

**INQUESTS INTO THE DEATHS ARISING FROM  
THE FISHMONGERS' HALL AND LONDON BRIDGE TERROR ATTACK**

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**SUBMISSIONS ON BEHALF OF THE UNIVERSITY OF CAMBRIDGE ON  
DETERMINATIONS AND DIRECTIONS TO THE JURY**

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**Introduction**

1. These submissions are served on behalf of the University of Cambridge (“the University”) to address determinations and directions to the jury.
2. The University has received the helpful Written Submissions of Counsel to the Inquests (“CTI”) on Determinations and Directions to the Jury, dated 21 May 2021. There is little in them with which the University takes issue.

**Outline submissions**

3. The University:
  - a. endorses the analysis of CTI as to the applicable law (CTI Submissions, paragraphs 6-10 and pages 2-4 of the draft Questionnaire);
  - b. makes no submission in relation to the engagement of Article 2 in these Inquests (CTI Submissions, paragraphs 11-64);
  - c. endorses the proposal made by CTI concerning the short-form conclusion of unlawful killing, for the reasons given (CTI Submissions, paragraphs 66-67 and Draft Questionnaire, question 1);
  - d. endorses the proposal made by CTI concerning a supplementary narrative (CTI Submissions, paragraphs 69-71 and Draft Questionnaire, question 2) but makes no submission as to the wording to be used;
  - e. if the Coroner agrees that Article 2 is engaged in the inquest of either Jack Merritt or Saskia Jones, the University accepts that (a) the narrative

conclusions may be made up of further parts; and (b) that the use of a questionnaire is sensible in the circumstances (CTI submissions, paragraph 72);

- f. makes no submission in relation to proposed third, fourth and fifth questions, *save that* the University addresses below one of the considerations / issues which it is suggested the jury may wish to bear in mind in relation to the proposed fifth question (CTI submissions, paragraphs 73-76 and draft Questionnaire); and
- g. endorses the analysis provided by CTI of the legal background to the making of a Prevention of Future Deaths report and has no objection to the approach proposed in this case or to the timetable proposed (CTI Submissions, paragraphs 77-85).

#### **Security measures for the event at Fishmongers' Hall**

- 4. The CTI Submissions include at paragraph 74 that each of the suggested third, fourth and fifth questions are *“justified on the grounds that each reflects (a) an important aspect of the investigation and (b) a key factual issue as to which the jury could properly conclude that the evidence supports a finding that a failing of the relevant kind contributed to the deaths”*. CTI further submit that the jury should be asked in relation to each of these questions, in the alternative, whether there was any act or omission which “may have caused” the deaths (paragraph 75).
- 5. The proposed fifth question can be found at paragraph 73(c), namely: *“Was there any omission or deficiency in the security measures for the event at Fishmongers' Hall which contributed to the deaths of Jack Merritt and Saskia Jones?”*. CTI explain that (with our emphasis): ***“The jury may properly conclude that deficiencies in the security measures in place at Fishmongers' Hall contributed to the deaths of Saskia Jones and Jack Merritt and/or that the information given to the Fishmongers' Company by one or both of Learning Together and/or those managing Khan was so insufficient as to be a contributory factor. For instance, Commodore Toby Williamson, the clerk of the Fishmongers' Company, did not know that some of those attending the event had been in prison for serious offences including violent offences.***

*If the Fishmongers' Company were to host the event again, Commodore Williamson accepted that there would be many other security measures in place, including "not less than a police escort of... prisoners" and searching procedures" (paragraph 74(c)).*

6. The draft Questionnaire accordingly includes the fifth question as set out above and its alternative ("may have caused") question for the jury. The University makes no submission about the inclusion of these questions. The draft Questionnaire also includes at page 14 considerations and issues the jury may wish to bear in mind in answering question 5. Reflecting the above, they currently include: ***"Whether or not those involved in organising the Learning Together event properly informed the Fishmongers' Company of the types of person attending the event"***. The University submits that this single issue (the fifth bullet point on page 14) should be removed from the Questionnaire. The University makes no submissions in relation to the other considerations / issues suggested in relation to Question 5.
7. The University submits that the issue of the sufficiency of the information Learning Together provided to the Fishmongers' Company concerning the 29 November 2019 event should not be left to the jury as a matter for consideration in relation to proposed Question 5. This is on the basis that in all of the circumstances, the nature of the information Learning Together provided (or did not provide) to the Fishmongers' Company cannot arguably be said to have caused or contributed to the deaths of Jack Merritt or Saskia Jones, having regard to the applicable legal principles set out at paragraphs 8 and 10 of the CTI Submissions and reflected in the Notes for the Jury in the draft Questionnaire.
8. This is for the following reasons.
9. Learning Together liaised closely and appropriately with Kenneth Skelton and others concerning Usman Khan's attendance at Learning Together events, including the 29 November 2019 event at Fishmongers' Hall:
  - a. Dr Amy Ludlow and Dr Ruth Armstrong of Learning Together were aware that following his release Usman Khan was under the supervision of Probation Offender Manager, Mr Skelton, and understood that Usman Khan was under

intensive control by the MAPPA arrangements.<sup>1</sup> They relied on probation and MAPPA teams to take a view on whether Usman Khan could attend events organised by Learning Together.<sup>2</sup>

- b. There was accordingly liaison with Mr Skelton concerning Usman Khan's possible attendance at the Madingley Hall, Cambridge event on 12 March 2019. Usman Khan was not permitted to attend.<sup>3</sup> There was further liaison with Mr Skelton about Usman Khan's attendance at the 12 June 2019 Digital Innovations event at HMP Whitemoor. Dr Ludlow also liaised with Police Sergeant Calum Forsyth of the Staffordshire Police Prevent team and HMP Whitemoor's Head of Counter Terrorism, Steve Machin in connection with this event.<sup>4</sup> Usman Khan did attend the event and was accompanied to it by police officers.
- c. There was close liaison with Mr Skelton and others in connection with the 29 November 2019 event at Fishmongers' Hall. The evidence shows, and Mr Skelton agreed, that: the event was flagged by Learning Together in advance with him; details were provided to Mr Skelton and also to police officers and others as necessary; and if there had been additional requirements, for example, if the police had wanted to accompany Usman Khan to Fishmongers' Hall, Learning Together would have facilitated it.<sup>5</sup> Generally, Mr Skelton agreed that there was good liaison with him from Learning Together in advance and in relation to the November event and that "*there was good communication between myself and Learning Together throughout the period*".<sup>6</sup>
- d. It was the reasonable understanding of Drs Ludlow and Armstrong that Usman Khan's attendance at the Learning Together event at Fishmongers' Hall had been agreed by Mr Skelton and approved by MAPPA.<sup>7</sup> An alleged failure by the MAPPA panel properly to consider the question of Usman Khan's

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<sup>1</sup> T/8/105

<sup>2</sup> T/8/68-72

<sup>3</sup> DC6695/14; T/9/74-78

<sup>4</sup> T/9/44-47

<sup>5</sup> T/17/44-53

<sup>6</sup> T/17/52-53

<sup>7</sup> T/8/105

attendance at Fishmongers' Hall, whether he should have been permitted to attend and, if so, what security measures should have been considered (see CTI Submission, paragraph 55) would mark a significant intervening step in the chain of causation leading to the use of lethal force by Usman Khan over which Learning Together had no control and for which they should not be held accountable. As CTI submit, putting in place measures in mitigation may have had the effect that the arguable real and immediate risk to life might realistically have been avoided. Preventing Usman Khan's attendance certainly would have avoided that risk.

10. The information Learning Together were receiving from Mr Skelton about Usman Khan did not give rise to any cause for concern on the part of Learning Together:

- a. The information that Drs Armstrong and Ludlow were receiving from Mr Skelton about Usman Khan in 2019, and including in the period immediately before the 29 November 2019 event, was "*very rosy*".<sup>8</sup> For example, Dr Ludlow was a recipient of Mr Skelton's email on 28 November 2019, the day before the event at Fishmongers' Hall, to a support manager at the Alex Timpson Trust and Foundation.<sup>9</sup> It included Mr Skelton's assessment that Usman Khan: "*would prove a good worker and a positive addition to any organisation if they were able to offer him a opportunity*"; and that: "*Mr Khan has undergone a comprehensive risk assessment and myself and other agencies feel it appropriate for him to undertake this type of employment if offered and would expect him to make a positive impact. He is a good communicator and engages well with others.*" This reflected the very positive indication that Learning Together was receiving from probation about Usman Khan.<sup>10</sup>
- b. Drs Ludlow and Armstrong and others at Learning Together were not informed of the intelligence available at the time of Usman Khan's release (summarised at CTI Submission, paragraph 20(g)), including the October 2018 report that Usman Khan "*has said that he will return to his old ways,*

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<sup>8</sup> T/8/107

<sup>9</sup> DC5635/20

<sup>10</sup> T/8/107; T/9/49

*believed to be related to terrorism when he is released next year”* or the separate strand of intelligence from the same period which stated that he had said he intended to carry out an attack after his release. Similarly, Learning Together did not have access to other sources of information, such as the ERG 22+ or OASys assessments (which are considered at CTI Submissions, paragraphs 20-21).

11. Furthermore, and specifically in relation to the issue of the sufficiency of information provided by Learning Together to the Fishmongers’ Company concerning the types of person attending the 29 November 2019 event:

- a. It was the understanding of Amy Spolton, Grants Officer at the Fishmongers’ Company, in advance of the event that ex-offenders would be attending.<sup>11</sup> This reflected in part the process being undertaken by the Fishmongers’ Company in 2019 of learning about, and the conduct of due diligence in relation to, Learning Together as a potential grant-recipient.<sup>12</sup>
- b. Commodore Toby Williamson is Clerk to the Fishmongers’ Company and leads its executive team.<sup>13</sup> It is his evidence that advance knowledge that ex-offenders were attending would probably not have led to the imposition of any special requirements or the addition of any special measures for security.<sup>14</sup> Indeed, the Fishmongers’ Company had hosted an event in May 2019, which involved ex-offenders attending and working alongside Fishmongers’ Company staff, and that had not resulted in additional security.<sup>15</sup>
- c. It is Dr Armstrong’s evidence that people from the Fishmongers’ Company also knew that those attending the event would include people who had been convicted of very serious offences; they had attended HMP Whitemoor, a high security prison, and knew that Learning Together worked with people with very serious offending histories.<sup>16</sup>

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<sup>11</sup> T/10/110

<sup>12</sup> T/8/101-102

<sup>13</sup> T/10/33

<sup>14</sup> T/10/79

<sup>15</sup> T/10/141-142

<sup>16</sup> T/9/98-99

- d. Commodore Williamson’s evidence is that: (i) knowledge that attendees would include people with serious previous convictions, including for serious violence and terrorism was “*not in itself a showstopper*”;<sup>17</sup> (ii) if the Fishmongers’ Company had asked more proactively about the event, “*the answer would have been: it’s a low risk event, based on the information that was known by Learning Together as the client*”;<sup>18</sup> (iii) he would want to rely on an appropriate authority to make decisions about what someone like Usman Khan should or should not do; and (iv) the kind of information that would be of interest – and about which Drs Armstrong and Ludlow were aware – was that Usman Khan’s attendance at the event had been reviewed by the people (police, probation and others) responsible for his supervision and management in the community and he had been given permission to attend.<sup>19</sup>
- e. Had the Fishmongers’ Company contacted Mr Skelton directly about the 29 November 2019 event, it is clear that the information provided by Mr Skelton would have been positive about Usman Khan’s attendance, and in keeping with Mr Skelton’s email to Timpson’s dated the day before the event<sup>20</sup> (see above).

12. For these reasons, the University submits that the issue of the sufficiency of the information Learning Together provided to the Fishmongers’ Company concerning the 29 November 2019 event should not be left to the jury as a matter for consideration in relation to proposed Question 5.

**NICHOLAS GRIFFIN QC**

**PHILIP STOTT**

**QEB HOLLIS WHITEMAN**

24 May 2021

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<sup>17</sup> T/10/76; T/10/142-143

<sup>18</sup> T/10/80-81

<sup>19</sup> T/10/142-143

<sup>20</sup> DC5635/20