

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

6th May 2022

1. Abbreviations

1.1 The following abbreviations may be used herein:

“CTI”	Counsel to the inquests;
“GPB”	Guildford Pub Bombings of 5 th October 1974;
“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;
“PIRA”	Provisional Irish Republican Army;
“SECAMB”	South East Coast Ambulance Service NHS Foundation Trust.

2. Attendance

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

- 2.1.1 Oliver Sanders QC, leading counsel to the inquests;
- 2.1.2 Matthew Flinn, first junior counsel to the inquests;
- 2.1.3 Alice Kuzmenko, second junior counsel to the inquests;
- 2.1.4 Fiona Barton QC, leading counsel for Surrey Police;
- 2.1.5 James Berry, counsel for MPS; and
- 2.1.6 Edward Pleeth, counsel for MOD.

3. Summary note of hearing

3.1 After welcoming and introducing attendees, HMC checked that the IPs had received a copy of:

- 3.1.1 the agenda;
- 3.1.2 written submissions from CTI and an accompanying Confidential Schedule;¹
- 3.1.3 the witness running order (version 2);
- 3.1.4 written submissions from the MOD;
- 3.1.5 a letter from the Government Legal Department on behalf of the MOD; and

¹ HMC explained during the hearing that the reason for providing a Confidential Schedule along with the written submissions of CTI (which are publicly available) was to enable IPs to consider the medical reasons that some witnesses had provided for seeking to be excused from giving evidence and/or to give evidence via videolink, see §§3.15 – 3.22 below.

3.1.6 a note from Ms Tanya Gupta (BBC).

3.2 HMC then invited CTI to provide an update to the court by reference to the written submissions and the items on the PIR agenda.

Disclosure

3.3 CTI confirmed that since the last PIR on 25th March, there had been a small amount of further disclosure, which had been uploaded to a “Batch 4” on Caselines. He confirmed that this was to be a rolling batch, so that further documents would be disclosed as they were received and processed.

Evidence

3.4 CTI noted that there were two main evidential issues to address:

3.4.1 the expert evidence of Professor Hennessey (the historian dealing with the political context of the PIRA bombing campaign); and

3.4.2 the efforts of the MOD to obtain evidence regarding security alerts, advice and warnings around the time of the GPB.

3.5 As to the expert evidence, CTI explained that the first draft of Professor Hennessey’s report had been provided to the court on 4th May 2022 and had been circulated to the IPs in advance of the PIR. It was noted that the draft does not give rise to any new lines of enquiry for HMC’s investigation, however it does not deal with all the points raised in the instructions document (in particular those points specific to the GPB), and so further work on the report was required. Subject to any submissions from IPs in response to the draft, CTI proposed to arrange a meeting with Professor Hennessey to elaborate on where further assistance was sought in relation to his instructions. CTI also confirmed that Professor Hennessey is scheduled to give evidence on the first day of the substantive hearings.

3.6 HMC emphasised that it was important that all questions posed to Professor Hennessey in his instructions were answered, and he agreed that a discussion with him was required,

so that he could be taken through his instructions and his report could be finalised as soon as possible.

- 3.7 HMC then invited any representations from the IPs. Ms Barton for SP did not feel that the scope of the instructions to Professor Hennessey needed to be expanded, but noted that as the report was clearly in draft form, there were some factual corrections that would be required. Neither Mr Berry for MPS nor Mr Pleeth for the MOD made any submissions, although Mr Pleeth noted that as the report had been circulated the previous day, the MOD would continue to consider it and write to the court if any issues arose.
- 3.8 As to evidence about security alerts, advice and warnings, CTI explained that the evidence on this topic was listed for day 2 of the hearings. It would involve an MOD witness giving evidence about the systems and procedures in place at the time of the GPB and two 2nd Lieutenants (Dr Gillian Boag-Munroe (née Taylor) and Mrs Patricia Hunt (née Campbell) who were, in effect, middle management at the Queen Elizabeth Barracks (the WRAC headquarters). CTI noted that the counsel team had been unable to identify and trace any senior officers/persons from the barracks at Pirbright, but that the factual witnesses being called to give evidence about the GPB itself could be asked questions about this issue.
- 3.9 As to the evidence of Dr Boag-Munroe and Mrs Hunt, CTI noted that they have somewhat different recollections of the position in relation to security at the Queen Elizabeth Barracks. Dr Boag-Munroe's evidence was to the effect that the barracks "lived and breathed security", whereas Mrs Hunt remembers a more relaxed atmosphere. Accordingly, it was proposed to hear oral evidence from both of them. CTI proposed taking the views of IPs on whether it would be preferable to hear from the systems witness or the individuals first.
- 3.10 HMC then turned to Mr Pleeth for the MOD. Mr Pleeth referred to the written update on its enquiries which had been provided to the court on 5th May. He confirmed that the MOD is alive to the need to assist HMC's inquiry in relation to the issue of security alerts, advice and warnings, and that it had undertaken very extensive and wide-ranging searches for relevant materials. The search had sought to encompass any local and/or national threat assessments applying in October 1974, advice, alerts, and warnings for service

personnel, particularly those relating to off-duty personnel in the Guildford/Surrey area, policy and guidance documents, and how any advice was disseminated to service personnel.

3.11 Mr Pleeth explained that, despite extensive searches, the documents that had been located were very limited in number, due to the passage of time. Specifically, two relevant documents had been identified:

3.11.1 The Manual of Army Security (two volumes): this document lays down the principles guiding commanders at various levels as to how to carry out their security responsibilities. It was recovered from a quantity of documents relating to a different historical inquiry. As a result, the document was located already in redacted form, and an un-redacted version had not been found. Mr Pleeth noted that the Manual had been provided only to the court at this stage. That was because, although it is a historic document, it requires review for any necessary security redactions. That review was underway, and the MOD would be able to confirm the position to the court by 13th May at the latest.

3.11.2 A letter dated 7th June 1974 from a Staff Sergeant McClenaghan: this letter is publicly available in the National Archives. Mr Pleeth noted that the letter confirmed that, as of June 1974, the security alert level was “BIKINI Black”. There was no issue with that document being circulated to IPs.

3.12 Mr Pleeth confirmed that the MOD would continue in its efforts and keep the court updated as to any further progress. HMC asked if the MOD had any views on the question posed by CTI i.e. whether the MOD systems witness, or the two 2nd Lieutenants should give their evidence first. Mr Pleeth stated that the MOD had no strong view on that issue. However, he did address the court on the MOD’s efforts in relation to the evidence of the systems witness.

3.13 He explained that, in tandem with the disclosure searches, the MOD is working to compile a witness statement dealing with the systems, practices and procedures in place relating to security alerts and advice. However, given the passage of years since 1974, no-one at

the MOD currently was able to speak directly to the situation at the time of the GPB. Accordingly, the statement was being prepared based on the documents that had already been provided by the MOD to the court, and the person who provides the witness statement in due course might not be able to advance matters much further. He indicated that the MOD hoped to be able to provide the statement by the end of the month, and it might be useful to await disclosure of that statement before making a final decision on the sequence of witnesses dealing with those issues.

3.14 HMC confirmed his agreement to that approach and asked for the statement to be provided by 27th May 2022. Mr Pleeth confirmed that this was possible.

Witnesses

3.15 CTI explained that Version 1 of the witness running order was circulated on 14th April 2022, and Version 2 was circulated on 5th May. It was necessary to go through that running order to confirm the position in relation to (a) which witnesses were to be called to give evidence in person, (b) which witnesses were to be called to give evidence via videolink under rule 17 of the Coroners (Inquests) Rules 2013 (“the Coroners Rules”) and (c) which witnesses would have their previous statements read into evidence under rule 23.

3.16 CTI reminded the Court of the relevant provisions from the Coroners (Inquest) Rules 2013 - rule 17 on evidence by video link and rule 23 on written evidence:

“Rule 17: Evidence by video link

- (1) A coroner may direct that a witness may give evidence at an inquest hearing through a live video link.*
- (2) A direction may not be given under paragraph (1) unless the coroner determines that giving evidence in the way proposed would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.*
- (3) Before giving a direction under paragraph (1), the coroner must consider all the circumstances of the case, including in particular—*
 - (a) any views expressed by the witness or any interested person;*

- (b) *whether it would be in the interests of justice or national security to give evidence by video link; and*
- (c) *whether in the opinion of the coroner, giving evidence by video link would impede the effectiveness of the questioning of the witness.*

[...]

Rule 23: Written Evidence

- (1) *Written evidence as to who the deceased was and how, when and where the deceased came by his or her death is not admissible unless the coroner is satisfied that—*
 - (a) *it is not possible for the maker of the written evidence to give evidence at the inquest hearing at all, or within a reasonable time;*
 - (b) *there is a good and sufficient reason why the maker of the written evidence should not attend the inquest hearing;*
 - (c) *there is a good and sufficient reason to believe that the maker of the written evidence will not attend the inquest hearing; or*
 - (d) *the written evidence (including evidence in admission form) is unlikely to be disputed.*
- (2) *Before admitting such written evidence the coroner must announce at the inquest hearing—*
 - (a) *what the nature of the written evidence to be admitted is;*
 - (b) *the full name of the maker of the written evidence to be admitted in evidence;*
 - (c) *that any interested person may object to the admission of any such written evidence; and*
 - (d) *that any interested person is entitled to see a copy of any written evidence if he or she so wishes.*
- (3) *A coroner must admit as evidence at an inquest hearing any document made by a deceased person if the coroner is of the opinion that the contents of the document are relevant to the purposes of the inquest.*

(4) A coroner may direct that all or parts only of any written evidence submitted under this rule may be read aloud at the inquest hearing.”

- 3.17 CTI noted that the first witnesses were due to be heard on 20th June 2022 and it was anticipated that there would be 16 days of evidence, with four days reserved for submissions, summing up and conclusions.
- 3.18 It was explained that the running order contained many witnesses for whom it was proposed to read their evidence under Rule 23 of the Coroners Rules. In many instances, that was because the relevant witness was deceased. In other cases, their evidence was peripheral and unlikely to be disputed. In a small number of instances, it was because the witness was abroad and unwilling to cooperate.
- 3.19 CTI then took the court through the witness running order day by day, explaining the proposed position in relation to each witness.
- 3.20 Ms Barton for SP queried whether it was necessary to call Gwendoline Crossan. Ms Barton explained that although she was a member of SP at the time of the GPB, her involvement was limited to the production of a number of plans of the HGPH. However, those plans were based on other documents and evidence that been provided to the court – she did not herself attend the HGPH on the night of the GPB or subsequently, and it was anticipated that she might not be able to add anything to documents themselves. Consequently, although she was available to attend, it was submitted that her evidence could be read under rule 23.
- 3.21 On this issue, CTI explained that she had been included as a “place-holder” witness in case it became necessary or helpful to hear evidence as to how she produced the plans of the HGPH. HMC noted that the plans she had produced represented her interpretation of other underlying evidence and it might become necessary to hear from her to speak to/explain that interpretation. He indicated that he would review the evidence and consider the position further before reaching a decision.
- 3.22 No IPs made submissions on any of the other witness proposals contained in the witness running order or the Confidential Schedule.

BBC application for disclosure

3.23 CTI turned to the application received from the BBC for the disclosure of the reports prepared by Ms Lorna Hills of the Defence Science and Technology Laboratory (in relation to the explosive device used in the HGPH) and Professor Hennessey. It was explained that disclosure could not currently take place because Ms Hill's report needed to be checked by the MOD to establish if any security redactions were necessary, and Professor Hennessey's report was currently in draft form.

3.24 CTI submitted that HMC had the power to release documents on request from third parties under regulation 27 of the Coroners (Investigations) Regulations 2013. Chief Coroner Guidance's No. 25 on "Coroners and the Media" sets out the applicable principles. In particular, CTI noted that §§43 – 44 and §§57 – 59 were relevant:

“43. The media is not entitled to see documents not referred to in court. If a coroner holds documents which have not been relied upon and adduced in evidence, these need not be disclosed.

44. The media is also not entitled to have access to documents before a hearing, save when disclosure is necessary to enable the media itself to make representations (when entitled to be heard), for example in relation to a proposed restriction on reporting”.

“57. Where a witness has given evidence, the testimony given in open court is usually sufficient for open justice purposes. The statement of the witness need not be provided; it is not evidence.²

58. The open justice principle will often be satisfied sufficiently by a document being read out in court. This includes witness statements which have been read out in full or in part. Parts of statements (and other documents such as personal correspondence or suicide notes) are often not read out because of their sensitive nature. It will be a matter for the coroner's discretion whether to provide the statement or other document (redacted or otherwise).

59. Where the coroner considers it appropriate, the coroner may permit the journalist to see the whole of a witness statement but only on the condition that those parts not read out (and not relied on) may not be used or reported.”

² CTI observed that although this passage refers to witness statements and the application from the BBC was for expert reports, in effect it was an application for documentation underpinning witness evidence.

- 3.25 CTI proposed that the reports are released either shortly before or shortly after the oral evidence of Ms Hills and Professor Hennessey, to assist the BBC or any other media representatives with their reporting. However, he noted that the issue with releasing evidence in advance is the risk of reporting passages that are not then read out or referred to in court and so do not form part of the evidence. Paragraph 59 of the Guidance does allow for journalists to see such documents in full but on the condition that those parts not forming part of the evidence are not used or reported.
- 3.26 HMC summarised the note that had been provided by Ms Gupta for the BBC. In summary, the BBC sought advance disclosure of the documents because of the complexity of the material, and with the evening news going out at 18:00 hrs, it would be helpful for journalists to understand the reports in advance to facilitate accuracy in that reporting. In the note, it was confirmed that the BBC would be content to receive the reports two days in advance of them being adduced in court. HMC indicated that, if he was minded to do so, he would have in the forefront of his mind §59 of Guidance No. 25.
- 3.27 Ms Barton stated that SP agreed with CTI as to the law and approach in dealing with the application. She acknowledged the strong interest in transparent and accurate reporting of evidence in the proceedings, and understood the desire of Ms Gupta to ensure that the evidence was properly understood. However, she emphasised that:
- 3.27.1 The evidence in the proceedings would comprise what was said in the witness box, rather than the contents of documents (unless referred to or read into evidence under rule 23 of the Coroners Rules).
- 3.27.2 There is a good reason for the principle underpinning §43. Although SP had no concerns about the integrity of the BBC, there was nevertheless a risk that parts of any disclosed documents which were not adduced in court would be inadvertently reported or used in the BBC's wider investigations and reporting going beyond the scope of the present inquests (and it was not the function of the coroner's court to facilitate disclosure of materials for those purposes).

- 3.27.3 Releasing expert evidence in advance would be a very unusual step – it is not usual to release what is in effect the anticipated evidence of a witness before it is adduced to third parties.
- 3.28 In summary, Ms Barton said that SP did not submit that the reports must not be disclosed to the BBC in advance of the relevant witnesses giving their oral evidence, but did urge HMC to bear in mind the risks with that approach when applying the legislation and guidance of the Chief Coroner. Further, if HMC was minded to provide advance disclosure, she submitted that it ought to be in accordance with the approach set out in §59 of Guidance No. 25.
- 3.29 Mr Berry stated that the MPS agreed with the legal approach set out by CTI and was neutral as to the outcome of the application.
- 3.30 For the MOD, Mr Pleeth confirmed that the legal approach set out by CTI was agreed, and that whether advance disclosure of the requested reports was justified was a matter for HMC. He accepted that extracts of the reports referred to in court could properly be disclosed after evidence was given, either by way of a transcript of the oral evidence, or by way of a redacted version of the reports (including only those parts of the report which had been adduced in evidence). However, he noted that the BBC’s original request was for disclosure forthwith, and queried whether disclosure so far in advance of the relevant oral evidence was necessary. He also stated that the MOD agreed with Ms Barton’s point about the risk of disclosed materials being used not to report on proceedings, but in the BBC’s wider enquiries.
- 3.31 HMC indicated that he would give the application further consideration, in light of any security redactions proposed by the MOD for Ms Hills’ report, and the final version of Professor Hennessey’s report. However, he confirmed that if the court decided to disclose the reports to the media in advance of the authors giving their oral evidence, it would be no more than a couple of days in advance.
- 3.32 In response to a query from Mr Pleeth, HMC also confirmed that any advance disclosure to the media would be on the condition that reporting would be restricted to those sections

adduced or referred to in court, in accordance with §59 of the Chief Coroner’s Guidance No. 25.

Transcripts

3.33 HMC stated that the court would shortly confirm to IPs the turn-around time that would be arranged for transcripts of the oral evidence of proceedings. Ms Barton had submitted at the previous PIR that a 24-hour turnaround would be preferable in this case, and she confirmed that SP had supported that approach in order to assist with accurate media reporting, and because there were some family members of the Deceased who would not be able to attend.³

Media

3.34 CTI confirmed that following the last PIR, the counsel team had met with representatives of SP to discuss media issues. The upshot of the meeting was that HMC’s officer, Heather Nin, would be the single point of contact for any media requests or enquiries. The website for the inquests includes her contact details.

4. Other business

4.1 HMC confirmed that the next hearing for these inquests would be the first day of the substantive hearings on 20th June.

MATTHEW FLINN
ALICE KUZMENKO

17th May 2022

³ On 9th May the court confirmed a 24-hour turnaround time.