

In a pre inquest hearing heard at Hornsey Coroner's Court on the 2nd August 2007 before me Andrew Walker Her Majesty's Deputy Coroner for Greater London (North District) touching the death of Azelle Rodney

1. On Friday the 29th April 2005 police officers, with the benefit of intelligence, began a search for some individuals as part of a police operation. As part of that operation a group of men, including Azelle Rodney were followed in their car. At some point it was decided that the vehicle should be stopped and the officers carried out a 'hard stop' in Hale Lane in Edgware. During the course of this 'hard stop' Azelle Rodney was shot by police officers and died at the scene. A post mortem examination confirmed that Mr Rodney died from Gunshot wounds to head neck and back. A number of weapons were found in the car.
2. I share counsels concerns that this matter has reached a point where, due to the need to act with reasonable expedition, a pre-inquest meeting is required to make rulings to enable the process to move forward. I am for the purposes of this pre-inquest meeting seized of this matter and can properly make the necessary rulings.

3. It seems to me that the Coroner's Act 1988 quite clearly sets out under Section 8 (3) (b) that in the circumstances, all be it very briefly set out above, I am obliged by virtue of this section to conduct an inquest touching the death of Azelle Rodney with a jury.
4. All parties are agreed that Article 2 of the European Convention on Human Rights imposes a duty on the state to investigate a death caused by an agent of the state: *R v Secretary of State for the Home Office Department Ex Parte Amin* [2004] 1 AC 653 and *Edwards v United Kingdom* (2002) 35 EHHR 487.
5. It is also accepted by all parties, and within the skeleton argument provided helpfully by Mr Beer, that the inquest is the forum in which the United Kingdom will, in the first instance, seek to comply with the investigative and procedural obligations under article 2 of the European Convention on Human Rights to investigate the death of a citizen caused by an agent of the state. *R (Middleton) v HM Coroner for the Western District of Somerset* [2004] 2 AC 282
6. The criteria which must be satisfied within such an investigation were set out in *Jordan v United Kingdom* (2001) 37 EHRR 52 at [106] to [109] to be:
 - The person conducting the investigation to be independent

- The investigation must be effective (in the sense that it must be conducted in a manner that does not undermine its ability to establish the relevant facts)
- The investigation must be conducted with reasonable expedition and
- To maintain the public confidence in the rule of law and to prevent any appearance of collusion in or tolerance of unlawful acts:

“...there must be a sufficient element of public scrutiny of investigation or its results to secure accountability in practice as well as in theory. The degree of public scrutiny required may well vary from case to case. In all cases, however, the next-of-kin of the victim must be involved to the extent necessary to safeguard his or her legitimate interests”

7. The second and fourth obligations include in them the disclosure of core documents. *Jordan* (above) at [133]- [135]; *Ogur v Turkey* (1999) 31 EHRR at [92]; *Shanghan v United Kingdom* (2001) EctHR 4th May at [116]- [117]; and *R (D) v Secretary of State* [2006] 3 All ER 946, 960-961 at [42] and [46]
8. I have been given a number of significantly redacted bundles together with gist statements where the original text has been removed and replaced by text agreed by the IPCC. I am told by counsel for the IPCC and accept that the IPCC cannot lawfully disclose the redacted parts of the material or those parts where material has been replaced with a passage

giving the gist of the replaced material. I accept that there is a small part of this material that may be subject to a PII application which would be material which I could see.

9. I accept that as a matter of law neither the jury as the tribunal of fact, nor I as the coroner, could hear this evidence, at or before any inquest.

10. It is for me to decide what is relevant for the purposes of the inquest and in my view when reviewing the material I have been given there is an irresistible inference that the redacted material is relevant for the purpose of the inquest and that it would be insufficient simply for the jury to rely on the replacement agreed text for these redacted portions. I am told by counsel for the IPCC this redacted material is considered to be relevant and as the IPCC have access to this material they are in the best position to assist me with any question of relevance of this redacted material.

11. Mr Beer argues that Her Majesty's Coroner should appoint an Assistant Deputy Coroner who is a High Court, Crown Court or Circuit Judge, to consider the material and at the first instance rule that the evidence is relevant, that as a matter of law a Coroner or a Jury could not see it and that without that evidence being heard by a jury the States obligations pursuant to Article 2 of the European Convention on Human Rights would not be discharged.

12. I do not feel that it is necessary to appoint such an Assistant Deputy Coroner to reach these conclusions. I can properly reach these conclusions myself having regard to the material before me and the assistance from counsel's helpful submissions. I am told and accept from counsel for the IPCC that as a matter of law a Coroner and a jury could not hear this evidence. From the material I have before me the redacted material is by irresistible inference relevant and this position is given much weight by the submissions from counsel for the IPCC that the material is relevant. It seems to me that were a jury to rely on the agreed replacement for the redacted material the State's obligations set out above would not be met. In addition the appointment of such an Assistant Deputy Coroner would not remedy the situation, as a jury would not be able to hear all relevant evidence and members of the family would not be able to be involved to the extent necessary to safeguard their legitimate interests. For these reasons I do not accede to Mr Beers request.

13. In any event it seems to me that, despite what I have said above, I am obliged to conduct an inquest with a jury by virtue of section 8 of the Coroners Act 1988.

14. I do however accept counsel's arguments that the point has been reached when it is necessary to make the three rulings, save of course for Mr Beer who argues for a fourth ruling.

15.I make the following rulings;

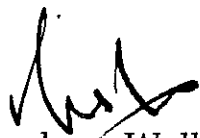
16.The material redacted and gisted in the documentation disclosed to the coroner and interested persons by the IPCC is relevant for the purposes of the inquest into the death of Azelle Rodney. The relevance is clear from the context of the redactions and gists themselves and is also asserted by the IPCC and Metropolitan police, who know its content

17.I accept that as a matter of law neither the coroner nor the jury may see the redacted material, and evidence of its content may not be given at the inquest.

18.Despite the conclusions in (1) and (2) above the coroner remains obliged to conduct an inquest with a jury by virtue of section 8 of the Coroners Act 1988.

19.I am asked by all counsel not to take any further steps towards an inquest to allow time for the effect of the rulings to be considered. I accede to this request.

Hornsey Coroners Court
Myddelton Road
Coroner,
London, N8 7PY


Andrew Walker
H M Deputy

IN THE CORONER'S COURT
AT HORNSEY

In the matter touching the
death of Azelle Rodney

Reasons for the rulings made
on the 2nd August 2007
