

**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 11 JANUARY 2019**

Introduction

1. This is the third Pre-Inquest Hearing (“PIH”) in these Inquests, which concern the deaths resulting from the terror attack at London Bridge and Borough Market on 3 June 2017. The earlier PIHs were held on 9 February and 6 July 2018.¹

2. The eight victims killed in the attack were: Xavier Thomas; Christine Archibald; James McMullan; Alexandre Pigéard; 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 first hearing (paragraphs 4 to 6). All the Inquests are being conducted by the Chief Coroner (“the Coroner”) in the capacity of a judge nominated by the Lord Chief Justice pursuant to paragraph 3(1) of Schedule 10 to the Coroners and Justice Act 2009 (“CJA”).

3. As directed at the first PIH, there are to be two hearings of these Inquests; a hearing of the Inquests of the victims of the attack (before the Coroner sitting alone), followed immediately by a hearing of the Inquests of the attackers (before the Coroner sitting with a jury). An “indicative scope” for each hearing was approved at the second PIH and appended to the directions for that hearing. The first Inquests hearing is to begin shortly after Easter 2019 (Easter Sunday being 21 April 2019), as further detailed in Section 10 below.

¹ Documents for the first two PIHs (agenda, submissions of counsel to the inquests and directions) can be found on the Inquests website, at: <https://londonbridgeinquests.independent.gov.uk/documents-and-rulings/>.

4. An agenda for this PIH accompanies these submissions. We address below in turn the topics on that agenda.

(1) Applications for Designation as Interested Persons

5. By directions made at the previous PIHs, the Coroner has designated various persons and bodies as Interested Persons, applying the principles set out in paragraphs 7 to 8 of our submissions for the first PIH. There are now two further applications to be considered: (a) by British Transport Police (“BTP”), dated 12 December 2018 (in relation to all Inquests); and (b) by the City of London Corporation (“the Corporation”), dated 18 December 2018 (in relation to the Inquests of Xavier Thomas and Christine Archibald). Each application is for designation pursuant to section 47(2)(m) of the CJA, which permits the Coroner to designate persons or bodies as Interested Persons if he thinks they have a “sufficient interest” in the relevant inquests.

6. It is submitted that both applications are well-founded:

- (a) BTP and its officers were heavily involved in the emergency response to the attack, because it took place close to underground and rail stations. Two officers (PCs Marques and McLeod) directly encountered the attackers, while others played a part in the immediate aftermath and emergency care. Given that the Inquests will be addressing the emergency response, BTP has a clear and proper interest in the proceedings.
- (b) The Corporation is the organisation responsible for maintaining London Bridge and its supporting structure (while Transport for London (“TfL”), which is already an interested person, is responsible for maintaining the surface of the road and footways). It therefore has a significant interest in the issue of physical security measures on the bridge, which is a topic within the scope of inquiry.

(2) Update on Police Investigation

7. Operation Datival is the investigation into the attack by SO15, the Counter-Terrorism Command of the Metropolitan Police Service (“MPS”). We provided updates on its investigative work in submissions for each of the first two PIHs. Since July 2018, it has continued with its investigations of the attack itself and the background to it. The

investigation team has been providing material to the Inquests team over the last year and will continue to do so over the coming weeks.

8. By way of further update:

- (a) In total, the SO15 team has taken 2,701 statements (including continuity and procedural statements) and supplied them to the Inquests team. Ongoing enquiries are being made by the Inquests team for documentary exhibits, but this will not delay the upload to Opus of statements.
- (b) The SO15 team has seized and reviewed substantial CCTV footage showing the events of the attack, the route of the attackers' vehicle to the scene and the attackers' movements in the period before the attack. It has prepared a substantial schedule of footage. In collaboration with the Inquests team, it has produced (i) a master compilation of CCTV and other relevant footage and (ii) an individual compilation of audio-visual material for each of those who died (see Section 4 below).
- (c) The team has also reviewed a large amount of body-worn video ("BWV") footage of police officers, some from the time of the confrontation with the attackers and some showing the aftermath (including emergency care of those injured). Relevant BWV footage is also being incorporated into the compilations.
- (d) Videos and photographs taken by members of the public and provided to the police have similarly been reviewed. In some cases, these have added to the evidential picture and have been incorporated into the compilations.
- (e) Extensive work has been done by police forensic scientists, including examination of the attackers' vehicle, of the knives they used and of "petrol bombs" found in the vehicle after the attack. Since the last hearing, further work has for instance shed light on the question whether Xavier Thomas was struck by the vehicle and thrown into the Thames.
- (f) Electronic devices associated with the attackers have been identified (including in searches of addresses linked to them) and have been subject to lengthy analysis.

Reports have been prepared on the internet searches carried out by the attackers; the files read and stored by them; and their contacts with others by telephone, SMS, etc. in the period before the attack.

- (g) Expert reports have been prepared, and in several cases updated over recent months. These include reports on (i) ballistics; (ii) collision reconstruction; (iii) the effects of immersion on Xavier Thomas; (iv) toxicology (concerning the attackers); (v) effects of steroid use on the attackers; and (vi) viability of the “petrol bombs”.
- (h) The Computer Aided Modelling Bureau (“CAMB”) of the MPS has been producing a three-dimensional model of the scene of the attack, based on high-resolution laser scanning of the area. As explained below, this has been used to prepare a number of visual aids for the Inquests hearing. It can also be used to measure distances between points in the scene.

9. Based on their work, the SO15 team has produced a number of investigation reports. In particular:

- (a) For each of those who died, the team has produced an individual report on the circumstances of the person’s death. First versions of these reports were produced in May 2018 and uploaded to the Inquests document management system, Opus Magnum, in late June 2018. The SO15 team updated these reports in November 2018 with further information from the investigation. The latest versions were uploaded to Opus on 21 December 2018.
- (b) For each of the three attackers, a report has been produced which summarises the events of the attack and that person’s involvement. Each report runs to 126-128 pages and is largely identical to the other two. Each provides a very good overview of the attack, with stills from relevant footage and plans. These reports were finalised in late November 2018 and uploaded to Opus on 21 December 2018.

- (c) A report has been prepared covering the attackers' preparations for the attack. That report has recently been finalised and is currently being disclosed by uploading to Opus.
 - (d) As noted above, a number of reports have been prepared concerning analysis of electronic devices associated with the attackers. The available reports will be uploaded to Opus by the end of January 2019.
 - (e) A report has been prepared concerning the hiring of the van used in the attack. That report should be uploaded to Opus by the end of January 2019.
10. In addition, the Inquests team has asked SO15 to prepare further reports to assist with the Inquests, as follows:
- (a) an overview report, which will summarise the events of the attack more briefly than the attacker reports do, and which will be used as the basis of the introductory evidence of Det. Supt. Riggs;
 - (b) a report on the master video compilation, which will identify the source of each section of footage; and
 - (c) a report on the life and background of each of the attackers, summarising what is now known by the police about each of them (save for security-sensitive information which will be covered by the Security Service witness, discussed in Section 8 below).
11. The SO15 team is also in the process of supplying to the Coroner's team further documents obtained and created during the investigation. At the request of solicitors to the Inquests, these have been organised into tiers based on their importance, and priority is being given to provision and onward disclosure of evidentially valuable material.
- (3) Enquiries by the Inquests Team**
12. In addition to the police investigation materials which are discussed above, the Inquests team has made requests for material from other bodies, as follows:

- (a) London Ambulance Service (“LAS”): An index of documents held by LAS has been provided and the material (such as patient report forms, CAD logs, etc.) has been received recently. It will be subject to review and disclosure. In addition, LAS has volunteered to prepare (i) a clinical opinion on the emergency care provided by staff and (ii) an overarching operational witness statement. The Inquests team will liaise with LAS to ensure that these cover the necessary ground (e.g. that the operational statement describes the emergency response as a whole with the detail of when calls were received; when ambulances were sent out and in what numbers; and how the response was co-ordinated internally and with other services and hospitals).

- (b) London Fire Commissioner (“LFC”): The LFC has provided an index of documents and the material listed on that index. That material will also be disclosed to Interested Persons, subject to the usual review for relevance.

- (c) The MPS: The Inquests team has asked that the MPS produce an operational statement describing its response to the attack from an officer involved at the time (covering calls received, vehicles despatched, co-ordination of the response, etc.). A request has also been made for relevant evidence of officers’ training, to include (i) a statement from a firearms training officer concerning relevant features of the training of firearms officers involved in the confrontation with the attackers; (ii) relevant materials from firearms training manuals and courses; and (iii) evidence of officers’ emergency life support qualifications and training.

- (d) The City of London Police (“COLP”): There are constructive ongoing discussions between the Inquest Team and the COLP with a view to provision of a statement of evidence and exhibits relating to Project Servator, a policing tactic designed to deter and prevent terrorist and other serious criminal activity.

- (e) The Independent Office of Police Conduct (“IOPC”): The IOPC produced a report concerning the confrontation of armed officers with the attackers, which was disclosed via Opus some months ago. It has also provided six bundles of material, which have been reviewed for duplication with police material. The material which is not duplicative will be disclosed in the coming weeks. The IOPC has

also produced a short video compilation depicting the events of the confrontation, which it is hoped can be provided to Interested Persons.

- (f) Hertz: The Inquests team has requested any documents held by Hertz relevant to (i) the hiring of the vehicle by the attackers and (ii) any security procedures adopted by the company and/or by industry bodies. Hertz has provided two witness statements to the SO15 team, and those will be disclosed to Interested Persons by the end of January 2019.
- (g) TfL: A request was made of TfL for documents relevant to physical security on London Bridge and any intelligence or warning signs prior to the attack. To date, three documents have been provided and will be disclosed to Interested Persons shortly. Further enquiries with TfL are continuing.
- (h) The Corporation: A request is being made of the Corporation in similar terms to that made of TfL.
- (i) BTP: Requests are being made of BTP for any documents it holds that are relevant to the Inquests and for an operational statement similar to those to be provided by LAS, the MPS and the COLP.
- (j) The Marine Policing Unit, RNLI and Coastguard: At the request of the Inquests team, SO15 is looking to secure evidence from all these bodies concerning policies and practices for recovery of bodies from the Thames.

(4) Preparation of Audio-Visual Materials for the Inquests

13. The main audio-visual materials for use in the Inquests will be as follows:

- (a) Master AV Compilation: The master compilation contains the key relevant footage showing (i) the attackers' movements in the weeks prior to the attack; (ii) their movements on the day of the attack; (iii) the route of their vehicle towards London Bridge; (iv) the movement of the vehicle across the Bridge; (v) the attackers' route on foot and their assaults on passers-by; and (vi) the confrontation of armed officers with the attackers. Considerable work has been done to mark out relevant individuals on the footage and to pixelate recognisable faces of those

subject to special measures (and some young children). This compilation is lengthy, running to around four hours, and comes in three parts. Parts one and two are being uploaded to Opus before the PIH, and part three will follow later in January 2019. A schedule detailing the contents of this compilation will be circulated to all Interested Persons shortly.

- (b) Individual Compilations: For each of the victims of the attack, a compilation is being prepared showing (i) footage of their movements prior to the attack; (ii) the events in which they suffered fatal injury; and (iii) after care / recognition of death. The intention is that these compilations will be disclosed during January 2019. However, that will involve disclosing them without their having been shown by family liaison officers to the families of those who died (a process which would take some time). If the families' representatives have any objection to the proposed early disclosure, we would ask that they raise it at this PIH. Again, schedules detailing the contents of these compilations will be circulated when the compilations themselves are disclosed.
- (c) CAMB Products: Using the laser-scan data, the CAMB has produced animations for use in the Inquests, including (i) a "fly-through", showing the scene of the attack from above and the route taken by the attackers and (ii) an animation showing the route of the vehicle across the bridge, as plotted by the reconstruction experts. In addition, the CAMB is producing a series of plans and three-dimensional images of relevant areas (e.g. that around Boro Bistro).
- (d) CCTV Stills Packages: Packages are to be prepared of key still images from the CCTV footage, so that during questioning of witnesses images can be called up without showing footage (which can be distressing and time-consuming). These packages will be uploaded to Opus.

(5) Disclosure to Interested Persons

- 14. The approach of the Inquests team to disclosure has been addressed in our submissions for the last two PIHs (including guiding principles, mechanics and redactions). Along with these submissions, solicitors to the Inquests have circulated (a) a protocol giving further details of the approach taken to redactions; and (b) a note summarising the

arrangements made with the police and Security Service to avoid inadvertent disclosure of sensitive material.

15. We can report as follows on the disclosure process at the present time:

- (a) Witness statements: A total of 212 statements have been uploaded to Opus (with documentary exhibits attached). These include all Tier 1 statements. By the time of the PIH, all Tier 1 and Tier 2 statements will have been uploaded, save for a few which raise unresolved issues (e.g. exhibits being located). These Tier 1 and Tier 2 statements include the majority of the statements of the significant eyewitnesses who feature in the attacker and victim reports. All the remaining statements featuring in those reports will have been disclosed by the end of January 2019. Further statements will be uploaded in batches, with priority given to those of evidential value.
- (b) Police investigation reports: As noted above, the principal reports have already been disclosed through Opus and further reports will be supplied over the coming weeks.
- (c) Pathology: Post-mortem reports for the victims of the attack were disclosed through Opus some time ago. Further pathology materials, such as identification statements, preliminary post-mortem reports and CT imaging reports will be disclosed very shortly (i.e. by mid-January 2019).
- (d) Expert reports: The principal expert reports were uploaded to Opus before the last PIH. The few remaining reports will follow within the next one to two months.
- (e) Audio-visual materials: As explained above, the main compilations are in the process of being disclosed.
- (f) Police investigation materials: As explained above, these are being provided to the Inquests team in order of priority and will be similarly prioritised in the disclosure process. The evidentially relevant material will be disclosed in good time before the Inquests hearing.

16. Solicitors to the Inquests are sending regular notification emails to Interested Persons identifying when documents are uploaded to the Opus system. However, Interested Persons and their representatives are encouraged to check the system regularly for uploads.

(6) Selection and Timetabling of Witnesses

17. The principles governing selection and calling of witnesses are addressed in our previous submissions. In short, it is for the Coroner to select and call witnesses so as to carry out a thorough set of inquests, having regard to considerations of relevance to the inquiry and expediency.² In a case such as this, where fast-moving events were witnessed by numerous people, a selection has to be made of those who can apparently give the best accounts, while avoiding duplication of evidence.

18. Within the next one to two weeks, the Inquests team will circulate for comment a draft list of witnesses for the two hearings. In broad terms, it is proposed that the first hearing (Inquests of the victims) will include the following evidence in this order:

- (a) reading of “pen portrait” statements concerning the life, background and character of each of those who died;
- (b) introductory evidence from Det. Supt. Riggs, the Senior Investigating Officer of Operation Datal, summarising the events of the attack and introducing the main audio-visual materials;
- (c) eyewitnesses to the attack and the deaths of the victims (including sections of evidence considering each of those who died, preceded by playing of the individual compilation for that person);
- (d) further eyewitnesses to events from after the fatal attacks to the confrontation with the armed police;
- (e) forensic pathologists, addressing injuries suffered and the cause of death for each of those who died;

² See *R (Maguire) v Asst. Coroner for West Yorkshire (Eastern Area)* [2018] EWCA Civ 6 at [3]; *Coroner for the Birmingham Inquests (1974) v Chief Constable of West Midlands Police* [2018] EWCA Civ 2081 at [46]-[50].

- (f) other expert witnesses, including on collision reconstruction, immersion effects and steroid use;
- (g) one or more MPS officers giving evidence of the lives and backgrounds of the three attackers and their preparations for the attack;
- (h) any other witnesses addressing the lives and backgrounds of the attackers, including any family members of the attackers;
- (i) a witness from the Security Service, to give evidence as set out in Section 8 below;
- (j) witnesses from the MPS, COLP, BTP and LAS on the emergency response to the attack;
- (k) witnesses (including from TfL and the Corporation) concerning physical security on London Bridge and the surrounding area; and
- (l) one or more witnesses from Hertz, concerning the hiring of the van and the company's security procedures.

19. It is proposed that the second hearing (Inquests of the attackers) will include the following evidence:

- (a) introductory evidence from Det. Supt. Riggs, to summarise the events of the attack;
- (b) a limited number of witnesses to give evidence of the attack by way of background to the confrontation between the armed officers and the attackers;
- (c) witnesses concerning the confrontation, including the principal officers from the MPS and COLP who fired the fatal shots;

- (d) forensic pathologists, addressing injuries suffered and the cause of death for each of the attackers;
 - (e) one or more MPS officers giving evidence of the lives and backgrounds of the three attackers and their preparations for the attack; and
 - (f) one or more senior firearms officers from the MPS and/or COLP, to address the training of the armed officers and their response to the situation.
20. Enquiries are also continuing which may lead to further witnesses being called, including for instance: (a) enquiries concerning Khuram Butt's accreditation with the Security Industry Authority; and (b) enquiries concerning his involvement in a religious teaching class for children.

(7) Expert Evidence

21. The expert evidence which has been commissioned and which is to be adduced is set out above. At the last hearing, the Coroner directed that any Interested Person wishing to suggest that further expert evidence be obtained should make their proposal in writing as soon as possible.³ No such proposal has been made.

(8) Security Sensitive Material and Evidence from the Security Service

22. As we explained in submissions for the first two PIHs, internal reviews have been conducted by counter-terrorism police and by the Security Service concerning their handling of intelligence before the attack. Those were subject to assessment by Lord Anderson QC, whose report is publicly available.⁴ The Anderson Report discusses Khuram Butt from paragraphs 2.39 to 2.57, explaining that he had been the subject of a priority investigation by the Security Service from mid-2015 to the time of the attack. As will be obvious to any reader of that report, the Security Service and the police hold documents relevant to their pre-attack investigations, but such documents of their nature raise security sensitivities. No reasonable person would want the process of these Inquests to reveal information which would unnecessarily impair efforts to combat terrorism now and in the future.

³ See directions from the hearing of 6 July 2018, paragraph 4.

⁴ See the following link:

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664682/Attacks_in_London_and_Manchester_Open_Report.pdf.

23. The legal principles governing the handling and disclosure of security-sensitive material may be summarised as follows:

- (a) The power of a coroner to order provision of documents and other evidence under Schedule 5 to the CJA is subject to the qualification that a person may not be required to provide any evidence or document if he/she could not be required to do so in civil proceedings: see paragraph 2(1) of Schedule 5. In that regard, the rules governing public interest immunity (“PII”) apply in inquests as they do in civil litigation: see paragraph 2(2). Therefore, a public authority may in some circumstances assert PII as a basis for refusing to provide material to a coroner. However, in practice the Security Service will usually provide sensitive material for review purposes to a nominated judge who is hearing an inquest and will raise any objection to proposed onward disclosure by making a PII claim in an application to the nominated judge. See: *SSHD v HM Senior Coroner for Surrey* [2017] 4 WLR 191 at [41]-[48].
- (b) It is well-established that a coroner has jurisdiction to consider PII applications in respect of material provided to him/her.⁵ Under rule 15 of the Rules, a coroner is entitled to refuse to give disclosure of otherwise relevant material to Interested Persons on the ground that there is a statutory or legal prohibition on disclosure, a ground which encompasses objections based on PII.
- (c) The principles governing PII in inquests are the same as those applying in other proceedings, as set out in *R v Chief Constable of West Midlands Police, Ex Parte Wiley* [1995] 1 AC 274. Following the approach articulated by Thomas LJ in *R (Mohamed) v Secretary of State for Foreign and Commonwealth Affairs (No. 2)* [2009] 1 WLR 2653 at [34], four questions arise: (i) whether there is a public interest in disclosure; (ii) whether disclosure would bring about a real risk of serious harm to an important public interest and, if so, which interest; (iii) whether the risk can be protected by other means or more limited disclosure; and (iv) if there is no adequate alternative, where does the balance of the public interest lie. The final balancing exercise involves asking whether the public interest in

⁵ See for instance *R v Devon Coroner, Ex Parte Hay* (1998) JP 96 at 101; *Chief Constable of the PSNI’s Application* [2010] NIQB 66.

refusing disclosure is outweighed by the public interest of doing justice in the proceedings. In an inquest, the latter is the interest in a full and thorough inquiry under the CJA (see *R (Amin) v SSHD* [2004] 1 AC 653 at [31]). See generally *Secretary of State for Foreign and Commonwealth Affairs v Asst Deputy Coroner for Inner North London* [2013] EWHC 3724 (Admin) (the Litvinenko case).

For further discussion of the principles and the approach taken in other high-profile cases, see *The Inquest Book*, p475-478 (Sir Neil Garnham).

24. Along with the lead solicitor to the Inquests, we have reviewed the Post-Attack Review reports of the police and the Security Service. We have also reviewed all the original documents underlying those reports. We have held a number of meetings with the Security Service in which we have identified (a) information which does not appear in the Anderson Report and which is relevant to these Inquests; and (b) a set of documents which would qualify as relevant evidential material for the Inquests.

25. The approach we intend to adopt in the period leading up to the Inquests hearing is as follows:
 - (a) The representatives of the Security Service are currently working on producing a witness statement from a senior officer of the Service, which will (i) provide background about the work and procedures of the Service; (ii) attest to the facts already disclosed publicly in the Anderson Report concerning the attackers; and (iii) provide some further information which we have identified as relevant from our review of sensitive material. In its final form, that statement will be for provision to Interested Persons.

 - (b) During January 2019, the Security Service will provide the statement in draft to the Inquests team and will indicate to us (i) whether it is prepared to provide further material to Interested Persons by any means and (ii) reasons for objecting to provision of any further material to Interested Persons (e.g. objections based on relevance, on reasonableness,⁶ on the ground that relevant material has been

⁶ Under rule 15, disclosure may be refused on grounds of reasonableness, a basis which could for instance extend to refusing disclosure of material with only peripheral relevance.

provided by other means or on the basis of PII). There will then be further discussions with the Inquests Team.

- (c) Following those discussions, the Coroner will decide whether there is additional material (not covered adequately by the draft statement) which ought to be disclosed to Interested Persons on grounds of relevance but to which an objection has been taken based on PII. If so, the Security Service will be asked to make a formal PII claim and there will be a hearing on that issue, probably in late March 2019. The hearing might be entirely *ex parte*, or might include an open session.
- (d) Irrespective of whether a PII application is necessary and of the result of any such application, the statement of the senior Security Service officer will be provided to all Interested Persons as soon as it has been finalised, probably by the end of February 2019. That officer will give evidence in the Inquests of the victims. As happened in the recent inquests concerning the Westminster Bridge terror attack, we suggest that there be a process whereby first we and then Interested Persons provide notes of topics on which the witness will be questioned. That process will enable him to review the relevant material and give as much information as possible in his answers without infringing security interests.

(9) Anonymity and Special Measures Applications

- 26. In advance of the last PIH, applications for anonymity and special measures had been made by family members of two of the attackers and by the MPS and COLP on behalf of a number of armed officers of their respective forces. Submissions on those applications were considered at the hearing, and there were further written submissions afterwards.
- 27. By a detailed written ruling dated 19 November 2018,⁷ the Coroner determined all but one of the applications. He granted the applications of the MPS and COLP armed officers. He refused to grant anonymity to AB (widow of Khuram Butt), but granted her application for special measures. As to the application of CL (former partner of Rachid Redouane), he ordered that her current name should not be given in evidence but that the name she had at the time of the attack could be revealed. He granted her application for

⁷ See: <https://londonbridgeinquests.independent.gov.uk/wp-content/uploads/2018/11/Anonymity-Ruling-dated-19-November-2018.pdf>.

special measures. A protective order was also made in relation to children of the attackers.

28. The application left over was that of ABi, a male relative of Khuram Butt, which was for anonymity in respect of himself, his wife, his children and his mother. At the last hearing, we submitted that consideration of his application should be deferred pending further evidence of the effects on him of the application being refused. No such evidence had been received by the time of the November 2018 ruling, so the Coroner ordered that it be provided within 21 days thereafter. No evidence has been supplied in response to that order.
29. The legal principles governing applications for anonymity and special measures are set out in paragraph 34 of the November 2018 ruling. Having regard to those principles and the evidence which has been provided, it is submitted that the application of ABi for anonymity should be refused. However, if he is called to give evidence, special measures should be granted so that he is not seen by the public or members of the press.
 - (a) The evidence does not establish that ABi or others would face a real and immediate risk of death or serious harm if the anonymity orders are not granted. Accordingly, it is not accepted that his or others' Article 2 or Article 3 rights are engaged so as to require an anonymity order. ABi himself has already been named in press reports which have identified his connection to Khuram Butt and other information about him, and there is no evidence of there having been any specific threat to him or his family. The fact that the police have relocated the family does not prove that a real and immediate risk of death or serious harm exists, still less that it would be created by the refusal of anonymity to a person already named in public. While ABi has raised personal health issues,⁸ he has not provided any clinical evidence that the refusal of anonymity in his case would provoke serious harmful consequences.
 - (b) On the premise that Article 2 and Article 3 rights are not engaged, the Coroner's task is to carry out a case-sensitive balancing exercise which sets the Article 8

⁸ These are not addressed in detail within these public submissions, because they are sensitive and likely to be irrelevant to the Inquests.

rights of ABi and his family against the Article 10 rights of those reporting the Inquests, taking account of all other relevant considerations.

- (c) The lives and backgrounds of the attackers and their behaviour in the period before the attack are within the scope of the Inquests. If ABi, his wife and his mother were anonymised, some very significant individuals in Khuram Butt's life story would appear in the evidence only as ciphers or pseudonyms. Furthermore, ABi himself may feature in the evidence about Butt's behaviour in the weeks and months before the attack. All this important evidence would be made less accessible and there would be a real intrusion on the open justice principle.
- (d) As noted above, ABi has already been named in the press and been the subject of reasonably detailed reporting. Reports remain readily available on the internet. Anyone wanting to discover his name after evidence had been given about him in anonymised form could do so by a simple internet search. While this feature does not preclude an anonymity order being made, it militates against one. In particular, it means that such an order would have only a limited protective effect in any event.
- (e) Come what may, there will be evidence in the Inquests about ABi and his family. It is inherently unlikely that he will suffer materially more serious harm through reports of that evidence using his name rather than such reports referring to him by his relationship to Khuram Butt in circumstances where his name can be easily found. As noted above, he has been given the opportunity to provide a clinician's letter saying otherwise and has not done so.
- (f) If ABi is called to give evidence, he ought to do so from behind a screen pursuant to rule 18 of the Coroners (Inquests) Rules 2013 (or with some other measures taken to prevent him being seen by the public and press). To our knowledge, no photograph of ABi has been published. On the evidence he has provided, it is very likely that he would be much more comfortable in giving evidence if he did so with these special measures. Such measures would not have any adverse effect on questioning of ABi or assessment of his evidence, and they would have only a minimal effect on reporting of the hearing. Making a special measures order as

proposed, while refusing anonymity, would be the appropriate and balanced response to the application.

(10) Start Date and Practicalities for Inquests Hearings

30. It is proposed that the first Inquests hearing commence on Tuesday 7 May 2019, in view of judicial commitments of the Coroner in the previous week. Both hearings will take place in Court No. 1 of the Central Criminal Court. It is currently expected that they will last about two months (five to six weeks for the first hearing and two to three weeks for the second hearing), but the Court is available for a longer period in case they take a little longer. The Court will sit from 10am to about 4.30pm each day. Daily transcripts of proceedings will be posted on the Inquests website.
31. The Inquests team is in communication with the bereaved families and their representatives to arrange videolinks between the Court and appropriate places in overseas countries for those resident abroad. There are some practical limitations on these arrangements (e.g. the number of videolinks which can be in place at any one time), but every effort will be made to make the hearing accessible. For family members attending in person, a room close to the Court and support services will be available.
32. It is not intended that there should be another PIH. It is expected that all remaining issues (including witness selection and an expected anonymity application for the Security Service Witness) can be addressed without a further hearing, subject to any PII application being made. If there is a PII application, Interested Persons will be informed of the application and of any open hearing.
33. Interested Persons are encouraged to raise any other practical concerns about the hearing at this PIH.

Jonathan Hough QC
4 New Square, Lincoln's Inn

Aaron Moss
5 Essex Court, Temple

4 January 2019