

In the Manchester (North) Coroner's Court

Inquest into the death of Jalal Uddin

Ruling on Recusal

Introduction:

1. The State interested persons have all requested that I should recuse myself as Coroner in this case. Mr Al Arif, Jalal Uddin's son, has been contacted and invited to attend this hearing. He was, in the event, able to establish an audio link to the hearing.
2. It falls to me to determine this issue now before I can take any further steps in this Inquest.

Background:

3. I can summarise the history of this case briefly as follows:
 - a) On 18th February 2016, Jalal Uddin was murdered as he walked across Wardleworth Park in Rochdale. Two men were involved in the murder: Mohammed Kadir, who struck the fatal blows, and Mohammed Hussain Syeedy, who assisted and encouraged the attack and drove Kadir to the scene. Subsequently and before he could be arrested, Mohammed Kadir left the country, flying from Manchester to Copenhagen on 21st February and then to Istanbul on 22nd February. Another man, Mohammed Syadul Hussain helped Mohammed Kadir to escape, by providing him with funds.
 - b) The Senior Coroner for Manchester (North) opened and adjourned an inquest into Jalal Uddin's death in February 2016.

- c) There then followed two criminal prosecutions. On 16th September 2016, Mohammed Syeedy was convicted of murder. On 5th April 2017 Mohammed Syadul Hussain was convicted of assisting an offender. Both were imprisoned.
 - d) I was then nominated by the LCJ to continue the investigation into JU's death.
 - e) On 29th November 2019 I held a PIR.
 - f) There were then some delays that were substantially exacerbated by the pandemic and on 18th November 2020 I held a resumption hearing. I ruled on 30th November that Art. 2 ECHR was engaged and that the Inquest should be resumed pursuant to paragraph 8 of Schedule 1 to the Coroners & Justice Act 2009. I set out in my ruling my views as to the scope of the Inquest.
 - g) Subsequently I gave directions relating to disclosure and made provision for the hearing of the inevitable PII applications.
 - h) It had been my intention to hear those applications in April, but, for reasons that I need not set out here, that did not prove possible.
 - i) In the meantime, the State interested persons had made the application with which I am now concerned.
4. The application that I should recuse myself arose in the following way. On 27th August 2021 I wrote to all of the interested persons to inform them that one of my close family members had secured employment with GMP, one of the State interested persons. At that stage I did not believe that this employment would affect my ability to continue as Coroner. In response to my letter GMP wrote on 31st August providing me with further relevant information in relation to the employment and submitting that in the circumstances I should recuse myself. The other State interested persons have adopted the identical position.

5. The circumstances of that employment and the degree of contact with matters concerning the Inquest are not such that they need to be set out in detail here. Suffice it to say that there is good reason to believe that my relative will, in the course of their employment, become closely involved with matters that directly or indirectly affect or touch upon the Inquest. This is not something of which I was aware when I wrote to the interested persons on 27th August. I am satisfied, however, that there are no measures that can reasonably be taken to mitigate the risks that have been identified and it is important to record that it is only in the particular circumstances of this case that such risks arise.

Discussion:

6. This is not a case where anyone is suggesting that there is actual or even presumed bias. Instead, this is a case where it is submitted that there is a real danger of perceived bias and I agree that the relevant question for me is “whether the fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the tribunal was biased”: (*Porter-v-Magill* [2002] 2 AC 357, at [103] per Lord Hope). The test is an objective one and I must assume that the notional “fair minded and informed observer” is, in this case, informed of all the circumstances both publicly known and not publicly known.
7. The species of perceived bias here would involve an impression of a lack of independence, or the existence of prejudice, in respect of one of the State interested persons. In short, it is submitted that there is a risk that the “fair minded and informed

- observer” would conclude that there was a real possibility of an absence of judicial impartiality.
8. Of particular importance here is that this is an article 2 inquest which will consider the acts and omissions of State agencies in relation to the death of Jalal Uddin. There is thus a particular need to ensure that the public can be confident of the integrity of the investigation (whether by inquest or statutory inquiry): (see *R (Amin)-v-SSHD* [2004] 1 AC 653). A suspicion of a lack of impartiality would plainly be undermining of that integrity.
 9. I have also had regard to the general guidance to be found in *Locabail (UK) Ltd-v-Bayfield Properties Ltd* [2000] QB 451 and to the current Guide to Judicial Conduct, and have considered the observations of the Court of Appeal in *Morrison-v-AWG Group* [2006] EWCA Civ 6. The latter authority was brought to my attention this morning.
 10. Having considered carefully the relevant facts I have arrived reluctantly at the conclusion that I must acknowledge that the dangers identified by the State interested persons are real and not fanciful. It follows that my duty is to recuse myself and to withdraw from this Inquest. I should add that my reluctance arose solely because I am acutely aware of the inevitable consequences of delay and inconvenience that this decision will cause, although such matters are of course irrelevant to the making of that decision. I must stress, however, that in my judgment no blame must attach to anyone for this. It is the unfortunate consequence of a decision that I have reached in accordance with established legal principles.

Next steps:

11. I will now notify both the Senior Coroner for Manchester (North) and the Chief Coroner of this ruling. The Chief Coroner will no doubt wish to consider the appointment of another judge to conduct this Inquest, in accordance with Schedule 10 of the Act of 2009.

HHJ Patrick Field QC
3rd September 2021