

**IN THE SURREY CORONER’S COURT**

**BEFORE HM SENIOR CORONER FOR SURREY, MR RICHARD TRAVERS**

**IN THE MATTER OF THE GUILDFORD PUB BOMBINGS 1974**

**AND IN THE MATTER OF THE INQUESTS TOUCHING AND CONCERNING THE DEATHS OF:**

- (1) MR PAUL CRAIG (DECEASED)**
- (2) GUARDSMAN WILLIAM FORSYTH (DECEASED)**
- (3) PRIVATE ANN HAMILTON (DECEASED)**
- (4) GUARDSMAN JOHN HUNTER (DECEASED)**
- (5) PRIVATE CAROLINE SLATER (DECEASED)**

**JUNIOR COUNSEL NOTE OF PRE-INQUEST REVIEW HEARING**

**29<sup>th</sup> March 2021**

**1. Abbreviations**

1.1 The following abbreviations may be used herein:

“CTI”	Leading counsel to the inquests, Oliver Sanders QC;
“HMC”	HM Senior Coroner for Surrey, Mr Richard Travers;
“HGPH”	Horse & Groom Public House;
“IP”	Interested Person;
“MOD”	Ministry of Defence;
“MPS”	Metropolitan Police Service;
“PIR”	Pre-Inquest Review;
“RARDE”	Royal Armament Research and Development Establishment;
“RSCH”	Royal Surrey County Hospital;

## **2. Attendance**

2.1 HMC began the PIR by welcoming the attendees. The legal representatives in attendance were:

2.1.1 In person:

2.1.1.1 Oliver Sanders QC, leading counsel to the inquests;

2.1.1.2 Matthew Flinn, junior counsel to the inquests;

2.1.2 Via video-link:

2.1.2.1 Fiona Barton QC, leading counsel for Surrey Police;

2.1.2.2 James Berry, counsel for the MPS;

2.1.2.3 Caroline Reynolds, solicitor for the MOD and the Home Office;

## **3. Summary note of hearing**

### *Preliminary issue: redaction of CTI written submissions*

3.1. HMC began by noting that there was a preliminary issue to deal with in relation to the written submissions of CTI, which had been circulated to IPs on 24<sup>th</sup> March 2021, but not yet made available to the press. CTI confirmed that in the normal course of events, written submissions from CTI would be made available to the media automatically, subject to consideration of any objections received from IPs.

- 3.2. In this instance, Surrey Police had objected to the submissions being provided to the press in unredacted form. Specifically, there was an issue in relation to the publication of the names of various potential witnesses mentioned in the submissions. HMC noted that he had received written submissions from Surrey Police dated 26<sup>th</sup> March 2021 and invited Ms Barton QC to address him on the issue.
- 3.3. Ms Barton explained that Surrey Police did not object to the submissions being provided to the media. Rather, the concern related specifically to the provision of the names of individuals mentioned in the submissions. In amplifying on the written submissions from Surrey Police, she explained that the rationale of its position was as follows:
- 3.3.1. There was a real risk that the named individuals would not know that inquests were taking place, and further would not know that they have been mentioned as a potential witness.
- 3.3.2. No contact had been made with potential witnesses at this stage, pending an indication from HMC as to which witnesses were likely to be called. Accordingly, it was possible that they could find out about these inquests for the first time as a result of these submissions being made public.
- 3.3.3. If taken by surprise, there was a risk of individuals refusing to participate. The position of Surrey Police was that there should be a system of information and support in place for potential witnesses before their names were put into the wider public domain.
- 3.3.4. It was noted that the BBC had been the only media organisation engaging with the inquest to date. It was not suggested that the BBC would behave improperly, and noted that following the Manchester Area bombing, they had been the subject of positive commentary in the Kerslake report<sup>1</sup> in relation to

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<sup>1</sup> *The Kerslake Report: An independent review into the preparedness for, and emergency response to, the Manchester area attack of 22<sup>nd</sup> May 2017.*

their conduct in the aftermath of that event. However, that could not be guaranteed in relation to other media organisations.

- 3.4. Mr Berry for MPS agreed with Ms Barton that it was sensible to allow a period in which potential witnesses could be forewarned before their names were made public, particularly given that some of them could be quite elderly and might well be taken by surprise if their name appeared in the media. He noted that previously MPS had requested that the name of an elderly MPS officer be redacted from published documents in order that MPS had an opportunity to contact him first.
- 3.5. Ms Reynolds confirmed that the MOD had nothing to add to the submissions made on behalf of Surrey Police.
- 3.6. HMC then invited CTI to address him on the issue.
- 3.7. CTI said he was grateful to Surrey Police for having raised the issue for consideration, and submitted as follows:
  - 3.7.1. He referred back to the submissions of Mr Jude Bunting, counsel for the BBC who addressed the court when the BBC made an application for media access to various inquest materials. As set out in those submissions, the starting point for consideration of this issue was the open justice principle. What is dealt with in open court should be available to the media to report upon, unless there is some reason to depart from that approach.
  - 3.7.2. He noted that the individuals identified in the submissions fell into three groups:
    - 3.7.2.1 The first group consisted of those with Paul Craig, Ann Hamilton and Caroline Slater on the night of the bombing. They were celebrating a birthday. The individuals in that category were several

other WRACs and the parents (now deceased) of the individual whose birthday it was.

3.7.2.2 The second group was a small number of Scots Guards socialising with William Forsyth and John Hunter on the night of the bombing.

3.7.2.3 The third group consisted of those who responded to the blast: police, ambulance and hospital personnel.

3.7.3. Accordingly, it was not a large number of speculative names listed in the written submissions – only those who were relatively central to the issues in the inquest. They were all adults at the time of the events. They knew they had been involved in a serious incident, and they may well know that there is an inquest afoot, and if so, that they may be called upon to participate.

3.7.4. CTI did not agree that there was a real risk of media harassment in this instance. The level of media interest to date was not comparable to that which arose for the Manchester Area bombing. Moreover, in that case many of the victims were children, raising particular sensitivities.

3.7.5. CTI also submitted that there was not a serious prospect that the manner of these individuals finding out about the inquest (whether by way of a letter from HMC or seeing their name mentioned in the media in connection with these inquests) would be likely to have a significant impact on their willingness to cooperate. In any event, CTI noted those within the jurisdiction could be compelled by HMC to provide evidence, if necessary.

3.7.6. It was not considered that there was a need for any particular form of support to be provided in this instance. The individuals were all adults at the time, and were mostly in public service. It would be reasonable to expect them to be aware that, in general terms, such deaths are subject to an inquest process, and that they might be required to participate in it.

- 3.7.7. CTI said that it was accepted that individuals might have an expectation of privacy in relation to their private social activities, even if carried out in public places. However, in circumstances where the individuals were adults caught up in a serious public incident, they could reasonably expect a public investigation and publication of their names as being connected to it. However, even if there were a privacy interest engaged in this instance, the public interest in conducting proceedings openly and transparently outweighed that interest.
- 3.7.8. It was still unknown which potential witnesses are still alive, and where they are, where they might be. Publication of their names through release of CTI submissions might lead to contact that would otherwise not be possible.
- 3.8. For those reasons, and noting again that it was a limited list of central names rather than a long speculative list of names, it was CTI's position that it was appropriate for the submissions to be released to the media in unredacted form.
- 3.9. HMC noted that many of the witnesses listed in the submissions were in public service at the time, and that they gave witness statements to Surrey Police after the bombing. Also, he felt it was necessary to consider how the approach adopted could impact on the process going forward. It was possible that if he was to decide that all potential witnesses should be contacted before any material about them was disclosed, that could lead to significant delays.
- 3.10. Having regard to the principle of open justice, HMC concluded that, on balance, he was not persuaded that the names needed to be redacted. They were all adults at the time, and had given witness statements. They will all know that they were involved in a serious incident that could be the subject of investigation and that they could be called upon to assist. Also, he agreed that publicising their names could be beneficial in some instances, as it may assist with tracing and making contact.

3.11. Accordingly, he confirmed that the written submissions of CTI would be made available to those members of the media who had requested them at the conclusion of the PIR.

*Issues from the last PIR*

3.12. HMC provided a further update in relation to the inquest webpage. He confirmed that there would be a separate page on the Surrey Council website dedicated to the inquests, but that it would have limited capacity for document uploads. This would be addressed by uploading a more limited category of documents to the webpage for public and press access.<sup>2</sup> Other documents as referred to in his ruling on the BBC application will be accessible on request by contacting the Coroner's Officer using a dedicated email address which will be advertised on the webpage. The Coroner's Officer will then grant access via the Caselines system.<sup>3</sup>

3.13. HMC also addressed the issue of an undertaking, which had been raised by Surrey Police at the last PIR. He confirmed that it was not his practice to require an undertaking from IPs. However, a notice would be sent out when disclosure was provided to them, reminding all recipients about the purpose of disclosure and the purposes for which that disclosure could be used.

*Update on progress*

3.14. HMC invited CTI to provide an update on the progress of the inquests generally.

3.15. CTI referred to the written submissions, and confirmed as follows:

3.15.1. In relation to the collation of documents:

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<sup>2</sup> Namely, HMC rulings, PIR agendas, and reports/submissions from CTI.

<sup>3</sup> This broader category of documents will include, for example, written submissions/reports from other IPs.

- a) Surrey Police had provided tranches 1 – 3 of their material, and tranche 4 was due to be provided in April 2021, although it was unlikely to include much (if any) material within the scope of the inquests.
- b) The MPS and MOD had completed their disclosure.
- c) SECAMB and RSCH had completed their enquiries and CTI were making some follow-up enquiries with the National Archive as to whether any of the present Trusts' predecessor bodies had deposited anything of relevance.
- d) The Home Office had also completed its disclosure, by making available to CTI the May Inquiry files which junior counsel had previously reviewed and reported on.

3.15.2. In relation to the review of the evidence:

- a) Apart from Surrey Police material, CTI had reviewed everything of potential relevance apart from two boxes of MOD materials, which were likely to be irrelevant/duplicative, but CTI would be undertaking work to confirm the position.
- b) In terms of Surrey Police material, from tranche 1 CTI had reviewed 580 statements and 132 statement summaries, and from tranche 2 CTI had reviewed 139 statements and a number of other documents. CTI would continue to review the remainder of tranche 2, along with tranches 3 and 4.



## *Disclosure*

- 3.16. CTI are now preparing to disclose the first “batch” of material to IPs<sup>4</sup> via Caselines by the end of April. It will consist of:
- 3.16.1. 250 statements from 140 tranche 1 witnesses (those in and around the HGPH when the bomb exploded);
  - 3.16.2. 65 statements from 53 tranche 2 witnesses (responders); and
  - 3.16.3. A number of “core documents” to enable IPs to contextualise and navigate of the witness evidence that was being made available i.e. exhibits to the disclosed statements and a number of other maps, plans, reports, photos, original inquest papers, two May Inquiry archive files, and the military personnel files of William Forsyth and John Hunter.
- 3.17. Batch 2 of disclosure to the IPs will consist of other relevant and disclosable materials from tranches 2 – 4 of the Surrey Police materials
- 3.18. CTI confirmed that the owners/originators of the disclosure materials were being consulted, and thus far only one minor redaction of irrelevant material had been identified. It was not anticipated at the present time that further redactions were likely to be necessary.
- 3.19. In relation to witnesses, CTI proposed to identify three categories of witnesses using a “traffic light system”:
- 3.19.1. Green: those witnesses whose evidence could be usefully adduced in the inquests.

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<sup>4</sup> To be distinguished from the “tranches” of material provided to CTI and HMC by Surrey Police.

3.19.2. Amber: those witnesses who may or may not be able to add something useful to the evidence of the green category.

3.19.3. Red: those witnesses who, in the view of CTI, would not be able add anything material to the evidence able to adduced from the witnesses in the green and amber categories.

3.20. CTI would also seek to identify those witnesses who are known to be deceased, and seek submissions from the IPs on the proposed categorisation at the next PIR.

#### *Expert evidence*

3.21. CTI noted that contact has been made with Thomas Hennessey, a Professor of Anglo-Irish history and politics, who gave expert evidence in the Birmingham Pub Bombing inquests, and who provided a report giving a background to The Troubles and the IRA's 1974 mainland bombing campaign. The Senior Coroner for Birmingham has provided HMC / CTI with a copy of that report and the underlying instructions.

3.22. The Coroner's Officer has contacted Professor Hennessey, who confirmed that he is willing and able to provide a report for the purposes of these inquests. The intention is for HMC to have evidence about the background to the bombing campaign and why Guildford came to be targeted. CTI will therefore create a workstream to prepare instructions for Professor Hennessey, and seek submissions from IPs on the same.

#### **4. Next steps**

4.1. CTI was aiming to complete work on preparation of batch 2 of HMC's disclosure by the end of June, so that at the next PIR, submissions could be received from IPs on scope, empanelment of a jury, the instructions for Professor Hennessey and the identification of witnesses to give oral evidence or have their statement read. These submissions would be based upon batch 1 of disclosure, having regard to the fact that it was not anticipated that batch 2 would contain witness statements.

4.2. CTI noted that further PIRs have been listed for: 2<sup>nd</sup> July and 8<sup>th</sup> October 2021 and 14<sup>th</sup> January 2022. The substantive evidence hearing has been provisionally listed to take place within a hearing window of 7<sup>th</sup> March – 14<sup>th</sup> April 2022, however it was not anticipated that the inquests themselves would take that long. Also, those dates remain subject to considerations such as progress with the pandemic and with reviewing materials and preparing them for disclosure.

**MATTHEW FLINN**

2<sup>nd</sup> April 2021