

<p>1 Thursday, 7 December 2023 2 (10.17 am) 3 Opening remarks by the Chairman of the Inquiry 4 THE CHAIRMAN: Good morning, everyone. 5 This is the first hearing of the official Inquiry 6 into the murder on 18 February 2016 of Mr Jalal Uddin. 7 I am the Chief Coroner and I have been appointed to 8 chair the Inquiry. I am conscious that much of what 9 I am about to say will be very familiar to everyone in 10 this room, but I think it's important to place it all on 11 record and, in addition, Mr Uddin's family may well wish 12 to read the transcript of this hearing in due course. 13 I would like to begin by expressing my sincere 14 condolences to Mr Uddin's family. We were expecting his 15 son, Mr Saleh, to join us by live link this morning, but 16 pressing work commitments have made that impossible on 17 this occasion. I know that he's anxious to learn what 18 happened to his father and why it happened. He's 19 already made it clear to the Inquiry that he's also 20 concerned that as far as possible others should not have 21 to go through what the family has endured since 22 Mr Uddin's death. 23 If similar tragedies are to be avoided in future, 24 there has to be a thorough and fearless investigation 25 into the circumstances in which Mr Uddin came by his</p> <p style="text-align: center;">Page 1</p>	<p>1 details be withheld from publication for good reason. 2 It is also possible that I may be required to make 3 rulings which by their very nature cannot be published 4 or revealed. 5 I hope to avoid revisiting the merits of decisions 6 that have already been made in the context of the 7 original inquest. Indeed, I should like, if possible, 8 to move straight to the final evidential hearing which 9 I will fix today as soon as can be managed, preferably 10 without the need for any further case management 11 hearings. 12 I was appointed as chairman just four weeks ago 13 today on 9 November. I am determined to bring my 14 investigation to a speedy conclusion. Those involved, 15 especially Mr Uddin's family, have already had to wait 16 far too long for the answers they seek. That's 17 precisely why I listed this hearing as swiftly as I have 18 done. 19 I have already designated a number of 20 core participants and will consider applications from 21 other persons or organisations. The existing 22 core participants are the Secretary of State, Greater 23 Manchester Police and West Yorkshire Police. 24 Mr Saleh clearly fulfils the criteria for core 25 participant status in that he has a significant interest</p> <p style="text-align: center;">Page 3</p>
<p>1 death. The criminal proceedings that have already taken 2 place establish that he was the victim of a brutal act 3 of murder, but were not able to explore the wider 4 circumstances. 5 Normally, an investigation into an unnatural death 6 takes the form of an inquest carried out in public, and 7 that of course is how these proceedings began. However, 8 it has become clear in this case that for sound legal 9 reasons an inquest would not be able to consider certain 10 material that is highly relevant to the scope of the 11 investigation; any more, in fact, than the criminal 12 proceedings were able to do so. 13 For that reason, and having particular regard to the 14 state's obligation to conduct an effective investigation 15 in accordance with article 2 of the European Convention 16 on Human Rights. The Home Secretary has appointed me 17 under section 4 of the Inquiries Act 2005 to conduct 18 this independent Inquiry into the murder of Mr Uddin. 19 That process will enable all the relevant material 20 to be fully considered, something that, as I say, would 21 not have been possible had these proceedings taken the 22 conventional form of a public inquest. It does, 23 however, mean that there will be some important evidence 24 that cannot be received in open session. Even where it 25 can, particular circumstances may dictate that certain</p> <p style="text-align: center;">Page 2</p>	<p>1 in an important aspect of the matters to which the 2 Inquiry relates, and has already consented in writing to 3 such status. In the absence of any representations to 4 the contrary, I now formally designate him as a core 5 participant. That of course means that he will be able 6 to participate in my investigation and, subject to legal 7 restrictions, will be entitled to receive disclosure of 8 relevant material. For reasons I have already 9 explained, however, some material is likely to be too 10 sensitive to be disclosed to him, and there are likely 11 to be some hearings that neither the public nor he will 12 be able to attend. 13 The Inquiry's purpose as set out in its formal terms 14 of reference mirrors the statutory remit of an inquest 15 and is as follows: to identify who the deceased was; to 16 establish how and in what circumstances he came by his 17 death; to establish when he died; and to establish where 18 he came by his death and the particulars to be 19 registered concerning his death. 20 It is the second of those questions, namely how and 21 in what circumstances Mr Uddin came by his death, that 22 will occupy the bulk of the Inquiry's time and effort. 23 In particular the Inquiry will need to establish whether 24 any failure took place in the gathering, handling or 25 assessment of intelligence that might have contributed</p> <p style="text-align: center;">Page 4</p>

<p>1 to the tragic outcome in this case. Because that is the                  2 very issue that engages article 2, thereby giving rise                  3 to a need to examine sensitive material of a kind which                  4 cannot be explored in public, it is inevitable that some                  5 of the Inquiry's work will have to be conducted in                  6 closed session.</p> <p>7 In accordance with the presumption of openness,                  8 however, the Inquiry's default position is that hearings                  9 will be conducted in public except where a manifest need                  10 to depart from that principle has been demonstrated.</p> <p>11 While I recognise that it may become necessary to                  12 redact written submissions or applications in whole or                  13 in part, such documents are normally public and                  14 therefore liable to be disclosed to other                  15 core participants. In certain circumstances they may be                  16 more widely disseminated by being uploaded to the                  17 Inquiry's website.</p> <p>18 Where core participants consider that redactions are                  19 necessary, it will be for the Inquiry, after receiving                  20 any representations, to decide whether they are                  21 appropriate, so that the Inquiry can decide to what                  22 extent, if at all, they are justified.</p> <p>23 I wish to emphasise that this Inquiry is                  24 an independent investigation by me into the events that                  25 led to Mr Uddin's death. Its purpose is to discover the</p> <p style="text-align: center;">Page 5</p>	<p>1 same time I will do everything I legitimately can to                  2 ensure that core participants have a reasonable                  3 opportunity to play an active role. That will include                  4 the making of opening statements to be timetabled by me                  5 after consulting counsel, but I emphasise that it will                  6 be for the Inquiry itself to decide what evidence is to                  7 be produced, which witnesses are to testify, and what                  8 matters they are to be asked about.</p> <p>9 In the interests of expedition, witnesses will only                  10 be asked to attend whether remotely or in person where                  11 I consider that the Inquiry cannot properly fulfil its                  12 terms of reference without their attendance. In all                  13 other cases relevant evidence will be read, summarised                  14 or taken as read.</p> <p>15 In accordance with rule 10 of the Inquiry Rules                  16 2006, it will be for Counsel to the Inquiry to call and                  17 test the evidence. While Counsel to the Inquiry will at                  18 all times remain neutral, I regard their duty as                  19 encompassing a right to examine witnesses robustly and,                  20 in appropriate cases, to challenge their evidence.</p> <p>21 Where core participants wish to explore particular                  22 aspects of the evidence, I will generally invite them to                  23 submit any relevant points in writing so as to enable                  24 Counsel to the Inquiry to cover them in the course of                  25 their investigation. I may nevertheless permit</p> <p style="text-align: center;">Page 7</p>
<p>1 truth of what happened, and identify any lessons that                  2 may help to prevent a repetition. I remind everyone                  3 that I have no power to determine any person's civil or                  4 criminal liability and am expressly precluded from doing                  5 so by the terms of section 2 of the Inquiries Act 2005.</p> <p>6 At the same time, where I consider that criticism of                  7 any individual or organisation is justified, I will not                  8 shrink from making it. It follows from what I have                  9 already said, however, that any such criticism may be of                  10 a kind that cannot be made public or included in an open                  11 report.</p> <p>12 Although, as I say, the Inquiry may result in                  13 criticisms being made of individuals or organisations,                  14 it is not in any sense a trial. Today's hearing is                  15 taking place in a room normally used by the Crown Court,                  16 but that is purely for reasons of practical convenience.                  17 The Inquiry is no more a form of surrogate litigation                  18 than was the original inquest. It is a strictly                  19 inquisitorial process with the object not of                  20 adjudicating between competing positions but of                  21 investigating and establishing the truth.</p> <p>22 Core participants are not parties, so their                  23 advocates will be expected to conduct themselves in                  24 a non-adversarial fashion in the spirit of the legal                  25 regulator's tool kit that applies to inquests. At the</p> <p style="text-align: center;">Page 6</p>	<p>1 core participants through their advocates, where they                  2 are legally represented, to question certain witnesses                  3 directly, but only upon notice in accordance with the                  4 provisions of rule 10. Where I do allow such direct                  5 questioning I will not, under any circumstances, permit                  6 repetition or duplication of one advocate's questioning                  7 by another.</p> <p>8 It is of course too early to predict when my report                  9 will be published, but I am conscious of the need to                  10 avoid delay and to produce my conclusions and any                  11 recommendations as quickly as the necessary processes,                  12 including the notification of possible criticisms of                  13 those affected, will allow.</p> <p>14 There must be no photography, recording or filming                  15 of any part of the Inquiry's proceedings without my                  16 express permission and I may at times direct a short                  17 delay in the transmission of live text-based                  18 communications.</p> <p>19 Can I introduce the Inquiry's legal and                  20 administrative team: Mr Jason Beer, KC, and                  21 Ms Sophie Cartwright KC. She cannot be here today.                  22 They are independent Counsel to the Inquiry, and                  23 Mr Tim Suter is the Inquiry's solicitor. They are                  24 neutral in the sense that they will not be arguing for                  25 any particular view of the facts. Their function is to</p> <p style="text-align: center;">Page 8</p>

<p>1 help me identify and gather all the relevant evidence,                  2 to place that evidence before me, and to provide me with                  3 independent advice as to any legal or procedural issues                  4 that may arise.                  5 The Inquiry's Secretary is Mrs Susan Curran, who                  6 will be supportable for all administrative matters                  7 connected with the Inquiry's business.                  8 I understand that Mr Suter has spoken already to                  9 Mr Saleh about providing a pen portrait concerning his                  10 late father. As I said at the beginning, one of the                  11 matters the Inquiry has to establish is who the deceased                  12 was. That involves more than just stating a name.                  13 I would like to know more about him as a man, to have                  14 a rounded picture of his personality, his work,                  15 activities and interests and his close family and                  16 friends. If Mr Saleh would like to include some family                  17 photographs along with his pen portrait, he should feel                  18 free to do so, and I hope that that will be conveyed to                  19 him as he's been unable to attend today.                  20 Mr Beer?                  21 Opening summary by Counsel to the Inquiry, Jason Beer KC                  22 MR BEER: Thank you very much, sir.                  23 In terms of legal representation today, Alan Payne                  24 KC appears on behalf of Greater Manchester police;                  25 Ms Olivia Checa-Dover appears on behalf of West</p> <p style="text-align: center;">Page 9</p>	<p>1 at the date of his death. He was of Bangladeshi                  2 heritage and had lived in the United Kingdom for                  3 approximately 15 years before his murder.                  4 At the time of his murder, Mr Uddin was residing in                  5 Samson Street in Rochdale. He didn't have a permanent                  6 address. The evidence that the Inquiry has suggests                  7 that he felt unable to settle in one place. A number of                  8 witnesses suggest that Mr Uddin had previously been the                  9 iman of the Jalalia mosque in Rochdale. Many of the                  10 local community knew him as Qari Saab, a term of respect                  11 reflecting his deep knowledge and understanding of the                  12 Qu'ran. He was regarded as a scholar of the Qu'ran. He                  13 was described in the evidence as quiet and dignified man                  14 who not only was well respected in the local community,                  15 but also well liked. He was said to practise Ruqyah,                  16 a form of exorcism thought to repair damage caused by                  17 "jinn" possession, witchcraft or the evil eye, a form of                  18 which was known as taweez. This involves the wearing of                  19 an amulet or a locket, usually containing verses from                  20 the Qu'ran or other Islamic prayers and symbols to                  21 protect the wearer from that evil. Islamic State is                  22 said to have regarded this practice as black magic, and                  23 adhered to the view that those who engaged in it                  24 deserved severe punishment or even death.                  25 The men involved in the murder of Mr Uddin were</p> <p style="text-align: center;">Page 11</p>
<p>1 Yorkshire Police; and Ms Cathryn McGahey KC appears on                  2 behalf of the Secretary of State.                  3 As you said, sir, today is the opening of the                  4 Inquiry. It takes place less than a month after the                  5 initiation of the Inquiry by the Secretary of State on                  6 9 November.                  7 In a moment I am going to do two things: firstly,                  8 set out a narrative and chronological account of the                  9 events which have happened and which lead us all to the                  10 opening of the Inquiry in this room today.                  11 I am afraid that much of the information that                  12 I shall narrate will be known to the legal                  13 representatives in the room, not least because it is                  14 contained in my written note. But I am not undertaking                  15 the task for their benefit. Instead, it is principally                  16 for the benefit of any members of the public who follow                  17 these proceedings --                  18 THE CHAIRMAN: Yes.                  19 MR BEER: -- including by reading a transcript of the                  20 opening on the Inquiry's website.                  21 Secondly, I shall raise a series of issues that need                  22 to be discussed and determined in order to take us to                  23 a substantive hearing of evidence in the Inquiry.                  24 Can I start with Mr Jalal Uddin. Jalal Uddin was                  25 born on 24 January 1952. He was therefore 71 years old</p> <p style="text-align: center;">Page 10</p>	<p>1 believed to be supporters or followers of Islamic State.                  2 The murder. At about 8.46 pm on 18 February 2016,                  3 two people found Mr Uddin barely conscious on the ground                  4 in the Wardleworth play park adjacent to South Street in                  5 Rochdale. He had sustained very serious head injuries.                  6 He was given emergency care at the scene and taken to                  7 the Royal Oldham Hospital. He died at 10.08 that night.                  8 A post mortem examination concluded that his death                  9 was caused by blunt force trauma injuries to the head.                  10 Cell site analysis, mobile phone evidence and CCTV                  11 footage obtained by a police investigation indicated                  12 that two individuals, Mohammed Kadir and Mohammed                  13 Syeedy, S-Y-E-E-D-Y, had murdered Mr Uddin. Mohammed                  14 Kadir is believed to have struck the fatal blows using                  15 a hammer. It is believed that he planned the murder                  16 with Mohammed Syeedy, who helped him to carry out                  17 surveillance including photographing Mr Uddin, and that                  18 he also drove Kadir to the scene.                  19 On 21 February 2016, Mohammed Kadir travelled on                  20 a flight from Manchester to Copenhagen and from                  21 Copenhagen to Istanbul. Evidence suggests that before                  22 leaving the UK he changed his appearance. He withdrew                  23 all available cash from his bank account, he purchased                  24 some gold bullion and he left a note to his brother to                  25 sell his car. It's believed that Mr Kadir then fled to</p> <p style="text-align: center;">Page 12</p>

<p>1 Syria. He has not subsequently returned to the 2 United Kingdom. A warrant for his arrest was issued on 3 3 March 2016. 4 The criminal proceedings. In the absence of 5 Mohammed Kadir from the jurisdiction, Mohammed Syeedy 6 stood trial for murdering Mr Uddin before the late 7 Mr Justice Maddison and a jury at Manchester Crown Court 8 on 16 September 2016 he, Syeedy, was convicted. 9 Mr Justice Maddison sentenced him to life imprisonment 10 with a minimum term of 24 years. 11 During that trial, evidence was called by the Crown 12 that Mohammed Kadir and Mohammed Syeedy held extreme 13 views of Islam, including that the practice of taweez 14 amounted to a form of black magic and needed to be 15 stopped, and that following the discovery of books about 16 taweez in the mosque at which Mr Uddin worshipped, the 17 two men conducted surveillance of Mr Uddin because of 18 a belief that he practised taweez and that they had 19 developed a hatred of him. It was said that they 20 referred to him as Voldemort in some exchanges between 21 each other, in a reference to the magic they believed 22 him to have practised. 23 In April 2017, Mohammed Syadul Hussain, S-Y-A-D-U-L 24 H-U-S-S-A-I-N, was convicted of assisting Mohammed Kadir 25 flee from the United Kingdom. Evidence suggested that</p> <p style="text-align: center;">Page 13</p>	<p>1 invited to indicate whether they wished to lodge any 2 claim to withhold disclosure, the lawful basis for such 3 a claim and whether such material, or some of it, could 4 be disclosed in a redacted form or summarised. His 5 Honour Judge Field also invited submissions on whether 6 the enhanced investigative obligation in article 2 7 applied to the inquest if it was resumed. 8 I should say briefly that the law is that where the 9 circumstances mean that article 2 of the European 10 Convention on Human Rights is engaged, the inquest must 11 establish how and in what circumstances a person came by 12 their death, rather than simply how they came by their 13 death. 14 Following a delay caused by the onset of the COVID 15 pandemic, on 20 November 2020 a pre-inquest review 16 hearing was held before His Honour Judge Field, and in 17 a ruling of 27 November 2020, His Honour Judge Field 18 determined that there was sufficient reason to resume 19 the inquest. In reaching that decision he summarised 20 evidence about the background to the murder of Mr Uddin. 21 This included the following details. 22 First, it was in August 2015 that the police were 23 made aware of a number of extremist posts on Facebook by 24 somebody with the profile name Mohammed Kadz, K-A-D-Z. 25 The police commenced enquires with a view to identifying</p> <p style="text-align: center;">Page 15</p>
<p>1 Syadul Hussain was also a member or a supporter of 2 Islamic State, that he had sought to obtain video of 3 Mr Uddin dying, that he had posted the following post, 4 "One less shaitan [S-H-A-I-T-A-N] [devil] in England, 5 init" in the wake of the murder and that he had given 6 Mohammed Kadir £600 in order that he, Kadir, might 7 escape the jurisdiction. He was sentenced to five 8 years' imprisonment. 9 Suspension of the inquest. Following Mr Uddin's 10 murder, the senior Coroner opened and adjourned an 11 inquest into the death pursuant to schedule 1, 12 paragraph 2 of the 2009 Act; ie it was adjourned pending 13 the outcome of the criminal trials of Syeedy and Syadul 14 Hussain. 15 In the autumn of 2019, His Honour Judge 16 Patrick Field KC was appointed as the nominated judge 17 coroner to conduct the coronial investigation into the 18 death of Mr Uddin. On 4 November 2019 he directed those 19 interested in the inquest to provide written submissions 20 on whether there was a sufficient reason to resume the 21 inquest into Mr Uddin's death, and whether it was 22 necessary to disclose documents in their possession 23 before he made a decision on whether there was 24 a sufficient reason to resume the inquest. 25 In determining the disclosure issues, parties were</p> <p style="text-align: center;">Page 14</p>	<p>1 Mohammed Kadz, and identifying the threat he posed to 2 the community. Mohammed Kadz was later identified as 3 Mohammed Kadir. Also in August 2015, an associate or 4 associates of Mohammed Kadir, Syeedy and Hussain, stole 5 from the Jalalia mosque in Rochdale items belonging to 6 Jalal Uddin that were related to his practise of Ruqyah. 7 By early September 2015, Kadir had become aware of 8 the theft, and on 5 September 2015 there was an exchange 9 on Facebook that included views expressed by Kadir and 10 others that demonstrated antipathy. 11 It was not until after the murder that the police 12 became aware of evidence about the break-in at the 13 Jalalia mosque and the Facebook post of 5 September 14 2015. The Facebook post had been captured but had not 15 reviewed by any person before the murder. 16 His Honour Judge Field also referred to a gist or 17 summary of other evidence that revealed that from 18 30 October 2015 Mohammed Kadir was assessed, and 19 continued to be assessed, as a person who was of high 20 risk and significant concern, and latterly as someone 21 who posed a risk of acting on his Islamist extremist 22 aspirations. On 7 December 2015 a request was made for 23 the appointment of a senior investigating officer, 24 an SIO, in respect of Mohammed Kadir. There is some 25 uncertainty, said Judge Field, as to who had primary</p> <p style="text-align: center;">Page 16</p>

<p>1 responsibility thereafter for the investigations 2 involving Mohammed Kadir. 3 Lastly, said Judge Field, that in January 2016 4 intelligence suggested that Mohammed Kadir had access to 5 openly available extremist literature, including bomb 6 making manuals and other material providing instructions 7 on how to undertake violent jihad. 8 In the circumstances, and bringing into account the 9 fact that the threshold test to resume an inquest was 10 only one of sufficiency, His Honour Judge Field 11 concluded that he was satisfied that the background 12 facts and the information in the gist gave rise to 13 a credible suggestion that Mohammed Kadir represented 14 a present and continuing risk to the lives of members of 15 society at large, that the authorities knew or ought to 16 have known of that risk and that they failed to take 17 measures to avoid it. It followed that the article 2 18 enhanced investigative duty was engaged and that there 19 was a requirement to resume the investigation into 20 Mr Uddin's death. 21 The proposed scope of matters to be investigated in 22 the inquest was set out in that same ruling. These 23 related to the assessment of Mr Kadir as being of high 24 risk and of significant concern and of posing a high 25 risk of acting on his Islamist extremist aspirations.</p> <p style="text-align: center;">Page 17</p>	<p>1 What led to the request, to the appointment of 2 an SIO on 7 December 2015? Whether an SIO was appointed 3 and what was done in the period after 7 December 2015 to 4 appoint an SIO. If in fact an SIO was not appointed, 5 why was one not appointed in that period? And what 6 positive preventative steps were nonetheless taken to 7 protect members of the public in the period before 8 Mr Uddin's death? 9 In short, what investigative and preventative steps 10 were taken by any person after 7 December 2015? 11 In the light of his ruling to resume the inquest, 12 Judge Field made directions for disclosure. But before 13 a procedural hearing was able to be held to decide 14 issues concerning the disclosure of materials, His 15 Honour Judge Field recused himself from further hearing 16 the inquest. 17 Following that recusal, in November 2021, you were 18 appointed as Judge Coroner in this case. You adopted 19 the decisions previously made by Judge Field on the 20 engagement of article 2 of the Convention, on the 21 resumption of the inquest and on the provisional scope 22 of the inquest. As a next step a private procedural 23 hearing was listed for 16 to 18 May 2022 to consider 24 disclosure issues arising from the decision to resume 25 the inquest. In particular the application of Public</p> <p style="text-align: center;">Page 19</p>
<p>1 His Honour Judge Field concluded it was necessary to 2 investigate the basis for each of these assessments, the 3 nature and extent of the risks and what was or was not 4 done by the authorities in response to those risks and 5 concerns. 6 Other areas for proposed investigation included the 7 extent to which SMSs, videos and WhatsApp messages 8 disclosing antipathy by Kadir, Syeedy and Syadul Hussain 9 towards those who practised Ruqyah and images of 10 Jalal Uddin could have been discovered through the 11 seizure and examination of mobile telephones. 12 The extent to which the fact that Mr Uddin had been 13 targeted by August 2015, because it had been identified 14 that he practised Ruqyah, could have been discovered 15 through seizure and examination of mobile telephones. 16 The extent to which the break-in at the Jalalia mosque 17 in Rochdale and the theft of Mr Uddin's religious 18 materials from it was attributable to Syeedy and/or his 19 associates and could have been discovered through the 20 seizure and examination of mobile telephones. The 21 extent to which the surveillance, including by 22 photography, of Mr Uddin by Syeedy or an associate or 23 associates of his in August and September 2015 could 24 have been discovered through the seizure and examination 25 of mobile telephones.</p> <p style="text-align: center;">Page 18</p>	<p>1 Interest Immunity to relevant materials falling within 2 the scope of the inquest. 3 The procedural hearing in May 2022 was adjourned 4 part-heard so that further enquiries on matters you were 5 concerned about relating to Public Interest Immunity 6 could be investigated, and a further private procedural 7 hearing to consider the outcome of those investigations 8 was held. After that, you made a decision. 9 The conclusion that you reached was that there was 10 a real and important public interest in bringing the 11 material over which Public Interest Immunity was claimed 12 into the public domain. It could assist with and be 13 vital to the understanding of the circumstances of 14 Mr Uddin's murder. However, should such disclosure 15 occur, it would bring about a real risk of serious harm 16 to an important public interest. 17 You also concluded that more limited disclosure of 18 the material would not allow the inquest to be a full, 19 fair and fearless investigation of all of the matters 20 within the provisional scope of the inquest. The 21 critical importance of protecting national security 22 meant that the public interest in non-disclosure of 23 certain materials outweighed the public interest in 24 disclosure. 25 As an inquest must be held in public, private</p> <p style="text-align: center;">Page 20</p>

<p>1 hearings of evidence are not permissible, the effect of                  2 your ruling was that material of central importance to                  3 the inquest could not be deployed in such an inquest,                  4 excluding that material from the inquest would mean that                  5 the inquest could not be article 2 compliant and you                  6 would not be able properly to ascertain by what means                  7 and in what circumstances Mr Uddin came by his death.                  8 Accordingly, on 7 November 2022, you wrote to the                  9 then Home Secretary asking that she establish without                  10 delay a public inquiry pursuant to the Inquiries Act                  11 2005. That would allow for evidence to be heard in                  12 closed session on matters that were otherwise too                  13 sensitive to be made public. In that way,                  14 an independent judge-led investigation of the issues,                  15 with some evidence heard in closed, could occur. This                  16 would be far more preferable to an open process that                  17 could not consider or take into account important and                  18 relevant sensitive materials at all, resulting in the                  19 risk of an unfair, incomplete or inaccurate                  20 investigation.                  21 A year later, on 9 November 2023, the Secretary of                  22 State announced the establishment of the Inquiry and                  23 appointed you chair of it. As you said, sir, the terms                  24 of reference in broad terms require you to undertake                  25 an investigation and to produce a report that answers to</p> <p style="text-align: center;">Page 21</p>	<p>1 explain that Mr Saleh, one of his sons, he has four                  2 brothers and two sisters.                  3 THE CHAIRMAN: Right.                  4 MR BEER: All of his siblings, bar one brother, live in                  5 Bangladesh, as does Mr Saleh's mother, ie Mr Uddin's                  6 wife.                  7 THE CHAIRMAN: Widow.                  8 MR BEER: Yes, widow. We understand that Mr Saleh attended                  9 every day of the murder trial and that he, Mr Saleh,                  10 left the United Kingdom in about 2017. In our                  11 communications with him, it is apparent that he speaks                  12 good English and is content to receive information in                  13 English, ie nothing needs to be translated.                  14 THE CHAIRMAN: Yes.                  15 MR BEER: He has, as you have said, indicated to Mr Suter                  16 that he wishes to be a core participant. Because he                  17 lives abroad, he cannot attend the hearings in person,                  18 but would like to be able to follow them remotely so far                  19 as that is possible. The plan was that he did so to do                  20 but I am afraid work intervened.                  21 THE CHAIRMAN: Yes.                  22 MR BEER: We have drawn to his attention the provisions of                  23 section 40 of the Inquiries Act -- not by saying there                  24 is this thing called section 40, by telling him what it                  25 means.</p> <p style="text-align: center;">Page 23</p>
<p>1 precisely the same extent the questions that would arise                  2 if this matter had remained an inquest.                  3 That's all I propose to say by way of narrative                  4 background.                  5 Turning to the matters arising and the directions                  6 sought, there are, by my reckoning, four issues to                  7 address. I will list them now and then make my                  8 submissions on each of them in turn, and then invite                  9 submissions from each of the legal representatives                  10 present to make submissions as we go, ie deal with them                  11 one by one.                  12 THE CHAIRMAN: Yes.                  13 MR BEER: I have switched the items on the agenda between 1                  14 and 2 to make them 2 and 1.                  15 So firstly, applications for core participants                  16 status; secondly, suspension of the inquest; thirdly,                  17 an update to disclosure and applications for restriction                  18 orders; and fourthly, directions taking us to                  19 a substantive hearing.                  20 In relation to core participants, as you have                  21 explained, sir, you have already made core participants                  22 of Greater Manchester Police, West Yorkshire Police and                  23 the Home Secretary. Each of those organisations and                  24 individuals has been informed of that.                  25 So far as Mr Uddin's family is concerned, I should</p> <p style="text-align: center;">Page 22</p>	<p>1 THE CHAIRMAN: What effect it has.                  2 MR BEER: Ie, the ability for public funding for legal                  3 representation. He has said that he is for the moment                  4 simply interested in following the evidence. We have                  5 asked him to consult with other members of the family                  6 about that. I think he did so with some other members                  7 of the family and that remained his position. We will                  8 continue to emphasise to him the facility to obtain                  9 legal representation at public expense.                  10 He's also spoken to other members of the family to                  11 see whether they wished to be the one who applied for CP                  12 status. As you said, sir, the answer came back no to                  13 that; he was content to be the family representative,                  14 essentially.                  15 THE CHAIRMAN: Yes.                  16 MR BEER: As I understand it, that is all of the potential                  17 core participants identified and their applications                  18 granted.                  19 THE CHAIRMAN: Yes.                  20 MR BEER: Namely there are four of them. I do not know                  21 whether anyone else has any other submissions to make on                  22 anyone else that they believe ought to be a core                  23 participant in this Inquiry.                  24 THE CHAIRMAN: So far Ms McGahey? No. Thank you very much.                  25 MR BEER: Can I turn to the second thing then, suspension of</p> <p style="text-align: center;">Page 24</p>

<p>1 the inquest.                  2 THE CHAIRMAN: Yes.                  3 MR BEER: You will see I have examined in the written                  4 submissions the power to suspend the inquest. This is                  5 about suspension because there has been an inquiry                  6 established.                  7 THE CHAIRMAN: I have been in this situation before, yes.                  8 MR BEER: Yes. In short the power is paragraph 5 of                  9 schedule 1 to the 2009 Act and we submit that the                  10 inquest should be suspended.                  11 THE CHAIRMAN: Yes.                  12 MR BEER: Because the terms of reference ask you to conduct                  13 yourself in a way that ensures that the requirements of                  14 section 5 of the Coroner's --                  15 THE CHAIRMAN: Coroners and Justice Act, yes.                  16 MR BEER: -- is met. Ie, the four statutory questions as                  17 expanded in this case by the article 2 investigative                  18 obligation.                  19 The cause of Mr Uddin's death is likely to be                  20 adequately -- in fact more than adequately --                  21 investigated by this Inquiry. You are, sir, the                  22 Chief Coroner, you don't need reminding, of England and                  23 Wales, and the procedures available to this Inquiry will                  24 promote a very full, indeed the fullest, investigation                  25 of the matters identified in the terms of reference. So</p> <p style="text-align: center;">Page 25</p>	<p>1 The Secretary of State had suggested in her written                  2 submissions -- in his written submissions as he now is,                  3 I think I am keeping up with things. Yes, it is man                  4 now. The Secretary of State suggested in his written                  5 submissions that in the applications that have been made                  6 in the inquest that certain material should not be made                  7 public on PII grounds, should be read across to and                  8 applied in the Inquiry.                  9 As your counsel, sir, we agree to that to an extent.                  10 We say that this should be done just on an interim basis                  11 to cover off the position in the coming months whilst we                  12 undertake further investigatory work in preparation for                  13 the hearings. That's because there needs to be some                  14 regulation in the Inquiry of the material --                  15 THE CHAIRMAN: Yes.                  16 MR BEER: -- making sure that it's handled appropriately and                  17 not disclosed inappropriately. But it shouldn't be                  18 thought that that represents the settled position for                  19 all time.                  20 THE CHAIRMAN: No.                  21 MR BEER: Relatedly, our investigatory work may put                  22 a different complexion on the issue of disclosure. It                  23 may be that some things that led to the PII ruling are                  24 themselves time limited --                  25 THE CHAIRMAN: Yes.</p> <p style="text-align: center;">Page 27</p>
<p>1 I would invite you to suspend the inquest pending the                  2 outcome of the Inquiry.                  3 THE CHAIRMAN: Does anyone have any contrary submissions?                  4 Thank you very much.                  5 Well, it is a clear case in which I should do so,                  6 and I formally suspend the inquest in accordance with                  7 paragraph 5 of schedule 1.                  8 MR BEER: Thank you, sir.                  9 Thirdly, disclosure. We have a website, as you                  10 know, sir, the Inquiry, and have promulgated                  11 a disclosure document from management protocol on it --                  12 THE CHAIRMAN: Yes.                  13 MR BEER: -- called a document protocol, and a restriction                  14 order protocol on it, and any applications that are made                  15 for restriction orders under section 19 of                  16 the Inquiries Act 2005 need to be made in accordance                  17 with those two protocols.                  18 THE CHAIRMAN: Yes.                  19 MR BEER: We are not presently going to ask                  20 core participants or any other providers of documents to                  21 resubmit the material --                  22 THE CHAIRMAN: No.                  23 MR BEER: -- that they have already submitted in the course                  24 of the inquest. That would add delay and the                  25 expenditure of resources which we wish to avoid.</p> <p style="text-align: center;">Page 26</p>	<p>1 MR BEER: -- ie, their force may have diminished over time.                  2 So, sir, we will draw up an interim restriction                  3 order and distribute it, but it should be interim                  4 only --                  5 THE CHAIRMAN: Yes.                  6 MR BEER: -- and not represent the position for all time.                  7 That will reflect the restrictions that you made when                  8 sitting as the Judge Coroner.                  9 THE CHAIRMAN: Yes. Yes, thank you. That seems again                  10 an inevitable course. Does anybody want to argue                  11 against it? Thank you very much.                  12 MR BEER: Lastly, then, sir, directions for future hearings.                  13 THE CHAIRMAN: Yes.                  14 MR BEER: In an inquiry, if an inquiry wishes to obtain                  15 witness evidence from individuals it must issue a formal                  16 request to them, what is called a rule 9 request,                  17 a reference to rule 9 of the Inquiry Rules 2006.                  18 Similarly, if it wishes to obtain documentary                  19 material it must issue a rule 9 request to the                  20 individual or the organisation concerned.                  21 We, as your counsel, plan to issue such requests for                  22 further documentary evidence and more importantly for                  23 witness evidence in the next two months, ie at the                  24 latest by the 9 February 2024.                  25 Core participants should know that they will be</p> <p style="text-align: center;">Page 28</p>

<p>1 expected to respond to those requests within                  2 a reasonable time. The date will be set out in the                  3 rule 9 request.                  4 THE CHAIRMAN: Yes.                  5 MR BEER: But if they have in mind a couple of months now,                  6 from then, that ought to give them a reasonable idea of                  7 what they should be planning for.                  8 THE CHAIRMAN: Yes.                  9 MR BEER: We judge, sir, that allowing time for those rule 9                  10 requests to be answered and to undertake further                  11 investigatory work and preparation for a final hearing,                  12 the earliest that substantive hearings could commence                  13 will be September 2024. Indeed, they should commence in                  14 September 2024.                  15 THE CHAIRMAN: I agree. That sounds realistic to me. Yes.                  16 MR BEER: It is very likely that there will have to be some                  17 open hearings --                  18 THE CHAIRMAN: Yes.                  19 MR BEER: -- and some closed hearings, given what I have                  20 said about the ruling on Public Interest Immunity                  21 already. Nobody should be in any doubt that                  22 a substantial part of the hearing will be in closed.                  23 THE CHAIRMAN: Yes.                  24 MR BEER: We will ensure, as we have done on previous                  25 occasions in other contexts, seek to ensure that as much</p> <p style="text-align: center;">Page 29</p>	<p>1 MR BEER: But there is no fixed position on this.                  2 THE CHAIRMAN: Right. Well, thank you very much.                  3 I have made enquiries about the availability of                  4 space for an open hearing. What is the likely length?                  5 MR BEER: Sir, I think it would be no more than five days.                  6 THE CHAIRMAN: Five days, so a working week. A week is                  7 available. One week is available in this building and                  8 this is a northern case so certainly the open aspect of                  9 the hearing should take place in the north-west: the                  10 week commencing Monday 23 September.                  11 Of course I will hear any receptions to the                  12 contrary, but it is far enough off, I would have                  13 thought, for people to arrange their diaries and                  14 I intend to fix the open hearing for that date. Subject                  15 to any objections.                  16 MR BEER: Thank you, sir. So a week on 23 September.                  17 THE CHAIRMAN: Yes.                  18 MR BEER: Then I think we will have to revert to you --                  19 THE CHAIRMAN: Yes.                  20 MR BEER: -- on the closed hearings, because I think that                  21 does depend on court availability.                  22 THE CHAIRMAN: Yes. And the question of location is not                  23 quite as set in stone.                  24 MR BEER: No. We would certainly agree as your counsel that                  25 the open hearing should be held in the north-west.</p> <p style="text-align: center;">Page 31</p>
<p>1 material as can be disclosed in public is disclosed in                  2 public. We will prepare gists of closed evidence or                  3 parts of closed evidence if that is possible.                  4 So, sir, I would invite you to set a commencement                  5 date for the open hearings --                  6 THE CHAIRMAN: Yes, the open hearings should come first.                  7 MR BEER: I think there is a respectable view either way                  8 round, sir.                  9 THE CHAIRMAN: Yes.                  10 MR BEER: That might depend on courtroom logistics. There                  11 is a respectable view of holding closed hearings first.                  12 We did it in the Grainger Inquiry.                  13 THE CHAIRMAN: Did we?                  14 MR BEER: We did. Yes, two floors up.                  15 THE CHAIRMAN: Right, yes.                  16 MR BEER: Because then we could see the product of the --                  17 THE CHAIRMAN: Yes.                  18 MR BEER: -- or the outcome of the closed hearings and that                  19 could be deployed in the open hearings. In this case                  20 I say there is a less of an imperative for that. My                  21 judgment would be that we are unlikely to be finding out                  22 things in the closed hearings that then could be put to                  23 witnesses in the open hearings. I think that is less                  24 likely here.                  25 THE CHAIRMAN: Yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 THE CHAIRMAN: Yes. As I say, we can do that here and will                  2 do it starting on 23 September. We will have to explore                  3 dates and venues for the remainder.                  4 MR BEER: Sir, I don't know if there are any observations or                  5 representations on that.                  6 MS MCGAHEY: No, thank you.                  7 MR BEER: That's all I intended to say, thank you.                  8 THE CHAIRMAN: Thank you very much. Mr Payne, do you want                  9 to raise anything that has not been mentioned?                  10 MR PAYNE: No, thank you.                  11 THE CHAIRMAN: Ms Checa-Dover?                  12 MS CHECA-DOVER: No, thank you.                  13 THE CHAIRMAN: Ms McGahey?                  14 MS MCGAHEY: No, thank you.                  15 THE CHAIRMAN: Thank you very much, indeed. That, then, is                  16 the conclusion of this hearing.                  17 MR BEER: Yes, it is, sir. Thank you very much.                  18 (11.05 am)                  19 (The hearing concluded)                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 32</p>



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