

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: 8th October 2021 at 10:30am

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 9th July 2021 for the previous PIR on 16th July 2021, these submissions provide another update on completed and upcoming work on preparations for the final evidential hearings for these inquests, now provisionally listed to begin on 6th June 2022.

2.2 Insofar as these submissions contain information and proposals in relation to next steps, 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

Material processed by Surrey Police

3.1 SP has now completed its work in providing material to CTI and HMC. It has taken place in seven Tranches, with relevant details set out below:

Tranche 1

Date provided to CTI: 28th May 2020

Nature of material: Witness statements from those who attended the HGPH/SSPH on the evening of 5th October 1974.

Contents: 712 witness statements and 2 other documents.

Tranche 2

- Date provided to CTI:** 25th August 2020
- Nature of material:** Witness statements from those who assisted in the aftermath of the HGPH bombing, and other core documentation relating to the blast.
- Contents:** 140 witness statements, a schedule of 270 exhibits, 8 reports from Op IGIL officers and 320 other documents, including plans, incident room messages and images.¹

Tranche 3

- Date provided to CTI:** 16th December 2020
- Nature of material:** Witness statements from those who attended Guildford town on 5th October 1974, sketch plans of the SSPH and Op IGIL analytical reports mostly relating to identification of persons in the HPGH and SSPH.
- Contents:** 748 witness statements, 228 Op IGIL reports and 360 other documents, including plans, reports and images.

Tranche 4

- Date provided to CTI:** 23rd April 2021

¹ Note: some documents contain multiple items e.g. a number of documents compile hundreds of police incident room messages. There are in excess of 3,700 messages in total.

Nature of material: Material relating to the contemporaneous SP investigation and original criminal processes relating to the Guildford Four and Maguire Seven.

Contents: 1,564 witness statements, a schedule of 200 sensitive items,² 2,959 police actions,³ 44 interviews, a schedule of 277 exhibits, 4 Op IGIL reports, 1,387 other documents, including correspondence, reports and court papers.

Tranches 5 & 6

Date provided to CTI: 26th July 2021

Nature of material: Material relating to the Guildford Four criminal appeal processes (Tranche 5) and material relating to the Caterham Arms Pub Bombing of August 1975 (Tranche 6).

Contents: 335 witness statements, 753 documents, a schedule of 74 sensitive items, 36 interviews, a schedule of 37 exhibits, and 33 Op IGIL reports.

Tranche 7

Date provided to CTI: 26th August 2021

Nature of material: Contextual/administrative material generated by Op IGIL in carrying out its work e.g. relating to the

² This schedule lists items identified by Op IGIL as sensitive on the basis that they pertain to intelligence materials gathered by SP to assist the original criminal investigation. It appears unlikely to CTI that this material will fall within the scope of these inquests, but a full review of the Schedule is yet to take place. CTI will be able to access and review full copies of any item from the Schedule which is identified as potentially relevant.

³ Compiled in document D3757.

formation of the team and the searches/tracing activities carried out.

Contents: 37 documents, 23 Op IGIL reports.

Disclosure to Interested Persons

3.2 As set out in CTI's previous written submissions, Batch 1 of disclosure (disclosed to IPs on 18th June 2021) encompassed:

3.2.1 relevant material from Tranche 1,

3.2.2 relevant witness statements, floorplans, and a selection of core documents from Tranche 2; and

3.2.3 relevant documentation provided by the MOD and the May Inquiry Archive.

3.3 It has taken longer than anticipated to process material for Batch 2, however that work is now substantially complete. Batch 2 encompasses remaining relevant documents from Tranche 2 (save for documents relating to incident room messages – see further below), and relevant material from Tranche 3, namely:

3.3.1 34 witness statements;

3.3.2 44 marked up floorplans; and

3.3.3 128 other documents, one of which is a Schedule created by CTI listing physical exhibits obtained at the time of the original investigation, but, for the most part, not retained.⁴

⁴ These figures are accurate at the time of writing but may change subject to a final check (e.g. to see if any of the documents are duplicates or were disclosed with Batch 1).

- 3.4 The only work outstanding on Batch 2 is to assess a small number of redactions proposed by SP, the MOD and/or the Home Office. Once that is complete, the material will be uploaded to Caselines for IPs to access.
- 3.5 As explained in CTI's previous written submissions, Batch 2 contains a number of photographs, including post mortem photographs taken of each of the Deceased. These images may be distressing to family members. It was indicated at §3.7 of CTI's previous written submissions:

Families will be consulted about whether or not they wish to be sent or given access to these and the documents in question will be flagged with warning on Caselines. If any IP wishes to propose a different approach or that such photographs should be withheld from dissemination for viewing in person at court only, they should raise this for HMC's consideration at the PIR.

- 3.6 To date, no IP has proposed an alternative method of disclosing these photos and so HMC's officer has now made contact with family members specifically to seek their views on this issue. The view of CTI is that although these photos are relevant and should be disclosed, they are unlikely significantly to advance the court's understanding of the issues being explored in these inquests, and accordingly it may not be necessary to provide copies to IPs. An alternative option would be to retain all images in a folder, to be retained in court but made available to IPs for inspection on request. It is proposed that HMC makes a final decision on this issue once the views of all families have been canvassed, and that until then these photographs should not be uploaded to Caselines with the rest of Batch 2.
- 3.7 With the disclosure of Batch 2, IPs will have access to almost all relevant material which is likely to fall within the scope of these inquests. However, it is anticipated that there a further batch of residual material - Batch 3 - will be disclosed by the end of the year. This *may* include:
- 3.7.1 Materials relating to incident room messages received by SP in the aftermath of the bombings in Guildford. As indicated above,

thousands of messages were received and recorded by police personnel at that time. Due to the nature of the communications, they are also, at times, somewhat difficult to follow. Op IGIL staff have explained to CTI that when a message was received by the incident room, it would be reviewed by staff, an “action” would be generated, which would then lead on to an enquiry and, if fruitful, an end product such as a witness statement. Where relevant, such witness statements will have been disclosed and it is necessary to carefully consider whether these messages will add anything to the evidence in these inquests. The provisional view of CTI is that they are unlikely to assist, however in view of the further work involved in confirming that view, it is proposed that HMC makes a decision when the contents of Batch 3 of disclosure is finalised.

3.7.2 Any relevant material from Tranches 4 – 7. CTI have already made substantial progress in reviewing Tranche 4, which is the largest tranche of material. Based on the scope of the inquests as set out in HMC’s Ruling on Resumption, no relevant material has been identified thus far. However, that work is ongoing and Tranches 5 – 7 are yet to be considered.

3.7.3 Any other relevant documentation provided to HMC.

Outstanding Enquiries

3.8 CTI have pursued enquiries with the National Archives to establish whether any relevant documentation was deposited by predecessor bodies to the Royal Surrey NHS Foundation Trust (in relation to RSCH) and/or SECAMB (in relation to the Surrey Ambulance Service).

3.9 CTI were informed that the National Archives hold documentation from the Home Office, the MPS and the Northern Ireland Office but do not hold health

service records of this type, which are usually deposited with county or local record offices. However, the National Archives does offer a hospital records database search function which assists in identifying where certain categories of documents are held. A search of this database established that:

- 3.9.1 Records relating to RSCH are held at the Surrey History Centre. Junior Counsel subsequently wrote to the Centre and was informed that it does not hold any documents for either RSCH or the Surrey Ambulance Service relating to GPB. The only documents of relevance (consisting of albums of photographs) were obtained by SP in 2019, and CTI can confirm that those documents have since been processed, provided to HMC and have formed part of the disclosure process for these inquests.

- 3.9.2 A file of correspondence entitled "*Major Accidents Procedure correspondence file*" covering the period January 1974 to December 1975 is held in the London Metropolitan Archives. The description of this file indicates that it includes a "copy of S.W. Thames Regional Health Authority report on the Guildford bombing incident on 5 Oct 1974". Enquiries carried out by CTI, tracing through the statutory instruments establishing and changing health authorities from 1974 onwards, indicate that the South West Thames Regional Health Authority (established 1st April 1974 by the National Health Service (Constitution of Regional Health Authorities) Order 1973) was the body with governing responsibility for both the ambulance service and the acute hospitals operating in Surrey at the time of the bombing and in the years following. CTI are in the process of obtaining a copy of that report, and it is anticipated that this will conclude searches for primary documentation from the health services involved on the night of the incident.

3.10 Accordingly, it now appears that the process of searching for and gathering material is also substantially complete. However, if any more lines of enquiry emerge in relation to any other category of documentation, or any further potentially relevant materials are obtained from IPs or elsewhere, CTI will provide a further update at the next PIR.

4. Scope and the engagement of Article 2

4.1 It is important that IPs have an opportunity to consider the contents of Batch 2 before making detailed submissions on disclosure and the potential engagement of Article 2. Accordingly, it is necessary to defer consideration of these issues to the PIR scheduled for January 2022. It is not anticipated that this should pose a problem in light of a delay to the commencement of the final hearings necessitated by court time-tabling issues (see further below).

4.2 Nevertheless, the court is invited to note that on 28th September 2021 further submissions were received from the family of Ann Hamilton setting out issues they would like the inquests to cover, as follows:

Some of the questions we want answers to include:

- *Why events were reported differently at the time to what actually took place*
- *Why one witness had provided different timings for the explosions*
- *Why the Guildford Four were arrested and jailed if there was not enough evidence*
- *Why our sister's barracks were not on lockdown after a reported IRA attack at a local barracks*

4.3 IPs are invited to consider these points and address them when scope is considered at the next PIR. In relation to the last point above (a reported IRA attack at a local barracks), HMC's officer sought further information from the family and was provided with a chronology of attacks prior to the bombings at Guildford, dating from the Official IRA attack in Aldershot on 22nd February 1974 up to the date of the GPB. At present CTI are unaware of any attack of such temporal and geographical proximity to the attacks in Guildford to suggest

that barracks in the area ought to have been locked down. However, the lead-up to those attacks is a matter on which HMC is seeking expert input (see further below).

5. Instructions to Professor Hennessey

- 5.1 On 1st October 2021, HMC circulated proposed draft instructions to Professor Hennessey, Professor of Modern British and Irish History at Canterbury Christ Church University, to provide a report to assist the court in understanding the context of the GPB. As set out in §3.1 of the draft instructions, the purpose of the report is to:

...inform the Inquests about the historical context to the Guildford Pub Bombing, to address any evidence suggesting that PIRA was or was not responsible and to explain the apparent lack of advance warning and how the attack fitted into PIRA campaigns being pursued on mainland Britain at the time.

- 5.2 Professor Hennessey has been instructed to avoid commenting in detail on the events of 5th October 1975 itself, as these will be addressed through other evidence. However, it is hoped that his report may be able usefully to address:

5.2.1 How/why the GPB can be attributed to the PIRA.

5.2.2 How/why the HGPH was selected as a target.

5.2.3 The extent to which the attack was (a) preceded by any explicit warning and/or (b) foreshadowed by other events taking place in the period prior.

- 5.3 IPs are invited to make any submissions on the draft instructions at the PIR. Subject to these, they will thereafter be sent to Professor Hennessey, who will be asked to report back by 7th January 2022. As that is just one week before the next PIR, it is not possible to confirm that the report will be circulated to IPs before that hearing, since HMC may wish Professor Hennessey to clarify or

expand upon particular matters first. However, the report will be available in advance of a proposed final PIR (see further below).

6. The Habershon Report

- 6.1 At the last PIR, CTI addressed HMC on recent media reporting about the potential relevance of a document known as the Habershon Report. It was explained that the report had been obtained and reviewed by CTI and that it was not considered relevant to the inquests. In particular, it did not contain information on PIRA activities before the GPB such as to raise questions about whether the attack could have been foreseen or prevented, or show that police were aware of prior relevant or connected offences (see §§5.1 – 5.11 of CTI’s previous written submissions).
- 6.2 Reference was made at §5.10 to a chart linking fingerprint samples, 59 premises, objects or incidents and 30 suspects. It was explained that although the chart did not appear to be relevant, some of its entries were illegible and a further copy was being sought for confirmation. A more legible version was subsequently obtained with the assistance of Op IGIL, and further review of the chart has not changed CTI’s analysis as to the relevance of the report generally.
- 6.3 However, in an effort to assist Professor Hennessey in the preparation of his report, CTI have collated a list of materials which may help put the GPB into context. These include e.g. chronological schedules of incidents and reports from explosives experts from RARDE involved in investigations at the time (Douglas Higgs and Donald Lidstone) drawing out themes and links between various attacks. It was considered that one of the documents appended to the Habershon report could be of use to Professor Hennessey, namely “*Document 4: List of terrorist activities England & Wales 5.10.74 to 28.1.75*”. Accordingly, this document has been extracted, given a Unique Reference Number by Op IGIL (D4475) and forms part of Batch 2 of disclosure.

7. Witnesses

- 7.1 At the previous PIR it was explained that a colour-coded list of 196 potential witnesses had been prepared by CTI, divided into 30 green witnesses (central), 44 amber witnesses (borderline) and 122 red witnesses (unlikely to be required). To date, no IP has made submissions on changing the designated colour for any particular witnesses.
- 7.2 In terms of tracing witnesses, it was agreed that:
 - 7.2.1 Op IGIL would assist with tracing witnesses who attended the HGPH on the night of the attack on 5th October 1974.
 - 7.2.2 In respect of witnesses employed by or associated with emergency services or organisations that were involved after the attack, HMC would request that initial tracing efforts be made by those entities in the first instance. SP kindly agreed that Op IGIL would then provide additional assistance with these witnesses if reasonable efforts were made but proved unsuccessful.
- 7.3 Since the last PIR hearing, SP has provided CTI with a list indicating the results of their tracing enquiries thus far. In conjunction with the further information obtained by CTI and HMC's officer by making enquiries with Surrey County Council (Fire Brigade personnel), Royal Surrey Foundation NHS Trust (medical personnel) and SECAMB (ambulance personnel), that list currently indicates that:
 - 7.3.1 Of the 30 green witnesses, 11 are deceased, 12 are alive and 7 are TBC.
 - 7.3.2 Of the 44 amber witnesses, 28 are alive, 13 are deceased and 3 are TBC.

- 7.4 The majority of the “TBC” witnesses are medical or ambulance personnel. Further to correspondence received by your officer on 30th September 2021, it appears that SECAMb have now exhausted their lines of enquiry. The outcome of the enquiries that have been initiated with Royal Surrey NHS Foundation Trust and is still awaited. The next step is likely to be for your officer to make a direct request for information to NHS pensions, and if that is unsuccessful the names will be handed to Surrey Police to provide further tracing assistance.
- 7.5 Batch 2 of disclosure includes a number of statements from further potential witnesses, 12 of whom have been allocated to the amber list. All of these individuals were either civilians or recruits at the time, and accordingly Op IGIL has kindly agreed to assist in tracing them. A further 20 individuals have been added to the red list, but in line with the approach set out above these individuals are not being actively traced at present. With a total of 40 green/amber witnesses currently identified as alive, and a further 12 such witnesses who may be alive, it is proposed that red witnesses are only traced on an *ad hoc* basis if it is assessed that they are likely to be able to fill a particular gap in the evidence.

8. Other issues

Empanelment of a jury

- 8.1 The agenda includes an item flagged at the last PIR: empanelment of a jury (§§ - 9.4 of CTI’s last written submissions). It is proposed that this be determined at the next PIR, however it may assist the court and IPs for CTI to set out their views now.
- 8.2 Section 7 of the CJA 2009 provides:

7 Whether jury required

- (1) An inquest into a death must be held without a jury unless subsection (2) or (3) applies.*

(2) An inquest into a death must be held with a jury if the senior coroner has reason to suspect—

(a) that the deceased died while in custody or otherwise in state detention, and that either—

(i) the death was a violent or unnatural one, or

(ii) the cause of death is unknown,

(b) that the death resulted from an act or omission of—

(i) a police officer, or

(ii) a member of a service police force, in the purported execution of the officer's or member's duty as such, or

(c) that the death was caused by a notifiable accident, poisoning or disease.

(3) An inquest into a death may be held with a jury if the senior coroner thinks that there is sufficient reason for doing so.

(4) For the purposes of subsection (2)(c) an accident, poisoning or disease is “notifiable” if notice of it is required under any Act to be given—

(a) to a government department,

(b) to an inspector or other officer of a government department, or

(c) to an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974.

8.3 *If this section covers these resumed inquests, it is plain that subsection (2) does not apply, and CTI have seen nothing in the papers reviewed thus far to indicate that the deaths of any of the Deceased resulted from an act or omission of a police officer or a member of a service police force in the purported execution of his/her duty. Accordingly, it is likely that the empanelment of a jury would be a matter for HMC’s discretion under section 7(3) i.e. a jury may be empanelled if HMC considers that there is “sufficient reason” for doing so.*

8.4 *That this is the core issue is reinforced by the provisions of Schedule 1 to the CJA 2009. Paragraphs 1, 2 and 6 of that Schedule provide for the mandatory suspension/adjournment of investigations/inquests in certain circumstances*

where criminal charges may be brought, or where criminal proceedings have been brought. Paragraphs 7, 8 and 11 apply to the resumption of coronial processes where there has been such a suspension/adjournment, and paragraph 8(1) was cited by HMC in his Ruling on Resumption when resuming these inquests.

- 8.5 That being so, it is likely that paragraph 11 is in fact the operative provision in these inquests. In relation to a jury, paragraph 11(2) provides that the provisions of the paragraph are to apply in place of section 7 for inquests resumed under that paragraph. Paragraph 11(3) provides only one relevant criterion for the empanelment of a jury:

The resumed inquest may be held with a jury if the senior coroner thinks that there is sufficient reason for it to be held with one.

- 8.6 The views of IPs on whether that threshold is crossed in this case are welcomed. The following factors may be relevant to consideration of that issue:

- 8.6.1 Although the events of 5th October 1974 gave rise to a large amount of documentation, it is not anticipated that the issues in these inquests are inherently complicated, particularly if the scope does not significantly deviate from the provisional scope identified in HMC's Ruling on Resumption.
- 8.6.2 Although a period of six weeks has been set aside for the oral hearings, there is a realistic possibility of the hearings being concluded in a shorter period.
- 8.6.3 There is no doubt that all five of the Deceased were unlawfully killed, and the issue of which individual(s) carried out the attack is outside of scope. Accordingly, these inquests are unlikely to involve the determination of fundamental contentious issues. Rather, their focus is very likely to be on filling a gap in the public record as to how each Deceased came by their death.

8.6.4 Linked to the consideration above, these inquests are exploring an event which forms an important and tragic part of Surrey's modern history. It may be considered appropriate to have representatives of the local community actively involved in the process.

The website

8.7 After extensive work was done to meet statutory accessibility requirements (with particular thanks to the Web and Digital Services Team at Surrey County Council for their significant assistance), a dedicated web page for these inquests is now live on the Surrey County Council Website.

8.8 Due to limits on the quantity of documentation the webpage is able to store, documentation posted on the webpage will be limited to HMC's rulings, Junior Counsel Reports on PIR hearings, and written submissions from CTI. It will also contain the agenda for each forthcoming PIR, although this will be removed once the PIR has taken place.

8.9 Other documents generated in the lead-up to the final hearings will continue to be handled in accordance with the HMC's Ruling on the application of the BBC for access to inquest materials, dated 14th September 2020.

Current Situation Reports

8.10 Whilst carrying out its work in processing material for provision to HMC, Op IGIL has produced periodic CRSs to update the court on its progress. The last report was dated 26th August 2021.

8.11 The purpose of these reports has been to provide the court and IPs with reassurance that the necessary work is being done to progress towards a final hearing within a reasonable time. Now that Op IGIL has completed the process of providing tranches of material to the court, it has been agreed with HMC that no further CRSs are required, although CTI will continue to liaise with Op

IGIL as necessary, particularly in regard to witness tracing and any queries that may arise.

Final hearing dates

8.12 On 9th September 2021, HMC's officer notified IPs that due to intractable court timetabling issues, it was necessary to change the provisionally listed final hearing dates from March 2022 to a six-week window commencing on 6th June 2022. In accordance with your directions, two IPs responded to that change:

8.12.1 MPS requested a further short delay of two weeks due to an issue with availability of their longstanding instructed counsel, Mr James Berry.

8.12.2 SP provided submissions in which they did not object to the change, but noted that the majority of the contracts of Op IGIL team members expired on 31st March 2022, whilst key leaders of the team were contracted only to 1st June 2022. It was noted, however, that it was possible that the team leaders and a small number of others could have their contracts extended. It is important to bear this in mind in terms of SP's ability to providing ongoing assistance whilst the inquests are ongoing.

8.13 As to the first point, CTI are neutral as to a further delay of two weeks to accommodate Mr Berry's prior commitment, assuming that it is likely that the fixture will remain.

8.14 As to the second point, CTI are grateful for the information provided by SP and agree that the ability of SP to continue providing assistance is an important factor to consider. SP propose that in order to make the most of Op IGIL's resources whilst it is at full capacity, work in relation to disclosure, witness tracing, contact and timetabling should continue *as if* the hearings remained listed to commence in March. This should enable the majority of the

preparatory work to be completed by 31st March 2022 whilst most of the Op IGIL contracts remain current. SP also proposes an additional PIR to be listed in the week commencing 7th March 2022. CTI are in agreement with those proposals.

9. Conclusion

9.1 Although there has been some delay in providing Batch 2 to IPs, satisfactory progress continues to be made towards the final hearings for these inquests. The next PIR has been scheduled for 14th January 2022, by which time it is hoped that:

9.1.1 The disclosure process will have been completed. IPs will have had access to all three Batches of disclosure and should be in a position to make submissions on the scope of the inquest and the engagement of Article 2.

9.1.2 The court will be in receipt of a draft report from Professor Thomas Hennessey.

9.1.3 The majority (if not all) of likely witnesses for the final hearings will have been traced and contacted.

OLIVER SANDERS QC

MATTHEW FLINN

1 Crown Office Row, London

5th October 2021