

**INQUESTS ARISING FROM THE DEATHS
IN THE LONDON BRIDGE / BOROUGH MARKET
TERROR ATTACK OF 3 JUNE 2017**

**SUBMISSIONS OF COUNSEL TO THE INQUESTS
FOR PRE-INQUEST HEARING ON 6 JULY 2018**

Introduction

1. This is the second Pre-Inquest Hearing in these Inquests, which concern the deaths resulting from the terror attack at London Bridge and Borough Market on 3 June 2017. The eight victims killed in the attack were: Xavier Thomas; Christine Archibald; James McMullan; Alexandre Pigeard; Kirsty Boden; Sébastien Bélanger; Sara Zelenak; and Ignacio Echeverria Miralles de Imperial. In addition, the three attackers were killed: Khuram Butt; Rachid Redouane; and Youssef Zaghba. The sequence of events in the attack is summarised in our submissions for the last hearing, which took place on 9 February 2018.
2. At that last hearing, various procedural directions were given.¹ Family members of those who died and a number of organisations were designated as interested persons (“IPs”). As regards the organisation of the Inquests, it was decided that (a) there should first be a hearing of the inquests of the victims of the attack, before the Chief Coroner (“the Coroner”) sitting without a jury; and (b) immediately afterwards, there should be a hearing of the inquests concerning the deaths of the attackers, before the Coroner sitting with a jury.
3. Since the last hearing, the SO15 Counter-Terrorism Command investigation into the attack (Operation Datival) has continued its work. It has assembled a large volume of

¹ The directions can be found on the Inquests website, at:

- <https://londonbridgeinquests.independent.gov.uk/wp-content/uploads/2018/03/Directions-from-PIH-9.18.pdf>.

Our submissions for the February hearing are taken as read. They can also be found on the website, at:

- <https://londonbridgeinquests.independent.gov.uk/wp-content/uploads/2018/03/CTI-submissions-for-PIR-on-9.2.18.pdf>.

evidence, which is now in the process of being provided to the Inquests team. Relevant material is being disclosed to IPs through a disclosure platform, Opus Magnum. Because of the scale of the investigation, this is a major exercise.

4. The purpose of this hearing is to provide IPs with an update on the investigative work of the police and progress towards the final hearings, and to address a number of procedural issues. These submissions address the topics on an agenda which is being circulated to IPs.

(1) Update on Investigations and Disclosure to Interested Persons

5. The work of the Operation Dative investigation has been as follows:

- (a) The police have taken some further statements over recent months, with the total number now standing at around 1,800 (including continuity and procedural statements). They have supplied 449 of those statements to the Inquests team (95 in late 2017 and 354 recently).
- (b) Having seized CCTV footage from (i) the London Bridge / Borough Market area for the night of the attacks, (ii) the attackers' route to the scene of the attacks and (iii) other places visited by the attackers (including near their home addresses), the investigation team has prepared a comprehensive schedule of relevant footage. It has been using that footage to prepare a master compilation showing the events of the attack.
- (c) It has collected and analysed a large volume of Body-Worn Video footage from police officers, which shows the aftermath of the attack and assists in identifying the timing of shots (which are audible on some of the footage).
- (d) Extensive forensic work has been done, including (i) examination of the van used in the attack (e.g. to confirm who was driving and whether the van actually struck Xavier Thomas); (ii) examination of the attackers' knives (in particular, to determine which attackers were involved in attacks on which individuals); (iii) examination of "petrol bomb" bottles found in the van (e.g. to determine whether they were viable as explosives). Some of that work is still going on, for example

because full DNA investigations of swabs from the knives had to be completed before the handles could be deconstructed.

- (e) A number of digital media devices of the attackers have been subject to ongoing analysis, to identify (i) relevant telephone, email and other electronic communications in the period before the attacks and (ii) internet searches they carried out. A report on this work is being written.
- (f) A number of expert reports have been commissioned and prepared, including the following:
 - (i) a ballistics report by Fiona Ritchie, forensic scientist, identifying the discharges and accounting for them so far as possible;
 - (ii) a collision reconstruction report by Michael Andrews of the Serious Collision Investigation Unit, analysing the movement and speed of the vehicle on the Bridge and its final loss of control;
 - (iii) an expert report on the body armour worn by PC Marques, who was injured in the attack;
 - (iv) an expert report on the effects of immersion on Xavier Thomas;
 - (v) a toxicology report by Dr Cirimele; and
 - (vi) an expert report by Professor Cowan on the implications of findings of DHEA (a steroid hormone) in samples from the attackers
- (g) Based on the investigative work summarised above, the SO15 team has prepared a number of summary reports which are likely to be of assistance to IPs:
 - (i) in respect of each of the victims, a report explaining what happened to him or her in the course of the attack (referencing relevant statements and footage); and
 - (ii) in respect of each of the attackers, a report explaining his movements during the attack (again, referencing relevant evidence).Together with the report of the Independent Office of Police Conduct (“IOPC”) into the police action and the shooting of the attackers, these provide a detailed account of the events of the attack.
- (h) There has been substantial investigation into the lives and background of the attackers and their preparations for the attack. The investigation team has

prepared (i) for each attacker, a biographical report; and (ii) an investigation report on the preparations for the attack.

- (i) The Computer Aided Modelling Bureau (“CAMB”) of the MPS has continued its work on producing a complete three-dimensional model of the scene. This model already allows high resolution images to be taken of the key locations. It will be used to prepare presentations for the inquests, including an overview of the scene and a presentation showing the route taken by the attackers.

6. Arrangements for disclosure of investigation material to IPs may be summarised as follows:

- (a) The Inquests team has procured and set up the Opus Magnum system, chosen for its good functionality. Access to the system has been given to all IPs who have completed standard confidentiality undertakings. Some material has been disclosed via Opus already, and more will be disclosed over the coming months as a rolling process.
- (b) Documents need to be reviewed before disclosure, for example (i) to remove irrelevant personal information (such as home addresses of witnesses); (ii) to remove information which is both security sensitive and not relevant to the inquests; and (iii) to remove the names of those who have been granted anonymity and/or have outstanding applications for anonymity. This process is inevitably time-consuming.
- (c) Out of the 95 tier 1 witness statements originally supplied to the Inquests team, 64 have been uploaded to Opus with their documentary exhibits attached. The remaining 31 statements are the subject of outstanding queries which are being resolved (e.g. absence of exhibits). The statements which have been disclosed provide considerable information about the events of the attack.
- (d) The IOPC report has been reviewed and disclosed via Opus. It gives a detailed account of events from the time police officers arrived on scene.

- (e) The reports on the individual victims, setting out the evidence relating to each person, should be uploaded to Opus in advance of the hearing on 6 July. IPs will be notified when they are provided. The factor delaying their disclosure has been the need for family liaison officers to offer to discuss them with bereaved families.
- (f) The reports on (i) the attackers' actions on the night of the attack and (ii) the attackers' preparations for the attack will also be uploaded to Opus shortly, either before the hearing or shortly afterwards.
- (g) The Inquests team is beginning the work of reviewing for relevance and disclosing the 354 further statements which have recently been provided by Operation Dativol (209 tier 1 and 155 tier 2 statements). We intend disclosing statements with their corresponding documentary exhibits, and some exhibits are yet to be provided. Otherwise, disclosure of statements will be a rolling process over the coming months, as batches are reviewed and uploaded.
- (h) Similarly, the other investigation reports and expert reports described above will be uploaded as they are made available and reviewed.
- (i) Once the investigative work of Operation Dativol is substantially complete, we anticipate that the SO15 team will provide a quantity of investigation documents (e.g. actions, search warrants, briefing notes, etc). Those too will need to be reviewed and disclosed via Opus.

(2) **Scope of the Inquests**

7. The key legal principles governing the scope of inquiry in the inquests are as follows:

- (a) Section 5(1) of Coroners and Justice Act 2009 ("CJA") states that the principal purpose of a coronial investigation (including an inquest) is to ascertain the answers to four factual questions: who the deceased was; and how, when and where the deceased came by his or her death. Sufficient evidence must be called to enable those questions to be properly addressed.²

² See the recent discussion by Lord Burnett CJ in *R (Maguire) v Assistant Coroner for West Yorkshire (Eastern Area)* [2018] EWCA Civ 6 at paras. 2 to 3.

- (b) However, the investigation at an inquest will normally go further than is strictly necessary to answer those questions. How much further is a matter for the judgment of the coroner hearing the inquest.³ Similarly, decisions as to which witnesses should be called in order to consider each topic are primarily for the coroner.⁴
- (c) The scope of an inquiry in an inquest may narrow as issues fall away or may be widened as new topics emerge. Accordingly, it is usually both unwise and unrealistic to define the scope of the inquiry prescriptively at the outset.
- (d) The legal question of whether the state's procedural obligation under Article 2, ECHR, is engaged in relation to an inquest (which was addressed at the last hearing) is usually of little relevance to questions of scope. This is because a properly conducted inquest will usually be sufficient to answer the statutory questions irrespective of whether the Article 2 obligation is engaged in the relevant sense.⁵
8. At the last hearing, we made suggestions of appropriate topics for inquiry. We repeat them below, with minor elaboration of some points, and we suggest that a provisional ruling on scope of inquiry be made at this stage. The Coroner will, of course, wish to hear from IPs and to bear in mind that any decision on scope will remain open to review as evidence is received.
- (a) For all the inquests, it will be appropriate to consider some evidence of the background to the attacks, including –
- (i) the personal history and background of each of the attackers;
 - (ii) the extent to which each had come to the attention of UK and other national authorities before the attacks and whether their activities gave any warning signs (to include some consideration of what was known to MI5 about Khuram Butt and his associates);

³ See *R v Inner West London Coroner, Ex Parte Dallaglio* [1994] 4 All ER 139 at 155b and 164j; *R (Takoushis) v Inner North London Coroner* [2006] 1 WLR 461 at [43]-[48].

⁴ See *R (Mack) v HM Coroner for Birmingham* [2011] EWCA Civ 712 at [9]; *R (Cairns) v HM Deputy Coroner for Inner West London* [2011] EWHC 2890 (Admin) at [23]; *R (LePage) v HM Asst Deputy Coroner for Inner South London* [2012] EWHC 1485 (Admin) at [50].

⁵ See *R (Sreedharan) v HM Coroner for Greater Manchester* [2013] EWCA Civ 181 at [18].

- (iii) their planning and preparations for the attacks (including hiring the van and purchasing the knives, the material for the fake suicide vests and the materials for the “petrol bombs”);
 - (iv) whether they received assistance or support from others in planning, preparing for and/or perpetrating the attacks;
 - (v) their dealings with each other and with any others in the period before the attack; and
 - (vi) their movements in the days and hours immediately preceding the attacks, including their journey to the scene.
- (b) For the inquests concerning Xavier Thomas and Christine Archibald, it will be appropriate to consider:
- (i) the sequence of events on the Bridge, including the speed and movements of the vehicle;
 - (ii) the impact of the vehicle with Christine Archibald, the injuries she suffered and the resuscitation efforts;
 - (iii) how Xavier Thomas came to be in the river, the injuries he suffered (and their cause), the effects of immersion on him and how his body came to be found; and
 - (iv) the medical cause of death of each of them.
- (c) For the inquests concerning James McMullan, Alexandre Pigéard, Kirsty Boden; Sébastien Bélanger, Sara Zelenak and Ignacio Echeverria Miralles de Imperial, it will be appropriate to consider:
- (i) the sequence of events in the attack, from the vehicle colliding with the railings above Boro Bistro to the time the attackers were confronted by police (with particular focus on the attack on each of those who died);
 - (ii) the care, assistance and treatment given to those who died (including efforts of those at the scene and, where relevant, treatment by paramedics and clinicians);
 - (iii) the injuries suffered by each of them and the medical cause of death of each of them; and
 - (iv) to complete the narrative, the arrival of the police and other emergency services on the scene and the confrontation of armed police with the attackers.

- (d) For the inquests concerning the three attackers, it will be appropriate to consider:
- (i) by way of background, the events of the attack from the time of the van being driven into pedestrians on the Bridge to the attackers being confronted by armed police officers;
 - (ii) the events in and around Stoney Street immediately before the arrival of the armed officers, and the scene they found when they arrived;
 - (iii) the confrontation of armed officers from the MPS and City of London Police with the attackers, and the initial shots being fired;
 - (iv) the sequence of events after the initial shots, including the police reaction to the apparent explosive devices, the further shots fired and efforts to clear the area; and
 - (v) the injuries sustained by each of the attackers and the medical cause of death of each one.

(3) Arrangements for Selection of Witnesses

9. As we explained at the last hearing, decisions on the selection of witnesses will need to take into account both (a) the need to call enough evidence to carry out a proper inquiry of sufficient scope and (b) considerations of expediency and practicality.⁶ Consideration will be given to the need to avoid calling duplicative evidence; the need to call the most relevant witnesses; practical concerns about scheduling witnesses; and the effect on vulnerable witnesses of giving evidence about distressing subject-matter.
10. Once further reports and statements have been disclosed, a draft witness list will be provided to IPs for each of the two inquest hearings (that concerning the victims and that concerning the attackers). IPs will be given the opportunity to make representations on those lists before timetables for the hearings are produced.
11. In addition, each of the families of the victims of the attack will be asked to prepare a “pen portrait” statement giving an account of the character and life of the person who died, with a view to the statements being read out at an early stage in the first inquest hearing by a family member or other person chosen by the family.

⁶ See the *Maguire* case (cited above), [2]-[3] and [21]-[26].

(4) Expert Evidence

12. The main experts to be called in the inquest hearings will be as follows:
- (a) forensic pathologists, to give evidence on the cause of death of each of those who died;
 - (b) the collision reconstruction expert, Mr Andrews;
 - (c) the forensic scientist who prepared the ballistics report, Ms Ritchie;
 - (d) Professor Cowan, to give evidence about the findings and effects of steroid consumption;
 - (e) the report on effects of immersion on Xavier Thomas.

In addition, one or more senior police officers will be called to give evidence about relevant training given both to firearms officers and to police officers generally (in particular, training about responding to marauding terrorist attacks of this kind).

13. If any IP wishes to make representations that further expert evidence should be commissioned or further experts called, those submissions should be made as soon as possible.

(5) Video Evidence and Visual Aids

14. When the master video compilation of the attacks has been finalised, a copy will be uploaded to Opus and be accessible to all IPs. The individual compilations may take longer to complete, because the families of the victims will be entitled to see them before disclosure if they so wish. They too will be uploaded to Opus when ready, but each will only be accessible to those who are IPs in the individual person's inquest.
15. The master compilation will be presented early in each hearing as part of the background evidence to be given by an investigating officer. Each individual compilation will be played before the evidence concerning what happened to that individual. In addition, advocates will be able to make reference to the compilations when examining witnesses.

16. Similarly, the CAMB model of the scene will be used during background evidence to explain the geography of the area and identify the key locations. It will also be used to produce packages of high quality scene images which can be put on screen during the hearings, as well as to provide accurate measurements of distances between specific points within the scene.

(6) Anonymity / Special Measures Applications

Background and Procedure

17. Since the last hearing, applications for anonymity and special measures have been received, as follows:
 - (a) an application dated March 2018 on behalf of eight firearms officers from the MPS who were involved in the confrontation with the attackers;
 - (b) an application dated March 2018 on behalf of three firearms officers from the City of London Police who were involved in the confrontation with the attackers;
 - (c) an application dated 21 March 2018 on behalf of the widowed partner of Rachid Redouane (“CL”), on behalf of herself and her child (“AL”); and
 - (d) an application dated 27 March 2018 on behalf of the widow of Khuram Butt (“AB”).

Those applications have been circulated among IPs for comment, but no IP has made any representations on them.

18. It is intended that the applications be considered at this hearing and that media organisations then be given a period to make any written representations to the Coroner. We propose that the period be 14 days from the hearing (i.e. by 20 July), and that the applicants be given a further seven days to answer any such representations (i.e. by 27 July). After that point, the Coroner’s ruling will be delivered in writing.

19. Pending the resolution of these applications, the names of the subjects of the applications will be redacted from any documents which are disclosed, and ciphers will be used to identify the individuals.

Legal Principles

20. The legal principles governing such applications have been considered in a ruling by the Coroner in the Westminster Bridge Terror Attack Inquests.⁷ As summarised in that ruling, the principles are as follows:

- (a) As part of the general case-management powers of a coroner, he/she may make an order anonymising witnesses or other persons within an inquest (i.e. prohibiting reference to persons by their true names). There is no inconsistency between that power and requirements for inquests to be held in public. See: *R v HM Coroner for Newcastle upon Tyne, Ex Parte A* (1998) 162 JP 387. Courts give effect to and balance relevant ECHR rights (notably rights under Articles 2, 3, 8 and 10) by exercising this power.
- (b) In deciding whether to make such orders, a coroner usually applies a common law test, making an “excursion” if appropriate into the territory of Article 2 of the ECHR. See *Re Officer L* [2007] 1 WLR 2135 at [29]. This involves a two-stage process:
- (i) If the refusal of the orders would create or materially increase a risk to the life of the person, such that the risk would be “real and immediate”, then the state in the person of the coroner would owe a positive duty under Article 2 to protect the witness by reasonable means. In those circumstances, as it was put in the *Officer L* case, the coroner “would ordinarily have little difficulty in determining that it would be reasonable in all the circumstances to give the witness a degree of anonymity”. The threshold of “real and immediate risk” derives from the decision of the ECtHR in *Osman v UK* (1998) 29 EHRR 245. A risk is “real” if it is substantial and significant, rather than remote. It is “immediate” if it is present and continuing. See *Rabone v Pennine Care NHS Trust* [2012] 2 AC 72 at [37]-[40].

⁷ The ruling can be found on the Inquests website at the following link:

- <https://westminsterbridgeinquests.independent.gov.uk/wp-content/uploads/2018/03/Chief-Coroners-Ruling-on-Anonymity-re-SA74-and-SB73-12.03.18.pdf>

- (ii) If the refusal of the orders would not result in the person being exposed to a real and immediate risk of death, then the coroner should “decide the matter as one governed by common law principles”, balancing the factors for and against the orders sought.
- (c) When applying the common law test referred to above, it is relevant for the court to consider the subjective fears of the person concerned, whatever their degree of objective justification: see *Re Officer L*, at [22]. Risks of harm falling short of real and immediate risk of death (or of serious harm such as might engage Article 3 rights) may be relevant to the balancing exercise: see *Sunday Newspaper Ltd’s Application (Judgment No. 2)* (2012) NIQB at [17].
- (d) When seeking to strike the right balance under the common law test, the coroner may consider all the consequences of granting and of refusing the orders sought. For example, in an application for anonymity by a police officer who does specialist work, a relevant factor may be that identification of the officer would prevent him/her continuing in his/her current role and would deprive the force of a valuable resource. See *R v Bedfordshire Coroner, Ex Parte Local Sunday Newspapers* (2000) 164 JP 283.
- (e) When applying the common law test, a coroner is also required to take proper account of the fundamental principle of open justice, which applies to coroners’ courts: see *R (A) v Inner South London Coroner* [2005] UKHRR 44 at [20]. The open justice principle holds that the administration of justice should generally take place in the open, as a safeguard and to maintain public confidence. See *Scott v Scott* [1913] AC 417 at 437-39 and 476-78; *A-G v Leveller Magazine Ltd* [1979] AC 440 at 449-50. In more recent times, courts applying this principle have recognised that giving names and personalities to witnesses is an important aspect of openness in the justice system: see *In re Guardian News and Media Ltd* [2010] 2 AC 697 at [63].
- (f) Where a witness seeks to justify anonymity by reference to his/her rights under Article 8 of the Convention, the Court usually has to perform a balancing exercise which weighs those rights against the rights of media organisations under Article 10. See *In re S (A Child)* [2005] 1 AC 593 at [16]-[17]; *In re Guardian News and*

Media (cited above); *SSHD v AP (No. 2)* [2010] 1 WLR 1652 at [7]. This balancing exercise is “highly fact-specific” and “must take into account the evaluation of the purpose of the principle of open justice as applied to the facts of the case and the potential value of the information in question in advancing that purpose, as against the harm the disclosure might cause the maintenance of an effective judicial process or to the legitimate interests of others”: see *R (T) v West Yorkshire (Western Area) Coroner* [2018] 2 WLR 211 at [63].

- (g) It should be noted that some of the considerations which apply to applications for special measures in criminal cases do not apply to inquests (e.g. the point that the defendant has a right to confront his accuser, including by investigating the accuser’s background). See *R v Davis* [2008] 1 AC 1128 at [21]. However, in general terms the open justice principle applies with full force to inquests: *Re LM (Reporting Restrictions: Coroner’s Inquest)* [2007] CP Rep 48 at [26]-[40].

Submissions

21. Based on the written applications, and subject to further representations made by IPs before and at the hearing, our submission is that the applications of the police officers for anonymity and special measures should be granted. Our reasoning is as follows:

- (a) We are not persuaded on the evidence that any of them has established that he/she would face a real and immediate risk of death (or serious harm) if the orders being sought were not granted. Although the applications contain reference to national threat assessments and the possibility of the officers being targeted by terrorists, there is no evidence of specific or direct threats to any of these officers. While some make reference to their dealings with other criminals, the information they give does not show that they would face the real and immediate risk of an attack if they were identified publicly.
- (b) However, each of the officers expresses real and serious concerns about being identified as one of those involved in the fatal shooting of terrorists who were engaged in a high profile attack. On their own accounts, all have made efforts to keep their involvement private. All are concerned that they or their families may be either targeted by terrorist sympathisers or at least be subject to intrusive and unwelcome press interest. A number of them have young children. A number

could be easily identified because of uncommon names and/or through living in small communities. Overall, it is apparent that the Article 8 rights of these applicants are engaged.

- (c) If these applications are granted, the orders would have a material effect on the reporting of the Inquests. The narrative of the confrontation between the officers and the attackers would (at least arguably) be less readable and interesting if all the main officers involved were both nameless and faceless. In those circumstances, the granting of the orders would involve a degree of intrusion on the important principle of open justice. The Article 10 rights of media organisations covering the Inquests are engaged.
- (d) The following further important considerations tell in favour of granting these applications:
 - (i) Although each of the officers works in uniform, and carries firearms while in uniform, each may in future wish to move on to work of a covert nature. Trained firearms officers often move on to roles involving surveillance, close protection or counter-terrorism which require an officer's identity and/or duties not to be public knowledge.
 - (ii) Refusing these applications in this very high profile case would probably lead to these officers being very publicly identified (e.g. pictured and/or named in the national press). It would therefore close off opportunities for career development and deny their forces the opportunity to recruit trained and skilled individuals into those roles.
 - (iii) Although in other cases armed response officers who work regularly in uniform may not be granted anonymity, there are features of this case which justify a different approach. In particular, the high profile nature of the case accentuates the legitimate concerns felt by the officers about their identities being made very public.
 - (iv) If the orders were made, the quality of the evidence in the inquests would not be adversely affected. The names of the officers are not in themselves important to an understanding of events. There are unlikely to be important credibility issues concerning their accounts, given that there is video and physical evidence of events (as set out in the IOPC report). The

Coroner, jury and lawyers will in any event see the witnesses giving evidence and be able to assess their demeanour.

- (v) By contrast, if the orders were refused, the anxiety to which the officers would be exposed might realistically impair the quality of their evidence.
 - (vi) The applications include plausible evidence from senior officers expressing concern that, if the identities of these officers were not protected in this very high-profile terrorist case, the recruitment and retention of firearms officers may be made more difficult.
- (e) The important principle of open justice and the Article 10 rights of the media have to be set in the balance against those considerations, taking full account of the public interest in proper reporting of this important case. Even giving that principle full weight, we submit that the factors set out above justify the applications being allowed.

22. We would make the following submissions on the applications of CL and AB:

- (a) Based on their evidence, neither has established that she would face a real and immediate risk of death or serious harm if the Court did not grant the orders. Although each expresses fear of reprisals and each has moved from the house in which she lived at the time of the attacks, neither refers to any specific threats. Furthermore, both have been named in multiple press reports and CL has been pictured in various of them. Those reports remain accessible on the internet, in response to simple searches. This tends to suggest that revealing their names again in connection with the Inquests would not expose them to a real and immediate risk of being attacked.
- (b) Nevertheless, it should be accepted that each of the applicants has had real fears for her safety and that of her family. The reality of CL's fears can be seen from the fact that she has been relocated by the police, has changed her name and has taken steps to modify her appearance. The reality of AB's fears can be seen from the fact that she has not returned to her family home. Their evidence clearly demonstrates that their Article 8 rights are engaged.

- (c) Granting these orders would have a material effect on reporting of the Inquests. For example, the evidence about the lives of the attackers and their preparations would be made less accessible if their partners had to be referred to by ciphers and if the existing images of CL could not be used in reports. This is the case even though there is no suggestion that either CL or AB had any involvement in the attacks. Once again, therefore, the Article 10 rights of media organisations are engaged.
- (d) The fact that CL and AB have been named in reports that remain accessible is an important factor. So too is the fact that CL's image has been published and is also accessible via simple web searches. In those circumstances, anonymity orders would provide only limited protection for their identities and would probably not in practice deter any hostile action. Compare the approach of the Court of Appeal in *R (T) v West Yorkshire (Western Area) Coroner* (cited above).
- (e) In the circumstances, we are not persuaded that anonymity should be granted to either CL or AB. First, an order would have limited beneficial effect, given that the applicants have already been named in reports that remain easily accessible. Secondly, an order would have an adverse effect on the reporting of the evidence. Thirdly, other steps can and should be taken (as set out below) which would be of material benefit without the same effect on the reporting of the Inquests.
- (f) The current addresses of CL and AB are not relevant to the Inquests, and therefore should be redacted from disclosed material. We would also suggest that IPs guard against unnecessary reference to their children during the Inquests (although it has been reported in the press that they both have children). It is likely to be necessary to have some reference to the children as part of the evidence of the attackers' lives and their preparations for the attack, but it should be kept to a minimum.
- (g) If CL or AB should give evidence in the Inquests hearing, we would support screening orders being made with the effect that they are not be seen by the press or public when giving evidence. We would also support arrangements being made to help them arrive at and leave Court without being identified or photographed. These measures would help to relieve any concern about giving

evidence, so preserving the quality of their evidence while not significantly impairing reporting of that evidence.

23. As explained above, disclosure to IPs of a large number of statements and documents, including material relating to the backgrounds of the attackers, is about to begin. This disclosed material will, unless redacted, include names of family members and associates of the attackers. The deadline set at the last hearing for any anonymity application to be made passed some three months ago. If any other person should want to make a late application for anonymity, so that his/her name does not appear in disclosed material and/or is not referred to in future hearings, he/she should do so as a matter of urgency. The application should explain the reason for lateness. In the absence of an application, a person's name will not be redacted during the disclosure process and it may be mentioned in future hearings.

(7) Security Sensitive Evidence

24. As noted at the first Pre-Inquest Hearing, internal reviews have been carried out by the Security Service and counter-terrorist policing bodies, concerning handling of intelligence before the attacks of March to June 2017. The report of David Anderson QC, which provides an assessment of those reviews, is accessible online. It shows that one of the attackers, Khuram Butt, had been the subject of a priority investigation from mid-2015.
25. In those circumstances, it will be necessary for counsel to the Inquests (who are both Developed Vetted) to review security intelligence materials. We anticipate that there will be discussions with the Security Service about how to deploy relevant evidence without harming national security. Because of statutory changes which took effect on 27 June 2018, it will now be possible for counsel and lead solicitor to the Inquests, and the Coroner, to review any material referring to interception of communications.⁸

(8) Timing and Venue of the Inquests / Future Case Management

26. As indicated at the last Pre-Inquest Hearing, the inquests hearings are likely to last around two months in total (with the first of the two hearings probably lasting a little over half that time). As regards the timing of the inquests, we are aware of the need to allow

⁸ For legal reasons, it is not possible to say whether any such material exists in this case. The statutory changes can be found in section 56 of the Investigatory Powers Act 2016 and paragraph 24 of Schedule 3 to that Act (coming into force on 27 June, by virtue of regulation 8 of the Investigatory Powers Act 2016 (Commencement No 5 and Transitional and Saving Provisions) Regulations 2018).

proper time for disclosure and preparation work by all IPs, and of the need not to schedule the hearings over a public holiday if possible. With those considerations in mind, our present proposal is that the hearing should start either directly or very shortly after Easter of 2019 (which is on 21 April 2019).

27. We anticipate that both hearings will be held in Court 1 of the Old Bailey. Proceedings will be live-streamed for reporters to another room in the building. Consideration will be given to any requests for live video-streaming of the hearings to UK embassy / consular premises overseas for family members of those who died. Any such requests should be made as soon as possible, since such arrangements can take time to put into effect.
28. A third, and probably final, Pre-Inquest Hearing should be held to update IPs on progress and to allow any remaining procedural issues to be resolved. We suggest that it is scheduled for January 2019.

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28 June 2019