

<p>1 Wednesday, 31 March 2021 2 (10.00 am) 3 Pre-Inquest Review Hearing 4 THE CORONER: Good morning. 5 Yes, Mr Hough. 6 MR HOUGH: Sir, although the hearing was introduced as 7 a remote hearing, I think the formal position is that 8 you are sitting in a court -- I believe the Liverpool 9 Crown Court -- and we are in an extension of that court. 10 THE CORONER: Yes. Yes. 11 MR HOUGH: Sir, as you know, this is the second pre-inquest 12 review hearing in the inquest into the death of 13 Sudesh Amman, who was fatally shot by armed surveillance 14 officers on 2 February of last year on Streatham High 15 Road. 16 I anticipate with Aaron Moss as counsel to the 17 inquest, instructed by Tim Suter of Fieldfisher as 18 solicitor to the Inquest. 19 The family of Sudesh Amman are represented by 20 Rajiv Menon QC. 21 For the Metropolitan Police today, Julian Blake. 22 For the Justice Secretary, representing HM Prisons 23 and Probation Service, Bilal Rawat. 24 For the Home Secretary, Francesca Whitelaw. 25 For the IOPC, Trudy Morgan.</p> <p style="text-align: center;">Page 1</p>	<p>1 that application straightaway. 2 THE CORONER: Yes. 3 Unless anybody wants to say anything about that, 4 I shall grant that application. 5 MR HOUGH: I don't see anyone jumping up, sir. 6 THE CORONER: All right thank you. 7 MR HOUGH: May I then take the first two agenda items 8 together, investigations and inquiries and disclosure. 9 A disclosure update note, sir, was circulated on 10 12 March which explains the disclosure process in some 11 detail. As set out in that note, by 12 March your team 12 had received about 2,100 potentially relevant documents, 13 encompassing 10,000 pages. 500 documents had been 14 assessed as relevant and passed for disclosure. 1,100 15 had been assessed as not relevant and 500 remained at 16 that time to be reviewed. A first tranche of disclosure 17 was provided to interested persons on 12 March over the 18 document management system. 19 Sir, since 12 March, solicitors to the inquest have 20 received about 90 more documents, comprising about 21 600 pages. They have reviewed a further 360 documents, 22 1,500 pages, assessing 110 as relevant and 250 as 23 irrelevant. 24 Sir, on 24 March a second tranche of disclosure was 25 provided to interested persons. This morning some</p> <p style="text-align: center;">Page 3</p>
<p>1 I hope I have not missed anyone. 2 Sir, last week we circulated a set of written 3 submissions which can be provided to any journals on 4 request to Mr Suter. Those provide a summary of the 5 facts known of the attack and address a series of agenda 6 items for today. 7 Sir, those items are, in turn, investigations and 8 inquiries, disclosure to interested persons, scope of 9 inquiry, selection of witnesses, anonymity and special 10 measures applications, sensitive material, hearing 11 arrangements and logistics and jury selection. 12 Sir, before I embark on those topics, you have 13 before you an application by the Home Secretary for 14 designation as an interested person. That application 15 is made under section 47(2)(m) of the Coroners and 16 Justice Act 2009, which gives you a discretion to so 17 designate any person with a sufficient interest. We 18 addressed the governing principles in our submissions at 19 the last hearing. 20 In our submission, the application is justified on 21 the grounds that the Home Secretary represents in 22 particular the interests of the Security Service and 23 national counter-terrorism policing, which had 24 an involvement in keeping Sudesh Amman under 25 investigation. It may be, sir, that you can deal with</p> <p style="text-align: center;">Page 2</p>	<p>1 further statements were disclosed of key police 2 witnesses. 3 The position now is that solicitors to the inquest 4 have disclosed the statements of all the key police 5 witnesses -- those involved in the surveillance of 6 Sudesh Amman on the day -- and of the key bystander 7 witnesses. They have also disclosed on 24 March the 8 IOPC report into the death of Sudesh Amman which details 9 the sequence of events on Streatham High Road with video 10 stills. 11 In addition, sir, the disclosure has included the 12 following: HMPPS documents from Amman's time at 13 Belmarsh; documents relating to the medical cause of 14 death; London Ambulance Service documents, including 999 15 call transcripts; and documents from school, college and 16 local authority relevant to Mr Amman's life and 17 background. 18 There is to be a further IOPC report concerning the 19 management of Mr Amman in advance of 2 February 2020. 20 We understand that IOPC is working towards the 21 conclusion of that report in the near future and that it 22 will be available to all in good time before the 23 inquest. 24 In any event, sir, your team is gathering for itself 25 the underlying documents relating to the subject matter</p> <p style="text-align: center;">Page 4</p>

1 (Pages 1 to 4)

<p>1 of that report.</p> <p>2 From paragraph 21 of our submissions we have set out</p> <p>3 the further work being done by your team. To summarise</p> <p>4 very briefly, first of all they have made requests for</p> <p>5 corporate witness statements from the key public</p> <p>6 authorities, including the Metropolitan Police and the</p> <p>7 Prison Service.</p> <p>8 Secondly, they have been working closely with the</p> <p>9 Operation Stylospore investigation team and have</p> <p>10 requested reports that will cover Mr Amman's life, his</p> <p>11 2018 terrorist offence, the surveillance operation</p> <p>12 mounted from 23 January 2020 and the events of</p> <p>13 2 February 2020 in overview.</p> <p>14 Your team have also viewed footage and commissioned</p> <p>15 a compilation video of events before and on the day of</p> <p>16 the attack. They have also arranged for other visual</p> <p>17 aids, including animations and schematics from the</p> <p>18 computer-aided modelling bureau, CCTV stills and scene</p> <p>19 photographs.</p> <p>20 I hope that helps as a brief summary of the progress</p> <p>21 so far.</p> <p>22 THE CORONER: Yes, thank you very much.</p> <p>23 MR HOUGH: May I then turn to scope of inquiry, which we</p> <p>24 address from page 7 of our submissions.</p> <p>25 On the last occasion we addressed this topic in</p> <p style="text-align: center;">Page 5</p>	<p>1 violated Sudesh Amman's article 2 rights. In other</p> <p>2 words, whether the use of lethal force was justified.</p> <p>3 At paragraph 28 we make three points, which I just</p> <p>4 very briefly summarise now.</p> <p>5 First of all, while the inquest should consider some</p> <p>6 evidence about Mr Amman's life and background, it</p> <p>7 shouldn't be, we submit, a generalised inquiry into his</p> <p>8 life.</p> <p>9 Secondly, it is worth bearing in mind that the</p> <p>10 reason article 2 is engaged in this inquest is because</p> <p>11 of the use of lethal force by state agents.</p> <p>12 Thirdly, that the state and its agents did not owe</p> <p>13 a duty to Mr Amman under article 2 or otherwise to</p> <p>14 prevent him committing an attack on others, with the</p> <p>15 consequences that followed.</p> <p>16 At paragraph 29 of our document -- in particular</p> <p>17 covering the bulk of page 9 of the document -- we set</p> <p>18 out an indicative scope which we propose, subject to the</p> <p>19 submissions of others and recognising importantly that</p> <p>20 it may be widened or narrowed in respects following</p> <p>21 disclosure and following further submissions.</p> <p>22 It covers five topics, which I will just headline</p> <p>23 now.</p> <p>24 First of all, some evidence of Mr Amman's life and</p> <p>25 background, including his offending history and time in</p> <p style="text-align: center;">Page 7</p>
<p>1 entirely provisional terms. Having now considered the</p> <p>2 available evidence, we are able to make somewhat more</p> <p>3 concrete proposals. What we suggest is that you give</p> <p>4 an indicative decision on this occasion primarily to</p> <p>5 assist with further disclosure. Very often public</p> <p>6 authorities find it helpful to have an indicative ruling</p> <p>7 on the scope of inquiry when responding to disclosure</p> <p>8 requests.</p> <p>9 We stress that any such decision would be subject to</p> <p>10 revision following the representations of others, both</p> <p>11 before and at the next pre-inquest review hearing.</p> <p>12 Sir, we address the legal principles and their</p> <p>13 application from paragraph 26 on page 8 of our</p> <p>14 submissions. Very briefly, the scope of inquiry should</p> <p>15 be sufficient to enable the four statutory questions in</p> <p>16 section 5 of the 2009 Act to be answered, but may</p> <p>17 stretch further than strictly necessary for that purpose</p> <p>18 as a matter of your judgment. It is unwise to be overly</p> <p>19 prescriptive at this stage.</p> <p>20 As you ruled on the last occasion, sir, this is</p> <p>21 an inquest in which the procedural obligation under</p> <p>22 article 2 of the European Convention is engaged. The</p> <p>23 effect is that there must be an independent and</p> <p>24 effective public investigation into the death in order</p> <p>25 to help establish whether the state or its agents</p> <p style="text-align: center;">Page 6</p>	<p>1 prison.</p> <p>2 Secondly, the management and monitoring of Mr Amman</p> <p>3 from his release on 23 January 2020 to the time of the</p> <p>4 attack on 2 February 2020. As you will see, sir, we set</p> <p>5 out there various subtopics which anatomise that topic.</p> <p>6 Thirdly, the set up and direction of the</p> <p>7 surveillance operation on 2 February 2020.</p> <p>8 Fourthly, at the heart of matters, the sequence of</p> <p>9 events from the time Mr Amman took the knife from the</p> <p>10 Low Price Store until the fatal shooting, including the</p> <p>11 firing of the shots and the officers' justifications for</p> <p>12 their use of force.</p> <p>13 Fifthly, the injuries and the medical cause of</p> <p>14 death.</p> <p>15 That's what we propose, subject to the submissions</p> <p>16 you may hear from others.</p> <p>17 THE CORONER: Yes.</p> <p>18 If I can just indicate, Mr Hough, I am quite anxious</p> <p>19 if at all possible -- and I am sure it will be -- to</p> <p>20 deal with the matter at least as you say on</p> <p>21 an indicative basis and in broad terms, not least</p> <p>22 because I have obviously seen the submissions that</p> <p>23 Mr Menon has put in, and I am anxious to help him if</p> <p>24 I can. I think when one looks at even the matters set</p> <p>25 out at paragraph 29, I think that really makes it clear</p> <p style="text-align: center;">Page 8</p>

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<p>1 that the matter is complex and I think that may give him 2 support in another direction, which we will come to 3 perhaps later. 4 Anybody want to say anything? 5 MR HOUGH: I shall indeed come to that specific topic 6 towards the end, sir. 7 THE CORONER: All right. 8 Anybody want to say anything about this at the 9 moment? 10 MR HOUGH: Sir, no submissions from others. 11 THE CORONER: Mr Hough, shall I deal with it now? 12 I will say, as you have indicated, but it is 13 important I do say it. Nothing is fixed in stone. The 14 scope may expand or contract, but I think it would be 15 helpful and appropriate to give a broad indication of 16 the scope of the inquest at this stage in accordance 17 with the terms of paragraph 29 of the note. And that is 18 what I do. 19 MR HOUGH: Sir, thank you very much. 20 What we will arrange is for Mr Suter to send out 21 a letter summarising that and your other decisions and 22 annexing the contents of that paragraph as an indicative 23 scope, which, as we say, will help with disclosure and 24 also with, we hope, Mr Menon's position which we will 25 address a little later.</p> <p style="text-align: center;">Page 9</p>	<p>1 last year. At paragraph 34, we propose that you give 2 directions for any such anonymity application to be made 3 by 28 May, with any submissions in response by 11 June 4 that will set matters up for you to resolve all the 5 applications at the next pre-inquest review hearing. 6 I hope that timetable again meets with general approval. 7 THE CORONER: All right. 8 Unless anybody wants to saying anything, that will 9 be the timetable now too. 10 MR HOUGH: I was looking in particular at Mr Blake for the 11 Metropolitan Police. He nods to indicate that that is 12 acceptable. 13 THE CORONER: All right, thank you. 14 MR HOUGH: Next, item 6, sensitive materials, pages 11 to 12 15 of our note. 16 Sir, from the discussions we have already had with 17 the Metropolitan Police and the Security Service we 18 understand that some applications for Public Interest 19 Immunity are likely to be made. In our submissions for 20 the last hearing we set out the principles governing 21 that process. 22 Sir, at paragraph 36, we suggest a timetable for 23 those applications, with the applications to be made by 24 11 June, responsive submissions us by 18 June and 25 answering submissions from any others by 25 June.</p> <p style="text-align: center;">Page 11</p>
<p>1 THE CORONER: Yes, thank you. 2 MR HOUGH: Sir, the fourth agenda item is the selection of 3 witnesses, which we address at paragraph 31 and which 4 I can deal with very briefly. 5 We are currently working on a first draft witness 6 list in the form of a timetable setting out the 7 witnesses we propose to call. We propose circulating 8 that by 16 April. Our suggestion will be that you 9 direct that any observations in response be provided by 10 14 May, which we hope should allow time before then for 11 consideration of the key statements. 12 THE CORONER: All right. Do you want me to deal with that 13 now? 14 MR HOUGH: I am happy to deal with these topics as we go, 15 yes, sir. 16 THE CORONER: All right. Anybody want to say anything about 17 that? 18 If not, that will be the timetable we will set. 19 Yes. 20 MR HOUGH: Sir, then anonymity and special measures which we 21 address on page 10, from paragraph 32. 22 We understand that the Metropolitan Police will be 23 making applications for anonymity and special measures 24 in respect of a number of police witnesses, including 25 the key surveillance officers involved on 2 February</p> <p style="text-align: center;">Page 10</p>	<p>1 We have suggested those dates in order to give time 2 for the applications to be prepared, which is no small 3 task in any of these cases, but also time for them to be 4 properly considered by others in advance of the next 5 hearing. 6 THE CORONER: Yes. 7 Again, unless anybody wants to say anything about 8 the timetable? 9 MR HOUGH: Sir, I see no objection from counsel either for 10 the Home Secretary or for the police. 11 THE CORONER: All right. Then that will be the timetable, 12 thank you. 13 MR HOUGH: Item 7, hearing arrangements and logistics. 14 Sir, at the last hearing a listing was given for the 15 inquest to begin on 2 August, here at the Royal Courts 16 of Justice. 17 We remain of the view, bearing in mind the progress 18 so far, that the hearing can be ready by that time and 19 that it should last between two and three weeks, to 20 include jury deliberations. 21 We suggest that there be one further pre-inquest 22 review hearing. Taking account of the various items to 23 be addressed on that occasion, and the court's 24 availability, we have identified a date of 2 July, 25 a month before the inquests begin.</p> <p style="text-align: center;">Page 12</p>

<p>1 THE CORONER: Yes.</p> <p>2 Unless anybody wants to say anything, we will adopt</p> <p>3 that timetable. So 2 July and very much hoping that</p> <p>4 I will be present in person for that.</p> <p>5 MR HOUGH: The eighth item, sir, is a matter of information</p> <p>6 only. On the last occasion you directed, as the statute</p> <p>7 requires, that the inquest be heard with a jury. Just</p> <p>8 to inform everybody that a draft jury questionnaire will</p> <p>9 be circulated in the usual way, the purpose being to</p> <p>10 identify potential jurors who have unsuitable</p> <p>11 connections.</p> <p>12 THE CORONER: Yes, thank you.</p> <p>13 MR HOUGH: Sir, before I finish and hand over to any others</p> <p>14 who may have any submissions to make, I should address</p> <p>15 one point in the submissions of Mr Menon. He draws</p> <p>16 attention to the concerning fact that the Legal Aid</p> <p>17 Agency is at present being resistant to agreeing funding</p> <p>18 for his team.</p> <p>19 Sir, let me say this: in our submission it would be</p> <p>20 very helpful to the court as well as to Mr Amman's</p> <p>21 family that the family should have high quality legal</p> <p>22 representation in this significant and, as you said,</p> <p>23 factually complex article 2 inquest. If you agree with</p> <p>24 that proposition, of course a matter for you, sir, you</p> <p>25 may wish to say so today.</p> <p style="text-align: center;">Page 13</p>	<p>1 and what counsel to the inquest are submitting on scope.</p> <p>2 We entirely accept that this ultimately is an inquiry</p> <p>3 into the death of Mr Amman and that any evidence as to,</p> <p>4 in particular his time at Belmarsh Prison in custody,</p> <p>5 has to be confined to strict boundaries. We entirely</p> <p>6 accept that.</p> <p>7 But, clearly, it is important to know what the</p> <p>8 position is, both in terms of his political, ideological</p> <p>9 and religious mindset, not only whilst he was in custody</p> <p>10 but perhaps more importantly at the time of his release,</p> <p>11 and also some meaningful indication and evidence as to</p> <p>12 his psychological state at the time, in order to be able</p> <p>13 to properly discharge the obligations under article 2 of</p> <p>14 the Convention. I think everyone agrees on that and</p> <p>15 I don't think I need to labour the point any further.</p> <p>16 As far as the indications given by Mr Hough and by</p> <p>17 you, sir, we are most grateful. We are confident that</p> <p>18 that will, we hope, expedite matters and will persuade</p> <p>19 the Legal Aid Agency to take a more generous approach --</p> <p>20 if I can call it that -- to the issue of funding and</p> <p>21 representation for the family in this most important and</p> <p>22 complex case.</p> <p>23 Their indication given thus far was that it was</p> <p>24 premature to make any decision in relation to leading</p> <p>25 counsel being instructed because of the state of</p> <p style="text-align: center;">Page 15</p>
<p>1 THE CORONER: Even before I have heard anything Mr Menon has</p> <p>2 to say, I do agree with that proposition. I am hoping</p> <p>3 that the indication that I have given so far as scope is</p> <p>4 concerned will help on this topic too, but plainly to</p> <p>5 have counsel of Mr Menon's experience and ability</p> <p>6 involved in the matter would be of considerable</p> <p>7 assistance to me and to the process in general.</p> <p>8 Mr Menon, I will hear anything you have to say, and</p> <p>9 if there is anything more you think that could be done</p> <p>10 to help, then please will you say.</p> <p>11 MR HOUGH: Sir, just before Mr Menon stands up, may I say</p> <p>12 that it might also be appropriate for the solicitors to</p> <p>13 the inquest to write a "to whom it may concern" letter</p> <p>14 to the same effect, summarising what you have said</p> <p>15 today.</p> <p>16 THE CORONER: Yes, I am grateful to you. I had that in</p> <p>17 mind. I think that is a good suggestion.</p> <p>18 Yes, Mr Menon.</p> <p>19 MR MENON: Thank you, sir. I have set out our position in</p> <p>20 writing. I don't think there is very much that I need</p> <p>21 to add today. I entirely accept that it is useful to</p> <p>22 have an indicative approach at this early stage to</p> <p>23 scope, which can guide the disclosure process.</p> <p>24 We have set out our views on the matter. I don't</p> <p>25 think there is anything between what we are submitting</p> <p style="text-align: center;">Page 14</p>	<p>1 disclosure, despite our indications as to what</p> <p>2 inevitably would be the position if not now, certainly</p> <p>3 in a month or two. But I think the indication from the</p> <p>4 court will help considerably.</p> <p>5 Unless I can assist on any other matters, that's all</p> <p>6 I think I need to say today.</p> <p>7 THE CORONER: No.</p> <p>8 MR MENON: Actually, there is one final matter. In relation</p> <p>9 to the proposed next pre-inquest review date, I entirely</p> <p>10 appreciate that this date has been carefully chosen, in</p> <p>11 particular in relation to your availability, sir.</p> <p>12 I don't seek to make representations to change it, but</p> <p>13 I think it is probably appropriate that I inform the</p> <p>14 court that I may have personal difficulties on that day.</p> <p>15 I can be blunt about it, I am due to fly out of the</p> <p>16 country for family reasons, and of course I may not be</p> <p>17 able to do so because of the Government rules, but I may</p> <p>18 or may not be there on the day. But I mean we will have</p> <p>19 suitable cover if I am, for whatever reason, not</p> <p>20 available. So I am not seeking to argue that another</p> <p>21 day should be chosen, because I simply don't know what</p> <p>22 the position will be in early July.</p> <p>23 THE CORONER: All right.</p> <p>24 As will probably become clear, matters are really</p> <p>25 crystallising and I appreciate you have had</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

1 an indication that consideration of the position may be  
 2 premature at the moment. But we have moved on really  
 3 even in the course of this hearing and we will make that  
 4 plain in a letter that I hope will be of use to you.

5 The only other thing I suppose I should say is that  
 6 quite where the boundaries are drawn, so far as evidence  
 7 is concerned on particular issues, is something that we  
 8 will have to consider carefully in due course. But we  
 9 will close those bridges when we come to them.

10 MR MENON: Thank you.

11 THE CORONER: Thank you.

12 Let's see, anyone else?

13 MR HOUGH: I don't think any other advocates have any other  
 14 submissions to make, unless there is any other matter  
 15 which you would like to raise with me or others?

16 THE CORONER: No, thank you, Mr Hough.

17 We will provide, won't we, a note of the substantive  
 18 decisions which can be circulated?

19 MR HOUGH: Yes, sir, a letter will go out setting out the  
 20 various directions you have made and annexing the  
 21 indicative scope.

22 THE CORONER: Good. All right.

23 Thank you all very much indeed. I am very grateful.

24 That will conclude the hearing.

25 MR HOUGH: Thank you, sir.

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1 (10.28 am)  
 2 (The Pre-Inquest Review Hearing concluded.)

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