

**IN HER MAJESTY'S CORONER'S COURT
BEFORE THE CHIEF CORONER HHJ LUCRAFT QC**

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

**RESPONSE TO THE AGENDA
ON BEHALF OF MELISSA COCHRAN & MICHELLE PALMER**

Introduction

1. This note is prepared on behalf of Melissa Cochran and Michelle Palmer.
2. Melissa Cochran's husband, Kurt Cochran, sustained fatal injuries after he was struck by a Hyundai Tucson car on Westminster Bridge on 22 March 2017 which was driven by Khalid Masood. Three others- namely, Leslie Rhodes, Aysha Frade and Andreea Cristea- also sustained fatal injuries.
3. Michelle Palmer's husband, PC Keith Palmer, was a uniformed officer on duty at the gates of the Palace of Westminster. After Masood crashed the vehicle, he attacked PC Palmer, who sustained fatal stabbing injuries. Mr Masood was subsequently shot by an armed officer.
4. On 26 June 2018 an Agenda and Submissions prepared by Counsel to the Inquests (CTI) were circulated to Interested Persons in advance of the Pre-Inquest Review Hearing listed for 2 July 2018.
5. Both Melissa Cochran and Michelle Palmer wish to emphasise that nothing in these submissions should distract attention from the fact that Masood, who perpetrated the heinous acts which brought their husbands' deaths, is responsible.

(1) Update on Investigations and disclosure

6. It is acknowledged at the outset that the process of disclosure to the Interested Persons is labour-intensive. There is plainly a vast amount of material and it continues to be disclosed.

7. There has been a considerable amount of documentation for the legal team representing Melissa Cochran and Michelle Palmer to read and digest.
8. If contrary to these submissions material has been disclosed which addresses some of the concerns set out below we apologise.

Security Service Material/Further Police Reports

9. At paragraphs 7-8 of CTI's submissions, reference is made to Security Service Material and a witness statement from an MI5 officer. We cannot usefully comment until that material has been disclosed. On behalf of Melissa Cochran and Michelle Palmer we reserve our position generally.

Security at the Palace of Westminster¹

10. We do not wish to labour the point but it is very disappointing that no witness statement has yet been made available concerning the security arrangements at the Palace of Westminster. We note that we are expecting statements from Mr Eric Hepburn and Commander Adrian Usher which will address this very important issue.
11. Despite the absence of witness evidence concerning these issues (and – it is assumed – supporting documents), and without any such evidence having been explored and tested, the Commissioner of the Metropolitan Police has commented publicly that “...it is very hard to say that, if Keith had been armed, he would be alive today.”² Given that it was an armed officer who stopped Masood this assertion requires scrutiny.
12. It is our understanding that there were no armed officers stationed permanently at the gates at the time of the attack. We know PC Keith Palmer was not armed. It would appear to be an obvious location at which such officers could and should have been placed.
13. The rationale behind the decision not to have armed officers deployed at that location is unclear. If a decision was positively taken that there should be no armed guards at the gates, we trust that the explanation for that will be provided within the witness statements.
14. The evidence also ought also to address the question of whether further consideration was given to the security of unarmed officers at the gates. It is unclear what other equipment was or was not available at the gates at the time of the attack e.g. tazers. If such

¹ These submissions are relevant to Michelle Palmer only

² <https://www.theguardian.com/uk-news/video/2017/apr/18/cressida-dick-a-gun-may-not-have-saved-pc-keith-palmer-audio>

equipment was not available, we trust that the rationale for not having such equipment available at that location will also be addressed.

15. Insofar as the evidence obtained to date (but not yet disclosed does not address these matters) this ought not to delay the disclosure of that material. It would be preferable for these matters to be addressed by way of supplemental statement together with disclosure of relevant supporting documentary evidence.
16. It is assumed that the current security arrangements at the Palace of Westminster have changed since the events on 22 March 2017. CTI has reviewed documentary material concerning the security arrangements at the Palace of Westminster and describes it as sensitive (paragraph 9 of their submissions). If the existing security arrangements have changed, it is unclear why reports relating to the historical security arrangements at the Palace of Westminster are sensitive³.
17. We invite the Inquests' team together with the relevant agencies to give (further) consideration to whether disclosure of this material, perhaps with appropriate redactions, can be provided.
18. We look forward to the disclosure of outstanding witness and documentary evidence forthwith.

Security on Westminster Bridge⁴

19. Transport for London has stated that the events at Westminster and, subsequently at London Bridge, exposed '*a gap in national and London policy on the protection of people in public spaces*'⁵.
20. This gap needs to be viewed in the context of the attacks in Nice on 14 July 2016 and Berlin on 19 December 2016. The modus operandi of those attacks bears obvious similarity to the events at Westminster on 22 March 2017.
21. It is notable that the Harris Review recommended in October 2016, albeit in a general sense, that London ought to have flexible hostile vehicle mitigation barriers as part of the Government Secure Zone, before the Westminster attack. In light of the similar attacks in Nice and Berlin, it is unclear as to whether this recommendation was reconsidered.

³ Paragraph 9 CTI submissions

⁴ These submissions are principally relevant to Melissa Cochran but also have some relevance to Michelle Palmer

⁵ See witness statement of Siwan Hayward

22. We note that Miss Hayward refers to guidance issued on 20 December 2016 by the NPCC in the aftermath of the Berlin attack. It stated: *“Business that are responsible for or located in areas that could be considered crowded place (sic), such as a Christmas Market, or by the nature of the locations, such as a shopping centre or high street, are asked to review their current security and contingency plans”*.
23. What is absent from the evidence provided by TfL is an explanation as to what was done in respect of that guidance. We are not aware of any documents which explain:-
- i. who at TfL considered that advice; and
 - ii. what steps, if any, were taken in respect of it prior to 22 March 2017;
 - iii. whether there was any liaison between the various stakeholders concerning implementation of hostile vehicle mitigation (HVM) measures in and around the Palace of Westminster including Westminster Bridge.
24. The events which these Inquests will consider concern an iconic London bridge situated next to the most iconic Parliamentary building in the world where tourists and Londoners congregate in large numbers. It is difficult to comprehend how this area could not be considered a crowded place.
25. And yet, that is exactly what is suggested by Chief Superintendent Aldworth in his report to the Coroner. We note that he appears to be referring to Westminster Bridge only. It is not clear whether the presence of the Palace of Westminster immediately next to it is taken into account when determining whether Westminster Bridge was a crowded place.
26. The National Counter-Terrorism Security Office *“Crowded Places Guidance”*⁶ (published in June 2017) does not appear to directly address iconic or historic landmarks/buildings/locations. It does rather call into question its effectiveness if it does not address such locations.
27. Ch. Supt. Aldworth goes on to state that *“MPS works on the premise that the delivery of protective security, in accordance with legislative considerations, is a collective responsibility with each authority playing a role relevant to its function and its ownership of space or infrastructure. Importantly, I do not believe that the police are, nor should they be, the commissioning body for permanent measures but would respond to requests for advice, alongside other partners such as CPNI.”*

⁶ <https://www.gov.uk/government/publications/crowded-places-guidance>

28. Mr Goad of Westminster City Council states that it has no legal responsibility for Westminster Bridge.
29. Ultimately, it is known that barriers on Westminster Bridge were not in place at the time of the attack. Barriers are now in place, albeit they are barriers of a temporary nature, provided by MPS. We have served with these submissions a picture of the barrier arrangement as it is now. Had those barriers and/or other HVM measures been in place, they would probably have saved the life of Kurt Cochran. The Inquests ought to address the question of why such arrangements were not in place, and to consider whether they ought to have been and, if so, who should have implemented those measures.
30. It would appear from Mr Goad's statement that Westminster City Council would not be responsible. It is assumed that Lambeth Borough Council would make the same point (but we consider that this ought to be confirmed with Lambeth Borough Council too). We do not know if this is accepted by TfL and MPS.
31. We assume that the witnesses currently on the witness list (Hayward and Aldworth) will be in a position to answer questions of this nature. We would invite the relevant agencies to confirm the same.
32. In the circumstances, we request that:-
 - i. A further additional witness statement should be obtained from a representative of TfL (probably from Ms Hayward) to address the matters raised above (particularly those matters at paragraph 23).

(2) Witnesses for the Inquests

33. We reserve our position generally pending full disclosure.

(3) Expert Evidence

34. No submissions at this stage. We are in the process of reviewing the supplemental report of Mr Fenne with our client.

(4) Pen Portraits

35. CTI's submissions are noted.

(5) Audio Visual Materials

36. CTI's submissions are noted.

(6) Anonymity Applications

37. CTI's submissions are noted.

(7) Hearing Logistics

38. CTI's submissions are noted. We await the Coroner's decision in relation to Mrs Cochran's application for expenses from the United States to enable her to attend the Inquest into her husband's death.

(8) Arrangements for Disclosure to Interested Persons

39. CTI's submissions are noted. Disclosure will be welcomed.

(9) AOB: Article 2, ECHR

40. It was suggested at paragraph 22(b)(i) of CTI's submissions⁷ to the January 2018 PIR that there was '*no obvious arguable basis for saying that the state or its agents breached the substantive article 2 duty in relation to those who were injured on the bridge*'.

41. In short, Mrs Cochran's position is that, in the absence of completed disclosure, she wishes to reserve her position on this issue and that the matter ought to be kept under review, particularly in light of the matters outlined at paragraphs 19 to 32 above.

42. In the same submissions to the January 2018 PIR CTI stated⁸ that there was '*similarly no arguable basis for saying that the state or its agents breached substantive duties owed to PC Palmer in not preventing the terror attack which led to him being fatally injured*'.

43. Given the matters outlined above at paragraphs 10 to 18, we cannot meaningfully comment at this stage at all.

(10) Prevention of Future Deaths

44. At this juncture we consider it prudent to highlight a number of areas where the Coroner may wish to consider issuing a Prevention of Future Deaths report:

⁷ Dated 04 January 2018 and submitted in advance of the PIR on 15 January 2018

⁸ At paragraph 22(b)(ii)

- i. Is there adequate guidance on the definition of 'crowded places' for the purposes of conducting risk assessments for the purposes of determining whether and if so where HVM measures are required?
- ii. Are there adequate arrangements to assess the safety of unarmed police officers at the Palace and Westminster and/or other similar locations?

Dominic Adamson
Temple Garden Chambers
29 June 2018

