

	<p>1 beaches, crystal clear waters, and it's located on the</p> <p>2 South China Sea in the northern province of the</p> <p>3 Philippines. It's about 441 kilograms from Manila. Its</p> <p>4 main commodity is garlic; hence its known as the garlic</p> <p>5 centre of the north. Its inhabitants are known for</p> <p>6 their building skills in shipping.</p> <p>7 The other interesting thing about Sinait is that it</p> <p>8 houses the Miraculous Statue of the Black Nazarene, or</p> <p>9 El Santo Cristo Milagroso, locally known as Apo Lakay.</p> <p>10 In the year 1620, local fishermen from Sinait and</p> <p>11 another nearby village called Badoc found a black box</p> <p>12 floating in the sea with two statues: one of the Blessed</p> <p>13 Virgin Mary, the other of the Black Nazarene. According</p> <p>14 to legend, sir, the fishermen from Sinait were</p> <p>15 mysteriously unable to move the statue of the</p> <p>16 Blessed Mary, whereas the fishermen from Badoc were</p> <p>17 unable to move the statue of the Black Nazarene. So</p> <p>18 each group of fishermen carried the respective statues</p> <p>19 that they were able to carry back to their local</p> <p>20 villages. The Black Nazarene became the patron saint of</p> <p>21 Sinait.</p> <p>22 Apparently, in 1656, an epidemic was raging through</p> <p>23 Sinait, and it was said that, through the devotion of</p> <p>24 the faithful, many people got cured.</p> <p>25 Sir, just over 72 years ago, three weeks ago, on</p> <p style="text-align: center;">Page 35</p>
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<p>1 provided this inquiry with a unique, powerful and 2 invaluable perspective.</p> <p>3 What is unique about Mr Bonifacio's survival and 4 what I have not yet revealed is that Mr Bonifacio was 5 not only elderly, not only did he have frailties, but 6 Mr Bonifacio is blind. Yet this blind, frail, elderly 7 resident trapped in Grenfell survived and was the last 8 man out.</p> <p>9 Now, I don't know whether the Black Nazarene, also 10 known as El Santo Cristo Milagroso, or locally known as 11 Apo Lakay, was looking down on this blind, frail, 12 elderly son of that fishing village known as Sinait, but 13 he survived apparently against all the odds. He was 14 finally rescued by firefighters from flat 83 on the 15 11th floor at 8.08 am.</p> <p>16 Sir, here is the thing: Mr Bonifacio wanted to 17 assist you with this inquiry and personally give his 18 account, and yet he was not permitted. He wanted to 19 give you an oral account of his experience during the 20 fire and the efforts it took to rescue him. Indeed, his 21 legal team compiled footage of the fire, showing the 22 fire spread around flat 83, the impact of the ground 23 monitoring in order to prevent the fire spread around 24 his flat, and effectively preventing the fire spreading 25 to flat 83, which we would have wished to present during</p> <p style="text-align: center;">Page 37</p>	<p>1 of the 1970s, he was part of the Gemini Sound System. 2 Sir, a sound system is a system that comprises of 3 a group of young DJs with their portable decks, powerful 4 speakers and amplifiers, who travel back and forth to 5 play records that can be transported from venue to 6 venue.</p> <p>7 Raymond was in a long-term relationship with his 8 partner and companion, Karen, and they shared a dog 9 named Marley, apparently a King Charles spaniel. Both 10 Raymond and Karen loved Marley as if he were their only 11 child.</p> <p>12 Raymond suffered with ill-health, severe arthritis, 13 thus making his escape from the 21st floor of Grenfell 14 impossible without assistance and a properly functioning 15 in lift.</p> <p>16 Sir, neither Raymond or Marley made it out of 17 Grenfell.</p> <p>18 Mr Bonifacio and Mr Bernard were good friends. 19 Mr Bonifacio, Raymond and Marley would often go to the 20 bookies together or to the local pub. Mr Bonifacio, who 21 survived, misses his friend Moses.</p> <p>22 Sir, unfortunately, Grenfell Tower is now synonymous 23 with lost lives, lost loves, lost opportunities. 24 So to the task at hand. 25 Sir, many of our clients have spent the last</p> <p style="text-align: center;">Page 39</p>
<p>1 Mr Bonifacio's evidence as part of the record. To date, 2 this has not happened.</p> <p>3 We trust and can only hope that this evidence will 4 form part of the record of evidence relating to that 5 night in due course.</p> <p>6 Sir, do you know where Penal is? 7 SIR MARTIN MOORE-BICK: This is becoming a panel game! 8 MR THOMAS: Let me tell you.</p> <p>9 Penal is a small village in the south of Trinidad, 10 on that twin Caribbean island state known as Trinidad 11 and Tobago. It lies south of San Fernando and north of 12 the town of Siparia. It was originally a rice and 13 cocoa-producing area.</p> <p>14 Raymond Herbert Bernard was born in Penal. Raymond, 15 or Moses as he was known to close friends and family, 16 was one of seven children born to Rose Bernard, her 17 third child born on 22 May 1954. He had four sisters, 18 two brothers, and he was a father of three, an uncle to 19 many and admired by many.</p> <p>20 Raymond, who arrived in the UK in 1969 -- one of the 21 later Windrush generation -- attended Isaac Newton Boys' 22 School in Ladbroke Grove, and went on to do his 23 apprenticeship and become an electrical engineer when he 24 was 16, and worked at the House of Lords. 25 Raymond loved reggae and soul, and in the early part</p> <p style="text-align: center;">Page 38</p>	<p>1 18 months in temporary accommodation, battling with the 2 authorities that have failed them. Nonetheless, they 3 remain stoic and resolute in their quest for truth, 4 justice and accountability.</p> <p>5 Sir, as you retire to contemplate the next stage of 6 these proceedings, there are many heart-wrenching 7 stories of that night. For example, Nabil and 8 Malak Choucair, who lost six of their family members, 9 mother, sister, three nieces, Malak's brother, who was 10 married to Nabil's sister, all trapped in the upper 11 floors of that tower.</p> <p>12 It's difficult to remain unmoved by Nabil's sheer 13 desperation and bravery that night. He begged, he 14 pleaded, in desperate attempts to get inside 15 Grenfell Tower on the morning of 14 June, to get past 16 the police cordon, to make contact with his family 17 trapped inside that tower. He, too, was not offered the 18 opportunity to give oral testimony before this inquiry, 19 which is a pity, because that would've been cathartic. 20 He was not placed at the heart of this inquiry. He 21 really wanted to give oral evidence, yet his evidence 22 was not called.</p> <p>23 Yes, sir, there are many personal stories of that 24 fateful night, all painful, all raw, all heartbreaking. 25 It's also important to note this, and recognise that</p> <p style="text-align: center;">Page 40</p>

<p>1 those of us who represent the bereaved, survivors and  2 relatives are not necessarily a homogeneous group who  3 engage with the process in the same way. Many engage in  4 this process in many different ways, sir. Also, at  5 times, they seek different outcomes.</p> <p>6 Our client, Mr Choucair, who sits in front of you  7 today, his position is -- and I say this on his  8 behalf -- that the following factors were responsible  9 for the death of his family members. He wishes to state  10 that the government failed to safeguard the residents  11 after major fires, including Lakanal, with more robust  12 Building Regulations. He wishes to state decisions made  13 in relation to the insulation and the flammable cladding  14 is responsible. He wishes to state decisions made in  15 relation to budget cuts in emergency services, fire  16 services, the police, the ambulance. He wishes to state  17 decisions made in relation to the refurbishment works,  18 the decisions made in relation to rescue and evacuation,  19 the decision made to stop miscommunications and  20 information about rescue.</p> <p>21 I am merely his voice to you, sir.  22 Let me continue.</p> <p>23 Sir, although this inquiry has admitted the  24 statements from the Metropolitan Police Service and the  25 London Ambulance Service, witnesses who attended the</p> <p style="text-align: center;">Page 41</p>	<p>1 initial assessment.</p> <p>2 Likewise, sir, the evidence of the helicopter pilots  3 is critical to our clients' understanding of the  4 response of the emergency responders and how their loved  5 ones died.</p> <p>6 The evidence is particularly important to the  7 Choucair family, the family of Raymond Bernard and the  8 family of Gloria Trevisan. It is imperative that the  9 Metropolitan Police control room operators who advised  10 Zainab Deen to wave at helicopters is called to answer  11 questions relating to that advice given.</p> <p>12 Our clients are genuinely concerned that other  13 residents who travelled from the floor to the roof were  14 advised to do so by members of the emergency services in  15 order to be rescued by helicopters. This concern is  16 corroborated by Farhad Neda's evidence that  17 Mrs Afrasiabi, one of the Iranian ladies on the 18th  18 floor, mentioned that they had been told that  19 helicopters would rescue them from the top.</p> <p>20 Farhad also recorded discussion about them going  21 onto the roof to be rescued by helicopters. Although  22 Farhad didn't know the source of that information, it  23 was apparent that that information had been received  24 apparently in a phone call. Mrs Neda was also unclear  25 whether the advice to wait to be rescued by helicopters</p> <p style="text-align: center;">Page 43</p>
<p>1 Grenfell Tower as part of the blue-light emergency  2 response, into evidence, many of our clients have  3 questions of these witnesses that can only properly be  4 answered through oral evidence, which we detailed in our  5 written submissions to you on the emergency responders.  6 I trust in the next phase you'll take the opportunity to  7 consider those.</p> <p>8 In particular, we had urged and continue to urge the  9 inquiry to call the Metropolitan Police responders,  10 PC Sangha and PC Rees, to give oral evidence during the  11 remaining section of Phase 1. Their unique perspective  12 is that of another emergency service with perhaps  13 a different culture than the London Fire Brigade. Their  14 assessment of the incident shortly after arrival -- in  15 particular, Sangha's assessment of the need for  16 evacuation of the building at 01.28 -- was a critical  17 time when more lives could've been saved.</p> <p>18 We're mindful of Dr Barbara Lane's assessment that  19 stay put should have been abandoned at 01.26, and that  20 safe evacuation of those physically able was possible up  21 until 01.40 or later, depending on variables such as the  22 floor. It is therefore essential to know what  23 discussions PC Rees had with the incident commander, if  24 at all, and whether there was a discussion about  25 evacuation given the Metropolitan Police Service's</p> <p style="text-align: center;">Page 42</p>	<p>1 from the roof had come from firefighters.</p> <p>2 Sir, our clients' own suspicions are that the  3 presence of the helicopters gave residents, particularly  4 those on the upper floors, a false hope that they would  5 indeed be rescued, and that was shared by Farhad and  6 other firefighters, as we've heard from Firefighter  7 Alan Moore.</p> <p>8 These concerns, sir, can only properly be allayed  9 from the testimony of the Metropolitan Police control  10 staff who took the calls from residents in the tower,  11 and disclosure of the MPS's call handling guidance  12 protocols.</p> <p>13 In addition to providing our clients with the  14 answers to these questions concerning their loved ones  15 who died, this evidence is also necessary to identify  16 the advice given by the Metropolitan Police Service call  17 handlers to callers trapped in order to ensure that  18 lessons are learned from the Grenfell Tower fire.</p> <p>19 Society is well used to and trusting of advice given  20 over the telephone and, looking forward, online in our  21 interconnected world. To not properly examine this in  22 the light of the events on 14 June fails to take  23 an opportunity that may never come again, sir, and we  24 ask you to consider that.</p> <p>25 Martin Luther King Junior said this:</p> <p style="text-align: center;">Page 44</p>

<p>1 "Never, never be afraid to do what's right.  2 Society's punishments are small compared to the wounds  3 we inflict on our own souls when we look the other way."  4 Sir, we hope you do not look the other way.  5 On 6 June, in my opening statement, I said on behalf  6 of G11:  7 "There has in the openings of others been criticisms  8 of the Fire Fighters' capabilities and their reactions  9 on the night, that is something that will undoubtedly be  10 considered. However, we must not lose sight of the  11 primary issues."  12 I repeat that: let's not lose sight of the primary  13 issues.  14 Refurbishments, the works.  15 I also said on a previous occasion that when 72  16 souls were lost in the most horrendous and awful way,  17 those responsible should hang their heads in collective  18 shame. Having heard six months of evidence, there is  19 nothing to make me alter my view about those sentiments.  20 The fact that mass fatalities, mass personal both  21 physical and psychological injury and mass homelessness  22 of innocent residential dwellers is, quite frankly,  23 outrageous. The fact that it was caused in this way is  24 just shocking. Those scars are wounds which are just as  25 raw today.</p> <p style="text-align: center;">Page 45</p>	<p>1 We say at this stage, sir, you can answer those  2 questions.  3 When my corporate colleagues get to their feet to  4 address you after those of us representing the bereaved,  5 survivors and relatives sit down, sir, please be aware  6 of this: be wary of attempts to distract, divert,  7 re-write history or blame others in an attempt to  8 conceal the truth.  9 Remember, sir, that although we have not yet heard  10 all the evidence -- and we still have yet to hear the  11 evidence of Mr Ahmed, who sits before you, who was the  12 chair of the Leaseholders' Association -- remember, he  13 asked Kensington and Chelsea to conduct a full health  14 and safety audit of Grenfell Tower. He delivered the  15 dossier to Kensington and Chelsea two weeks before that  16 fire, and yet those steps were not taken. Don't forget  17 he repeatedly told the TMO to provide and carry out  18 a fire drill, queried the absence of any fire safety  19 advice for the residents of Grenfell.  20 This disaster happened because ordinary people were  21 ignored. It is a direct consequence of that failing.  22 Sir, we've now had the pleasure of your company for  23 the best part of, what, nearly seven months? And having  24 seen the way that this hearing has been conducted, how  25 your inquiry team have operated and how the other core</p> <p style="text-align: center;">Page 47</p>
<p>1 Previously, we said that there are many important  2 questions that needed to be asked. Sir, some of those  3 questions have been answered. But there are still many  4 more questions which will be left for the next phase of  5 your inquiry.  6 The fact remains that -- and this cannot be avoided,  7 sir -- once a reasonably safe block was turned into  8 a deathtrap -- and I echo but do not repeat the  9 submissions made by some of my other colleagues who have  10 come before me -- sir, I previously said that whilst  11 those responsible for the refurbishment may dispute just  12 how unsafe they made Grenfell Tower, it is  13 incontrovertible that the tower was intentionally  14 rendered significantly less safe by the introduction of  15 highly flammable material to its structure and exterior.  16 We stand by those remarks.  17 It is clear now that this fact wasn't communicated  18 to the London Fire Brigade. The fire safety of several  19 hundred people deliberately compromised in their own  20 homes, and yet public servants ultimately responsible  21 for protecting them in the event of a fire were simply  22 never told, still less consulted.  23 Sir, key questions in Grenfell.  24 How on earth did this happen? What went so  25 tragically wrong? Why is it that so many people died?</p> <p style="text-align: center;">Page 46</p>	<p>1 participants have conducted themselves, what we can  2 agree on, as night must surely follow day, is you're not  3 going to please everyone. There simply has not been  4 consistency in the demands made of you.  5 It is clear from the written submissions of the core  6 participants that you cannot take a sword of Solomon  7 approach to this tragedy that engulfed this residential  8 block back in June 2017, split it down the middle and  9 dispense justice to satisfy all. It ain't going to  10 happen in that way. In fact, the evidence simply does  11 not permit you to do that. It simply does not fall in  12 that way.  13 Sir, as I got to my feet, you probably thought,  14 "What's that Leslie Thomas going to say today? What's  15 he going to complain about this time on behalf of G11?"  16 It is true that, during this inquiry, there have  17 been certain themes to the requests that I have made of  18 my clients. But, in fairness to me, I have to do my  19 best to hold this inquiry to account and I have to do it  20 fearlessly.  21 Sir, you know and you appreciate that those demands  22 have only been made with good intention, trying to  23 assist you and your team in this traumatic process for  24 those I represent, and I honestly hope that the requests  25 were made with respect, politely and with the right tone</p> <p style="text-align: center;">Page 48</p>

<p>1 and sense of humour.</p> <p>2 Sir, from the perspective of the people who have</p> <p>3 been ignored for so long at their personal cost, that</p> <p>4 they feel the need to make complaints -- and, yes, they</p> <p>5 haven't been happy with all aspects of this process.</p> <p>6 Just by way of example, the way that some of the</p> <p>7 questions have been put, the lack of opportunity to put</p> <p>8 questions through their own counsel, having sufficient</p> <p>9 time to take instructions in between the questioning of</p> <p>10 witnesses. Sir, as we move from this phase to Phase 1B</p> <p>11 and Phase 2, we submit that it is necessary that our</p> <p>12 clients' questions are asked as questions through their</p> <p>13 own counsel.</p> <p>14 As you and your council will well appreciate, your</p> <p>15 team will have to take a very neutral role in the next</p> <p>16 phases of this hearing. Some may argue -- we certainly</p> <p>17 do argue -- that they're not properly or best placed to</p> <p>18 ask the searching and robust questionings that our</p> <p>19 clients need to be asked.</p> <p>20 The venue and its lack of suitability.</p> <p>21 You may not know this, sir, but one of my clients,</p> <p>22 Cordelia Disson, the widow of Anthony Disson, Tony</p> <p>23 Disson, and other members of the Disson family are among</p> <p>24 the clients who would have wished to attend these</p> <p>25 hearings more frequently. But, unfortunately, they've</p> <p style="text-align: center;">Page 49</p>	<p>1 best efforts to fit in with your timetabling around</p> <p>2 their daily commitments -- school runs, childcare</p> <p>3 arrangements, hospital appointments -- and, sir, all we</p> <p>4 ask is, if you can, more advance notice of time changes,</p> <p>5 that would be greatly appreciated.</p> <p>6 Disclosure, or sometimes the lack of it, or</p> <p>7 sometimes the fact that it comes late.</p> <p>8 An example of late disclosure would be the</p> <p>9 helicopter footage which represented the visual image of</p> <p>10 the fire spread which actually located people on various</p> <p>11 floors. One example, sir, there were images of persons</p> <p>12 in flat 193, the Choucair family home, which were seen</p> <p>13 in the footage between 2.00 am and 3.00 am.</p> <p>14 Sir, as a result of that late disclosure of that</p> <p>15 helicopter footage, received on 21 September, and the</p> <p>16 NPAS pilot statements received on 28 September, our</p> <p>17 clients were unable to ask critical questions of</p> <p>18 witnesses from the control room. Just to give you three</p> <p>19 examples, the control room operators Sharon Darby, who</p> <p>20 gave evidence on 1 and 2 August; Peter Duddy, who gave</p> <p>21 evidence on 13 September; and the control room manager,</p> <p>22 Jo Smith, who recommended the abandonment of stay put.</p> <p>23 Additionally, sir, our clients wanted to ask the</p> <p>24 CROs and the senior fire officers in the control room</p> <p>25 questions about the advice given and the change of the</p> <p style="text-align: center;">Page 51</p>
<p>1 been unable to travel to central London. Mrs Disson</p> <p>2 suffers from panic attacks and has difficulty travelling</p> <p>3 on public transport. In addition, sir, we have several</p> <p>4 clients who have been diagnosed with PTSD as a result of</p> <p>5 this incident, which makes travelling to this inquiry</p> <p>6 extremely difficult, particularly in rush hour.</p> <p>7 Like many other clients, Mrs Disson considers the</p> <p>8 layout of this courtroom ill-suited for their needs.</p> <p>9 Sir, you will remember days when particular witnesses --</p> <p>10 for example, Dany Cotton when she was giving her</p> <p>11 evidence -- this room was filled to capacity and, at</p> <p>12 times, during breaks people had to swap places.</p> <p>13 Start times.</p> <p>14 A small request as we move forward. Sir, can we</p> <p>15 please stick to the agreed start times? I know it's</p> <p>16 difficult, but we have said and we did announce</p> <p>17 10 o'clock, and we did say that we would aim to finish</p> <p>18 by 4 o'clock. We've counted them: on 23 occasions, sir,</p> <p>19 we've started at 9.30.</p> <p>20 Now, don't get me wrong, we fully understand that</p> <p>21 there are times, because of the pressure on the</p> <p>22 evidence, we need to get through the evidence. We get</p> <p>23 that, we understand that. Whilst we as lawyers</p> <p>24 understand that and fully appreciate the inquiry's case</p> <p>25 management duties, our clients are trying to make the</p> <p style="text-align: center;">Page 50</p>	<p>1 stay put with the use of images. These images would've</p> <p>2 been relevant to questions asked of Mr Dowden. It was</p> <p>3 a missed opportunity.</p> <p>4 Sir, I now come to the issue of diversity -- or</p> <p>5 I should say lack of it.</p> <p>6 Sir, when is the diversity panel going to be in</p> <p>7 place? It's now almost some seven months since the</p> <p>8 Prime Minister's decision on 10 May 2018 for the</p> <p>9 appointment of a panel to sit with you. We've</p> <p>10 repeatedly called for the urgent appointment of</p> <p>11 a diverse panel and expected -- those expectations may</p> <p>12 have been false -- that that panel would've been</p> <p>13 appointed before the autumn to hear the evidence of the</p> <p>14 bereaved, survivors and relatives and the experts.</p> <p>15 Well, that didn't happen.</p> <p>16 Sir, we respectfully ask you to urgently appoint</p> <p>17 that diverse panel before the end of 2018 or, at the</p> <p>18 very latest, the start of 2019.</p> <p>19 We say that for the following reasons.</p> <p>20 We would ask that the remit of the panel includes</p> <p>21 the review of the evidence already heard and received</p> <p>22 into the record, and that you sit with the panel for the</p> <p>23 remaining of the evidence of Phase 1 relating to those</p> <p>24 who died and who had near death experiences in the</p> <p>25 discharge of the article 2 function. This is a matter</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

1 of concern for our clients and, indeed, the general  
 2 public.  
 3 Having a voice in this inquiry.  
 4 There has been struggle at times for our clients to  
 5 be heard in this inquiry. In the face of great  
 6 adversity and the challenges of our clients, some of  
 7 whom are grief-stricken with the personal loss of their  
 8 loved ones, they continue to suffer mental anguish and  
 9 post-traumatic stress, yet many of them struggle to get  
 10 here.  
 11 As you move onto the next phase, can we make another  
 12 small ask, and it's this: a sickness protocol for  
 13 absentee witnesses. What we mean by that is this: sir,  
 14 as you move into Phase 1B and Phase 2, dealing with the  
 15 movements of those who died or had near death  
 16 experiences, we would ask you to create or adopt  
 17 a protocol in relation to witnesses not being called on  
 18 medical grounds. We raise this and use two examples,  
 19 Peter May and Graham Winch, both witnesses who were  
 20 excused on medical grounds. The inquiry excused  
 21 Mr Winch for medical reasons, and we felt initially that  
 22 that was done without providing sufficient detail.  
 23 I'm sure there was good reason. But, sir, it's just  
 24 the question of involving all so we know. We, as our  
 25 clients, are concerned that in the absence of a proper

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1 protocol requiring clear medical evidence where  
 2 a witness is to be excused on medical grounds, our  
 3 clients are concerned -- and these are not unfounded  
 4 concerns -- that there may be a risk that witnesses may  
 5 try to rely on illness as a way of avoiding giving  
 6 evidence. What you need to do, sir, is allay those  
 7 concerns, and those concerns can be allayed with  
 8 a protocol that everybody understands.  
 9 Sir, now, the good news.  
 10 Sir, I'm not here to remind you of any of those  
 11 matters that I just mentioned. You may be wondering why  
 12 I'm on my feet. Well, let's put aside those asks. I'm  
 13 not here to complain about process today. What I am  
 14 here to say to you is -- and you may well be thinking,  
 15 "Has Mr Thomas suddenly been disabled with that dreaded  
 16 Michaelmas 'festivetigtus goodwillus'", that commonly  
 17 known Latin disease that hits people at this time of the  
 18 year -- I know you and your team have a lot of work to  
 19 do, and you're probably going to have a very short break  
 20 before you start that work, because there is much work  
 21 for you and your team to do at this stage of the  
 22 proceedings.  
 23 No, today is a day not to complain. Today is a day  
 24 to let you know our thoughts on how you go forward, and  
 25 that's what I propose to do now.

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1 Non-compliance with Building Regulations.  
 2 What we say, respectfully, you need to be careful  
 3 of, and now, is the fact that there may well be attempts  
 4 to divert and distract the reaching of necessary  
 5 conclusions to the end of Phase 1; namely, clear and  
 6 unambiguous evidence given by the experts which has been  
 7 so vividly backed up by the survivors and firefighters.  
 8 We say, sir, that this tragedy was caused because  
 9 the tower failed, and that failure was massive and  
 10 systemic. We know that because, in clear and stark  
 11 terms, your experts have said so.  
 12 The tower failed for the following reasons, and,  
 13 sir, I'm not going to repeat in any great detail what  
 14 you've heard already, I'm just going to highlight some  
 15 bullet points for you.  
 16 Firstly, overarching of all the failures was the  
 17 decision to wrap this building in flammable material,  
 18 the cladding system, including the repositioning and  
 19 insulating of the windows. It was so dangerous it meant  
 20 that a multiple compartment fire became inevitable.  
 21 You have our written submissions and you have the  
 22 written submissions of the other CPs as to why it is so  
 23 incontrovertible that works to install the cladding did  
 24 not comply with Building Regulations.  
 25 Sir, we say -- and we say that you're empowered to

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1 do this -- that the cladding system was the primary  
 2 cause of the fire that spread so significantly that it  
 3 meant that, in Grenfell, stay put was no longer viable.  
 4 Secondly, the works to install the cladding system  
 5 undoubtedly made the tower less safe than it was  
 6 beforehand.  
 7 Sir, as Dr Lane said, this tower should not have  
 8 been occupied at all. Worse still, it seems that no one  
 9 grappled with that fact at the time. Just as they are  
 10 doing now, all the people involved seemed to be  
 11 convincing themselves that it was somebody else's job to  
 12 put safety before profit. We say, sir: don't accept  
 13 that excuse, that defence, "Not me, guv, someone else."  
 14 Sir, never has there been a truer saying than: more  
 15 people would learn from their mistakes if they weren't  
 16 so busy denying them.  
 17 The facts in front of our eyes are stark and  
 18 obvious, and we know that this inquiry will not shirk  
 19 from them. Nothing less than a clear finding of  
 20 non-compliance with the Building Regulations will do.  
 21 And, sir, we know you know that.  
 22 Let me move on, sir.  
 23 Sir, the responsible parties have had ample  
 24 opportunity, yet none of them have sought to advance  
 25 a positive case as to why the work to install the

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<p>1 cladding system was compliant. Indeed, some appear to                  2 accept that such a view would be untenable. Others are                  3 content to explain why others, not them, are                  4 responsible. This is why the cries of unfairness by                  5 some of the corporate participants are misguided and are                  6 not analogous to the ones made by my clients in Phase 1.                  7 Because in Phase 1, sir, we're not looking at blame.                  8 This is not about blame at this stage. But it's about                  9 the experiences my clients have had, which is central to                  10 the story as to what happened on the night, and which is                  11 why we say there's a distinction between their right to                  12 participate, and that right is properly protected.                  13 So, sir, we will argue about who was responsible for                  14 that state of affairs in Phase 2. That will come. But                  15 let's not detract from the knowledge that somebody must                  16 be responsible for this terrible state of affairs in                  17 violation of the law. That much demands the immediate                  18 recognition by this inquiry. The time for action is                  19 now, not in a year or in two years time.                  20 So, sir, the reasons are set out in detail in our                  21 written submissions. I urge you to look at the                  22 submissions of G11, along with G4 and G3 to assist, to                  23 declare that the refurbishment works done to                  24 Grenfell Tower were not compliant.                  25 Can I just touch upon a few other failures of the</p> <p style="text-align: center;">Page 57</p>	<p>1 standards of the time of construction and non-compliant                  2 with the current standards.                  3 The smoke control system failed or was inadequately                  4 designed, and there was no sprinkler system, reducing                  5 the ability to improve both escape and firefighting                  6 conditions.                  7 These matters, sir, are secondary to the cladding                  8 system in terms of causes of the fire, but they each                  9 contributed in significant ways to making the job of                  10 firefighting very much harder, and the ability of the                  11 occupants to self-evacuate fatally undermined.                  12 Sir, that brings me to the issue of firefighting.                  13 These are our two main points:                  14 This is an issue we have made written submissions                  15 on. Of course, events should've unfolded differently.                  16 Yes, serious mistakes were made. Lessons must be                  17 learned. Critically, however, it must be understood and                  18 repeatedly asserted that a compliant building would not                  19 have rendered the safety of so many of its occupants                  20 reliant on the decisions of the Fire Brigade. As                  21 Dr Lane states, that is the foundation of an effective,                  22 safe stay-put policy.                  23 The point being here that whilst criticisms will be                  24 made of the Fire Brigade and the advice they gave to                  25 occupants, if the building had not been made so</p> <p style="text-align: center;">Page 59</p>
<p>1 building and I hope to do so very quickly.                  2 Importantly, Dr Lane confirmed that, in her opinion,                  3 the building should not have been occupied even if all                  4 active and passive fire protection measures in the tower                  5 were fully compliant and in working order. In other                  6 words, the cladding system made the design incompatible                  7 with stay put and unlawful.                  8 Even if, for example, the fire doors and smoke                  9 extractor system were compliant, the fire lift worked                  10 and the wet riser present, in her view it was simply not                  11 possible to mitigate the type of fire that those                  12 materials would cause. Of course, unfortunately, those                  13 other fire safety measures were not there or working on                  14 the night, and so the cladding was not the only reason                  15 why the tower was a deathtrap.                  16 The facts are, sir, that the fire doors to the                  17 entrances of 120 flats had been replaced in 2011 and did                  18 not comply with fire safety standards.                  19 There's only one stairwell. This was the only                  20 escape route, which was smoke-filled as a result of the                  21 fire.                  22 The lifts failed to perform effectively, hindering                  23 the transportation of firefighting equipment, creating                  24 an unnecessary risk.                  25 The tower's dry riser was non-compliant with the</p> <p style="text-align: center;">Page 58</p>	<p>1 dangerous and stay put was still working, they would not                  2 have had to rely on the Fire Brigade at all, save for,                  3 sir, putting the fire out in flat 16. As Dr Lane                  4 confirmed, that is the foundation of a stay-put policy.                  5 Although Dr Lane does not go so far as to state that                  6 the internal firefighting was fundamentally incompatible                  7 with simultaneous evacuation in the tower, it is clear                  8 that the spread of fire and smoke would have posed                  9 serious threats to the health and safety of residents                  10 and significant obstacles to effective firefighting in                  11 any event. For example, it is telling that Dr Lane                  12 believes stair doors being kept open during firefighting                  13 activities was the most likely cause of the "hot zone"                  14 on the mid-floors, which so obstructed escape and                  15 rescue.                  16 So the point here is that the fire service were                  17 damned if they did and damned if they didn't.                  18 The Civil Contingencies Act.                  19 Sir, we have set out in our written submissions the                  20 failings of category 1 responders to adopt                  21 a co-ordinated approach and response to the                  22 Grenfell Tower in the fulfilment of their statutory                  23 duties under the Civil Contingencies Act, and others                  24 have developed the point. The Metropolitan Police                  25 didn't communicate their assessment of the need to</p> <p style="text-align: center;">Page 60</p>

<p>1 evacuate the building at 1.26 am and did not communicate  2 its declaration of a major incident. The LAS were slow  3 in their co-ordination of their response and  4 communication with the London Fire Brigade incident  5 commander. And the Royal Borough of Kensington and  6 Chelsea -- well, they really never got off the mark.  7 The plans of the building didn't arrive until after  8 7.30, after repeated pleas by Andy Roe. And, again,  9 it's incontrovertible that there wasn't really real  10 co-ordination of responses, certainly in the first two  11 hours.</p> <p>12 Where we pick up the baton, still untouched on this  13 issue, are the lessons to be learned to ensure that the  14 provisions of the Civil Contingencies Act are complied  15 with by blue-light responders to a major incident.</p> <p>16 Training.</p> <p>17 It is palpably clear, sir, from the evidence of  18 Thatcher that he had received limited training on the  19 application of JESIP, and of course the natural  20 conclusion affected his and the other MPS response.</p> <p>21 Although we've not explored the impact which the  22 inadequate training had on the provisions of the Civil  23 Contingencies Act or JESIP, we say it contributed to the  24 inadequacy and lack of co-ordination of the response of  25 the emergency services in Phase 1. It is clearly</p> <p style="text-align: center;">Page 61</p>	
<p>1 relevant, sir, to the response of the emergency  2 services, and we would therefore invite this inquiry to  3 examine that issue in Phase 2.</p> <p>4 Sir, when the Prime Minister announced you as chair  5 of this inquiry on 29 June 2017, she expressed  6 a commitment to unearthing the truth and leaving no  7 stone unturned. She vowed that there would be justice  8 for all the victims of this terrible tragedy and for  9 their families who have suffered so terribly.</p> <p>10 The Grenfell community, though, is still coming to  11 terms with their painful loss. They've engaged in this  12 consultation, they've attended community meetings,  13 they've made submissions on the scope and terms of this  14 inquiry and they've become many core participants.</p> <p>15 So what does it mean that there will be justice for  16 all the victims?</p> <p>17 It can mean one thing and one thing only: that you  18 and your team will do the right thing. And the question  19 is: when? When will you do the right thing?</p> <p>20 Well, I say the time is at this stage because, as  21 Martin Luther King would say, "It is always the right  22 time to do the right thing."</p> <p>23 Thank you, sir.</p> <p>24 SIR MARTIN MOORE-BICK: Well, thank you very much,  25 Mr Thomas.</p> <p style="text-align: center;">Page 62</p>	