be addressed by others at the next hearing after some
17 disclosure has been given. They are, naturally, based on
18 the material that we have seen to date.

19 Next, the summoning of a jury. Section 7 of the
20 Coroners and Justice Act makes it mandatory to have a jury
21 for certain types of inquest. In other cases, the coroner
22 has a discretion whether to summon a jury or to hear the
23 case him or herself without a jury.

24 As explained in our submissions and as everyone
25 agrees, the inquests concerning the victims of the attack do

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1 not need to be held with a jury. There is also general
2 agreement that it would be preferable for you, sir, to hear
3 those inquests without a jury. All the interested persons
4 who are legally represented support that course. The
5 two unrepresented families have also been asked. We
6 understand that they are content too.

7 The key benefit of this approach, as
8 I've mentioned, is that you, sir, will be able to produce
9 a reasoned account of your conclusions, something which
10 a jury obviously cannot do and something we would expect to
11 be particularly beneficial in this case.

12 By contrast, the inquests into the deaths of the
13 three attackers, which we propose to be the subject of
14 a separate hearing, must be with a jury. That's because the
15 statute says that a jury is required for any death resulting
16 from the act of a police officer even if there is no
17 suggestion that the officer did anything wrong. Again,
18 subject to any representations by others, we submit that
19 directions be given today that the inquests concerning the
20 victims should be heard without a jury and those concerning
21 the attackers with a jury.

22 The next topic of the agenda is Article 2 of the
23 ECHR. I can address that briefly both because it's covered
24 in our document and because we're not suggesting that
25 a decision be made today.

15

1 Sir, in a small proportion of inquests, the
2 state's investigative obligation under Article 2 of the
3 European Convention on Human Rights is engaged. This is
4 an issue of law and its resolution may affect the form in
5 which inquest conclusions can be given.

6 On the evidence we've seen, which we appreciate is
7 not entirely complete and is more than many interested
8 persons have, we consider that it can't be said that
9 Article 2 is engaged in the relevant legal sense. However,
10 the question can be addressed more fully at the next hearing
11 as necessary. In any event, any decision on the point at
12 that stage would be kept under review thereafter.

13 More importantly and as the higher courts have
14 repeatedly stressed, Article 2 engagement has no real effect
15 on the range or rigour of a coroner's inquiry. These
16 inquests will be comprehensive irrespective of how the legal
17 Article 2 is answered.

18 Moving on then to selection of witnesses. After
19 the reports I've mentioned and the key statements have been
20 disclosed and interested persons given the chance to digest
21 them, the inquest team will then send out suggested lists of
22 witnesses for the two proposed hearings concerning the
23 victims and the attackers. Interested persons will be given
24 the opportunity to make comments about those lists and to
25 propose changes, initially in writing.

16

1 As everyone, I am sure, will appreciate, hundreds
2 of people were involved in or witness to the tragic events
3 we are dealing with. There will have to be some selection
4 of the most appropriate witnesses to present a reasonably
5 coherent but sufficiently detailed picture of events.

6 Expert evidence: the inquests will require some
7 expert evidence. In the usual way, forensic pathologists
8 will be called to give evidence of the cause of death in
9 each case.

10 A collision reconstruction expert will be required
11 to explain the movement, speed and acceleration of the van
12 on London Bridge. A firearms and ballistics expert will
13 very likely be needed to deal with the shots fired by the
14 armed officers and attribution of those shots so far as is
15 possible. A toxicologist will probably be required to
16 address the effects of DHEA, a steroid which the attackers
17 appear to have taken in the period shortly before the
18 attack.

19 Anonymity and special measures: sir, as you will
20 know, where inquests involve evidence from specialist
21 firearms officers, it is common for applications to be made
22 to protect their identities. Such applications are
23 typically for the officers to be anonymised and to give
24 evidence behind screens. Associated reporting restrictions
25 are usually also sought.

17

1 In this case, we've been told that applications
2 will be made by the Metropolitan Police and the
3 City of London Police on behalf of a number of officers
4 involved in the response to the attack. What we propose is
5 that the court sets a deadline for applications to be made
6 with supporting evidence and that that evidence should
7 either be in a form which can be seen by all interested
8 persons or in both open and closed versions.

9 The Metropolitan Police have made the sensible
10 point that they would like to see your ruling on similar
11 anonymity applications in the Westminster case before
12 producing their evidence. We therefore suggest a deadline
13 of six weeks from today from the production of the evidence
14 and three weeks thereafter for responses from other
15 interested persons.

16 We also understand that similar applications for
17 anonymity and special measures may be made by close family
18 members of at least two of the attackers. The basis of
19 those applications is likely to be that the persons
20 concerned had no involvement in the attacks, but would have
21 a legitimate fear for their safety if their identities and
22 details about them were made public. We would propose that
23 whatever timetable is set for the police applications is
24 also set for those applications to be made and responded to
25 by others.

18

1 We would hope that anonymity and special measures
2 applications can be dealt with substantively at the next
3 pre-inquest hearing with the facility for media
4 representations at that stage or shortly afterwards, as
5 happened in the Westminster case.

6 Public interest immunity and security-sensitive
7 evidence: the Metropolitan Police submissions record that
8 there is likely to be evidence in this case which raises
9 security sensitivities and the Secretary of State says that
10 there may be relevant evidence in that category. That can't
11 be surprising to anyone who has read the publicly available
12 Anderson report. The full details of the MI5 investigation
13 in which Khuram Butt was a subject of interest may very well
14 be sensitive.

15 It's partly because preparation for these inquests
16 may require consideration of security-sensitive material
17 that they are to be heard by a judge and that key members of
18 the legal team are developed vetted.

19 We are committed to ensuring that relevant
20 material which is not security-sensitive is disclosed and
21 put in evidence. For example, we know that some key
22 information about MI5's knowledge of the attackers can be
23 made public because it's been included in Mr Anderson's
24 report. He had plainly obtained the necessary permissions.

25 Often, experience tells that careful disclosure

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1 with appropriate redactions or gisting can ensure that
2 inquests receive all the important evidence without any need
3 for public interest immunity applications or at least with
4 such applications limited in scope. If such applications
5 are needed, they will obviously have to be made before the
6 inquests.

7 In the coming weeks, we shall be meeting with the
8 Secretary of State's team to discuss all these issues. We
9 are concerned to ensure an open inquiry, but one which does
10 not compromise national security interests.

11 Venue and timing: our best estimate at present is
12 that the two inquests concerning, first, the victims and,
13 second, the attackers will take in total about two months.
14 However, that estimate may change with further review of the
15 material.

16 Given the need for some remaining police work to
17 be completed, for disclosure to be given and for everyone to
18 prepare properly, we consider that the inquest can
19 realistically take place in early 2019. We would not ask
20 you, sir, to set a more precise date today, although that
21 may well be possible at the next pre-inquest hearing.

22 We are aware that family members, particularly family member
23 resident abroad, will need good notice of the precise dates.

24 Most procedural matters in the meantime will, in
25 the usual way, be addressed by correspondence between your

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1 team and interested persons. Solicitors to the inquests
2 will keep both represented and unrepresented interested
3 persons updated on the procedural developments.

4 As regards venue, we understand that it should be
5 possible for the inquest hearings to be held in a large
6 courtroom in this building, for which we're grateful to the
7 Recorder of London.

8 For the benefit of unrepresented interested
9 persons and the media, I should also say that a website will
10 be set up on which information and documents such as rulings
11 will be posted. During the main hearings, transcripts of
12 the evidence will be posted daily on the website.

13 As regards further pre-inquest hearings, we are
14 likely to need at least one further pre-inquest hearing in
15 this case to take place after initial tranches of disclosure
16 and after applications for anonymity have been made and
17 answered. We would suggest that a date in late June or July
18 would be appropriate. A further hearing towards the end of
19 the year may be needed as well, especially if any PII
20 applications are to be made.

21 Sir, I think I have addressed all items on the
22 agenda. I understand that your preference would be for
23 interested persons to address those items individually.

24 THE CHIEF CORONER: Yes, what I would suggest we
25 do, Mr Hough, it's very helpful for you to have set out the

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1 detail in the way that you have. I've obviously seen copies
2 of the written submissions which have been provided in
3 answer to your written submissions that were circulated.
4 But what I would suggest is that we go through the various
5 items that you have addressed so far and just take them in
6 turn. And I think the first would be the designation of
7 interested persons. And I -- it may be easiest if I take
8 them in the order that you mention. So the London Fire and
9 Emergency Planning Authority. So, Mr Ladenburg?

10 Submissions by MR LADENBURG

11 MR LADENBURG: Sir, yes, on behalf of the London
12 Fire and Emergency Planning Authority I hope you have read
13 the written submissions that were sent to you on that topic
14 and the other matters on the agenda.

15 THE CHIEF CORONER: Yes.

16 MR LADENBURG: And also a letter that was sent, I
17 think, on 18 January. The London Fire and Emergency
18 Planning Authority was one of the emergency responders which
19 was in liaison with the two police forces, and involved in
20 rescue efforts and the care and treatment of those affected;
21 and on that basis, we invite you, sir, to grant interested
22 persons status for the victims alone. It's not anticipated
23 that it would be necessary to have such a status on behalf
24 of the attackers' inquest.

25 THE CHIEF CORONER: Yes.

22

1 MR LADENBURG: In respect of which individual
2 victims the London Fire and Emergency Planning Authority had
3 dealings with. It hasn't been possible yet to identify
4 exactly those persons, and we would seek to identify which
5 exact victims were given assistance by the Planning
6 Authority --

7 THE CHIEF CORONER: Yes.

8 MR LADENBURG: -- in due course. I am grateful
9 for my learned friend describing it as a well-founded
10 application. I don't think I can add much more, sir.

11 THE CHIEF CORONER: No. It's an application which
12 I propose to grant.

13 MR LADENBURG: Thank you very much.

14 THE CHIEF CORONER: Then I think the London
15 Ambulance Service was the second one. Yes?

16 Submissions by MR HATHERALL

17 MR HATHERALL: Good morning, my name is Philip
18 Hatherall and I represent the London Ambulance Service.

19 THE CHIEF CORONER: Yes.

20 MR HATHERALL: And I believe that you have also
21 read and seen our application for interested person status.

22 THE CHIEF CORONER: I have, and again, it's one
23 that I propose to grant. Thank you very much.

24 Submissions by MR EADIE

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23

1 And the Secretary of State, Mr Eadie, I have seen
2 and read your detailed submissions, and it seems to me quite
3 appropriate that I grant the application.

4 MR EADIE: I'm very grateful.

5 THE CHIEF CORONER: That, I think, Mr Stevens,
6 you're here representing Hertz and the insurers?

7 Submissions by MR STEVENS

8 MR STEVENS: I am, sir.

9 THE CHIEF CORONER: And again, I have seen the
10 detail of the submission which is made from the solicitors,
11 which I entirely see the force of the applications, and
12 I grant it.

13 MR STEVENS: I'm grateful.

14 THE CHIEF CORONER: Mr Hough, the second topic
15 that you've referred me to was an update, really, on the
16 investigations of documentation. Again, I have seen the
17 written responses, but I am simply going to ask whether
18 there is anything anyone wishes to say on that particular
19 topic. I'm not inviting it unless people particularly wish
20 to address it. It seems to me it's very clear that
21 assistance has been provided from all where it is required,
22 and the material will be further disclosed, which we will
23 come onto in a moment, in due course.

24 MR HOUGH: Yes. We're very grateful to the
25 investigation teams.

24

1 Submissions by MS AILES

2 MS AILES: Sir, may I, on that topic, just very
3 briefly: I'm extremely grateful for the helpful indication
4 by counsel to the inquiry as to the priorities which are
5 being given in relation to disclosure to the families. May
6 I just add one gloss on that --

7 THE CHIEF CORONER: Of course.

8 MS AILES: -- which I've been asked to raise.
9 A matter which is of particularly acute concern to some of
10 the families is to know whether there is CCTV or mobile
11 telephone or similar footage which relates to their
12 particular loved one, and to know, in advance if possible,
13 when disclosure of that will be provided so that they know
14 when they have to steel themselves if they choose to do so
15 to look at that footage.

16 THE CHIEF CORONER: Yes.

17 MR HOUGH: I can say immediately that the victim
18 reports I've referred to, which aren't enormously long
19 documents, do contain stills of relevant CCTV images, and
20 they give indications of what the most important and useful
21 CCTV material is, and also what useful body-worn camera
22 footage and other imagery has been used in piecing together
23 the events.

24 The IPCC report also contains CCTV stills and
25 body-worn camera details, so all those materials will be

25

1 made available, and then in due course the footage will also
2 be made available for viewing. It's because the families
3 may have representations to make about some of the more
4 graphic images in those reports that we proposed the staged
5 disclosure approach that I mentioned.

6 THE CHIEF CORONER: Yes.

7 I think, Ms Ailes, that will address the concerns
8 you very properly raise --

9 MS AILES: I'm very grateful.

10 THE CHIEF CORONER: -- and I'm sure there will be
11 good liaison between my team and those families to ensure
12 that nothing goes beyond disclosure before they've had
13 an opportunity to look at it.

14 MS AILES: Thank you.

15 THE CHIEF CORONER: In relation to the question of
16 the material and the disclosure, I don't think there's
17 anything anyone else wishes to raise in relation to that?

18 MR HOUGH: No, sir.

19 THE CHIEF CORONER: Turning, then, to the matters,
20 Mr Hough, you've raised by reference to case management and
21 the legal issues, on the basis of what is contained in all
22 the written submissions about the organisation of the
23 inquests, it seems to me that I am in a position today to
24 give a direction in relation to the fact that there should
25 be two inquests: the first one dealing with the victims, and

26

1 the second, separate inquest, dealing with the three
2 attackers.

3 MR HOUGH: Yes, sir. When we drafted our
4 submissions, we were not certain that interested persons
5 would feel able to take a position in the event. All
6 represented ones have, and there's no objection from anyone,
7 as we understand it, to you making that direction today.

8 THE CHIEF CORONER: Well, I will make that
9 direction. One of the things that I will just, if I may,
10 leap ahead, which is to deal with whether the inquests need
11 to be with jury, a jury or not. Again, it seems to me,
12 having read all of the written material that's been
13 provided, that there is unanimity in terms of how these
14 should be approached; and that the inquest for the victims,
15 for that inquest to be without a jury; and for the three
16 attackers, clearly, by law, it must be with a jury. And,
17 again, I will give that direction on the basis that it seems
18 to me that addresses many of the concerns that have been
19 raised on behalf of the victims in particular, but looking
20 particularly at all of the other material that's before me.

21 MR HOUGH: Yes, sir.

22 THE CHIEF CORONER: By doing that, I jumped over,
23 Mr Hough, the question of scope, but it seems to me at this
24 stage it's really just a case of noting that we will have to
25 return to that topic in particular at the next hearing.

27

1 It's too early in the process for many to make any positive
2 submissions in support or otherwise of what is set out in
3 your written submissions, and so we will return to that
4 topic when we next have a hearing.

5 MR HOUGH: Yes, we set out our provisional views
6 because we thought it would assist when others were first
7 going through the materials.

8 THE CHIEF CORONER: So far as Article 2 is
9 concerned, which was the next topic that you raised, again,
10 that is really something that we should return to at the
11 next hearing. Again, helpfully, you have set out in your
12 document the position that is taken. I know some people
13 have responded already, but again, it seems to be sensible
14 that we return to that issue at the next hearing.

15 MR HOUGH: Yes, sir.

16 THE CHIEF CORONER: Turning to the arrangements
17 for the selection of witnesses, again, you've set out what
18 the position is. Can I simply just see if anyone wishes to
19 make any observations in addition to what is set out in the
20 written documents? And again, we will obviously liaise,
21 there will be good liaison in respect of who is to be
22 called, and the lists will be provided. That will, of
23 course, include expert evidence, which is the next topic
24 that you raised, and we will again see -- come back to that,
25 I'm sure, at the next hearing.

28

1 MR HOUGH: Yes. Of course, if any interested
2 person wishes to suggest further expert disciplines, they
3 can --

4 THE CHIEF CORONER: Yes.

5 MR HOUGH: -- but we've sought to set out what we
6 regard as the main ones.

7 THE CHIEF CORONER: In relation to anonymity and
8 any special measures applications, there are two dates,
9 really, that I need to set. Again, I'm going to work on the
10 basis that everyone is in agreement with the fact that there
11 should be a date set about six weeks hence. Looking at the
12 calendar, it seems to me that six weeks from today is
13 23 March. So I will set that date in respect of any
14 anonymity or special measures applications from any person.

15 Three weeks after that is 13 April. So I think
16 the deadline for supporting material was 23 March, and then
17 13 April for the arguments in support.

18 MR HOUGH: It may be my poor recollection of
19 dates; is there a risk that's Good Friday?

20 THE CHIEF CORONER: I think, Good Friday is
21 23 March. So if I were to move that -- it may be sensible,
22 Mr Hough, to just move it forward a few days to avoid the
23 Easter break. If I were to make the first date 29 March.
24 In fact, no, I think 30 March must be Good Friday, I think.
25 So the 23rd is just before Good Friday.

29

1 MR ADAMSON: I think 30 March is Good Friday.

2 THE CHIEF CORONER: 30 March is Good Friday. So
3 if I stick with my original date, 23 March, we avoid that,
4 and then the other date will stay the same: 13 April.

5 MR HOUGH: Mr Adamson has got himself down as
6 a better Catholic than I am.

7 THE CHIEF CORONER: In relation to the next topic,
8 Mr Hough, which is the question of public interest immunity,
9 again, it may be that it's not necessary to say anything
10 further at this stage in relation to that topic, and I'm
11 sure there will be good liaison between you and Mr Eadie in
12 particular in relation to the issues that might arise in
13 respect of that material.

14 MR HOUGH: Yes. We'll obviously try to be as
15 transparent as possible about those.

16 THE CHIEF CORONER: Yes.

17 And, Mr Eadie, I noted you nodding your head.
18 You're quite content in relation to what's suggested?

19 MR EADIE: I am.

20 THE CHIEF CORONER: Thank you.

21 Turning to the venue and timing, Mr Hough. We are
22 very fortunate that the Recorder of London has provided the
23 Bailey as a facility for us to hold this inquest. We are
24 fortunate in this building that we have some fantastic
25 support for those who would wish to be present for the

30

1 inquests, in terms of witnesses and family members.

2 It is unlikely that we will have the inquest in
3 this particular courtroom; it's likely to be a courtroom in
4 another part of the building, but a large courtroom which
5 should provide adequate space for all who wish to be
6 physically present in the courtroom, and obviously we will
7 look at other facilities in terms of arranging a link room
8 potentially for press who would wish to be present, and I
9 know that we will also have in mind the possibility of
10 satellite rooms away from this building for those who can't
11 travel to be here, but would wish nonetheless to be present
12 or listening to what is being said.

13 So far as the date of a further pre-inquest
14 hearing, Mr Hough, would it be sensible for us to at least
15 earmark a potential date today whilst everyone is here, or
16 would it be sensible to simply earmark a week in which the
17 hearing can take place?

18 MR HOUGH: What I'd suggest, sir, is that the
19 solicitors to the inquest send out an email later today --

20 THE CHIEF CORONER: Yes.

21 MR HOUGH: -- while the matter is in everybody's
22 minds, but after they've had the chance to check diaries.

23 THE CHIEF CORONER: Certainly. So far as my own
24 availability is concerned, I am here in any event throughout
25 the whole of June and July. So finding a period in that

31

1 window shouldn't pose any difficulty so far as I am
2 concerned.

3 MR HOUGH: Thank you, sir.

4 THE CHIEF CORONER: Mr Hough, I think I've worked
5 through the various issues that you identified either for
6 a direction or to simply indicate that we would come back to
7 at the next hearing. Can I simply invite anyone else who is
8 present whether there are any further directions or matters
9 to be raised this morning?

10 Very well. Thank you all very much indeed, and we
11 will adjourn now, and we will resume at the next date
12 sometime in June or July. I will rise.

13 (11.13 a.m.)

(The court adjourned)

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2

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