

INQUEST TOUCHING ON USMAN KHAN

OPENING REMARKS.

1. You have all been sworn in as the jury for this inquest. My name is Mark Lucraft. I am the Recorder of London, a former Chief Coroner of England & Wales and the coroner for this inquest.
2. This is the inquest into the death of Usman Khan. He died on 29th November 2019 as a result of shots fired by armed police officers on London Bridge in the City of London. For such a death, under our law an inquest must take place and it must be conducted by a coroner sitting with a jury.
3. The role of the coroner is to investigate violent or unexplained deaths. In England and Wales, the office of coroner has existed for almost 1,000 years. Evidence of the office dates to the reign of Richard I in 1194, but it may well have earlier origins.
4. As you might expect, the role of the coroner has developed and changed over the centuries. Initially the office was closely connected to revenue collecting on behalf of the monarch. As time went on it focussed on the investigation of the cause of death. There are now approximately 120 full-time coroners and 300 part-time coroners in post today. Each is an independent judicial officer holder overseeing investigations into deaths reported to them.
5. Due to the impact of the coronavirus pandemic, we have all become accustomed to seeing the number of recorded deaths each day or week from the virus, as well as seeing figures for what is sometimes called the

normal death rate. Although we may not give it much thought in normal times, we know that deaths must happen all the time, but I suspect that few of us really gave much thought to the numbers of people who die each day of each year in this country before it was displayed so openly on our TV screens and in the newspapers.

6. If we go back to 2019, when this death occurred, and before the pandemic, in that year [2019] there were some 530,857 deaths registered in England & Wales. Of those deaths some 210,900 were reported to a coroner. 30,000 inquests were opened by coroners in 2019. Where a death is reported to a coroner but there is no inquest, the reason is that the coroner, after making some enquiries into the circumstances of the death, is satisfied from the answers, that the death was not violent or unexplained but was in fact from natural causes. Many of the inquest hearings that took place will have taken an hour, a few hours or at most day to resolve. Very few span days or even weeks. There are approximately 500 inquests each year that take place (as here) with a coroner and a jury. In 2019 there were just 527 jury Inquests.

Summary of the case.

7. On 29th November 2019, a number of people attended an event at Fishmongers' Hall. The event had been organised by Learning Together. Learning Together is a national organisation founded in 2014 dedicated to the rehabilitation and education of prisoners. It is associated with the University of Cambridge and it runs various courses in several prisons. The event on 29th November 2019 at Fishmongers' Hall was attended by a variety of people associated with the organisation, including supporters of the organisation, current and former prisoners.

8. As you will hear, one of the invited attendees was a man called Usman Khan, a former terrorism offender who had done courses with Learning Together while in prison from late 2017 and had later been released on temporary licence from HMP Woodhill on 24th December 2018. He travelled from Stafford to London by train on the morning of 29th November 2019.
9. The Learning Together event at Fishmongers' Hall started at 11:00. During one of the breaks which started at around 13:30, Khan entered the male toilets and, it is thought, prepared for the attack in one of the cubicles, equipping himself with 2 or 3 knives. In the area near the urinals, he attacked a young man called Jack Merritt shortly before 14:00. Khan then left the male toilets, moving towards the cloakroom where he attacked a young lady called Saskia Jones. Both Jack and Saskia received stab wounds that proved to be fatal. Two other attendees were also attacked and seriously injured: Stephanie Szczotko and Isobel Rowbotham. They survived the attacks on them. Others were less seriously hurt.
10. A number of those present set upon Khan, attacking him with items including a decorative pike, narwhal tusks and a fire extinguisher. Khan confronted a maintenance engineer and threatened him, forcing the engineer to use his fob to allow Khan out of the building.
11. Once he was out of Fishmongers' Hall and on London Bridge, Khan was attacked by other attendees of the event and by members of the public, forcing him to the floor and kicking the knives he was holding from his grip. Armed police officers were soon on the scene and directed members of the public away. Khan was wearing what appeared to be a suicide vest. He was quickly tasered and shot by two of the first officers

on scene. Those officers then withdrew and, along with other officers, kept Khan covered with their firearms. Over the 8 to 10 minutes that followed, Khan made a series of movements and further shots were fired at him by a number of officers. The last shots were fired from 14:10 to 14:11, and Khan ceased moving from 14:12. Police explosives dogs were sent forward to check him, and later a team of police explosives officers arrived and examined his apparent suicide vest, finding it to be a hoax. At 15:07, medics were able to examine him and pronounced him dead. As his death was the result of the actions of police officers, his death is now subject to an inquest before you as the jury.

12. Separate inquests into deaths of the victims of Khan's attack, Jack Merritt and Saskia Jones, are currently ongoing. I am the Coroner in those inquests, which have a different jury and which have raised different issues from those which you will need to address. The evidence in relation to those inquests concluded on Friday 21 May 2021. The jury is currently in deliberations and we are awaiting its conclusions.

Interested Persons and Legal Representatives

13. For this inquest hearing, I have the assistance of Mr Jonathan Hough QC and Ms Jennifer Wright who are leading and junior counsel to this inquest. They are assisted by Ms Sinead Lester and Ms Natasha Davis of BDB Pitmans, the solicitors to this inquest.

14. There are no "parties" to an inquest, but there are "interested persons", people and organisations who have the right to play a part, including by questioning witnesses.

15. I will briefly set out the interested persons and their legal teams, some of whom are not attending in person but are instead attending remotely. The family of Usman Khan are represented by Jude Bunting.

16. Mr Matthew Butt QC and Genevieve Woods represent the Metropolitan Police Service. Ms Fiona Barton QC represents the City of London Police. Staffordshire police are represented by Gerrard Boyle QC and Ms Louisa Brown. West Midlands Police are represented by Ms Georgina Wolfe. Staffordshire Police Prevent team officers are represented by Kevin Baumber and the Independent Office for Police Conduct by Danny Simpson who is attending remotely.
17. Ms Samantha Leek QC and Ms Francesca Whitelaw represent the Secretary of State for the Home Department and Secretary of State for Justice.
18. For Cambridge University we have Philip Stott; and for the Fishmongers' Company Sarah Le Fevre. For the City of London Corporation, we have Stephen Morley who is attending remotely.
19. Certain interested persons are not represented at this inquest, namely British Transport Police and London Ambulance Service.

Purpose of the inquest

20. An inquest hears evidence so that you, the jury, can make findings of fact and come to conclusions about the deaths. Formerly a conclusion was known as a verdict. Now we use the word conclusion to distinguish the inquest process from a criminal trial.
21. Nobody is on trial here. An inquest does not decide matters of criminal liability of named individuals or civil liability. There is no question of attributing blame in that way. The inquest is simply a way of establishing facts about the death of Khan.
22. This inquest was due to have taken place in Court number one at the Central Criminal Court – or the Old Bailey as it is more commonly

known. Due to the impact of the pandemic, we are using the impressive setting of the Guildhall of the City of London. I am grateful to the Corporation of the City of London for allowing us the use of this hall and a number of adjoining rooms for the Inquest to be held here.

The four questions.

23. Your role in this inquest hearing is to answer four main questions about the person who died:

- (i) Who was the deceased?
- (ii) When did he come by his death?
- (iii) Where did he die?
- (iv) How did he come by his death?

24. The last question “how did he come by his death” is the most significant one in this, as in most, inquest hearings. In this inquest hearing, it means “by what means and in what circumstances did he come by his death”.

25. You are also required to record particulars for registering the death, such as date and place of birth and occupation. You are not allowed to express an opinion on any other matters. Your determination may not appear to determine any question of criminal liability of a named person, or any question of civil liability.

The Record of Inquest.

26. In due course, you will be asked to complete and sign a document called a Record of Inquest, setting out your findings and a conclusion about the death. That will include the medical cause of death and your other findings about how he came by his death. I will give you further

directions about these matters towards the end of the inquest hearing, including what options are open to you, and how to record your conclusions.

Procedure.

27. On Tuesday 1 June 2021, we will embark on hearing the evidence in this inquest hearing, all of which will be recorded. Counsel to the Inquest will take each witness through their evidence. Interested persons may ask questions through their counsel. I may ask questions from time to time. After that, you may ask questions to clarify matters, if you wish. Here I expect that all the relevant questions will be put by counsel but if you do have a question you would like asked, then please write it down and pass to me. I have a duty to exclude any question that is not relevant to the purpose and scope of the inquest.

28. It is possible that some evidence may be read to you without the witness having to come to court. If that happens, it will likely be because nobody has required their attendance and their evidence is not in dispute.

29. At the end of the evidence, I will sum up the case to you. I will give you written directions on the law, indicating what conclusions you may consider, and what factual findings are required to support them. I will also summarise the evidence that has been presented to you, reminding you of the key parts of it. Some of you may wish to make your own brief notes during the evidence. At the end of my summing up I will then invite you to retire and to consider your findings and conclusion.

Some rules for jury service.

30. Do not talk to anyone outside your number about this case.

When you get home tonight friends and family who know you have started service as a juror on an inquest will want to know all about it.

31. It is very important that you do not discuss anything about the inquest with anyone. The reason is that if you have friends or family like some of mine, they will be only too happy to give you the benefit of their opinion unencumbered by any knowledge of the evidence. That may affect you even subconsciously and that would be unfair.

32. You do not decide the issues in this inquest with your other jurors and your mum or your best friend. You decide those issues with the other jurors alone.

33. If family or friends ask simply tell them that it is a rule to ensure fairness and you are not by law permitted to discuss it during the inquest.

34. Of course, when the inquest hearing is over, and you have delivered your findings and conclusion you may discuss your experiences – but not the deliberations - with family and friends but not until then.

35. During the case, if you happen to travel to court with a fellow juror, or you happen to bump into one another away from court, please do not discuss the evidence you have heard. Any discussions you have about this case should be whilst in the privacy of the jury room when all members of the jury are present.

Press coverage.

36. There has been extensive reporting of the incident behind this inquest. There will be reporting of this case in the press, and the reporting may be

particularly widespread when the jury in the inquests of Jack Merritt and Saskia Jones return their conclusions (whether that is today or some later time). The press are entitled to publish reports of legal proceedings that are held in public. There are rules governing those reports. It is highly likely that you may see or hear some of those reports. However good the press reports are, they are unlikely to report all of the evidence that is given in this court. Each of you has taken an oath or affirmation to deal with this inquest on the evidence, and it is on the evidence that you hear in court that you will make your decisions. To ensure fairness can I ask that each of you makes sure that your focus is on what is said in court in your presence.

Do not make any of your own investigations.

37. Do not be tempted to make any of your own investigations into the background of this case. You and I are fortunate as we have experienced and competent advocates to put all the relevant evidence before you and rehearse all the relevant issues for you to consider. Sit back and let them do the hard work in presenting the evidence before you.

38. Why is this rule so important? Because our whole system relies on open justice. All those in this courtroom and the public are entitled to know and hear all the evidence on which you have reached your decisions. It is a question of fairness again.

39. If you were to introduce into the jury room the fruits of your own investigations be they on the Internet, Facebook or Twitter then they would not have been tested in open court for all to see and hear.

40. We all know how wonderful the Internet is and how useful search engines such as Google can be. We also all know how unreliable they can

sometimes be. Seemingly authoritative pages on the Internet can turn out to be completely false.

41. The simple rule is: do not make your own investigations.

42. Of course this does not mean you cannot use the Internet for your personal affairs. It simply means do not use it to investigate the facts of this case.

43. You will have heard on the news of jurors who have ignored directions like these and have been sent to prison. You may also know that Parliament has enacted specific offences of juror misconduct. These include the offences of a juror researching the case, sharing that research with jurors or engaging in prohibited conduct.

44. The last thing I want is that one of the jurors who is on this inquest should commit any offence in connection with their jury service and that is why I have given you these written instructions and will remind you from time to time during the inquest about these very important rules.

45. You all have a joint responsibility as jurors and to see that what goes on in your retirement room is in accordance with the legal directions you are given.

Approaches to you.

46. Very rarely something may happen (either outside your jury room, e.g. someone who is not on the jury may apparently try to speak to you about the case, or something may happen in the jury room itself) which causes you real concern.

47. If any of you has such a concern, please inform me about it at once discreetly in a written note via the court clerk or the usher. Do not leave

it until the case is over, because it might then be impossible to put matters right.

48. We are hearing this inquest together. I am the judge of the law and you are the judges of the facts. When matters of law arise, I will deal with those in your absence. As I have indicated, at the end of the evidence I will give you directions on the law and provide you with a summary of the evidence that has been given in court.

49. Finally, please keep an open mind. The evidence will be presented to you over the coming days. Do not jump to conclusions. The time to come to any conclusions is once you have heard all of the evidence, the summing-up and you are in the privacy of your jury room.

Order of Evidence

50. We will start hearing the evidence after the bank holiday weekend on Tuesday at 10:00. In broad terms, the evidence will be called in the following order:

(a) First, Detective Chief Inspector Dan Brown, the Senior Investigating Officer of the investigation into the events on 29th November 2019 will give evidence to provide background for our inquiry. He will cover the events in Fishmongers' Hall and those immediately outside the Hall. We shall see video footage of the events. Some of it will inevitably be quite graphic (although care is being taken to avoid showing the most graphic footage). However, it is right that you should understand the background to the scene which took place.

- (b) After that, we shall hear from some bystanders who saw events unfolding on London Bridge immediately before, during and after the arrival of the armed officers.
- (c) The principal armed police officers involved in the confrontation with Khan will then give evidence. I have ruled that they should give evidence anonymously, and we shall refer to them by pseudonyms. Nobody has taken issue with that ruling. The reason, in short, is that their job requires them not to be publicly identified. Their ability to do that job would be compromised and overall it would be unfair if their identities were published. We shall also hear evidence from tactical advisers in the control room about the co-ordination of the armed policing response.
- (d) We shall then hear evidence from witnesses concerning the aftermath of the confrontation including evidence from an officer in the Explosive Ordnance Disposal Unit who examined Khan's body and will give evidence about the suicide vest that he was wearing. There will also be evidence from an expert on the appearance of the vest.
- (e) We then turn to evidence on the training and practices of armed officers, to help us assess the responses of the officers in this case.
- (f) We shall also hear from the pathologist who carried out the post-mortem examination on Usman Khan.
- (g) Finally, we shall hear evidence about Khan's life and background, what was known to the authorities about him, his planning and preparation for the attack, and the subsequent investigation.

51. At present, we expect that the evidence will continue until around the 9th June 2021. I shall then give you final directions, probably on 10th June before then asking you to consider your conclusions.
52. The plan is that we will aim to start each day at 10.00am, sitting until no later than about 4.30pm. Today is different in that respect as we will finish after this opening. This is because the jury in the inquests into the deaths of Khan's victims may finish their deliberations today. Next week, there will be mid-morning and mid-afternoon breaks of 10-15 minutes each, and a lunch break from 1pm to 2pm.
53. One added complication is the impact of the pandemic. We have sought to allay the concerns of those attending these hearings by setting out this hall so that we can all abide by the requirements of social distancing. Please do pay close attention to the arrangements that have been made for your safety and those of all the other attendees. Should any of you have any concern about the arrangements please do bring it to my attention through my clerk or usher.