

OPUS 2

INTERNATIONAL

Manchester Arena Inquest

Day 1

February 28, 2019

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1 Thursday, 28 February 2019
 2 (10.00 am)
 3 (Proceedings delayed)
 4 (10.14 am)
 5 PRE-INQUEST REVIEW
 6 SIR JOHN SAUNDERS: Good morning, everybody. We are sitting
 7 slightly late today because some people travelling by
 8 train to here have suffered delays and so I thought it
 9 was appropriate that we should await until they were
 10 able to get here.
 11 I know that some of the families who are here today
 12 were not present at the first hearing. As the coroner
 13 appointed to conduct these inquests, can I welcome them
 14 and express the hope that they had been made known to
 15 a member or members of the inquest team, most of whom
 16 are here today.
 17 The purpose of today's hearing is to assess the
 18 progress that has been made since the last hearing and
 19 give directions for the future conduct of the inquest.
 20 I am very grateful for the written submissions that
 21 I have received from interested persons, which have
 22 informed the matters which I wish to discuss today.
 23 I am keen, if possible, to set a start date for the
 24 hearing of evidence so everybody knows where they are
 25 at the earliest possible opportunity.

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1 Clearly, it is important for the families and
 2 everyone else that the hearing of evidence should start
 3 as soon as is practicable, but there are a number of
 4 matters which can affect that date, which I wish to hear
 5 about.
 6 First and most importantly, the inquest cannot
 7 proceed until all relevant criminal proceedings have
 8 been concluded unless there are exceptional
 9 circumstances. I would like to hear an update on the
 10 outstanding criminal proceedings against Hashem Abedi
 11 from the prosecuting authorities.
 12 I have read and sympathise with submissions made on
 13 behalf of the families to have more detail about that
 14 process, and I would urge the police to be as open as
 15 they properly feel they can be. However, the last thing
 16 that anyone here wants is for something to be said which
 17 will prejudice the chances of that trial going ahead.
 18 Only the police and the Crown Prosecution Service
 19 can know what can safely be said and while urging them
 20 to be as open as is possible, it is ultimately for them
 21 to decide what and how much can properly be said in
 22 public without risking prejudicing the chances of
 23 a successful extradition.
 24 I also wish to hear the likely timescale for the
 25 preparation of the case. Now that the process of

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1 disclosure to me has started, those carrying out the
 2 investigations will be in a better position to assess
 3 when they will be ready to start. While it needs to be
 4 as soon as is reasonably practicable, I do not wish to
 5 be in the position of setting a date which proves
 6 impossible to meet and the hearing then has to go off to
 7 a later date. I would wish to set a date which is as
 8 early as possible but also one that we are confident can
 9 be met.
 10 Before we get to the hearing of evidence, it will be
 11 necessary to timetable other preliminary steps in the
 12 proceedings. It will be apparent from the open material
 13 which is available that it is a possibility that there
 14 will be material which is in the possession of the
 15 security service and the police which may attract
 16 applications for public interest immunity.
 17 If applications for public interest immunity are
 18 made, before I consider them I will ask for submissions
 19 for the interested persons as to the matters they would
 20 like me particularly to consider when considering any
 21 PII applications. It may be that those submissions can
 22 be satisfactorily supplied in writing rather than
 23 requiring another hearing, but that will be for the
 24 interested persons to consider.
 25 I shall endeavour to deal with any PII applications

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1 that there may be relatively early, as there are other
 2 decisions to be made which may depend on the outcome of
 3 those applications.
 4 For those that do not know, PII applications are
 5 made when a party says that it would not be in the
 6 national interest for matters to be disclosed to people
 7 considering the inquest, and obviously would be
 8 an important ruling for me to make if made.
 9 So any PII ruling is capable of impacting on
 10 decisions as to whether a jury should be empanelled and
 11 also whether there will need to be consideration of
 12 whether the matters can properly be considered at an
 13 inquest or whether a public inquiry will be needed to
 14 investigate those matters because of the need to
 15 consider evidence in closed session. Provisionally,
 16 I agree with Mr Weatherby's submissions on behalf of
 17 some of the families that the sooner everyone knows what
 18 the position is about that, the better.
 19 Further, Mr Weatherby has helpfully indicated that
 20 he is likely to be asking for a jury to be empanelled on
 21 behalf of the families that he represents. I would
 22 assure everyone that I do not take any such application
 23 personally, but would ask that everyone bears in mind
 24 that it is possible that there may be difficulties in
 25 a jury considering matters which may involve matters of

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1 national security.
2 The issue of whether to empanel a jury cannot
3 properly be dealt with until material has been disclosed
4 and I have decided any PII applications. My provisional
5 view, but I will of course hear argument, is that
6 I cannot reach any final conclusion on whether a jury
7 will be empanelled today.

8 I have also considered the representations that have
9 been made about the applicability of Article 2 to these
10 inquests. All parties except the government agree that
11 I should make a provisional ruling that Article 2 will
12 apply to the inquest. I will, of course, in due course
13 hear argument on whether Article 2 applies from all
14 parties, but that will need to await the outcome of any
15 PII application as, for obvious reasons, that material
16 is not dealt with in the Government's submissions at the
17 moment, but may well be relevant to it.

18 There is broad agreement on the matters which should
19 be in scope for the hearing of the inquest and the
20 suggestion made by Mr Weatherby again is that we should
21 have a list of issues as soon as possible. As with all
22 his suggestions as to timetable, that seems on the face
23 of it to be sensible, but we do need to consider the
24 practicalities of timetabling.

25 While counsel for the inquiry have included the

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1 issue of the failure to refer Salman Abedi to Prevent as
2 a matter which should be in scope, my present
3 provisional view, and again subject to agreement,
4 is that that should not attend to a general
5 consideration of whether Prevent works and/or is
6 desirable.

7 Finally, I shall wish to set a date today when
8 we can have a further hearing to decide some of the
9 issues I have outlined. I intend to keep the number of
10 pre-inquest hearings down to a minimum, but it is clear
11 to me at present that more than one will be required.

12 After these introductory remarks I shall now invite
13 Mr Greaney to address me, first of all to give an update
14 on what has happened in the meantime, and then we will
15 deal with the matters on the agenda, item by item, on
16 which anyone who wishes may make submissions and, where
17 possible, I will make rulings, even if they are
18 provisional at this stage.

19 Mr Greaney.

20 MR GREANEY: Sir, thank you.

21 In August of last year, you were nominated by the
22 Lord Chief Justice and the Chief Coroner to conduct the
23 inquest into the deaths of those whose lives were
24 tragically taken in a bomb attack at the
25 Manchester Arena on 22 May 2017.

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1 The further pre-inquest review before you took place
2 on 18 October last year and you subsequently made
3 a number of directions for the progression of the
4 coronial investigations.

5 This is the second pre-inquest review before you.
6 Sir, as you set out in your opening remarks, the purpose
7 of this hearing is, first, to enable your legal team to
8 update you, the interested persons, and the wider public
9 about progress to date.

10 Second, to allow the interested persons to address
11 you on relevant matters they wish to raise and, third,
12 to allow you to make certain provisional rulings and to
13 give directions, where you deem that appropriate.

14 Sir, as you have indicated, there is an agenda for
15 today which has been prepared in light of the
16 submissions that we have received from interested
17 persons. Can I indicate at the outset, sir, just as you
18 yourself indicated, that those submissions have been
19 gratefully received and have informed our consideration
20 for today's hearing.

21 Sir, I intend to address you on each of the matters
22 in the agenda, but before we reach that stage, there are
23 five matters, five preliminary matters, that we should
24 deal with. Those are: representation, reporting, the
25 designation of interested persons, visits to the arena,

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1 and two short practical matters.

2 So first, representation. As everyone will by now
3 know, I am counsel to these inquests together with
4 Sophie Cartwright, Jesse Nicholls and Robert Wastell.
5 We are supported by the solicitor to the inquest, Tim
6 Suter, and his team, including Katherine Leslie of Field
7 Fisher, and by the secretaries to the inquest, Michael
8 Collins and Sue Curran.

9 Sir, most of the legal team have had direct contact
10 with the representatives of the interested persons, both
11 proactively and reactively, and we encourage the high
12 level of cooperation and contact that has occurred to
13 date to continue, because we are quite certain that that
14 will assist the smooth progress of these proceedings.

15 So far as interested persons are concerned, we will
16 deal with representation in the order in which it
17 appears in the list that has been circulated.

18 The families of John Atkinson, Kelly Brewster,
19 Wendy Fawell, Megan Hurley, Mary Nell Jones,
20 Angelika Klis, Marcin Klis, Eilidh MacLeod, Martyn Hett,
21 Elaine McIver and Anthony Lees, the husband of
22 Lisa Lees, are represented by John Cooper QC, Mr
23 Alex Jamieson and Mr Alex di Francesco, and they are
24 instructed by Slater & Gordon.

25 The family of Saffie Rose and Alison Howe and Elaine

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1 and Lee Hunter, the mother and brother of Lisa Lees, are
2 represented by Pete Weatherby QC and Anna Morris and
3 they are instructed by Broudie Jackson Canter.

4 The families of Sorrell Leczkowski and Philip Tron
5 are represented by Harriet Johnson, instructed by
6 Hudgell solicitors .

7 The father of Courtney Boyle, the father of
8 Martyn Hett and the partner of Elaine McIver are
9 recommended by Austin Welsh, instructed by
10 Addleshaw Goddard.

11 Charlotte Hodgson, the mother of Olivia Paige
12 Campbell-Hardy, is represented by Robert Cline,
13 instructed by Gowing Law.

14 Sir, pausing for a moment, it appears that there may
15 have been some uncertainty about whether Mrs Hodgson had
16 been formally designated with interested person status
17 but, as we'll set out in a moment, there is no doubt
18 that she has that status .

19 The families of Michelle Kiss, Jane Carolyn Tweddle,
20 Liam Curry, Chloe Rutherford, the father of Olivia Paige
21 Campbell-Hardy and the mother of Courtney Boyle are
22 represented by Adam Payter, instructed by Hogan Lovells,
23 and Mr Payter will be led by Gareth Patterson QC in the
24 proceedings, but for good reason he cannot be here
25 today.

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1 The family of Georgina Callander are represented by
2 Amanda Webster of Harrison Drury & Co.

3 British Transport Police is represented by
4 Patrick Gibbs QC instructed by Mariel Irvine .

5 The North West Ambulance Service is represented by
6 Martin English of Weightmans and Emma Shiner of the
7 NWAS.

8 The Secretary of State for the Home Department,
9 which, sir, we will refer to during the course of this
10 hearing as "HMG", Her Majesty's Government, is
11 represented by Cathy McGahey QC, instructed by
12 Rebecca Futter of the Government Legal Department.
13 Cathy McGahey leads Neil Sheldon, who today for good
14 reason cannot be hear today.

15 ShowSec is represented by Alexandra Tampakopoulous,
16 instructed by Squire Patton Boggs.

17 Greater Manchester Police is represented by
18 Jeremy Johnson QC to my left, instructed by the
19 solicitor to Greater Manchester Police, GMP.

20 The Greater Manchester Combined Authority is
21 represented by Andrew Warnock QC, who is instructed by
22 BLM.

23 The University of Salford is represented by
24 Louis Browne QC instructed by Hill Dickinson.

25 SMG is represented by Andrew O'Connor QC, instructed

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1 by DLA Piper.

2 Finally, Network Rail is represented by Paul Verrico
3 of Eversheds.

4 The second preliminary matter, reporting. The
5 point, sir, we are certain you will agree is simple:
6 reporting must be responsible. Criminal proceedings
7 against Hashem Abedi, the brother of the bomber, are
8 active within the meaning of the Contempt of Court Act
9 1981, so nothing must be said or written to risk
10 prejudice to those proceedings.

11 Furthermore, as we shall set out in due course --
12 and, sir, as you yourself have said in your opening
13 remarks -- a decision has yet to be made on the question
14 of whether the inquest should be held with a jury. So
15 the possibility of prejudicing the outcome of the
16 inquest or evidentiary hearing therefore exists and we
17 repeat therefore that all reporting must be responsible.

18 Third, the designation of interested persons. Sir,
19 we deal with the position only since the last
20 pre-inquest review. As we've indicated already,
21 Charlotte Hodgson, the mother of Olivia Paige
22 Campbell-Hardy is designated as an interested person.
23 So if there was any doubt about that, now it has been
24 removed.

25 Furthermore, since the last hearing, two

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1 organisations have been designated as interested
2 persons; they are ShowSec and Salford University. Their
3 applications were circulated to all other interested
4 persons.

5 Finally, on this particular issue, Network Rail has
6 been designated an interested person.

7 In written submissions dated 25 February, Mr Verrico
8 makes careful and well reasoned submissions on behalf of
9 Network Rail in support of the proposition that
10 Network Rail should not be so designated, while making
11 clear that Network Rail will continue to provide all
12 necessary assistance to the inquest. However, we submit
13 that it is too early for you to make a decision on that
14 issue.

15 We suggest that any interested person who wishes to
16 make submissions on this issue of the designation of
17 Network Rail should do so by 22 March, and then a final
18 decision can be made at the next PIR.

19 Sir, we can add that we've spoken to Mr Verrico and
20 he accepts that that is a sensible approach and the
21 correct approach for you to adopt.

22 SIR JOHN SAUNDERS: (Inaudible: no microphone).

23 MR VERRICO: Yes, thank you.

24 MR GREANEY: At this stage, sir, we will invite you to make
25 a direction -- and someone else will be making a note of

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1 this -- that any submissions on that issue should be
2 filed by 4 pm on 22 March.

3 SIR JOHN SAUNDERS: Does anybody have any difficulty with
4 that? No, thank you.

5 Right.

6 MR GREANEY: The fourth preliminary issue, visits to the
7 arena. Since the last hearing, you, sir, and your legal
8 team have all visited the arena. Many interested
9 persons and their representatives have also visited.
10 Those visits have been conducted in accordance with
11 a careful script agreed with your team to ensure the
12 consistent provision of information to all and so as to
13 avoid any evidence being given at the visits.

14 The visits have been conducted by representatives of
15 SMG, who had no involvement on the day of the bombing,
16 and who there is no basis for believing will be
17 witnesses in these inquests, and we must add that we're
18 grateful for SMG for making all those arrangements.

19 There do remain some interested persons and
20 representatives who have not yet visited the arena for
21 good reason. Mr O'Connor has kindly confirmed to me
22 this morning that further visits will be arranged as
23 necessary and these will be coordinated through the
24 solicitor to the inquest.

25 Fifth, two short practical matters. First, at the

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1 conclusion of the hearing, we would invite all
2 non-family interested persons to remain in the hearing
3 room for a period of 10 minutes because that will enable
4 the families to leave in circumstances that are as
5 comfortable as possible for them.

6 Second, the mundane request that advocates who wish
7 to make submissions should press the red button on their
8 microphones before doing so, otherwise what they say
9 will not be recorded and transcribed.

10 SIR JOHN SAUNDERS: I think I made the request at the
11 beginning, so perhaps everyone can do that.

12 MR GREANEY: Sir, someone in fact is operating your
13 microphone remotely and mine.

14 SIR JOHN SAUNDERS: Thank you.

15 MR GREANEY: Sir, that deals with the five preliminary
16 issues --

17 SIR JOHN SAUNDERS: Just before you go on, has anybody any
18 difficulty about allowing the families 10 minutes to go
19 out beforehand? They obviously don't need to go if they
20 don't want to, but it's to give them the possibility
21 because I gather on the last occasion there was a bit of
22 a crush where people were meeting together and it made
23 it quite difficult for people who wanted to get away
24 quickly to do so.

25 MR GREANEY: That's quite right, sir, yes.

14

1 SIR JOHN SAUNDERS: Thank you.

2 MR GREANEY: Sir, before we turn to the agenda, we'd simply
3 say again that one direction has now been made, namely
4 the service of submissions by 22 March, and we turn then
5 to the agenda.

6 What we propose to do is to deal generally at the
7 outset with a number of issues that all bear upon the
8 date for the oral evidence hearings because we
9 appreciate that that will be an issue of the utmost
10 importance to and interest to the interested persons
11 and, in particular, the bereaved families.

12 Our submissions at that stage will not descend into
13 detail and they're intended only to provide context.
14 When we've completed that overview, we will not at that
15 stage invite submissions from interested persons, but
16 rather we'll turn then to deal with each agenda item one
17 by one and, once we have made our submissions as counsel
18 to the inquest on each item, we'll invite the
19 submissions of the interested persons, indicating, sir,
20 our view on the order in which those submissions should
21 be received by you. We hope that that is the most
22 effective and efficient way of dealing with this
23 hearing.

24 First, therefore, overview. It will take no one by
25 surprise when I say that disclosure is an issue of

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1 considerable complexity at these inquests. Your legal
2 team has already received not far short of 200,000 pages
3 of material; much more material is expected. All of
4 that material will need to go through a process of
5 review for relevance and redaction of confidential data
6 and then, given the criminal proceedings, the documents
7 that we identify for disclosure to interested persons
8 will need to be considered by the CPS and GMP for their
9 potential impact on the criminal proceedings.

10 In other words, the CPS and GMP will be entitled to
11 and/or wish to consider whether disclosure of any
12 particular document or documents would prejudice the
13 fairness of the trial of Hashem Abedi.

14 Sir, this was always going to be a procedure of some
15 complexity and such is proving to be the case, as I will
16 set out in further detail in due course.

17 The upshot is that we do not expect all disclosure
18 to be complete before the end of January 2020, although
19 disclosure will start in March of this year and will be
20 given on a regular rolling basis in tranches and we'll
21 have more to say about this issue shortly.

22 An added complication in terms of setting a start
23 date is that, as all will understand, these inquests
24 involve security-sensitive material held by HMG and the
25 police. You and members of your team with the

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1 appropriate security clearance have reviewed that
2 material. Issues of national security seem likely to be
3 engaged and it may be that a public interest immunity
4 hearing or hearings will need to be held.

5 It will, we envisage, be the wish of everyone that
6 this process should result in an outcome that enables
7 the status of these proceedings as inquests to continue
8 rather than resulting in consideration of the conversion
9 to a public inquiry. But we must say that that will
10 require a high level of cooperation between and
11 understanding on the part of all interested persons.

12 Sir, in due course, we're going to invite you to set
13 a timetable for the early resolution of any public
14 interest immunity issues, but no one should doubt the
15 complexity and importance of these issues and so the
16 reason we are going to invite you to set a timetable for
17 early resolution is because the resolution of the PII
18 issues have, as you have indicated already, a knock-on
19 effect on a number of other highly important issues.

20 A further added complication is the prospective
21 extradition of Hashem Abedi, the brother of the bomber.
22 Shortly, we will invite Mr Johnson, on behalf of GMP, to
23 give as much information as he properly can about the
24 status of the extradition and the proceedings more
25 generally. However, on any view, it seems to us that

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1 a reasonable period of time needs to be given to enable
2 the criminal proceedings against Hashem Abedi to
3 conclude before we commence the oral evidence hearings.
4 We emphasise that no one in this court will want to do
5 anything to interfere with the ability of a jury to
6 determine the criminal case against Hashem Abedi.

7 The upshot is that the highly experienced solicitor
8 to the inquest considers that there is no realistic
9 prospect of the oral evidence hearings being ready to
10 commence before April 2020. And sir, your counsel team
11 agree with him entirely.

12 As a result, in due course, we will invite you to
13 set 6 April 2020 as the provisional starting date. We
14 should add that we are entirely sympathetic to the
15 submissions made by Mr Weatherby that an earlier date,
16 perhaps at the beginning of 2020, is set. However, we
17 consider that to set that date would be unrealistic.
18 That isn't a criticism of Mr Weatherby; he isn't aware
19 of the scale of our task and of the task that he and
20 other interested persons will have.

21 So we consider that to set that date would be
22 unrealistic and would likely lead in due course, to the
23 hearing being put back. We wish to set a date that is
24 realistic and achievable. No one, of course, can say
25 what may overtake us, but on our current understanding

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1 of the case, 6 April of next year is realistic and
2 achievable and that, as we have indicated, is the date
3 that we will invite you to accept when we reach the
4 final agenda item.

5 Sir, against that background and against that
6 overview, which we hope was helpful to all interested
7 persons, we'll turn to deal with the agenda items.

8 The first agenda item is an update on the criminal
9 proceedings. Sir, it hardly needs to be said that this
10 issue has a very high degree of importance and that is
11 so because, as you have said, sir, the basic proposition
12 is that the inquest cannot proceed until all relevant
13 criminal proceedings have been concluded.

14 Given the importance of this issue, the solicitor to
15 the inquest sought an update from the CPS and from GMP.
16 An update from the investigation team was provided on
17 21 February, and we will read it in its entirety. It
18 reads as follows:

19 "We are still awaiting the outcome of the CPS
20 request for Hashem Abedi's extradition from Libya. The
21 extradition proceedings are in progress and we are
22 grateful to the Libyan authorities for considering our
23 extradition request. As proceedings are ongoing, it is
24 essential that we respect the Libyan legal process and
25 therefore we cannot provide any further detail at this

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1 time. Criminal proceedings are live, so please be aware
2 of Section 2.2 of the Contempt of Court Act 1981 as
3 reporting may create a substantial risk that the course
4 of justice in these proceedings will be seriously
5 impeded or prejudiced."

6 It continues:

7 "It is of note that in the event of the extradition
8 application being agreed by the Libyan authorities,
9 a comprehensive plan is already in place to enable an
10 immediate and effective police response. But the
11 investigation itself continues to gather material
12 relevant to a future prosecution and undertake the
13 preparations for presenting a prosecution case by the
14 provision of evidence and the continuing assessment of
15 all material within a comprehensive and complete
16 disclosure assessment process. To this end, a further
17 300 statements and 1,500 exhibits have been obtained
18 since the last update was provided at the hearing in
19 October."

20 That being a reference, sir, to the first PIR.

21 The update from GMP and the CPS continues:

22 "Other complex work being undertaken includes
23 analysis of a vast amount of passive data and the
24 exploration and use of tools and software to simplify
25 the demonstration of a very complex picture. The

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1 investigation continues to dedicate over 100 staff to
2 the task in hand, although part of this team is now
3 exclusively employed in the provision and review of
4 material in preparation for the inquest.”

5 And there, sir, ends the update.

6 It is entirely understandable that the families, in
7 particular, wish to have more detail about what is
8 occurring and, like you, sir, we encourage the CPS and
9 GMP to be as open as they properly feel they can be.
10 However, we repeat your observation that no one will
11 want anything said here today to prejudice the chances
12 of Hashem Abedi's trial going ahead. We acknowledge,
13 moreover, that the CPS and GMP are in the best place to
14 know what can safely be said.

15 Sir, having made those observations and having read
16 the update, we suggest you receive submissions in the
17 following order: first, submissions from Mr Weatherby,
18 followed by submissions from any other representative of
19 the families who wishes to make submissions on this
20 issue. Secondly, submissions from any other interested
21 persons. Third and finally, submissions from Mr Johnson
22 on behalf of GMP.

23 SIR JOHN SAUNDERS: Mr Weatherby.

24 MR WEATHERBY: Good morning, and thank you very much, both
25 to yourself, sir, and to Mr Greaney for the careful way

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1 in which the proceedings have been opened this morning,
2 and in particular about the issues relating to the
3 extradition.

4 Can I say at the outset that no one has a greater
5 interest in the proper course of justice being followed
6 than the families who, of course, are the primary
7 victims of the outrage that we are here to investigate.

8 Can I make it also clear that I'm not suggesting
9 I have any information which would properly ground
10 a criticism of either the UK authorities or indeed the
11 Libyan authorities in respect of this matter.

12 All that I'm seeking is that 20 months on after the
13 outrage of the bombing is that the families ought to be
14 provided with a greater level of factual detail about
15 the process. We have put some submissions in writing,
16 which I know you will have read, but others listening
17 will not have had the opportunity of so doing. For the
18 record, it's at page 101 of the bundle. I'm going to
19 refer in particular to paragraph 4 of my written
20 submissions.

21 We know that the extradition request on Hashem Abedi
22 was made in November of 2017. The most update that the
23 families have received has in fact come through the
24 press. In November of 2018, the BBC and The Guardian
25 reported the Prime Minister of Libya as indicating that

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1 the extradition was imminent and would be made by the
2 end of 2018.

3 On 19 January, a report in The Times, quoting
4 unnamed counter-terrorism sources, gave a less
5 optimistic view. In essence, what we seek, through you
6 to the CPS, Crown Prosecution Service, and the police,
7 is a plea for a greater amount of factual transparency.
8 We are not seeking information which could be seen as a
9 criticism; we're simply seeking the information that we
10 set out in writing.

11 That information that we seek is, where are the
12 proceedings up to? What has been achieved so far? What
13 hurdles do there remain within the Libyan legal process
14 in respect of this extradition? Where is Hashem Abedi?
15 Because of course, given the situation in Libya, that's
16 a matter of some concern to the families.

17 Is he in fact in detention? And if so, is he in
18 detention under the authority of the UN-backed
19 government in Tripoli or some other force? What stage
20 has been reached?

21 Can I say that these are questions which would be
22 commonplace in extradition processes around the world.
23 They involve simply a call for some openness and
24 transparency about where we've reached. There may well
25 be good reason why it's taken so long and we don't seek

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1 to infer otherwise.

2 The importance of the extradition is obvious. It
3 affects not only the passage of justice in terms of
4 criminal proceedings but, of course, as Mr Greaney and
5 yourself, sir, have adverted to already, it may affect
6 the proper process of the inquests themselves.

7 Finally, can I also invite Mr Johnson and the CPS to
8 give a further update on the criminal investigation more
9 generally. Are there likely to be other prosecutions?
10 If so, what is the timescale in respect of those?
11 Thank you.

12 SIR JOHN SAUNDERS: Thank you very much.

13 Mr Cooper.

14 MR COOPER: Sir, we clearly endorse what you have just heard
15 from Mr Weatherby on those submissions. Can we add some
16 submissions in relation to disclosure of material that
17 you will be getting, in particular, in relation to the
18 Kerslake, Anderson and Grieve reports, if I can put them
19 that way. We are aware through our information, for
20 instance, that as far as the Grieve report is concerned,
21 the Prime Minister received an unredacted document which
22 was not put into the public domain.

23 Whilst we quite understand there are reasons for
24 that to take place, can we be reassured, please, that
25 in relation to that and all other reports, you have

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1 access to the full unredacted documents so that you can
2 come to a view as to what we should be seeing and at
3 least you have the full picture, even if we, for good
4 reason maybe, may not have it.

5 Sir, we would seek reassurance to that effect: that
6 the material you are being supplied with, particularly
7 in relation to those three reports, is full and
8 unredacted and contains all the material, for instance,
9 the Prime Minister and other ministerial colleagues will
10 have had, which the public will not have had.

11 May we also add this in terms of scope as far as the
12 inquest is concerned. We've already made substantive
13 submissions on this, but no doubt you and Mr Greaney
14 will be particularly concerned, as are we, as to the
15 information that the security services had of the bomber
16 and how they utilised it.

17 This, as far as we are concerned, will be one of the
18 fundamental questions we will seek to explore during the
19 course of the oral hearings. Not so much whether the
20 security services knew of the bomber, but what they did
21 with the information once they had it.

22 Perhaps we could -- and I am sure we don't really
23 need to -- ensure that both my learned friend Mr Greaney
24 and indeed you, sir, with respect, are conscious now at
25 this stage of that particular imperative as far as

25

1 we are concerned and as far as our approach is
2 concerned.

3 Perhaps finally, this, and it's more of an
4 administrative issue. We are grateful to receive the
5 date of 6 April. It is frustrating, as everyone can
6 understand, as far as those we represent, that it is
7 over a year hence, but we understand the reasons for it.
8 Does my learned friend -- or indeed do you, sir -- have
9 any indication as to the potential time estimate of the
10 inquest once it begins, so that those that we represent
11 can understand that process as well, which at the moment
12 we have no information on.

13 But apart from that, we have no further submissions.

14 SIR JOHN SAUNDERS: I'm grateful.

15 Can I say something which Mr Greaney can confirm.
16 At the moment, I have been supplied with everything
17 I have asked for. Other things have been asked for
18 which have not yet arrived. If I am not supplied with
19 unredacted copies of these we have asked for, then that
20 will be made known to the parties and we will take
21 appropriate steps.

22 Mr Greaney will confirm whether what I'm saying is
23 right at the moment.

24 MR GREANEY: Sir, what you have just said is entirely
25 correct.

26

1 SIR JOHN SAUNDERS: Okay, I'm grateful for that. So we will
2 inform you of that.

3 Can I also say in relation to scope that we are
4 acutely aware of the problem that you have identified,
5 which is one of the reasons why I set out how we were
6 going to try and timetable things at an early stage
7 in relation to those national security matters which may
8 arise because it's critical to how we are able to deal
9 with it.

10 We have to balance being able to allow the families
11 to play as great a part as is possible in the inquest,
12 which obviously everybody wants, with an effective
13 inquest actually able to be carried out. So we are
14 acutely aware of that and we'll certainly be coming back
15 to you for submissions and help on that in due course,
16 as indeed you have in your written submissions already
17 identified. Lady Justice Hallett may be a bit concerned
18 that you described what she said to
19 Lady Justice Rafferty, but I have no doubt that she will
20 forgive you. But yes, we are acutely aware of that and
21 we will keep it in mind.

22 As to time estimate, I think the answer is that
23 no one can give you a reliable time estimate at the
24 moment. I was told before we started that the sort of
25 time estimate we were talking about was three months.

27

1 Whether that is a figure plucked out of the sky, I have
2 no idea, but we will keep informing the parties of what
3 we consider the estimate is likely to be and ask for
4 their input into it as soon as possible because I'm
5 aware that everybody needs to know not only when we're
6 going to start but how long we're going to take when we
7 start.

8 MR COOPER: I'm very grateful for that. Might I also say
9 whilst I am on my feet that we are also grateful for
10 being facilitated at the arena a few months ago, which
11 was a very helpful and productive site visit, if I may
12 put it that way.

13 May we perhaps ask that if we require a second visit
14 at any stage, we can be assisted with that?

15 SIR JOHN SAUNDERS: Mr O'Connor?

16 MR O'CONNOR: Sir, SMG understand that the provision of
17 these site visits is likely to be a rolling process.
18 Clearly, they have issues about availability and
19 timetabling and so on, but I'm sure my clients will
20 assist in a reasonable manner, sir.

21 MR COOPER: I'm grateful.

22 SIR JOHN SAUNDERS: Can I now invite submissions from any
23 other of those representing the families at this stage
24 perhaps to limit it to the question of anything you want
25 to say about police -- what the police are going to say

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1 about the criminal prosecution. Does anyone want to add
2 anything to that which has already been said?

3 Any of the other interested persons before I call on
4 Mr Johnson?

5 Right, Mr Johnson, you have heard what's been said,
6 you understand the anxieties, you know our
7 encouragement, but there's no way I can make you say
8 something that you're not instructed you can say.

9 MR JOHNSON: Sir, thank you.

10 Sir, you, through your solicitor, asked the Crown
11 Prosecution Service and the police -- and I represent
12 the police -- to provide you and interested persons with
13 an update as to the extradition proceedings.

14 There followed a fairly careful dialogue between the
15 police and the Crown Prosecution Service as to what
16 update could be given. Certainly my client is very
17 conscious of the need to be as open and transparent as
18 possible, and I'm sure the same goes for the CPS.

19 Following that request and that engagement, we
20 provided the update which Mr Greaney has read out
21 a moment ago. I'm not going to repeat it, but it
22 included that the request for extradition had been made,
23 that the extradition proceedings are in progress, and
24 that in the event of the extradition application being
25 agreed by the Libyan authorities, a comprehensive plan

1 is already in place to enable an immediate and effective
2 response.

3 Mr Weatherby this morning says no one has a greater
4 interest than the families in this process taking its
5 proper course, and we respectfully agree. He also makes
6 a plea for a greater degree of openness and transparency
7 and, in particular, for more information as to where the
8 proceedings are up to, what has been achieved thus far,
9 and what hurdles remain.

10 You indicated earlier that you were very sympathetic
11 to his request for further information. So are we. We
12 completely understand why the families should want
13 further information and we cannot see for the moment any
14 reason why more information could not be given, but this
15 is not a process that is being driven primarily by
16 Greater Manchester Police; there are other agencies,
17 both in the United Kingdom and in Libya, involved in the
18 process.

19 It is absolutely no criticism of Mr Weatherby, but
20 we received the request for further information
21 yesterday. It's no criticism of him because he was
22 responding to information that was only provided to him
23 very recently, but I'm afraid it's just not possible for
24 me within a day of receiving that request to provide
25 a response that has gone through the process it would

1 need to go through to ensure that as much as possible
2 can be said without more being said than is safe to say.

3 What I can undertake to do is that immediately after
4 today's hearing, my client will engage with the Crown
5 Prosecution Service, and with others involved in this
6 process, with a view, if at all possible, to answering
7 Mr Weatherby's questions in full or, if not in full,
8 giving as much information as can possibly be given and
9 an explanation, if possible, for any gaps.

10 I'm afraid that's all I can say, but we do emphasise
11 that we are very sympathetic to the request and we are
12 hopeful that more can be provided.

13 SIR JOHN SAUNDERS: That's helpful, thank you very much.

14 Can I just enquire a bit more how that would be
15 intended to be done. Obviously, you could send out
16 something in writing to solicitors. Alternatively,
17 I know that in the past the police have been very
18 supportive to the families, and whether some sort of
19 meeting with the families might be the best way in order
20 to convey the information and explain the difficulties
21 that you have.

22 MR JOHNSON: Sir, that is something we discussed this
23 morning as to the best mechanism to do that. The first
24 thing is to work through the process as to what
25 information can be given. At the same time as doing

1 that, we will be addressing the best mechanism to
2 provide any information. There are boring practical
3 difficulties around different options.

4 You indicated that one option would be a written
5 update, and I can certainly see the sense in that.
6 I can see the benefit in providing face-to-face updates
7 to the families. But the practical difficulty with
8 that is that the families are in different parts of the
9 United Kingdom and there's obvious logistical
10 arrangements that result from that. There are also pros
11 and cons attached to providing individual updates to
12 individual families or providing a group update.

13 But we are very alive to the different options.
14 We are very open to discussion between legal
15 representatives or between families and their family
16 liaison officers, who are anxious to provide the maximum
17 level of support to their individual families. We're
18 very open to discussion as to the best mechanism for
19 providing that sort of information.

20 We've discussed it this morning, we haven't yet come
21 to a decision, but we will engage with other interested
22 persons in relation to that.

23 SIR JOHN SAUNDERS: That's very helpful. Thank you very
24 much. Does anyone want to come back on that? Right.
25 Mr Weatherby.

1 MR WEATHERBY: Only to indicate that I'm grateful for that
 2 and I hope that it can be dealt with expeditiously.
 3 SIR JOHN SAUNDERS: Thank you. Mr Greaney?
 4 MR GREANEY: Sir, we don't propose to make any further
 5 submissions on the first agenda item.
 6 So far as submissions have been made on other issues
 7 that engage other agenda items, we will deal with those
 8 when we reach them.
 9 The second agenda item is the provisional scope of
 10 the inquest. What has occurred, as all interested
 11 persons know, is that on 16 January your legal team
 12 circulated to all interested persons a document that was
 13 described as an explanatory note and which dealt with
 14 a number of issues, including the issue of scope; that
 15 was dealt with at paragraph 28.
 16 At that paragraph, sir, we identified seven broad
 17 topics which should, in our submission, provisionally be
 18 deemed within scope. That list was clarified in one
 19 respect in our supplementary submissions dated
 20 21 February at paragraph 6.
 21 Sir, the interested persons are therefore fully
 22 aware of what those topics are, but the public is not,
 23 and we therefore propose to read out the list of matters
 24 that we submit are properly within the scope of these
 25 inquests.

1 First -- and this deals with one of the points made
 2 by Mr Cooper, and will, we hope, satisfy him that is
 3 an issue that we have very much at the forefront of our
 4 minds -- whether the attack by Salman Abedi could have
 5 been prevented by the authorities, including
 6 investigation of the background of Salman Abedi, his
 7 radicalisation, including his relationship with relevant
 8 associates, including family members and others, and any
 9 relevant external sources, for example online, and
 10 whether Prevent referrals should have been made in
 11 respect of Salman Abedi and/or any of his family
 12 members.
 13 The knowledge of the security services, the police
 14 and others have Salman Abedi, his radicalisation and his
 15 relationship with relevant associates, including family
 16 members but also others.
 17 What intelligence and other relevant material on
 18 Salman Abedi and/or relevant associates was available to
 19 the security services, the police and others, prior to
 20 the attack.
 21 When such intelligence and information was
 22 available.
 23 The assessment, interpretation, dissemination and
 24 investigation of intelligence and information relating
 25 to Salman Abedi, including, if applicable, whether and

1 how it was shared, who it was shared with, when it was
 2 shared, and with what effect, if any.
 3 What steps were or were not taken by the security
 4 services, the police and others in relation to
 5 Salman Abedi prior to the attack. The reasons for what
 6 was and was not done. The adequacy of the steps that
 7 were or were not taken.
 8 The systems, policies and procedures applicable to
 9 the review, sharing and actioning of intelligence and
 10 other relevant information on Salman Abedi prior to his
 11 attack.
 12 Also under this first topic heading, the adequacy of
 13 such systems, policies and procedures.
 14 So sir, we hope that Mr Cooper, and indeed all
 15 interested persons, will be satisfied that there will be
 16 a most vigorous investigation into those important
 17 issues.
 18 The second broad topic, the build-up to the attack,
 19 including attack planning and reconnaissance, bomb
 20 preparation and assembly, including, if applicable,
 21 relevant purchases, attempted purchases, and storage.
 22 The movements of Salman Abedi and other relevant
 23 associates in the lead-up to the attack. Finally, under
 24 this heading, what if anything was known by the security
 25 services, the police and others about the matters

1 we have just identified, planning and preparation
 2 et cetera, and what steps were taken, if any, and their
 3 adequacy.
 4 The third topic that we submit, sir, is undoubtedly
 5 within scope is the attack itself, including events
 6 immediately prior to and following the detonation of the
 7 explosive device, the immediate impact of the explosive
 8 device on the victims of the attack, and the immediate
 9 response to the detonation of the explosive device.
 10 The fourth topic, and a matter upon which Mr Cooper
 11 made some short submissions at the last hearing, is the
 12 security arrangements within and outside the arena,
 13 including the security provided, arranged by the owner
 14 and operator of the arena venue, and those contracted by
 15 them to provide security, in particular the City Room's
 16 security arrangements.
 17 The security provided by relevant public state
 18 organisations. The security provided by relevant
 19 private security providers. The planning, preparation
 20 arrangements and communication, if any, between those
 21 security providers prior to the attack, including but
 22 not limited to their roles and responsibilities for risk
 23 identification, person and bag checking and responding
 24 to a terrorist and/or mass casualty incident.
 25 The adequacy of all of the matters we've just

1 mentioned, including their compliance with relevant
 2 planning and preparation policies , systems and
 3 practices .
 4 Finally under this topic heading: the impact, if
 5 any, of any inadequacies in the security arrangements,
 6 including whether any inadequacies contributed to the
 7 extent of the loss of life that occurred.
 8 Fifth topic . The emergency response to the bombing,
 9 including planning and preparation for responding to
 10 terrorist and mass casualty incidents , including
 11 inter-agency planning, preparation and exercises prior
 12 to the attack. The policies , systems and practices
 13 relevant to that. The operational responses of relevant
 14 emergency services, those contracted to provide first
 15 aid to concert goers, the operation of the arena venue
 16 and relevant security providers, including their
 17 adequacy and compliance with the relevant planning,
 18 preparation, policies , systems and practices .
 19 The inter-agency liaison , communication and
 20 decision-making between relevant emergency services and
 21 with others, including their adequacy and compliance
 22 with the relevant planning, preparation, policies ,
 23 systems and practices .
 24 Finally under this topic heading, the impact if any
 25 of any inadequacies in planning, preparation and/or the

1 emergency response, including whether any inadequacies
 2 undermined the ability of the response to save life
 3 and/or contributed to the extent of the loss of life
 4 that occurred.
 5 Sixth topic . The experiences of each person who
 6 died, including their travel to the arena, the locations
 7 they visited , who they were with, and their movements at
 8 and around the arena.
 9 The seventh topic that we submit is within the scope
 10 is the immediate cause and mechanism of each death,
 11 including the mechanism and cause of each death, exactly
 12 when and where each person died, to the extent that that
 13 proves possible to ascertain, and survivability ,
 14 including whether any inadequacies in the emergency
 15 response contributed to individual deaths and/or whether
 16 any of the deaths could have been prevented.
 17 Sir, no interested person has indicated any
 18 disagreement with that proposed scope or framework, and
 19 accordingly we consider that you should now direct that
 20 the provisional scope of the inquests will include
 21 investigation of the matters that we have just listed .
 22 However, as we have expressed in our various written
 23 submissions, as your legal team, sir , it is our view
 24 that your provisional scope decision, if you make one
 25 today, should be kept under review and, moreover, under

1 close review including in light of disclosure and
 2 submissions from interested persons.
 3 By keeping the position under review, it may be that
 4 further matters are later deemed within scope or indeed
 5 that matters in the list we have read out will fall
 6 away.
 7 Furthermore, we also consider that a list of issues
 8 should be settled and circulated to the interested
 9 persons. Obviously, this must be provisional and will
 10 inevitably need to be added to as disclosure occurs and
 11 as we develop our understanding of the facts . We note
 12 that Mr Weatherby's team agree with that proposal; we
 13 hope that others will too.
 14 Accordingly, sir , once you've heard submissions from
 15 the interested persons -- we suggest families first ,
 16 followed by any other interested persons -- and
 17 depending upon those submissions, we invite you to order
 18 as follows .
 19 First , that the topics we have identified should
 20 provisionally be deemed within scope. And sir , if you
 21 so order, that list will then be uploaded to the inquest
 22 website later today.
 23 Secondly, we invite you to order that your legal
 24 team should serve on the interested persons a list of
 25 issues, again a provisional document, by 4 pm on

1 Thursday, 28 March, that being four weeks today.
 2 Sir, that is what we propose to say at this stage
 3 about the second agenda item, scope.
 4 SIR JOHN SAUNDERS: Thank you. Can I invite submissions on
 5 that? I'm sure you are grateful , Mr Weatherby, for this
 6 suggestion of the list of issues in the early stage to
 7 help focus the inquiry .
 8 MR WEATHERBY: Indeed, I am. The utility of a list of
 9 issues is that of course it is there for all to see on
 10 the website and it is there to be amended, subject to
 11 disclosure as it rolls out, so it's of use to all of us.
 12 So I'm very grateful indeed for the suggestions that are
 13 made and we fully support those, and indeed we're
 14 grateful for the work that's gone into producing the
 15 scope within the CTI document that Mr Greaney has just
 16 read out.
 17 May I just raise one point beyond that on the
 18 utility of the list of issues and the scoping? One of
 19 its primary reasons is to assist with the process itself
 20 of disclosure and to concentrate the minds of those who
 21 are producing document to the inquests on what is
 22 relevant and on the parameters of relevance .
 23 In other Article 2 processes, there has been
 24 discussion in recent times, following on from lists of
 25 issues, of the idea of position statements. I'm merely

1 at this point putting down a marker that this is
 2 something I may return to in due course.
 3 A position statement will be where you would
 4 initially request one or more of the producers of
 5 documents for a response to some of the matters that are
 6 raised in the list of issues. So I put that down as
 7 a marker as something that can help, both with setting
 8 the parameters of the inquests, enlarging or shrinking
 9 the scope as the disclosure rolls out, choice of
 10 witnesses, the instruction of appropriate experts and
 11 the expeditious process of the inquest hearings
 12 themselves. So I may return to that in due course.
 13 SIR JOHN SAUNDERS: Thank you. That's very helpful.
 14 Clearly, what you say about the list of issues will
 15 help to focus the disclosure process. Equally, it
 16 mustn't be limited to that because it's a provisional
 17 list and other matters may arise which need to be looked
 18 at which come to light as the process goes on.
 19 MR WEATHERBY: With respect, I entirely agree: once we have
 20 a list of issues, it's there to be amended for
 21 everybody's benefit. I'm obliged.
 22 SIR JOHN SAUNDERS: Thank you.
 23 MR COOPER: Again, I'm grateful as well and echo those
 24 observations.
 25 May I make one further observation in terms of scope

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1 and disclosure. Again, we're grateful for the process
 2 that's been adopted so far as pathology is concerned.
 3 When it comes to any further disclosure in relation
 4 to that material, because I know we're expecting more,
 5 we commend the provision of that primarily firstly to
 6 the legal representatives so that a view can be taken
 7 then as to ultimate dissemination of what is obviously
 8 very distressing and sensitive material.
 9 SIR JOHN SAUNDERS: Yes. I'm sure that can all be dealt
 10 with by negotiations and should be done in the way you
 11 suggest. That's helpful, thank you.
 12 Anybody else want to say anything about the
 13 suggested scope and what is proposed at the moment? No,
 14 okay. I will make the directions that you ask for,
 15 Mr Greaney, in those terms.
 16 MR GREANEY: Thank you very much indeed, sir.
 17 Sir, we turn therefore to the third issue, the
 18 provisional engagement of Article 2. As everyone knows,
 19 Article 2 of the Convention enshrines protection of the
 20 right to life. It imposes a number of obligations on
 21 the state. Those include a negative obligation not to
 22 take life without justification, a general positive
 23 obligation to safeguard life, including by establishing
 24 a framework of laws, precautions, procedures and means
 25 of engagement, which will, to the greatest extent

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1 reasonably practicable, protect life. And thirdly,
 2 a positive operational obligation to take reasonable
 3 steps to protect those whose lives are at real and
 4 immediate risk from a threat about which the authorities
 5 knew or ought to have known.
 6 But whether Article 2 is engaged in these inquests
 7 is an issue of importance, not least because, if it is,
 8 the question of how each deceased person came by his or
 9 her death expands to mean how and in what circumstances
 10 the deceased person came by his or her death.
 11 Sir, in the agenda for the first PIR, you expressed
 12 the provisional view that Article 2 was engaged. In our
 13 written and oral submissions, we as counsel to the
 14 inquest expressed firm agreement with that provisional
 15 view.
 16 Since then, the report of the Intelligence and
 17 Security Committee of Parliament has been published, and
 18 for reasons set out in our detailed explanatory note of
 19 16 January, the contents of that report tend to confirm,
 20 we submit, the correctness of your provisional view.
 21 Sir, in the written submissions of the interested
 22 persons, there is widespread agreement that you should
 23 make or at any rate repeat your provisional ruling that
 24 Article 2 will apply at these inquests.
 25 It is right to say, sir, as you yourself have

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1 observed, that in what are careful and balanced
 2 submissions, the government has expressed its
 3 disagreement to some extent at least.
 4 However, for reasons that you have already given,
 5 now is not the occasion for an argument on that issue
 6 and counsel for the government has been good enough to
 7 tell me that she agrees and does not stand in the way,
 8 sir, of you making -- or seek to stand in the way of you
 9 making the order that we invite you to make.
 10 Accordingly, once you have heard from any interested
 11 person on this issue -- and we suggest the government
 12 first, if they wish to make submissions, followed by the
 13 families, followed by any other interested persons.
 14 Once you have heard from the interested persons and,
 15 subject to their submissions, we submit that you should
 16 provisionally rule that Article 2 is engaged in these
 17 inquests, leaving open the prospect of full argument and
 18 a further final ruling in due course.
 19 SIR JOHN SAUNDERS: Apart from the government, do any of the
 20 interested persons wish to make any further submissions
 21 other than those they've already made on paper?
 22 Thank you.
 23 Ms McGahey, I am grateful for the indication
 24 you have given. Clearly this is a matter on which
 25 I would hear detailed submissions and argument in due

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1 course. It does occur to me that, by agreement between
 2 you all, the areas where Article 2 may apply may be able
 3 to be restricted. So for example, you make the point in
 4 your submissions that there's no suggestion that the
 5 government took life, there's no suggestion in what has
 6 been said so far or there may be no suggestion that
 7 there was a systemic failure to provide the means of the
 8 criminal law for dealing with the matters and things
 9 like that. It may be, and I say this provisionally
 10 looking at what we have seen so far, that what we're
 11 talking about is the positive operational obligation to
 12 take steps to prevent life being taken. And it may be
 13 that people considering these matters will be able to
 14 focus on that aspect when we come to consider the
 15 matters.

16 It also occurs to me that some of the material which
 17 may inform my decision on that may be matters which are
 18 not going to be made known anyway at that stage to
 19 others of the interested persons but will clearly be
 20 relevant to my determination.

21 MS MCGAHEY: Yes, sir. With respect, it does seem to us
 22 that these are matters that simply cannot be canvassed
 23 now. For that reason, we do not seek to dissuade you
 24 from the course you have outlined.

25 SIR JOHN SAUNDERS: Thank you. I'm grateful for that.

1 I will make the order that Mr Greaney's asked me to make
 2 and your arguments will be heard fully in due course.

3 MS MCGAHEY: Thank you, sir.

4 SIR JOHN SAUNDERS: Mr Greaney.

5 MR GREANEY: Thank you very much, sir.

6 We turn therefore to an update on disclosure. The
 7 solicitor to the inquest provided comprehensive
 8 disclosure updates to the interested persons on
 9 27 November last year and 16 January and 21 February
 10 this year.

11 We don't, sir, propose to repeat the content of
 12 those detailed notes, but we will provide the headlines
 13 as of this morning, if we might put it that way.

14 Disclosure requests have been made of
 15 36 organisations. All but two have made some
 16 disclosure, with some providers making disclosure in
 17 stages, for good reason.

18 We have received 184,000 pages of material so far.
 19 60,000 of those pages have been the subject of a first
 20 review by your legal team, sir, and that is a review for
 21 relevance and redactions, and also subject to a second
 22 review, which is essentially a check that the first
 23 review has been conducted as it ought to have been.

24 5,700 pages have been shared back with document
 25 providers to enable them to confirm our redactions.

1 3,000 pages have gone to the Crown Prosecution Service
 2 and Greater Manchester Police to enable them to express
 3 a view on whether disclosure on to the interested
 4 persons would risk prejudice to the criminal
 5 proceedings.

6 That final stage is, as we indicated earlier,
 7 proving complicated, but that is not a criticism of
 8 anyone, and we are confident that this process will
 9 work.

10 The upshot, sir, is that we expect to make the first
 11 disclosure to the interested persons by 12 March via the
 12 Magnum database. Thereafter, disclosure will be made in
 13 tranches on a regular and rolling basis. We expect, as
 14 I said in giving an overview, that disclosure will be
 15 substantially complete by the end of January of next
 16 year.

17 We say all of this not to invite any formal
 18 direction from you now because, subject to your view and
 19 the submissions of the interested persons, we do not
 20 consider a direction to be necessary at this stage.
 21 Rather we say what we have just said for information and
 22 we hope it will ease the understandable questions that
 23 all interested persons will have, particularly the
 24 bereaved families, about the progress that is being made
 25 with disclosure.

1 In short, I can say that much work is being done on
 2 disclosure and real progress will soon start to be made
 3 with disclosure on to interested persons.

4 We don't propose to invite submissions from others
 5 on this topic immediately, but instead we'll provide an
 6 update on the approach to the security-sensitive
 7 materials, which is the next item in the agenda.

8 SIR JOHN SAUNDERS: Just before you move on, can I just say
 9 this: clearly, disclosure is something that can affect
 10 the hearing date. If interested persons become
 11 concerned about lack or delay of disclosure, please do
 12 contact me and the team so we can either reassure you or
 13 do something about it. It's better this happens as we
 14 go along if you're concerned you're not getting as much
 15 disclosure as you're expecting at the time and we will
 16 at least give an explanation and indicate what's going
 17 on.

18 MR GREANEY: Indeed. One of the things that we've been keen
 19 to emphasise in all of our discussions with legal
 20 representatives for the interested persons is that there
 21 is an open line of communication to your legal team and,
 22 as may be apparent to you from what has happened today,
 23 that has been working very effectively so far. There
 24 has been much cooperation.

25 MR COOPER: Briefly, may I just add to that that notice be

1 paid particularly to that last date, as it were, the end
2 of January. What we would be concerned about is if that
3 is slackened, particularly if there's an April date for
4 the hearing -- because what we'd want to avoid is
5 obviously disclosure happening too close to the hearing,
6 causing us hypothetically to be asking for delay, which
7 is the last thing we want to do.

8 So maybe we could make this early request that
9 whatever dates may or may not have to slip during the
10 process, that final date of the end of January as
11 sacrosanct as it possibly can be.

12 SIR JOHN SAUNDERS: Mr Cooper, I think a lot of us here are
13 familiar with the disasters that can happen with late
14 disclosure, so we'll do our absolute best to make sure
15 that is avoided.

16 MR GREANEY: Indeed, sir, we will.

17 I was indicating that what I proposed to do was to
18 deal in combination both with the update on disclosure
19 and with an update on our approach to the
20 security-sensitive materials, because that is
21 a connected topic, and then, once we've dealt with that,
22 we'll invite submissions from the interested persons on
23 both topics.

24 Sir, it will be obvious to all interested persons
25 that security-sensitive material of potential relevance

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1 to the inquests is likely to be held by HMG, the police
2 and possibly also other organisations. This is apparent
3 from a number of open sources, including the
4 unclassified independent assessment of MI5 and police
5 internal reviews into the 2017 terror attacks in London
6 and Manchester conducted by David Anderson QC, from the
7 report of Max Hill QC, and from the report of the
8 Intelligence and Security Committee.

9 There is necessarily only a limited amount that can
10 be said by us concerning this material given its
11 sensitive nature. However, we can confirm -- and indeed
12 have done so already -- that you and members of your
13 team with the appropriate security clearance have read
14 the material held by HMG and the police as considered by
15 the Intelligence and Security Committee.

16 In our supplementary submissions dated 21 February,
17 we set out the approach that we propose to adopt to
18 security-sensitive materials, and we have not detected
19 any dissent from that approach on the part of any
20 interested persons.

21 It is plainly vital that no steps are taken within
22 these inquests which might prejudice the ongoing
23 criminal proceedings arising from the Manchester Arena
24 attack or indeed any other investigations into terror
25 plots and/or terror offences, or which might reveal

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1 information which would unnecessarily impair efforts to
2 combat terrorism now and in the future.

3 But at the same time, we consider -- and, sir, we
4 know that you consider -- that these inquests should be
5 conducted as openly, transparently and with the greatest
6 involvement of all interested persons, including the
7 families of the bereaved, as is possible, bearing in
8 mind the security sensitivities that are involved. Our
9 approach is designed to respect all of those matters,
10 which to some extent, of course, are competing.

11 In accordance with that approach, we now invite you
12 to make the following directions. First, that the
13 security-sensitive material held by HMG and the police,
14 as considered by the Intelligence and Security
15 Committee, should be disclosed to you, sir, by 14 March.

16 Second, that HMG and the police should provide
17 a witness statement, each summarising, to the extent
18 possible, the relevant content of that disclosure in
19 a form that can then be disclosed to all interested
20 persons. Sir, we invite you to direct that they should
21 do so by 11 April.

22 Third, that any PII application should be made in
23 writing by 16 May.

24 Fourth, that the other interested persons should
25 make any submissions that they wish to make on the issue

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1 of relevance and approach to PII, that they should do so
2 in writing, and that they should identify whether they
3 wish to have an open hearing on those issues by 6 June.

4 Sir, we echo something that you have said already,
5 that it may be possible for the interested persons to
6 deal with the issues of relevance and approach in
7 writing so that it is not necessary to have an open part
8 of the hearing. But if any interested person wishes
9 there to be an open hearing to assess issues of
10 relevance and approach, then that, we suggest, should
11 happen.

12 Fifth, the open hearing, if any, followed by the
13 ex parte PII hearing, if any, should take place on
14 25 June 2019.

15 Sir, that is what we meant when we said earlier that
16 there is a determination on the part of your legal
17 team -- and, sir, we know on your part as well -- to
18 resolve these important public interest immunity issues
19 as soon as reasonably practicable.

20 Thereafter we propose that there should be a further
21 PIR on 11 July, and at that hearing it is probable that
22 the issues of jury, and if I can put it this way,
23 inquest versus public inquiry, will arise for
24 consideration in the light of any PII ruling.

25 Sir, we will circulate a draft agenda ahead of that

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1 hearing with proposed dates for submissions once we have
2 a better idea of where we're going.

3 SIR JOHN SAUNDERS: The information that is given to me we
4 can't firm up the date of 11 July at the moment without
5 knowing that the venue is available, so it's going to
6 be, as I understand it, it can't be made a definite date
7 as of today.

8 MR GREANEY: Sir, you know more than I do, so that can be
9 a date that we will aim to achieve but we will update
10 the interested persons in due course about it.

11 We hope that the interested persons have found that
12 a useful update on those topics and we would now invite
13 you to hear submissions on those topics from the
14 interested persons and we suggest from the families
15 first followed by any other interested persons.

16 SIR JOHN SAUNDERS: Mr Weatherby.

17 MR WEATHERBY: Yes, very briefly. I'm grateful again to
18 Mr Greaney for setting out those proposed directions and
19 we fully support and ask you to make those directions.

20 We did set out in our latest written submissions at
21 paragraph 12 some proposed directions which a largely
22 superseded by those proposals.

23 SIR JOHN SAUNDERS: (Inaudible: no microphone) drafting
24 these proposals.

25 MR WEATHERBY: I'm very grateful.

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1 It may be useful to extend the directions beyond the
2 security-sensitive material to the other producers of
3 documents because, of course, everybody is busy and the
4 longer people have without some form of disciplined
5 structure means the longer that the disclosure into the
6 inquiry or the inquests will take, so we would say that
7 it would be helpful if a further direction could be made
8 more generally beyond the security information.

9 We also have requested that a direction be made for
10 inventories of documents because, again, other
11 experience shows that that is a very effective and
12 efficient way of everybody understanding what there is
13 and focusing any further disclosure requests.

14 Finally, we would ask that some kind of road map be
15 provided by the inquiry team as to a disclosure
16 timetable, which will then help us in our arrangements,
17 which practically have to be made in order to work and
18 consider that material.

19 We have nothing to say other than we support the
20 process that is set out by Mr Greaney in terms of the
21 security-sensitive material.

22 SIR JOHN SAUNDERS: Mr Greaney will deal with the question
23 of the road map, which you have made in your written
24 submissions. My understanding may be that it's
25 considered a good idea but may be a bit premature at the

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1 moment, but it will be borne in mind, I think is
2 probably the situation. Again, negotiations between you
3 as to what you'd find helpful and what can be provided
4 would be useful.

5 MR GREANEY: I'm grateful.

6 SIR JOHN SAUNDERS: In relation to other PII applications,
7 I hope and believe that they will be few in number, but
8 also will be relatively easy to decide and will not have
9 a huge impact on how the inquests proceed.

10 MR WEATHERBY: Yes.

11 SIR JOHN SAUNDERS: So I agree, a date may be a good idea,
12 but it can be further in the future because it won't,
13 I don't think, impact on the proceedings in the same
14 way.

15 MR WEATHERBY: Yes, I'm grateful. I wasn't simply referring
16 to PII applications, it was the production of any
17 documents not subject to argument for public interest
18 immunity. It would be helpful if a date could be set by
19 which all of the document producers -- by which they
20 should comply with their disclosure obligations.

21 SIR JOHN SAUNDERS: I think that happens in any event in the
22 letters that are sent out to them, so we've just made
23 a difference, I think, in the way we're asking for it to
24 come from the security services and the police
25 in relation to that material.

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1 MR WEATHERBY: I'm grateful.

2 MR COOPER: Sir, I won't repeat my submissions that were
3 perhaps a little out of kilter earlier on of the point
4 but reiterate our concern and reassurance that you will
5 have all the unredacted, particularly security material,
6 and you can come to a view as to what is relevant.

7 If there comes a time when matters are redacted, if
8 some indication, so far as it is practicable and safe,
9 can be given to the families as to the general subject
10 matter of redaction so that we can consider submissions,
11 that would be of assistance, again, in terms of
12 transparency.

13 SIR JOHN SAUNDERS: I don't think that anyone should
14 underestimate the difficulties which this particular
15 area is going to cause and it is going to need a great
16 deal of discussion, cooperation, on all sides in order
17 to make it to work satisfactorily. We'll do our very
18 best to achieve that, but I don't think it should be
19 underestimated and I'm sure you're not underestimating
20 it.

21 MR COOPER: No, thank you.

22 SIR JOHN SAUNDERS: Thank you.

23 Any other submissions from the families?

24 Mr Johnson, would you like to say anything on this
25 topic?

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1 MR JOHNSON: Sir, we're content with the directions that
 2 Mr Greaney has outlined and respectfully agree with the
 3 observations you have made about the difficulties ahead.
 4 We will seek to work them out.
 5 MR GREANEY: Sir, just before you are addressed by
 6 Ms McGahey, she has entirely reasonably sought further
 7 clarification from me of the material that we consider
 8 will be caught by the directions that we're inviting you
 9 to make.
 10 I can clarify it to this extent: what we consider to
 11 be captured by the direction will be the materials that
 12 we have reviewed so far and which belong to HMG. I hope
 13 that that will assist her.
 14 SIR JOHN SAUNDERS: And the underlying material going to it?
 15 MR GREANEY: Indeed, yes.
 16 SIR JOHN SAUNDERS: Mr Greaney, I just want to say this for
 17 people, otherwise it may not be understood. We've been
 18 talking about an order for disclosure of this material,
 19 but also saying that we have seen it.
 20 We have seen it because we've been allowed to see
 21 material by the government, for which we're grateful,
 22 but that doesn't amount to formal disclosure of the
 23 information, which is the next step down the line.
 24 MR GREANEY: Indeed, sir. You're quite right, I should have
 25 clarified that, otherwise it would seem confusing.

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1 We have seen that material for the purposes really of
 2 identifying what is relevant to the disclosed to the
 3 team.
 4 SIR JOHN SAUNDERS: Thank you.
 5 Ms McGahey.
 6 MS MCGAHEY: Sir, I'm very grateful for that clarification.
 7 As far as I'm aware now, there should be no
 8 difficulty in making formal that which you have already
 9 seen informally within the timescale. But I would ask
 10 for permission perhaps to make further submissions in
 11 writing if it turns out to be difficult. I make
 12 absolutely no criticism that we had no notice of this
 13 timetable and so have taken no instructions on it.
 14 I'm also very conscious that it is not possible for
 15 you, sir, to fix dates that are convenient for
 16 everybody; the numbers involved are too great.
 17 Unfortunately, I know that I am not available on either
 18 25 June, which may matter not very much, but not on
 19 11 July either, which is more of a problem.
 20 SIR JOHN SAUNDERS: (Inaudible: no microphone) adjust the
 21 date to meet your convenience. So if you'd like to tell
 22 us when around then you'd be available, we will
 23 certainly try and fix a date for that. That needn't
 24 actually be in this building; it may be in some
 25 convenient courtroom if we can find it.

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1 MS MCGAHEY: I'm very grateful, thank you.
 2 SIR JOHN SAUNDERS: Can I just say this to you: you will be
 3 as acutely aware as I am of the difficulties arising or
 4 potentially arising out of this evidence. It is clearly
 5 going to help a huge amount if as much as possible is
 6 included within the witness statement. I'm sure you can
 7 urge all of those who are dealing with these matters --
 8 and they're much more aware of the sensitivities than
 9 I am -- but, as I say, as much as possible could be
 10 included and maybe discussions can take place with the
 11 inquest team, just to try and find out how we can make
 12 more available than might otherwise be immediately
 13 apparent. There's a temptation maybe to say they can't
 14 have any of it; I'm sure that will be resisted.
 15 MS MCGAHEY: Sir, we are very conscious of the need to make
 16 as much available as possible. As you will be aware, it
 17 has been done in previous inquests, and I'm aware that
 18 considerable thought has already been given to this.
 19 SIR JOHN SAUNDERS: Thank you very much.
 20 MR GREANEY: Sir, before we leave this topic, I should
 21 simply add, out of fairness to HMG, that I did speak to
 22 Mr Sheldon last night in order to explain what our
 23 general proposed approach was, but we have identified
 24 fixed dates since then and it's therefore entirely
 25 reasonable for Ms McGahey to seek liberty to apply if

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1 there's any difficulty with that timetable.
 2 MS MCGAHEY: I'm very grateful.
 3 MR GREANEY: Sir, we turn therefore to the issue of pen
 4 portraits. In fact, little needs to be said about this
 5 important issue. We have made plain previously that we
 6 consider that the inquest's oral evidence hearings must
 7 commence with a process of commemoration and pen
 8 portraits. There has been universal agreement amongst
 9 the interested persons that this should occur and,
 10 moreover, that it must be voluntary.
 11 We submit that you should now direct that this is
 12 what will happen and, if so, your team will then discuss
 13 with interested persons in due course, particularly
 14 those representing the bereaved families, the precise
 15 arrangements for this process.
 16 We will be emphasising when we do so that no family
 17 member must feel under any compulsion to take part
 18 in the commemoration process and we recognise -- and
 19 we're sure all will recognise -- that different families
 20 may have different views and that is why it must be
 21 entirely voluntary.
 22 Sir, we would invite anyone that wishes to make
 23 submissions on this issue to do so now -- I don't know
 24 if there will be any -- families first and then any
 25 others.

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1 SIR JOHN SAUNDERS: I will make that direction. The fact
2 I'm making a direction doesn't involve or intend to give
3 any compulsion or anything like that. What you have
4 said is entirely right. It is and is intended to be
5 a voluntary process.

6 MR GREANEY: Thank you very much, sir.

7 So next topic, expert evidence. Mr Suter, the
8 solicitor to the inquest, provided updates to the
9 interested persons on the identification of proposed
10 experts on 4 January, 22 January and 12 February.

11 In short, the process of identifying appropriate
12 experts has taken much time and effort on the part of
13 your team, particularly Mr Suter, but we have now
14 identified experts in the following fields: pathology,
15 blast wave, police response, and fire and rescue
16 response.

17 Sir, four further connected points need to be made.
18 First, CVs for all of those experts have now been
19 circulated to the interested persons. Mr Suter has been
20 assiduous in identifying any potential link between the
21 experts and any aspect of the case that ought to be
22 drawn to the attention of the interested persons. We
23 add only that in their written submissions, dated
24 25 February, Mr Weatherby and Ms Morris invite us to
25 raise a number of questions with the proposed policing

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1 experts. What they suggest seems to us to be entirely
2 sensible and we will therefore do so.

3 Second, Mr Weatherby's team have suggested the
4 instruction of an expert in the response of the
5 ambulance services. They submit that such an expert
6 would assist in understanding the whole picture and how
7 the emergency services should interact and respond.

8 Again, we agree and had in any event quite
9 independently come to that same view and steps have
10 already been taken to identify an appropriate expert and
11 we expect to circulate details in the very near future.

12 Third, letters of instruction will be disclosed to
13 interested persons as they go to the experts. Once the
14 experts have reported, we will invite you, sir, to give
15 directions for the service of any questions that the
16 interested persons have of the experts and we consider,
17 having considered very carefully the submissions that
18 have been made, that that is likely to be the most
19 effective way and efficient way of dealing with the
20 matter whilst ensuring that interested persons are able
21 to participate to an appropriate degree, which will be
22 a very significant degree.

23 Fourth, the experts will be pressed to provide their
24 reports as soon as is reasonably practicable. At the
25 moment, we are not in a position to provide a timetable

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1 or to invite you, sir, to make directions because, so
2 far as most of the experts are concerned, the time frame
3 will be dependent upon disclosure.

4 So sir, we now invite submissions, perhaps first
5 from Mr Weatherby, followed by the representatives of
6 any other bereaved family and then from other interested
7 persons if they have submissions.

8 MR WEATHERBY: Again very briefly indeed. Our concerns have
9 been fully considered here and we're grateful for that.

10 I emphasise that we're not suggesting the ambulance
11 response is open to criticism on what is currently
12 known. It's a full picture issue and we're grateful for
13 the consideration that has been made.

14 MR COOPER: Sir, simply this: in terms of the timetable of
15 delivery of experts' reports, we understand, of course,
16 what Mr Greaney has said very sensibly and practically
17 about that.

18 We would just ask to put this note down though, that
19 we be given time and the experts be given time to, for
20 instance, go back to their reports if necessary, clarify
21 them or deal with further questions or indeed
22 controversies -- who knows as to what may occur -- and
23 so don't get expert reports -- it's a theme I'm
24 developing, it seems -- late, causing potential delay.

25 SIR JOHN SAUNDERS: I'm sympathetic to that. It will be --

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1 the team will be aware when the relevant material has
2 been disclosed to the relevant experts, or at least
3 a substantial part of it, and it would then, it seems to
4 me, be possible to go to the expert and say: at what
5 time can you report? Then I think we should get
6 directions actually fixing those times because again
7 many of us know from bitter experience that expert
8 reports can slip and cause difficulties, particularly if
9 people want to instruct experts to actually check what's
10 been done.

11 So I will direct that there should be a timetable
12 drawn up for the service of experts' reports as and when
13 we are able to do that, and that will be sooner rather
14 than later.

15 MR COOPER: That's very reassuring, thank you.

16 SIR JOHN SAUNDERS: Anyone else?

17 MR GREANEY: Sir, I wouldn't like it to be thought that the
18 experts are not going to do anything until they're given
19 very full disclosure.

20 For example, the police and fire and rescue service
21 experts will be starting work imminently on the
22 preparation of what might be described as overview
23 reports, which identify general principles and policies
24 and then in subsequent reports they will apply those
25 principles and policies to the actual facts of this

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1 case.

2 SIR JOHN SAUNDERS: (Inaudible: no microphone) table at some

3 stage is a good idea.

4 MR GREANEY: We entirely agree with that.

5 The next issue is the jury. Sir, as everyone knows,

6 section 7.2 of the Coroners and Justice Act 2009 sets

7 out the categories of case in which an inquest must be

8 held with a jury, and section 7.3 provides the

9 discretionary grounds, namely that you may hold the

10 inquest with a jury if you think that there is

11 "sufficient reason" for doing so.

12 But whether any mandatory ground is made out remains

13 to be seen in the light of disclosure, but it may be

14 that ultimately the issue for you will be whether you

15 should exercise your discretion to summon a jury. It is

16 clear from the submissions you have received so far that

17 there is not unanimity on that issue. However, on one

18 thing all are agreed, namely that it is too early to

19 reach a view today.

20 Currently, we consider that the issue may be capable

21 of argument and resolution on 11 July, but for now we

22 as, sir, your counsel do not consider it sensible to

23 express any view ourselves on the issue or to invite you

24 to do so, even provisionally.

25 If any interested person wishes to say anything,

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1 we would invite them to do so in the following order:

2 the families first and then other interested persons.

3 MR WEATHERBY: Yes. Only this, sir. The only reason I've

4 referred to this in our written submissions is because

5 of the comment made in your counsel's written note about

6 the fact that others had made submissions against having

7 a jury. So I just wanted to flag it up.

8 SIR JOHN SAUNDERS: I don't take it personally, as I said

9 before, so please, no one think that.

10 MR WEATHERBY: I'm pleased by that indication.

11 The key point that we have in mind at the moment

12 is that the issue of the PII material is not in fact one

13 of great relevance to the issue of whether there is or

14 is not a jury, because in making the statutory

15 conclusions, the finders of fact, whether it be yourself

16 or the jury, cannot take account of anything which isn't

17 heard in the hearings themselves, and there's clear

18 authority on that.

19 SIR JOHN SAUNDERS: The advantages and disadvantages of

20 juries are well-known to all of us and it's going to be

21 a matter of submissions being made and me balancing out

22 the various factors.

23 I spent most of my working life in the company of

24 juries, so I'm well aware of their great qualities and

25 will not think instinctively that it's a bad idea, but

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1 we're all aware of the problems that can arise in long

2 cases with juries.

3 MR WEATHERBY: Yes. There are of course well-known examples

4 in this jurisdiction of where juries have been highly

5 effective. I'm very content to make the submissions in

6 July, as suggested by Mr Greaney.

7 SIR JOHN SAUNDERS: 11 July or whichever date is selected,

8 yes. Thank you.

9 Anybody else?

10 Mr Greaney.

11 MR GREANEY: Sir, we entirely agree that there will

12 inevitably be competing factors that you will have to

13 balance in due course, if indeed all you are confronted

14 with is the question of whether you should exercise your

15 discretion.

16 So we turn therefore to the final positive issue,

17 the inquest start date. Sir, like you, we are well

18 aware of and sympathetic to the desire of the bereaved

19 families, and no doubt other interested persons, that

20 the coronial investigation to the inquests' oral

21 evidence hearing as quickly as possible.

22 It is important for all concerned, not least the

23 families, as well as the wider public, that these

24 inquests are conducted promptly insofar as that is

25 possible. But that of course must be balanced against

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1 the need to avoid prejudice being caused to the ongoing

2 criminal proceedings, the need to conduct the inquests

3 in a full and thorough manner, and the importance of not

4 building up expectations that cannot subsequently be met

5 by identifying a start date that cannot realistically be

6 delivered.

7 Given that the criminal proceedings remain ongoing,

8 the need for the commencement of the inquests to wait

9 for the conclusion of the criminal prosecution and the

10 significant outstanding work to be carried out within

11 the coronial investigation, as we have set out this

12 morning, your legal team, as I have suggested already,

13 consider that a provisional start date should be set for

14 the inquest's oral hearings in April 2020. To put it

15 very simply, earlier would not be realistic in our

16 judgment.

17 But even that date must necessarily remain

18 contingent on the progress of the ongoing criminal

19 proceedings and it may therefore be necessary to review

20 the date in due course and the date may be subject to

21 change. However, at this stage, your legal team, sir,

22 consider that a provisional start date on 6 April

23 strikes the appropriate balance and should be adopted

24 and is one that we are likely to be able to achieve.

25 Sir, whilst I've been on my feet, I've received

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1 a message about the proposed start date of 6 April.
 2 That is still the proposed start date, but there is
 3 Good Friday intervening, so what would occur, if you do
 4 adopt a start date of 6 April, is that the inquest would
 5 sit between 6 and 8 April, not then on 9 or 10, but
 6 would restart on 14 April. Sir, none of that affects
 7 the proposed start date of 6 April and we now invite
 8 submissions in the following order, if you agree:
 9 Mr Weatherby, other family representatives, and then
 10 other interested persons.
 11 MR WEATHERBY: Once again, we're very much on the same page.
 12 The exhortation, if that's what it was, in our written
 13 submissions that an earlier date be looked at reflected
 14 the concerns and the distress of the families at the
 15 time this process has taken to date.
 16 We fully accept your experience, and also your
 17 team's experience, and the need not to cut corners,
 18 should not compel a date earlier than that which is
 19 appropriate. Of course, I'm in some difficulties
 20 because of the fact that disclosure has yet to start in
 21 mounting any argument against the date that's proposed.
 22 We are concerned that it has taken us so long to get
 23 to the point that we are at the moment. We don't
 24 suggest that's at your door, with respect, or indeed
 25 your team's door, but we do raise a concern that it will

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1 be almost three years since the bombing outrage before
 2 this process actually starts if that date is to be
 3 adhered to. I suppose really, my only submission beyond
 4 that is that we do urge you to keep a careful regard to
 5 the directions and the timetable and to ensure that no
 6 further slippage occurs. We hope that everything that
 7 can be done to deal with the outstanding criminal
 8 process will also be done and we'll be kept fully up to
 9 date.
 10 SIR JOHN SAUNDERS: Thank you.
 11 MR COOPER: Sir, briefly on that point, I too reflect the
 12 concerns of our clients as to the length of time the
 13 matter is taking, whilst quite understanding why this is
 14 happening and understanding the importance of why it is
 15 happening.
 16 We mark, of course, by looking the calendar, this is
 17 giving us effectively, give or take a week or so, one
 18 year build-up from now virtually, a month or so either
 19 side, to prepare for this hearing, which is an
 20 undertaking we take on.
 21 We would echo what's just been said, though, that
 22 we would not want 6 April to be likely now vacated.
 23 I hear what my learned friend Mr Greaney says that
 24 that's what everybody is working to but there are
 25 possibilities that that may fall and I know he will be

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1 working, as his team and you will be doing, to make sure
 2 that doesn't happen.

3 But we would ask and make clear on behalf of our
 4 families the importance now of that date being adhered
 5 to, barring anything very significant happening.

6 SIR JOHN SAUNDERS: Thank you. Anybody else want to say
 7 anything?

8 MR ENGLISH: I'm sure it's a matter at the forefront of your
 9 legal team, the solicitor to the inquest and the counsel
 10 team, that the natural length of the inquest would mean
 11 that it would clash with the third anniversary of the
 12 incident and it's something that all witnesses would be
 13 mindful of as well. I just asked that that matter is
 14 given and dealt with sympathetically in relation to
 15 that.

16 SIR JOHN SAUNDERS: Thank you.

17 Mr Greaney, as you will appreciate, I have to go on
 18 the advice that I'm being given. The advice that I am
 19 being given is that we cannot realistically be ready
 20 before 6 April to actually proceed with the inquest.
 21 I have no reason to suppose that that estimate is wrong.

22 I am, as Mr Cooper's already mentioned and
 23 Mr Weatherby, concerned that there should be no further
 24 slippage. So as far as I'm concerned, it would take
 25 something of great significance -- you can never say

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1 never -- that that date gets moved.

2 The only thing, it would seem to me, that could
 3 properly affect it is if there was an ongoing criminal
 4 trial at the time which will inevitably lead us to have
 5 to review that date, but it may be that if there is
 6 going to be an ongoing trial, it might be completed by
 7 that date, which obviously would be in everybody's
 8 interests. But it is absolutely vital that, having set
 9 a date that we do actually meet it and get on with it.

10 I gave the figure of the length of the hearing,
 11 which was given to me but was plucked out of the sky, of
 12 three months. I am not asking any advance on that from
 13 you at the moment, but I would ask that everybody, as
 14 far as they can, on the basis that perhaps 12 guesses
 15 are better than one, should put their heads together to
 16 give some sort of estimate as soon as they possibly can
 17 on what this case is likely to take. There's a great
 18 deal of experience in this room of inquests and they may
 19 have a very good idea.

20 So the closer we get to a realistic estimate of the
 21 time, then the sooner we can do that, the better as far
 22 as I'm concerned.

23 MR GREANEY: We will certainly have that discussion with the
 24 representatives and other interested persons.

25 May we only add that in the way in which we have

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1 framed our submissions on this particular agenda item,
 2 we were seeking to do no more than encapsulate the
 3 "never say never" issue. We very much have in mind that
 4 it would take something outside of our control for that
 5 date of 6 April not to be met.
 6 SIR JOHN SAUNDERS: That's why it's important that we
 7 timetable as much as we can of the responses from
 8 everybody and the actual disclosure of the material.
 9 MR COOPER: Obviously, we will comply and willingly do so as
 10 far as that's concerned. Obviously, without disclosure
 11 it's hard to assess. All I will say is I'm presently
 12 engaged in one inquest involving one person, which has
 13 got the same time estimate as my learned friend is
 14 giving this inquest. So I have to say, three months on
 15 that basis looks optimistic.
 16 SIR JOHN SAUNDERS: Okay. If it is optimistic, and you may
 17 well be right, the sooner we know that, the better.
 18 Thank you.
 19 I think we're now with any other business.
 20 MR GREANEY: We are, sir. No one has identified to me any
 21 issue that they wish to raise over and above those we
 22 have dealt with so far.
 23 SIR JOHN SAUNDERS: Is there anything else anyone would like
 24 to raise before I close this hearing?
 25 MR COOPER: Two matters if I can. I don't know whether any

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1 consideration has been given to venue at this stage.
 2 SIR JOHN SAUNDERS: Consideration has certainly been given
 3 to venue and we're working on it at the moment. It's
 4 not easy. Again, if there's any help that anyone here
 5 can provide as to suitable locations they happen to know
 6 about, it'd all be gratefully received, but it is being
 7 worked on at the moment.
 8 Clearly it's important that it's in Manchester and
 9 it is somewhere which is readily accessible to all the
 10 families, although I know they are spread around the
 11 country. But I think the greater number probably come
 12 from the Manchester area. And yes, we are working on
 13 it, but it's not that easy. So as I say, any
 14 suggestions are gratefully received, but we obviously
 15 need somewhere in a big room.
 16 It may be a possibility that this room could be
 17 used, maybe, and I go no further than that. It would be
 18 quite helpful to hear from people whether that would be
 19 practical that this room would be suitable for doing
 20 a hearing such as this. Anyway, give your views to
 21 Mr Greaney.
 22 MR COOPER: Thank you. One other matter, and I hesitate
 23 because technically it's beyond your jurisdiction, but
 24 it is a concern I would like to raise now on behalf of
 25 those we represent as far as the arena is concerned.

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1 There is consistent and great concern and distress
 2 expressed by those we represent as to the present area
 3 where the bombing took place and how the arena have
 4 dealt with that. The area, because of the way it has
 5 been repaired and tiled, if I can put it that way, gives
 6 a very clear delineation as to where this atrocity
 7 happened. So each and every time you go -- and you may
 8 have seen it yourself, sir -- you can actually see this
 9 thing awfully highlighted by the way it has been
 10 repaired.
 11 It's an ongoing problem we have. We have raised it
 12 with the arena. We're not sure whether we're getting
 13 anywhere, but can we, through you, on behalf of those we
 14 represent, please implore those who have influence over
 15 the arena to properly repair that area so that the
 16 tragic spot is not constantly delineated every time
 17 people walk in there.
 18 SIR JOHN SAUNDERS: Okay. I obviously can't do anything
 19 about it, as you rightly say, but you have made the
 20 point you have made.
 21 Is it something which is shared by all of the
 22 families or is it not something which has been
 23 considered by them? Okay. Perhaps the families would
 24 like to talk about it and they can make representations,
 25 if required, but not to me.

75

1 MR COOPER: Thank you.
 2 MR GREANEY: Sir, as you have said, what Mr Cooper has said
 3 will have been heard by those who are able to influence
 4 the decision.
 5 So sir, I don't believe there are any other issues
 6 anyone wishes to raise.
 7 SIR JOHN SAUNDERS: I'm very grateful for the degree of
 8 cooperation which is being shown between the parties.
 9 By giving that sort of cooperation, it gives us the best
 10 chance of having an effective inquest which actually
 11 gets to the truth and satisfies everybody. Clearly, it
 12 will be a rigorous process and is intended to be that.
 13 But for the preparations, the more cooperation we have,
 14 the better it is for everyone, I'm sure, so I'm very
 15 grateful that is clearly being demonstrated at the
 16 moment. So thank you all very much.
 17 (12.04 pm)
 18 (The inquest adjourned until a time to be determined)

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