

**INQUESTS ARISING FROM THE DEATHS
IN THE WESTMINSTER TERROR ATTACK OF 22 MARCH 2017**

**SUBMISSIONS OF COUNSEL TO THE INQUESTS
FOR PRE-INQUEST HEARING ON 15 JANUARY 2018**

Introduction

1. These inquests concern the deaths resulting from the terror attack on Westminster Bridge and the Palace of Westminster which took place on 22 March 2017.

2. The basic facts of the attack are well-known and can be shortly summarised. The attacker, Khalid Masood, drove a hired Hyundai Tucson car across the Bridge from the south bank of the Thames towards the north bank. At 14:40:08, the car mounted the pavement before striking a series of pedestrians over the following 30 seconds. Four of them sustained fatal injuries: Kurt Cochran; Leslie Rhodes; Aysha Frade; and Andreea Cristea. The car mounted the pavement a final time at 14:40:38, crashing into railings at the perimeter gates of the Palace.

3. Khalid Masood then left the vehicle, armed with two knives. He ran around the perimeter fence, entering the Carriage Gates vehicle entrance. At that entrance, he attacked PC Palmer, a uniformed police officer who was wearing body armour but was unarmed. In the course of his attack, he inflicted a fatal stabbing injury on PC Palmer. Khalid Masood was then confronted by plain-clothes armed officers and was fatally shot. The shooting occurred at around 14:41:30. From start to finish, the events of the attack had lasted 82 seconds.

4. The inquests were originally opened by Dr Wilcox, the Senior Coroner for Inner West London. Representations were made that the inquests ought to be heard by a Judge, mainly because preparation might require review of security sensitive material. After consideration of those representations, the Chief Coroner (HH Judge Lucraft QC) decided, with the approval of the Lord Chief Justice, that he would hear the inquests pursuant to para. 1(1) of Schedule 10 to the Coroners and Justice Act 2009 (“CJA”). Although an early pre-inquest review (“PIR”) hearing was held by Dr Wilcox in May 2017, most significant issues of case management remain to be addressed.

(1) Interested Persons

5. Section 47(2) of the CJA identifies a series of categories of persons who are entitled to be recognised as Interested Persons (“IPs”) in relation to an inquest (e.g. those with specified family relations to the deceased). Subsection (2)(m) affords a coroner a residual discretion to recognise others as interested persons on the basis that he/she thinks they “have a sufficient interest”.¹
6. At the hearing in May 2017, Dr Wilcox recognised as IPs: (a) in relation to each inquest, members of the family of the deceased person falling within section 47(2)(a); (b) in relation to all inquests, the Commissioner of Police of the Metropolis; (c) in relation to all inquests, the Secretary of State for the Home Department (who represents the security services); (d) in relation to all inquests, the London Ambulance Service; and (e) in relation to the inquest into the death of Khalid Masood, the IPCC.
7. Any further applications for IP status may be made and considered at the forthcoming hearing. One application which has been notified is from the London Fire and Emergency Planning Authority (“LFEP”, the statutory authority responsible for the London Fire Brigade). Given that the inquests are likely to consider the actions of first responders, including fire service officers, it is submitted that the LFEP has a good case for designation as an IP pursuant to section 47(2)(m).

¹ For the principles governing the exercise of this discretion, see the following authorities on the predecessor provisions: *R v HM Coroner for the Southern District of Greater London, Ex Parte Driscoll* (1995) 159 JP 45; *R v Coroner of the Queen’s Household, Ex Parte Al Fayed* (2001) 58 BMLR 205; *R (Southall Black Sisters) v HM Coroner for West Yorkshire* [2002] EWHC 1914 Admin at paras. 48ff. See also the ruling of Hallett LJ in the London Bombings Inquests following the hearings of 26-30 April 2010, at paras. 119ff. (<http://7julyinquests.independent.gov.uk/docs/orders/dec-april-2010.pdf>)

(2) Update on Investigations

8. SO15 Counter-Terrorism Command has carried out a major investigation, Operation *Classific*. This has concluded that Khalid Masood acted alone in planning and perpetrating the attacks. A witness strategy was produced which divided witnesses into three tiers: (i) those who saw the car collide with individuals on the Bridge, saw the attack on police officers and/or saw the shooting of the suspect, together with others providing evidence of investigative importance; (ii) witnesses providing material of benefit to the investigation in terms of continuity, lines of enquiry and other information; and (iii) witnesses providing no information of significant impact on the investigation. Statements have been taken from all the significant witnesses, who address both the circumstances of the attacks and Khalid Masood's background and preparations. Latest information from the police suggests around 140 Tier 1 witnesses, 220 Tier 2 witnesses and 30 medical witnesses.

9. Operation *Classific* conducted a trawl of CCTV material from cameras in the area of the attacks and in other areas relevant to the investigation (e.g. locations visited by Khalid Masood in advance of the attacks). Footage was also obtained from body-worn police cameras. Forensic investigations were carried out at the scene of the attacks. Crash investigations included preparation of (i) a collision reconstruction report; (ii) a vehicle examination report; and (iii) a vehicle speed report. Various further expert reports have been commissioned (as discussed below).

10. On the afternoon of the attack, the IPCC was notified by the police and it decided that the incident would be subject to an independent investigation. This is standard practice where a police officer has used lethal force in the course of his/her duties. The IPCC completed its work in July 2017, issuing a formal statement that no police officer had ever been under investigation.

11. A number of internal reviews have been carried out by MI5 and counter-terrorist policing bodies, concerning handling of intelligence prior to the attacks of March to June 2017 on Westminster, Manchester, London Bridge and Finsbury Park. An independent assessment of these reviews has been carried out by David Anderson QC which was published in December 2017.² This provides a summary of Khalid Masood's background

² See: <https://www.daqc.co.uk/wp-content/uploads/sites/22/2017/12/Report.pdf>.

as known to the authorities (paras. 2.15 to 2.29), including the fact that in 2009-10 he was briefly and peripherally within the scope of MI5 investigations.

12. In addition, reviews have been carried out concerning security at the Palace of Westminster. These include a health and safety report by a senior adviser (Ms Spark) and a restricted security review.

(3) Organisation of the Inquests

13. As submitted at the last hearing, there are three realistic means of hearing the inquests into the deaths of the victims on the Bridge, PC Palmer and Khalid Masood. These three means and some relevant considerations are addressed below:

- (a) It would be possible to hear all the inquests together, so allowing all evidence of the events to be given in a single hearing. However, there are objections to this course. First, the deaths of the victims raise issues which are distinct from those raised by the shooting of the suspect. Secondly, it is anticipated that the families of the victims would not wish the inquests into their deaths to be heard with the attacker's inquest. If so, their wish should be given significant weight (as happened in the London Bombings (7/7) Inquests when the same issue arose).³ Thirdly, since Khalid Masood's inquest must be heard with a jury, a single hearing would preclude the inquests concerning the victims being heard by the Chief Coroner alone. Sitting alone, he could give fuller reasons for the inquest determinations than a jury could.⁴
- (b) It would be possible to hear the inquests into the deaths of all the victims, including PC Palmer, in one hearing (which could be before the Chief Coroner sitting alone); and then immediately afterwards hear the inquest into the death of Khalid Masood (with a jury). An investigating officer could give evidence about background matters and events on the Bridge at the start of the latter hearing (with video and photographic evidence), to ensure that the jury had proper context for the events in the courtyard of the Palace while minimising the need for other witnesses to give evidence twice.

³ See Decision following PIH of 26-30 April 2010: <http://webarchive.nationalarchives.gov.uk/20120216072438/http://7julyinquests.independent.gov.uk/docs/orders/dec-april-2010.pdf>

⁴ See below, at para. 18(a).

- (c) It would be possible to hear first the inquests into the deaths of the victims on the Bridge, next the inquest into the death of PC Palmer and thirdly the inquest into the death of Khalid Masood. The three hearings could run consecutively. Again, an investigating officer could give background evidence at the start of each of the latter hearings. Although this option would enable the events on the Bridge to be considered separately from those in the grounds of the Palace, it would necessarily involve more duplication of evidence.
14. Subject to the representations of IPs, it is submitted that the preferable course is the second of those outlined above; namely, for the Court to hear the inquests into the deaths of the victims (including PC Palmer) in one hearing and then immediately thereafter to hear the inquest into the death of Khalid Masood in a separate hearing. This course would balance the interests summarised in para. 13(a) above against the interest in avoiding unnecessary duplication of evidence.

(4) Scope of the Inquests

15. The key legal principles governing the scope of inquiry in the inquests can be summarised as follows:
- (a) Section 5(1) of the CJA provides 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.
- (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.⁵ Similarly, decisions as to which witnesses should be called in order to consider each topic are primarily for the coroner, and involve considerations of relevance and expediency.⁶

⁵ 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 paras. 43 to 48.

⁶ See *R (Mack) v HM Coroner for Birmingham* [2011] EWCA Civ 712 at para. 9; *R (Cairns) v HM Deputy Coroner for Inner West London* [2011] EWHC 2890 (Admin) at para. 23; *R (LePage) v HM Asst Deputy Coroner for Inner South London* [2012] EWHC 1485 (Admin) at para. 50.

- (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 (considered below) 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.⁷
16. The following topics are suggested as appropriate matters for inquiry, subject to (i) submissions by IPs and (ii) the point made above that the scope of the inquests should remain open to modification 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) Khalid Masood's personal history;
 - (ii) whether and how he had come to the attention of the authorities before the attacks, and in particular whether his activities gave any warning signs (to include some consideration of his police record and his involvement with the MI5 investigations of 2009/10);
 - (iii) his planning and preparation for the attacks (including his obtaining the vehicle and weapons, and any reconnaissance);
 - (iv) his dealings with others in the period before the attacks;
 - (v) his movements in the days and hours immediately preceding the attacks.
 - (b) For the inquests concerning Kurt Cochran, Leslie Rhodes, Aysha Frade and Andreea Cristea, it will be appropriate to consider:
 - (i) the sequence of events on the Bridge and surrounding area, including the manner in which each person sustained serious injuries (using witness evidence, forensics and audio-visual evidence to establish how each of them suffered their injuries);

⁷ See *R (Sreedharan) v HM Coroner for Greater Manchester* [2013] EWCA Civ 181 at para. 18.

- (ii) the care, assistance and treatment given to each of them (including efforts of those at the scene and, where relevant, treatment by paramedics and/or in hospital);
 - (iii) the injuries sustained by each of them and medical cause of death of each of them.
- (c) For the inquest concerning PC Palmer, it will be appropriate to consider:
- (i) by way of background, the sequence of events on the Bridge and the following events, from Khalid Masood leaving his car to his entering the Palace gates;
 - (ii) the attack on PC Palmer;
 - (iii) the aftermath of the attack and the care, assistance and treatment given to him;
 - (iv) the injuries he sustained in the attack and the medical cause of his death;
 - (v) security arrangements and precautions at the Palace (but only so far as relevant to his death);
 - (vi) the protection afforded by his body armour.
- (d) For the inquest concerning Khalid Masood, it will be appropriate to consider:
- (i) by way of background, the sequence of events on the Bridge and the following events, from Khalid Masood leaving his car to his entering the Palace gates;
 - (ii) the attack on PC Palmer;
 - (iii) the confrontation between the armed officers and Khalid Masood, and the fatal shooting;
 - (iv) the aftermath of the shooting and medical assistance given to Khalid Masood;
 - (v) the injuries he sustained and the medical cause of his death.

(5) Summoning of Jury / Juries

17. Section 7 of the CJA makes provision for the circumstances in which a jury should be summoned in an inquest. Subsection (1) provides that an inquest must be held without a jury unless either of subsections (2) or (3) applies. Subsection (2) sets out a series of mandatory grounds for summoning a jury. Subsection (3) provides that an inquest “may be held with a jury if the senior coroner thinks that there is sufficient reason for doing so.”

The discretion afforded by subsection (3) is broad and fact-sensitive. In making a decision under that provision, a coroner should take account of all the circumstances of the case, including (a) the wishes of the bereaved family (a relevant factor but not decisive); (b) the submissions of other IPs; (c) the circumstances of the death (including whether they resemble the circumstances of deaths requiring a jury); and (d) the practicalities.⁸

18. In this case:

- (a) The inquest into the death of Khalid Masood must be held with a jury, because one of the mandatory grounds for summoning a jury is where the coroner has reason to suspect that the death resulted from an act or omission of a police officer (section 7(2)(b)(i)). A jury is required even if there is no basis for saying that the armed officers acted wrongly.
- (b) The inquests into the deaths of the pedestrians on the Bridge do not have to be held with a jury. None of the mandatory grounds in section 7(2) applies in those cases.
- (c) The inquest into the death of PC Palmer similarly does not have to be held with a jury, again because none of the mandatory grounds in section 7(2) applies. For the avoidance of any doubt, there is no basis for saying that the death was caused by a “notifiable accident” within the meaning of section 7(2)(c). Although that expression can extend to deliberate assaults on persons at work, it only covers injuries attributable to (i) the manner of conducting the employer’s undertaking, (ii) the plant or substances used for the undertaking or (iii) the condition of the premises.⁹

19. It is submitted that, in this case, there are two factors against summoning a jury for any inquest hearing(s) in which it is not mandatory:

- (a) The Chief Coroner sitting alone would be able to deliver a summing-up explaining the reasons for his determinations, whereas a jury could not. This was

⁸ See *R (Fullick) v HM Senior Coroner for Inner North London* [2015] EWHC 3522 (Admin).

⁹ See The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, regulation 2(2).

considered a significant factor in the New Cross Fire inquests: *R (Collins) v HM Deputy Coroner for Inner South London* [2004] EWHC 2421 (Admin). In the present case, such a summing-up would be of value to all concerned especially if (as is likely) the formal determinations are relatively brief.

- (b) The inquests are likely to consider a range of expert evidence (set out below) dealing with technically complex subject-matter. While a well-directed jury would be capable of dealing with this material, the Chief Coroner sitting alone would probably be able to digest and analyse it more easily.

(6) Article 2, ECHR

- 20. Article 2 of the ECHR (the right to life) has a procedural aspect which requires member states to carry out effective independent investigations complying with certain criteria where (a) death has taken place in circumstances which automatically engage the relevant “procedural obligation” (e.g. suicides of prisoners) or (b) it is arguable on the evidence that substantive duties under Article 2 have been breached in relation to a death.¹⁰ For present purposes, the relevant substantive duties are (i) the operational duty to take action to protect individuals from an appreciable “real and immediate” risk to their lives;¹¹ and (ii) the general duty to establish systems to safeguard life.¹²
- 21. In England and Wales, in cases where this procedural obligation is engaged in the relevant sense, it is usual for the inquest to be the principal means by which it is discharged. In that situation, the statutory provisions governing the determinations in the inquest are interpreted differently, so that the provision requiring the inquest to determine “how” the person died is read as including the circumstances as well as the means of death.¹³ In practice, the effect of the Article 2 procedural obligation being engaged is that the inquest may conclude with an expanded form of narrative conclusion. As noted above, a determination that the Article 2 procedural obligation is engaged does not have a significant bearing on scope of inquiry or evidence to be called.
- 22. In this case:

¹⁰ See *R (Letts) v Lord Chancellor* [2015] 1 WLR 4497; *R (Humberstone) v LSC* [2011] 1 WLR 1460.

¹¹ Discussed in *Osman v UK* (2000) 29 EHRR 245 at para. 116.

¹² Discussed in *Oneryildiz v Turkey* (2005) 41 EHRR at paras. 89-90.

¹³ See *R (Middleton) v West Somerset Coroner* [2004] 2 AC 182.

- (a) The inquest into the death of Khalid Masood must be conducted as an Article 2 inquest. This is because the Article 2 procedural obligation is automatically engaged in any inquest where death was due to deliberate use of lethal force by state agents.¹⁴
- (b) Based on the evidence presently available, Article 2 is not engaged in the relevant sense in the other inquests.
 - (i) There is no obvious arguable basis for saying that the state or its agents breached substantive Article 2 duties in relation to those who were injured on the Bridge. Having regard to the information presently available, as summarised in Mr Anderson’s report, it cannot be said that the state arguably breached either the operational or the general duty in not taking further action against Khalid Masood before the attacks.
 - (ii) There is similarly no arguable basis for saying that the state or its agents breached substantive Article 2 duties owed to PC Palmer in not preventing the terror attack which led to him being fatally injured.

However, it is submitted that the Court should keep under review the question whether the Article 2 procedural obligation is engaged especially in relation to PC Palmer’s inquest, taking account of the security arrangements at the Palace (as they stood in March 2017).

- 23. Whatever decision is reached concerning engagement of Article 2, each inquest should and will involve a full and rigorous investigation into the cause and circumstances of the person’s death. While the Court has to take a view on the engagement of Article 2, that view should have no real effect on the ambit or thoroughness of the inquest.

(7) Arrangements for Disclosure to Interested Persons

- 24. Disclosure of material to IPs is governed by Part 3 of the Coroners (Inquests) Rules 2013 (“the Rules”). The most significant provision is that a coroner is required to provide to an IP, upon request, any document which the coroner holds and considers is relevant to the inquest: rule 13(2)(d). That obligation is subject to a proviso that disclosure may be

¹⁴ See *R (Smith) v Oxfordshire Assistant Deputy Coroner* [2011] AC 1 at para. 210; *Letts (loc. cit.)* at para. 74.

refused in various circumstances, including if there is a legal obstacle to disclosure or if the request is unreasonable.

25. In substantial inquests such as these, it is standard practice for coroners pro-actively to give disclosure of relevant evidential material to all IPs. It is possible in appropriate cases to require IPs to give undertakings only to use material for the purpose of the inquest and not to disclose it unless and until deployed in court.¹⁵
26. At the hearing in May 2017, it was decided that disclosure should be given in stages, with a first tranche identified. Confidentiality undertakings were obtained from IPs, and Dr Wilcox's staff set up databases for access to the material. However, the process of disclosure was delayed because difficulties arose in the redaction of documents to remove (i) identifying details of officers claiming anonymity; (ii) other irrelevant and sensitive or confidential material (e.g. personal addresses, telephone numbers, etc.).
27. Since the Chief Coroner has taken responsibility for the inquests, considerable progress has been made with arrangements for disclosure. At the time of writing, the Chief Coroner's legal team have reviewed the majority of Tier 1 statements and applied appropriate redactions. It is hoped that all Tier 1 statements will have been addressed by the time of the PIR hearing, with disclosure of those statements and their associated exhibits to take place shortly afterwards. Disclosure of documents will be provided by their being uploaded to a document management system which will give each IP access to the documents relevant to the inquest(s) relevant to that IP.¹⁶

(8) Witnesses for the Inquests

28. While it is primarily for a coroner to decide which witnesses should be called in an inquest, it is good practice for IPs to be consulted in the selection of witnesses. In this case, the intention is that witness lists will be circulated to all IPs and that representations on those lists will be made and addressed by correspondence. The lists will identify which witnesses it is intended be called and which statements it is intended to read into evidence (under rule 23 of the Rules). It is hoped that the process will be relatively uncontroversial.

¹⁵ See *R (Smith) v Oxfordshire Asst. Deputy Coroner* [2008] 3 WLR 1284 at para. 38.

¹⁶ For example, a person who is only an IP in relation to one inquest will not be given access to the post-mortem examination reports and any medical records relating to other inquests.

29. Each family will be invited to prepare a “pen portrait” statement giving a sketch of the life history and personality of the person who died. These statements should be drafted so that they can be read early in the inquests as uncontentious evidence.

(9) Video Evidence and Visual Aids

30. The police investigation team has prepared a compilation of video footage showing the events of the attack. At the hearing in May 2017, Dr Wilcox gave directions enabling IPs to view this compilation (as then prepared). A copy of the compilation in its final form will be provided as part of the disclosure exercise.

31. There will be further video evidence that may be played during evidence, including footage of Khalid Masood’s preparations (his hiring the car, purchasing the knives, undertaking reconnaissance and parking prior to the attacks). Such evidence will be disclosed.

32. Photographs of the scene and video stills will also be provided in disclosure and used in evidence. In addition, the police have prepared from their photographic survey an interactive three-dimensional model of the Bridge and Palace areas which may be used during the hearing to illustrate events.

33. “Body graphics” illustrations have been prepared by the police so that the wounds suffered by PC Palmer can be presented in evidence in a sensitive way.

(10) Expert Evidence

34. The following expert evidence has been obtained which will or may be adduced at the inquests:

(a) Forensic pathologists: In the usual manner, a pathologist will give evidence in relation to each of those who died, summarising the key findings of the post-mortem examination report and answering any further questions.

(b) Neuro-pathologist: In a number of cases, a neuro-pathologist has prepared a report supplementing the post-mortem examination report, to give details of brain injury. The conclusions of these reports will be adduced.

- (c) Crash investigation experts: There are reports from three forensic collision investigators (i) PC Keen, on collision reconstruction; (ii) Inspector Auty, on the condition of the Hyundai Tucson; and (iii) PC Clark, on vehicle speed.
 - (d) Body armour expert: Paul Fenne, a body armour expert for the police has produced a report on the protection afforded by PC Palmer’s body armour.
 - (e) Psychologist: Dr Brock Chisholm has been instructed by the police to prepare a “psychological autopsy” on Khalid Masood addressing (to the extent possible) his psychological condition and how he developed his ultimate violent intentions.
 - (f) Toxicologists: A urine sample from Khalid Masood provided evidence of anabolic steroids having been taken in the hours or days prior to his death. The sample analysis is attested to by a forensic toxicologist. A more specialist pharmaceutical toxicologist, Professor Cowan, has been instructed to prepare a report addressing (in summary) how steroid use may have affected Khalid Masood.
35. The reports of these experts will be provided on disclosure and proposals will be made in the witness lists as to which experts should be called and which reports should be read into evidence.

(11) Anonymity / Special Measures

36. A coroner has a common law power to manage the proceedings in his/her Court, and that power extends to granting anonymity to witnesses and others.¹⁷ In exercising that power, the coroner may give effect to Convention rights, including in some cases rights to life and/or freedom from serious harm and in some cases privacy rights. If a refusal of anonymity would raise a real and immediate risk to life or serious harm, the default position is that anonymity will usually be granted.¹⁸ In other cases, decisions on anonymity involve a balancing exercise,¹⁹ taking proper account of the countervailing interest in open justice and Article 10 rights of media organisations.²⁰ Where an anonymity order is made, it is usually accompanied by an order under section 11 of the

¹⁷ See *R (T) v HM Senior Coroner for West Yorkshire (Western Area)* [2017] EWCA Civ 318 at paras. 55-64; *R (A) v HM Coroner for Inner South London* [2004] EWCA Civ 1439.

¹⁸ See *Re Officer L* [2007] 1 WLR 2135.

¹⁹ See *R v Bedfordshire Coroner, Ex Parte Local Sunday Newspapers* (2000) 164 JP 283.

²⁰ See *R (T) v HM Senior Coroner for West Yorkshire (loc. cit.)*, paras. 55-64.

Contempt of Court Act 1981 prohibiting reporting of details liable to identify the person granted anonymity.

37. The Rules contain provisions enabling a coroner to order that certain witnesses give evidence by video link or behind screens: rules 17 and 18.²¹ These rules identify considerations to be taken into account when making such orders. Associated arrangements for secure entrances and exits may also be made.
38. A coroner may exclude the public from part of an inquest hearing on grounds of national security,²² but this should only be done on clear and proper grounds. This power does not permit a coroner to exclude those who are interested persons in an inquest from any part of that inquest hearing.²³
39. In this case, an application for anonymity and special measures has been made by the Metropolitan Police Service on behalf of the two armed officers who confronted Khalid Masood (known respectively as SA74 and SB73). Each of the officers is an authorised firearms officer (“AFO”) and deployed in the Royalty and Specialist Protection Command (“RaSP”). No other anonymity application is being pursued.
40. The application requests that the officers’ names be withheld and pseudonyms be used; that no question be permitted which might lead to their identification; that they be screened when giving evidence; and that they enter and exit the court via a non-public route. The grounds of the application are that refusal of anonymity would (a) expose them and their families to risk of reprisals; (b) cause them fear; (c) compromise their career progression in specialist firearms / close protection roles; (d) inhibit their ability to give best evidence; and (e) deter others from entering AFO / close protection roles.
41. The application and associated evidence have been prepared in a form which can be circulated to IPs, and copies are being circulated at the same time as these submissions. Subject to representations from others, it is submitted that the application makes a cogent case for the orders sought. Further submissions will be made as necessary, if the application is resisted.

²¹ See *R (Hicks) v Senior Coroner for Inner North London* [2016] EWHC 1726 (Admin) on these provisions.

²² See rule 11(4) of the Rules.

²³ See *R (SSHD) v Assistant Deputy Coroner for Inner West London* [2011] 1 WLR 2564.

(12) Public Interest Immunity / Security Sensitive Evidence

42. Any coroner has the jurisdiction to consider and determine applications that relevant material provided to him/her should not be disclosed to IPs on the basis of public interest immunity (“PII”) objections.²⁴ That power is exercised on conventional principles and is subject to the supervisory jurisdiction of the High Court. The provisions for disclosure in the Rules accord with this jurisdiction, in that they permit coroners to refuse to disclose relevant material to IPs on the basis of proper legal objections: rule 15(a).
43. However, it is also possible in some cases for a person or organisation to object to providing material to a coroner on the basis that there are valid PII objections to doing so: see para. 2(2) of Schedule 5 to the CJA. In the case of *SSHD v HM Senior Coroner for Surrey (loc. cit.)*, the Court recognised that (a) public authorities may properly withhold from an “ordinary” coroner security intelligence material and (b) an inquest which requires the consideration of such material in the preparatory stages ought to be heard by a judge.
44. In this case, the police did not identify to Dr Wilcox any security sensitive material obtained in the course of their investigations. However, the Secretary of State made clear following the hearing of May 2017 that such material did exist which was potentially relevant. This is an important reason why these inquests are to be heard by the Chief Coroner.
45. If there does prove to be relevant evidential material which the authorities would not wish to be disclosed to IPs, then a PII application will need to be made in due course (unless some expedient can be devised, such as disclosure of the relevant material in a form which redacts irrelevant and sensitive material). It is hoped that the Secretary of State will be able to identify such material and make any proposals in the near future.

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

46. It is expected that the inquests will be heard in a large courtroom at the Central Criminal Court (Old Bailey). At present, it is intended that the inquests be scheduled to commence on 10 September 2018.

²⁴ See *R v Devon Coroner, Ex Parte Hay* (1998) JP 96 at 101; *Chief Constable of the PSNI’s Application* [2010] NIQB 66; *Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London* [2013] EWHC 3724 (Admin); *SSHD v HM Senior Coroner for Surrey* [2016] EWHC 3001 (Admin) at para. 41.

47. It is to be hoped that case management issues between the forthcoming PIR hearing and the main inquests hearing(s) can be addressed mainly through correspondence. However, it is possible that one further PIR hearing may be required, especially if a PII application is made. If such a further hearing is required, all IPs will be notified.

(14) Logistical Arrangements for the Inquests

48. IPs are invited to make any submissions as to logistical arrangements for the inquests. At present, the following points should be noted:

- (a) Presentation of and reference to documents: In the main, documents will be presented in electronic form, and advocates should be prepared to refer to documents by their unique reference numbers. In the jury inquest(s), key documents (e.g. photographs and plans) will be collected in a jury bundle.
- (b) Transcription of the hearing(s): The hearing(s) will be transcribed and a transcript will be provided to all IPs on a daily basis. It is also intended that the transcript will be posted online. A deadline time will be set each day for IPs to identify any evidence given during that day which they consider ought not to appear on a published transcript.
- (c) Interpretation: The inquests team will arrange interpretation into English of any witness giving evidence in a foreign language. Any IP wishing to request additional interpretation arrangements should do so without delay.
- (d) Remote courts: Since members of some bereaved families are known to live overseas, it may be possible for them to view proceedings by means of a secure video link to a UK embassy or consular premises overseas. There are practical difficulties in arranging video links to other premises overseas.
- (e) Inquests website: Information about the inquests and transcripts of evidence will be published online, either on a dedicated website or on the Chief Coroner's general web pages.

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4 January 2018