

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)

WRITTEN SUBMISSIONS ON BEHALF OF
COUNSEL TO THE INQUESTS
For Hearing at a Pre-Inquest Review: 25th March 2022 at 10:00am

1. Abbreviations

“CJA 2009”	Coroners and Justice Act 2009;
“CSR”	Current Situation Report from Surrey Police;
“CTI”	Counsel to the Inquests;
“ECHR”	European Convention on Human Rights
“GPB”	the Guildford Pub Bombings 1974;
“HGPH”	the Horse & Groom Public House;
“HMC”	HM Senior Coroner for Surrey, Mr Richard Travers;
“IP”	Interested Person;
“MOD”	Ministry of Defence;
“MPS”	Metropolitan Police Service;
“PIR”	Pre-Inquest Review;

“PIRA”	the Provisional IRA;
“RARDE”	Royal Armament Research & Development Establishment;
“RSCH”	Royal Surrey County Hospital;
“SECAmb”	South East Coast Ambulance Service;
“SP”	Surrey Police;
“SSPH”	the Seven Stars Public House.

2. Introduction

- 2.1 Further to written submissions from CTI dated 23rd December 2021 for the previous PIR on 14th January 2022, these submissions provide another update on completed and upcoming work on preparations for the final evidential hearings for these inquests, provisionally listed to take place between 6th June – 15th July 2022.
- 2.2 Insofar as these submissions contain information and proposals in relation to next steps and arrangements for the final hearings, it should be borne in mind that HMC may take a different view and that any IP may submit questions, challenges or alternative proposals.

3. Evidence collation and disclosure

Disclosure to Interested Persons

- 3.1 With the provision of Batch 3 to IPs on 24th February 2022, disclosure is now essentially complete. A total of 764 disclosure items are accessible on Caselines, as follows:
- 3.1.1 Batch 1: 320 witness statements; 98 floorplans; 25 other documents.

- 3.1.2 Batch 2: 44 witness statements; 45 floorplans; 127 other documents.¹
- 3.1.3 Batch 3: 20 witness statements; 2 floorplans; 83 other documents.
- 3.2 An updated CTI Evidence Overview note has been circulated to IPs reflecting the further disclosure.
- 3.3 As any further relevant documents are obtained, they will be also be disclosed on Caselines. For ease of navigation by IPs, they will be uploaded to Caselines in a section entitled Batch 4, but it is intended to upload these further documents as and when they are ready, rather than wait and release them together.
- 3.4 It is anticipated that these further documents will include, by way of example:
 - 3.4.1 The report/statement of Ms Lorna Hills.
 - 3.4.2 The report of Professor Thomas Hennessey.
 - 3.4.3 Further witness statements that are submitted by witnesses who are attending the inquest hearings.²

Further evidence

- 3.4 Junior CTI are continuing to liaise with family representatives who are able and willing to assist with “Pen Portraits” for each of the Deceased. Significant progress has been made, and they will be disclosed to IPs as they are finalised.

¹ 19 of these documents are contained in unredacted form in a separate section of Caselines due to containing potentially distressing images.

² For the avoidance of doubt, HMC intends for the most part to use the witness statements given to Surrey Police in 1974 and is not seeking further statements unless there is a particular reason to do so, or the particular individual did not provide a statement at the time.

3.5 On 21st March 2022, the MOD provided to CTI the report of Ms Lorna Hills addressing contemporaneous documents relating to the nature of the explosive device used in the HGPH (see §3.18.9 of the Junior Counsel Note of the PIR of 14th January 2022³). This was circulated to IPs on 24th March 2022. Ms Hills is currently proposed to be called to give oral evidence. The views of IPs are sought as to whether, in addition to hearing from Ms Hills, HMC should read the statements and reports on which her report is based.

3.6 The MOD has also confirmed to CTI that:

3.6.1 Enquiries are ongoing in respect of security advice and the threat level system in place around the time of the GPB (see §§3.11 – 3.12 of the Junior Counsel Note for the previous PIR). CTI understand that further meetings are planned in the week commencing 21st March 2022, and anticipate that MOD will provide a further update at the PIR hearing.

3.6.2 In that regard, the BBC also published an article on 8th February 2022, which referred to certain military security-related materials from 1974 that it had viewed at the National Archive. Copies of this material will also be requested from the BBC. CTI also brought the article to the attention of the MOD in case it assisted their enquiries.

3.7 The report of Professor Thomas Hennessey is not yet completed. However, his instructions have been confirmed, he has accessed the documents included with his instructions on Caselines, and work is actively ongoing. CTI are maintaining contact with him in an effort to ensure his report is provided, and thereafter made available to IPs, as soon as possible.

³ See: https://www.surreycc.gov.uk/data/assets/pdf_file/0009/285741/14-Jan-2022-PIR-Junior-Counsel-Note-final-for-HMC.pdf

3.8 At the previous PIR Ms Emma Galland (solicitor for Royal Surrey NHS Foundation Trust) informed HMC that she had made contact with a Ms Charlotte Freeman, who is currently involved in Emergency Response planning at the Trust, and who (it was thought) might be in a position to speak to the 1974 report from South West Surrey Heath District that had been obtained from the London Metropolitan Archives (see §§3.23-3.24 of the Junior Counsel Note for the previous PIR). On 22nd March 2022 Ms Galland updated CTI that, on further discussion with Ms Freeman, she did not feel able to assist the court in that regard, although would be willing to assist should any Regulation 28 issues arise in the course of the inquest.

4. Witness update

4.1 Significant work is ongoing in terms of tracing and contacting witnesses, with a view to formulating a final witness list and schedule for the final inquest hearings. The updated Evidence Overview reflects the current position as to which witnesses are confirmed as alive, and their position in relation to contact and attendance at the inquest hearings.

4.2 CTI have been working on establishing contact with 55 witnesses (not including family representatives, Ms Hills and Professor Hennessey). These include 52 from the CTI Evidence Overview circulated for the last PIR, and 3 other possible witnesses whose names emerged in the course of speaking to individuals who were being contacted, or through enquiries undertaken by other IPs. In order to provide HMC with the broadest range of options possible when finalising the witness list, this includes both witnesses who CTI have proposed calling, and witnesses whose evidence is proposed to be read. Of that group of witnesses⁴:

⁴ As of 23rd March 2022.

- 4.2.1 28 (including 18 call witnesses, 4 call-read witnesses, 1 read-call witness, and 5 read witnesses) have responded and confirmed they are willing and able to attend to give evidence if called, although some have limited availability and a small number have indicated they would be unable to give evidence in person e.g. due to being abroad.
 - 4.2.2 2 have been confirmed as deceased.
 - 4.2.3 1 has been confirmed as lacking capacity and thus unable to assist further.
 - 4.2.4 5 have responded but sought to be excused from attending (4 of these on medical grounds).
 - 4.2.5 8 (3 call witnesses, 1 call-read witnesses, 1 read-call witness, 2 read witnesses, and 1 previously unassigned person) have not yet responded or provided availability. CTI are in the processing of chasing these witnesses for a response where appropriate.
 - 4.2.6 10 (3 call witnesses, 2 call-read witnesses, 1 read-call witness, 3 read witnesses, and 1 previously unassigned person) have not yet been contacted, as CTI have not been able to obtain contact details for them. Efforts are continuing in that regard, although almost all avenues have now been exhausted
- 4.3 Overall, CTI have been encouraged by the level of engagement from prospective witnesses thus far, and anticipate that a small number of further names may yet emerge for tracing and contact, particularly in the field of medical responders. It appears that a final witness list of around 25-30 live witnesses could be reasonably be anticipated for the final hearings. CTI intend to have a proposed witness schedule (including both called and read witnesses)

prepared by Friday 15th April 2022, so that the witnesses can be warned of their required dates of attendance.

5. Other issues

Correspondence with Cassandra Hamilton

- 5.1 On 6th February 2022 HMC received a letter from Ms Cassandra Hamilton (sister of Ann Hamilton) outlining her position on engaging with the inquest in light of the lack of funding (an issue which HMC as already addressed as far as he is able to do so). In addition, the letter took issue with previous submissions made by CTI in relation to the Habershon Report and whether or not the history of PIRA incidents prior to the GPB indicated that a specific threat ought to have been foreseen. A chronology of incidents from open-source materials and spanning 22nd February 1972 – 5th October 1974 was included.
- 5.2 On 9th March 2022 the Coroner’s Officer replied on behalf of HMC. As indicated in that letter, a copy has been circulated to IPs, who may make submissions at the PIR hearing if so advised.

Hearing logistics

- 5.3 IPs are invited to consider and comment on the following logistical matters for the final hearings:
 - 5.3.1 Hearing dates: having regard to the anticipated number of called witnesses and the quantity of documentation to be read, CTI believe that it is possible to narrow the length of the hearing window to three weeks. Proposed dates within the currently listed window can be discussed further at the PIR.
 - 5.3.2 Hearing bundle: CTI have considered means to create a specific “hearing bundle” of documents from the larger set of disclosure to

which IPs have access on Caselines. However, there are various technical impediments to doing so. With a view to proportionality, CTI propose that, rather than create a specific hearing bundle on Caselines, a detailed hearing schedule/index is prepared which lists relevant documents for each witness, including the Unique Reference Number for each disclosure item and its current page reference on Caselines. This should enable IPs easily call up documents in court as required. It is not proposed to prepare hard copy bundles (other than perhaps for witnesses) though the views of IPs are welcomed in this regard..

5.3.3 Hearing transcript: CTI anticipate that HMC is likely to require a transcript of the final hearings.

5.3.4 Courtroom arrangements: it is proposed that the final hearings take place in courtroom 3 (the largest courtroom) and that the over-flow room is also made available during the hearings, for use if necessary. CTI will continue to liaise with witnesses as to any accessibility requirements or reasonable adjustments which may be required.

5.3.5 Publication of documents / media access: IPs are referred to §§ 7(1) and 9 of HMC's ruling on the BBC's application for access to various inquest materials, dated 14th September 2020.⁵ In line with that ruling, and subject to the capacity of the Surrey County Council webpage established for these inquests, transcripts of the substantive hearings will be published on the website as they become available. CTI propose that evidential materials referred to or relied upon in the hearings (witness statements, photographs, reports, floorplans etc.) are not uploaded (the webpage does not have sufficient

⁵ See: https://www.surreycc.gov.uk/data/assets/pdf_file/0010/274069/Ruling-on-BBC-Application-14-September-2020.pdf

capacity) but made available on request if appropriate.⁶ CTI will also be mindful of the desirability of making certain core materials used in the final hearings available to media organisations without requiring a specific request.

Need for a further PIR

5.4 CTI consider that, whilst the court remains on track to commence hearings by 6th June 2022, there are a number of outstanding items (particularly in relation to expert evidence and the finalisation of a witness schedule) which would benefit from one further short PIR, to take place shortly before the final hearings. CTI propose that, if the court diary permits, a PIR is listed for mid-May.

OLIVER SANDERS QC

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24th March 2022

⁶ The media contact person remains the HMC's lead officer for these inquests, Ms Heather Nin.