

**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**

Introduction

1. This note is prepared on behalf of Melissa Cochran. Her 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. The vehicle then crashed into the perimeter gates of the Palace of Westminster. Mr Masood attacked a police officer, PC Palmer, who sustained fatal stabbing injuries. Mr Masood was then shot by plain clothes officers.
2. Mr and Mrs Cochran were visiting the United Kingdom from the United States of America at the time of the incident. It was the final day of their trip. Mrs Cochran also suffered injury.
3. We have received the benefit of an Agenda and submissions prepared on behalf of Counsel to the Inquests (CTI) dated 4 January 2018 in advance of the Pre-Inquest Review Hearing listed on 15 January 2018. To date no disclosure has been received by or on behalf of Mrs Cochran. Therefore, the submissions advanced on behalf of Mrs Cochran are largely provisional.

(1) Interested Persons

4. It is understood that Mrs Cochran was formally recognised as an interested person in relation to the death of Mr Cochran at the hearing in May 2017 (at which Mrs Cochran was not represented). This is confirmed paragraph 6 of the CTI submissions.
5. In the circumstances, Mrs Cochran makes no further submissions.

(2) Update on Investigations

6. In their submissions, CTI has indicated that there are approaching 400 witnesses from whom statements have been taken which have been separated into three separate categories. CCTV has been reviewed and footage obtained from various sources.
7. In their submissions CTI refer to the fact that there have been several reviews conducted by MI5 and counter-terrorist policing bodies concerning the handling of intelligence prior to the 22 March 2017. CTI also refer to the fact that there has been an independent assessment of these reviews by David Anderson.
8. In his report, Mr Anderson explains that Mr Masood was known to the authorities including MI5. It is noted that:-
 - (a) Mr Masood had been convicted on seven occasions of various offences (see para.2.15 of the Anderson report).
 - (b) Mr Masood first came to the attention of MI5 in 2004 (para.2.19)
 - (c) Mr Masood was the subject of active investigation by MI5 as a Subject of Interest (SOI) (para.2.20).
 - (d) From March 2010 Mr Masood was categorised by MI5 as a person who 'might pose a threat to national security' (para.2.22).
 - (e) Following a review in December 2010 it was recommended that Mr Masood should be closed as an SOI. This did not in fact happen until October 2012 (para.2.22).
 - (f) Mr Masood appeared 'intermittently' as a contact of a number of SOIs between 2012 and 2016 including individuals linked to a proscribed organisation¹ Al-Muhajiroun (ALM). During this period it is said that in 2013 'he was known to have expressed contentment that violent actions such as the World Trade Center attacks attracted people to Islam'.² These factors were not considered to reach the threshold for re-opening an investigation into him (para. 2.23).
9. It is noted that a number of the reviews (the adequacy of which Mr Anderson was considering) identified various recommendations/learnings. These include recommendations relating to the categorisation of SOIs, record-keeping, recording of decision-making and the assessment of intelligence and the handling/monitoring/flagging of closed SOIs (see e.g. paras 3.12-13, 3.17, 3.21).

¹ Pursuant to section 3 of the Terrorism Act 2000.

² No detail is provided as to when or how this information came to the attention of the authorities.

10. It is observed that Mr Masood was a closed SOI. It is unclear what analysis was carried out in relation to him after his status as SOI was closed notwithstanding the matters identified in paragraph 8(f) above.

(3) Organisation of the Inquests

11. It is acknowledged that there are three realistic means of hearing the inquests as outlined in paragraph 13 of the CTI submissions. Mrs Cochran requests that the inquest into the death of her husband should be heard separately from that of Mr Masood.
12. Mrs Cochran sees force in the submission that the preferable course is the second option outlined in paragraph 13(b) of CTI's submissions for the reasons set out in paragraph 14 of those submissions.

(4) Scope of the Inquests

13. The key principles outlined at paragraph 15 in CTI submissions are agreed.
14. The topics identified by CTI at paragraph 16(a) and (b) are in general terms agreed. At paragraph 16(a)(ii) it is suggested that it will be appropriate to consider 'whether and how [Mr Masood] had come to the attention of the authorities, 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'. It is assumed that wording 'to include' means that there will be no arbitrary line drawn in relation to events after 2010 but before 2016. We refer in particular to the matters outlined at paragraph 8(e)-(f) above.

(5) Summoning of a Jury/Juries

15. None of the mandatory provisions (s.7(2) of the Coroner & Justice Act 2009) apply which would demand that a jury be summoned applies to the inquest into the death of Kurt Cochran.
16. It is agreed that there is a discretion to summon a jury (s.7(3) of the Act). Mrs Cochran does not invite the coroner to exercise his discretion to summon a jury in relation to the inquest into the death of Mr Cochran.

(6) Article 2, ECHR

17. As regards the inquest into paragraph 22(b) of CTI submission it is suggested that there is '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'. CTI go on to state that based on the information presently available, as summarised in Mr Anderson's report, 'it cannot be said that the state arguably breached either the operation or the general duty in not taking further action against Mr Masood before the attacks'.
18. In short, Mrs Cochran's position is that, in the absence of disclosure, it is too soon for her to make meaningful submissions on this issue and that the matter ought to be kept under review particularly in light of the matters outlined at paragraphs 8 to 10 above.

(7) Arrangements for Disclosure to Interested Persons

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

(8) Witnesses for the Inquests

20. Mrs Cochran welcomes the indication that a list will be provided. In principle, there is no reason why representations on this topic can be made in correspondence.
21. Mrs Cochran also welcomes the invitation to family members prepare a 'pen portrait' in relation to the deceased. It is likely that she will accept the invitation in respect of Mr Cochran.

(9) Video Evidence and Visual Aids

22. CTI's submissions are noted.

(10) Expert Evidence

23. CTI's submissions are noted.

(11) Anonymity/Special Measures

24. CTI's submissions are noted. The application for anonymity made on behalf of the officers is not resisted by Mrs Cochran.

(12) Public Interest Immunity/Security Sensitive Evidence

25. Paragraph 45 of CTI's submissions are noted. Mrs Cochran hopes that the Secretary of State clarifies her position shortly.

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

26. The proposed commencement date of 10 September 2018 is noted.

27. Given the nature and scale of these inquests, it is strongly suspected that a further PIR will be required. It is suggested that it might be better to assume that such a PIR will be required and diarise accordingly.

(14) Logistical Arrangements for the Inquests

28. The possibility of proceedings being viewed by means of a secure video link to a UK embassy or consular premises overseas is identified in CTI's submissions at paragraph 48(e). Mrs Cochran lives near Salt Lake City in Utah. The representatives of Mrs Cochran will liaise with the Solicitors to the Inquests to explore the options.

Dominic Adamson
Temple Garden Chambers
9 January 2018