

IN THE SURREY CORONER'S COURT

BEFORE HM 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

26th February 2020

1. Abbreviations

1.1 The following abbreviations may be used herein:

“CSR”	Current Situation Report
“CTI”	Leading counsel to the inquests, Oliver Sanders QC
“HMC”	HM Coroner for Surrey, Mr Richard Travers
“IP”	Interested Person

2. Attendance

2.1 HMC began the Pre-Inquest Review by inviting those representatives of IPs who were in attendance to introduce themselves to the court. In attendance was Fiona Barton QC,

leading counsel for Surrey Police, and Edward Pleeth, counsel for the Ministry of Defence. Also in attendance was leading counsel to the inquests, Oliver Sanders QC, and junior counsel, Matthew Flinn.

2.2 Written submissions had been provided in advance of the hearing by James Berry for the Metropolitan Police Service, and by Brenda Campbell QC and Anna Morris for the family of Private Ann Hamilton.

3. Summary note of hearing

3.1. HMC invited CTI to address the court on developments in the investigation.

3.2. CTI addressed three topics:

3.2.1. Documents:

- a) CTI noted that the HMC is continuing to receive monthly CSRs from Surrey Police as to their processing of documentation they hold. Those reports are produced following meetings between Surrey Police and Junior CTI, and are circulated to IPs.
- b) The Metropolitan Police had also provided a report on their progress on identifying and collating documents for disclosure in advance of the hearing, which had also been circulated to IPs. There had been no recent correspondence from the Ministry of Defence.
- c) HMC had also recently been sent correspondence between Weightmans (solicitors for Surrey Police) and KRW Law, relating to the retrieval by Surrey Police of a quantity of documentation held at the Surrey History Centre. CTI noted that the key point arising from that correspondence

was confirmation from Surrey Police that no documentation had been destroyed.

- d) HMC had been sent written submissions on behalf of the family of Private Ann Hamilton (see further below). Those submissions, along with brief submissions in response from the Metropolitan Police, had also been circulated to IPs.
- e) Junior CTI had recently prepared a report on relevant materials held by the Home Office, which is the Government Department responsible for the Sir John May Inquiry archive (“the May Archive”). CTI set out the background to that report. He explained that the Home Office had provided the HMC with an index of the entirety of the May Archive. From that index, CTI identified categories of potentially relevant documents. Junior CTI then attended on the Home Office to review the identified documents in detail. The report produced was the result of that review.
- f) Finally, CTI noted a recent letter which had been sent by Surrey Police to HMC, to stand as a side-letter to the Memorandum of Understanding between HMC and Surrey Police. The side-letter explained an arrangement that has been made for CTI to have access to electronic copies of documents being processed by Surrey Police, whilst that process was still ongoing.

3.2.2. Ongoing work:

- a) CTI confirmed that Surrey Police are continuing to process the documents and materials in their possession. They have also been liaising with the Metropolitan Police and the Ministry of Defence in relation to the material each entity holds at HMC’s request, because it

had been established that there was likely to be significant duplication of material. Separately to that process, the Metropolitan Police and the Ministry of Defence are each continuing to search for documentation to be made available to HMC. It was emphasised that all documentation of potential relevance to the inquests was being preserved; nothing was being destroyed.

- b) It was also confirmed that HMC was seeking copies of materials provisionally identified as relevant during the review of Home Office materials carried out by Junior CTI.

3.2.3. Submissions on behalf of Private Ann Hamilton:

- a) CTI noted that the submissions filed on behalf of the family of Private Ann Hamilton by KRW Law (for convenience, “the KRW Law submissions”) expressed concerns about the role of Surrey Police, in particular, it was said that Surrey Police were effectively taking the lead in what ought to be HMC’s disclosure process. They had been liaising with the Metropolitan Police and the Ministry of Defence. They had engaged in discussion with the National Archives about the release of the May Archive. The submissions argued that, as Surrey Police was an IP which could be subject to scrutiny in these inquests, these aspects of its involvement were unsatisfactory.
- b) CTI noted that the process for gathering and subsequently disclosing documentation was being carried out in accordance with the Memorandum of Understanding between HMC and Surrey Police, which had previously been circulated to all IPs and their representatives. That Memorandum was based upon disclosure processes successfully implemented as part of the inquests into the Birmingham Pub Bombings.

- c) CTI further submitted that the premise of the objections was misplaced. There was in fact no evidence to suggest that Surrey Police did anything untoward (by action or omission) in relation to the bombing (which killed the deceased in these inquests) itself.

- d) It was explained that Surrey Police hold a vast quantity of material, which was historic in nature and difficult to navigate for non-police personnel. They have put together a team of approximately twenty people who are processing and organising the material in order to provide it to the HMC. From the perspective of CTI, that was important and useful work.

3.3. HMC made the following observations:

- 3.3.1. He noted that legal aid was a matter touched upon by the KRW Law submissions. He emphasised that although he supported the provision of legal aid, it was not something which was within the gift of this Court.

- 3.3.2. He referred to the point made by CTI that no documentation which was within the scope of these proceedings was being destroyed, and that whilst Surrey Police was assisting him by giving a provisional indication as to what may be the relevant documentation amongst the material they hold, the final decision as to what was relevant and disclosable was a matter for him.

- 3.3.3. The KRW Law submissions raised the issue of the timing of the disclosure process. Timing had been discussed at the outset of the inquests, and at that stage it was emphasised that the process could be a lengthy one. Whilst HMC was anxious that the inquests proceeded in a timely fashion, he noted that disclosure, which was undoubtedly the longest part of the process, had to be done right. These inquests are dealing with events of some 40 years ago.

Much of the material will be out of order, or with pages missing etc. The process will therefore inevitably take some time.

3.3.4. HMC expressed the view that piecemeal disclosure does not help the exercise of gathering and organising the evidence. On the contrary, it was prone to lead to confusion and complication. That did not mean that no disclosure could take place until the very end of the work being carried out by Surrey Police. If it was possible to break down the material into tranches, that would be done.

3.4. CTI responded to HMC's observations:

3.4.1. HMC's legal team did not wish to become involved in a drip-feed disclosure process. Any particular document disclosed could contain references to various other documents or materials which become the subject of further queries or specific requests for disclosure. Those queries would need to be dealt with, in a situation where the referenced materials may not have been located and/or organised. This would in fact prolong the disclosure exercise.

3.4.2. CTI confirmed that nothing was being destroyed, and importantly, nothing was being withheld from CTI or HMC. Further to discussions between Surrey Police and CTI, a system had now been set up whereby CTI could access documents electronically whilst the work of Surrey Police was ongoing. It was also confirmed that Surrey Police are prioritising the processing of materials relating to the Horse and Groom pub, and it was hoped that such material would be ready for review sooner rather than later. CTI said that insofar as the KRW Law submissions argued that Surrey Police have a conflict of interest due to their actions in relation to the criminal convictions arising from the bombing, those matters were not within the scope of the inquest.

- 3.4.3. It was not the intention of CTI to wait for Surrey Police to process the entirety of their material, and then disclose everything at once. The latest CSR from Surrey Police - in particular the table identifying key individuals - demonstrates that progress is being made towards completion work on the Horse and Groom pub material.
- 3.4.4. Finally, it was noted that if CTI took immediate possession of all documentation and attempted to process it themselves, the disclosure process would take significantly longer. CTI was content with the arrangements in place, and did not invite the Coroner to change them.
- 3.5. HMC noted that the KRW Law submissions made reference to processes for managing documentation and disclosure in Northern Ireland, and asked CTI to address him on that point. CTI explained that there are a large number of legacy inquests in Northern Ireland arising from The Troubles. A high proportion of those inquests have been Article 2 inquests, and a large number of them have involved issues around State collusion and/or failings. There is also a Historical Investigations Team in Northern Ireland, which feeds into the inquest process. There were accordingly protocols put in place to deal with that specific context. In terms of the parts of those protocols relied upon in the KRW Law submissions, CTI noted that nothing appeared to be incompatible with the Memorandum of Understanding adopted in these inquests.
- 3.6. HMC invited submissions from other IPs in attendance:
- 3.6.1. Mr Edward Pleeth for the Ministry of Defence made brief submissions confirming that the Ministry of Defence stood ready to continue to assist HMC in any way it could. It was continuing to carry out searches for documentation and liaise with Surrey Police. Some documentation had been identified, but it was extremely likely that it was duplicative of material already in the possession of Surrey Police.

3.6.2. Ms Fiona Barton QC for Surrey Police addressed the Coroner:

- a) Surrey Police supported the documentation process currently in place.
- b) It was submitted that Surrey Police was, at this stage in the inquest process, playing a role akin to Coroner's officer, in that they were seeking to collate all material that was potentially relevant for provision to HMC and his team. It was not unusual for the police to play this role in inquests - it was happening on a daily basis all around the country. No documentation was being destroyed, and the purpose of liaison with other IPs was to ensure that all potentially relevant material had been located and collated for these inquests.
- c) In respect of engagement with the National Archive, there had been an invitation to Surrey Police from the National Archive to make submissions regarding whether the May Archive material should be made public. Surrey Police submitted that such material should not be made available to the general public simply because it was subject of HMC's investigation. The submissions made to the National Archive did not prejudice the availability of that material to HMC, nor the onward disclosure to IPs in due course.
- d) Regarding timing, it was submitted that the work undertaken was substantial, and ongoing. The size of the team at Surrey Police working on this matter had recently been increased, and at HMC's direction, work on material directly related to the Horse and Groom pub was being prioritised. The entirety of that category of material, which was likely to contain the majority of the material relevant to the inquests, would be available for review by and disclosure to HMC in no more than six months. That was a realistic time estimate, although if possible Surrey Police would complete the work in a shorter timeframe.

- 3.7. HMC indicated that he would fix another Pre-Inquest Review so that these matters could be addressed regularly and in public. It was likely to be in the week commencing 18 May. He noted that the time estimate provided by Surrey Police would mean documentation would be processed by the end of August. Whilst it was important to set expectations realistically, he would prefer to bring that date forward if possible, noting that once the documentation had been provided to him and his team, there would need to be a further window of time before the documentation could be disclosed to other IPs. He signalled that he wanted a more definite commitment on a date for disclosure to HMC from Surrey Police at the next Pre-Inquest Review.

[A further Pre-Inquest Review has subsequently been fixed for 20th May 2020]

MATTHEW FLINN
26th February 2020