

Distr.: General
25 May 2011
Arabic
Original: English



مجلس حقوق الإنسان

الدورة السابعة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

معلومات مقدمة من لجنة المساواة وحقوق الإنسان في بريطانيا العظمى*

مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيه الرسالة المقدمة من لجنة المساواة وحقوق الإنسان في بريطانيا العظمى**، والمستنسخة أدناه وفقاً للفقرة (ب) من المادة ٧ من النظام الداخلي الوارد في مرفق قرار المجلس ١/٥، وهي الفقرة التي تنص على أن مشاركة المؤسسات الوطنية لحقوق الإنسان تستند إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، ولا سيما إلى القرار ٢٠٠٥/٧٤ المؤرخ ٢٠ نيسان/أبريل ٢٠٠٥.

* مؤسسة وطنية لحقوق الإنسان اعتمدها لجنة التنسيق الدولية للمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة "ألف".

** ترد مُستنسخة في المرفق كما وردت وباللغة التي قدمت بها فقط.

Annex

Panel on the human rights of victims of terrorism: the Inquest in relation to the terrorist attacks in London on 7th July 2005

In this brief statement, the Equality and Human Rights Commission (The Commission) outlines how the Inquest procedure undertaken after the deaths of 52 members of the public in the July 7th terrorist attacks in London in 2005 contributed towards protection of the human rights of the victims of that attack.

The 7/7 Inquest provides an example of how states can provide an effective and independent inquiry as part of protection of the rights of victims. Key elements of this shown by the 7/7 Inquest include:

- The recognition of the families of the victims and the survivors as interested parties, granting them legal status.
- The granting of legal aid to the families and survivors, enabling legal representation at the Inquest.
- The appointment of a senior experienced judge as Coroner, guaranteeing independence of the Inquest.
- The wide interpretation of the Coroner of the remit of the Inquest, enabling it to consider both the events and intelligence leading up to the bombings, and the responses of the emergency services, as well as the actual causes of deaths.
- The ability of the Inquest to call evidence from all sources, including the Security Services, and for the families and survivors to hear and challenge that evidence.
- The conduct of the Inquest in public and provision of transcripts of the evidence on the web site.
- The publication of the findings of the Inquest, including findings and recommendations by the Coroner for future actions (rule 43).

Although there were considerable challenges throughout the process for the victims, overall the Inquest was important in protecting the rights of the victims of the 7/7 bombings by providing an independent, wide ranging inquiry, with participation of the victims, that answered the majority of the victims questions and enabled the victims to now know how their loved ones died and whether those deaths could have been prevented. It also allowed scrutiny of the actions of the security and emergency services, and recommendations to be made for future actions.

That this occurred was, in no small part, due to the conduct by the Coroner of the Inquest, as well as the tenacity and strength of the families of the deceased, the survivors, and others who gave evidence to the Inquest.

Background

On July 7th 2005 52 members of the public were unlawfully killed in four separate terrorist attacks on the London transport system. A further 700 were injured. The 4 terrorist bombers also died.

Under UK law an inquest ascertains how the deceased came by his death. Its scope is strictly limited by law. As such it cannot determine any civil or criminal liability. In addition under rule 43 the Coroner may report where there are circumstances that create a risk that other deaths may occur and action should be taken to prevent this.

The Inquest was delayed until the outcome of criminal cases in relation to the terrorist bombings, and did not commence until over 5 years after the event.

The inquest

The Inquest took place in public and transcripts of the evidence of the Inquest were posted daily on the Inquest web site.

A Senior Court of Appeal judge was especially appointed as a coroner for the Inquest. She made the decision not to sit with a jury.

The Inquest took over 4 months; Over 300 people gave evidence, with a further 200 witness statements, and disclosure of 1173 pieces of evidence.

The families of the victims, and the survivors of the bombings were granted status as interested persons to the Inquest. As such they were entitled to ask questions at the Inquest. Both sets were granted legal aid for legal representation to enable them to do this. They were able to suggest lines of inquiry, and to ask questions of the witnesses. The families were also able to read to the Inquest their very personal statements about their loved ones. The families also made a number of recommendations for the Coroner to consider including in her findings.

The Inquest explored in detail the circumstances of the deaths of each of the 52 victims and the adequacy of the emergency services response. The Coroner considered in detail whether the any of the deceased would have been able to survive the bombings had help come to them sooner. This had been a matter of considerable concern for the relations of some of the victims, who had survived for some time after the bombings. The Coroner heard expert evidence in detail and concluded that on the balance of probabilities each of the victims would have died, whatever time the emergency services had been able to reach and rescue them.

The Coroner also considered in detail the circumstances leading up to the bombings and in particular the degree to which the bombers had come to the attention of the security services and how they were assessed. The government applied for an order that the evidence of the security services (MI5) be heard in private, without the victims' families having access to it. The Coroner however decided that the interested parties, including families of the bereaved, should be able to hear the evidence from the MI5 and this decision was upheld by the higher court. Although there were some proceedings in private to determine whether evidence should be withheld on the grounds of state security, the Coroner provided summaries of the material from these hearings, consistent with the public interest. The families and representatives were therefore able to hear the evidence and cross examine a representative of MI5. In the course of this evidence new material came to light, including failures on the part of the security services in dealing with intelligence about the bombers, and of the inadvertent misleading of the Intelligence and Security Services Committee, who provide Parliamentary oversight of the activities of MI5, by MI5.

The Coroner concluded that there were no failings on the part of any organisation or individual that caused or contributed to any of the deaths. She made findings as to the cause of death for each of the 52 deceased.

Recommendations

Under rule 43 the Coroner made detailed findings and recommendations in relation to both the issues of preventability and the emergency response. The families as interested persons suggested to her a number of recommendations to prevent such an incident occurring in the future; some of these were accepted by the Coroner.

In her rule 43 report the Coroner considered in detail whether the security services could have prevented the bombings. She expressed concern regarding their failure to adequately investigate one of the bombers, Mohammed Sidique Khan previously, and the poor cropping of an intelligence photo of two of the bombers. While she concluded they could not have done anything to prevent the bombings, she made detailed recommendations to the security services, including in relation to documentary processes.

She also considered in detail the emergency services response, and how this could have been improved. She made a number of recommendations in relation this, including in relation to training and communication, and availability of first aid equipment underground.

A number of the issues raised by the Coroner had already, or are in the course of being addressed by the emergency services and the security services. The Home Secretary has stated that she will carefully consider the Coroners recommendations.

Other proceedings

No further inquests was undertaken into the 4 bombers who died, as no representations were made by their family or interested parties that there should be.

Proceedings in relation to the prosecution of others involved in the 7/7 bombings concluded before the start of the Inquest.

The government has provided over £11 million compensation to 645 victims of the bombings. However six survivors are still awaiting compensation to be finally decided. Last year the government announced a review of the compensation scheme in light of these delays.

Conclusion

There were considerable challenges throughout the process for the victims.

Concerns were raised initially as to the adequacy of the Inquest procedure. There were calls for a full public inquiry, which were refused by the government, on the grounds that it was not necessary. There were concerns that the limited nature of the Inquest procedure would not enable a full inquiry into the circumstances around the 7/7 bombings. The security services sought to give evidence in private, and to bar the victims from hearing such evidence on national security grounds. There were delays and an onerous process in the granting of legal aid to the victims. There was considerable delay (over 5 years) in the commencement of the Inquest.

However the Coroner conducted the Inquest in such a way as to, in her own words “leave no reasonable stone unturned”. Within the constraints of the Inquest procedure she ensured that there was the fullest participation of the families of the deceased, and other interested parties, that lines of enquiry were pursued and that “the bereaved families had most of their questions answered”.

Although some representatives of the families and survivors have called for a public inquiry with a wider remit than the Inquest, others have stated that they are satisfied that the Inquest should represent the end of the investigation into the events of the 7/7 bombings. The families stated to the Inquest that the proceedings were as thorough as they could have expected.

The Inquest went beyond simply determining how the victims died. It revealed important new details about the circumstances surrounding the 7/7 bombings. The rule 43 report enabled findings in relation to both the preventability of the deaths, and the emergency response, and the giving of recommendations for actions to address these issues in the future. Following this, some survivors have called for an overhaul of the security services.

As such the Inquest, although in itself in the UK often seen as a problematic and imperfect procedure, in this instance ultimately provided important protection of the rights of victims of terrorist offences.
