

# Britain Allowed Unqualified Judge to Decide Litvinenko Case. Now Inquiry Report Must Be Recalled

Will Prime Minister David Cameron be able to find a way out of this mess?

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*Sir Robert Owen appears to have lacked the legal qualifications to chair the recently-concluded Inquiry in the Alexander Litvinenko [pictured left] death case. His report released on January 21 sparked international controversy when he concluded the murder was likely ordered by Vladimir Putin himself. Now Britain is faced with deciding what to do with Owen's hopelessly flawed final Inquiry report. (See ["Six reasons you can't take the Litvinenko report seriously."](#))*

The consequences of this botched report are grave. Tensions have seriously risen between Russia and the UK. Some even plead that more sanctions be imposed upon Russia.

That hands Prime Minister David Cameron a hot potato. Will he continue to bluff his way through, contending that Owen's report is legitimate? Or will he do the right thing and recall the bogus document?

What was deficient about Owen's qualifications? There is one overriding issue:

The law requires that an official Inquiry be conducted impartially. Indeed, the Inquiries Act of 2005 carries a clear "requirement of impartiality."

However, Owen has established an official record for himself that dispels any presumption of impartiality. Earlier, while acting as coroner in the case, he embarked upon a mission to pin culpability on the Russian state. He did that despite the fact that the Coroners and Justice Act specifically prohibits assigning blame. The Act says a coroner is forbidden from issuing a determination of criminal or civil liability.

The mandate is so strong that it enjoins even the appearance of placing either criminal or civil blame. And still worse for Owen, he was forbidden by law from even expressing an opinion on the subject. His job was to ascertain "who the deceased was," and tell "how, when, and where the deceased came by his or her death." Finding who to blame was not part of his mandate.

When Owen flatly refused to carry out his statutory duties, Home Secretary Theresa May literally laid down the law. On July 17, 2013, she officially told him to stop his illicit criminal investigation and concentrate on his actual duties. In response, Owen finally capitulated. On December 18, 2013, he wrote:

"I have therefore reluctantly come to the conclusion that Russian state responsibility should also be withdrawn from the scope of the inquest."

In my book Litvinenko Murder Case Solved I commented on his statement:

"That is an extremely startling development. Previously, Owen had said that the possible culpability of the Russian state was of central importance in the case. Much of Owen's work had been focused on finding a Russian culprit."

Now back to the official Inquiry: What's significant is that Owen had plainly admitted that as coroner he was pursuing Russian state responsibility. He had taken on the pursuit entirely on his own, despite the legal prohibition.

What's not to understand about Owen's obvious partiality? Instead of following the law that instructed him not to place blame, he pursued culpability with a vengeance. That means he lacked an overriding qualification for chairing the official Inquiry. He was not impartial. He lacked objectivity.

In a March 2014 report, a select committee in Parliament addressed the problem of objectivity when conducting an official Inquest. It declared:

"One thing is clear to us. Establishing an inquiry should not be a matter of politics."

That was not to be in the Litvinenko case, however. Owen's inquiry was hastily authorized as Prime Minister David Cameron was joining in the Russia sanctions frenzy that erupted over the MH17 tragedy. It's no wonder that laws were overlooked and an illogical verdict was reached.

What we have then is an official Inquiry report with conclusions that are wildly flawed and hard to take seriously, that was written by a retired judge who couldn't meet the most fundamental qualification, that of impartiality.

There's little doubt that justice mandates that Owen's report must be recalled. But will Prime Minister David Cameron now have the courage to do that?

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