

**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 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)

SUBMISSIONS ON BEHALF OF COUNSEL TO THE INQUESTS

For Hearing: Friday 14 January 2022 at 10:00

For a list of abbreviations see Annex A below.

Save where otherwise indicated, references to numbered rules refer to the provisions of the Coroners (Inquests) Rules 2013

- 1. Introduction
  - 1.1 These submissions are intended to assist HMC and the IP at the upcoming PIR on 14 January 2022 and are subject to any other submissions made and decisions taken at or pursuant to that hearing
  - 1.2 The last PIR was on 8 October 2021, the next PIR is listed for 25 March 2022 and the substantive inquest hearings are scheduled to take place between 6 June and 15 July 2022.
- 2. Update
  - 2.1 Professor Hennessey has confirmed receipt of his instructions dated 12 October 2021 but has also indicated that he will not be able to produce a first draft report by 7 January 2022. HMC has therefore agreed an extension until March 2022

2.2 As trailed at the last PIR, a copy of Surrey AHA's Report on the Implementation of the Major Incident Plan following the Explosion of two bombs in Guildford on 5

- (6) for completeness / context only a small number of more peripheral witness statements from Tranches 4-7 of the SP disclosure
- (7) email from former PC Jeremy Spence to HMC dated 1 February 2019 (minus contact details / address)
- (8) correspondence with SEC Amb about the recollections of former ambulance service personnel William Edwards and Clive Morris (minus contact details / addresses);
- (9) SP timeline prepared by Op IGIL analysts.

2.6 CTI are also progressing work on the following:

- (1) identifying "vq" cuku" hco kku" y kj " vj g" r tgr cte vqp" I" vnkpi " qh" õr gp" portraits" statements in relation to each of the deceased;
- (2) reviewing and obtaining a copy of a 1989 Thames Television documentary "The Last Days of the Queen" which may contain useful evidence about the deceased and living witnesses (see <https://www2.bfi.org.uk/filmstv-people/4ce2b82fa4295>);

3. Art.2 of the ECHR

3.1 These inquests have thus far proceeded on a traditional basis that is to say, with a view to ascertaining who the deceased were and when, where and how (i.e. by what means) they came by their death (R v HMC North Humberside & Scunthorpe, ex p. Jamieson [1995] QB 1 (CA)).

3.2 If the positive procedural investigative obligation conferred on the state by art.2 is or were engaged, the inquests should instead proceed on a Middleton basis that is to say, with a view to ascertaining who the deceased were and when, where and how (i.e. by what means and in what circumstances) they came by their death (GJg /TT0 12o80e5[0g267 (e

but inquests into such deaths which are nevertheless begun or continue thereafter do have to comply with the jurisprudence on art.2.

3.3 It is therefore submitted that HMSC should revisit the engagement of art.2 in conjunction with his consideration of the scope the inquests

3.4 In this regard, art.2 is engaged in an inquest where

per Lord Dyson at [35] and [38-41]) and the question for HMC is whether there was an arguable breach.

- 3.9 In this regard, some including the Hamilton family have questioned whether the general level of PIRA activity in 1974 and the view that the military were legitimate targets meant the GPB was foreseeable and/or that military personnel should have been equipped for their own protection
- 3.10 In our submission, the evidence we have seen does suggest an arguable breach of the operational limb of art.2 following reasons: there is no evidence of any advance intelligence about GPB and PIRA did not give any advance warning; the attack was the first of its kind, i.e. against civilians and military personnel mixing in a civilian social setting; the attack was the first in a new wave of attacks; the risk was too general and not specific to be considered real and immediate; and, in any event, if finding that art.2 was breached would depend on it being shown that the general risk of a PIRA attack made it reasonable and mandatory (We have come to this conclusion without exploring whether art.2 confers obligations on the state in connection with off-duty service

- (2) ~~vj g"õj qy ö"s wguvqp"o wuv"dg"vcnmp"vq"o gcp"õd{ "y j cv'o gcpu"fk "gcej "f gegcugf "~~  
~~eqo g"d{ "vj gk" f gcvj ö" \*R v HMC North Humberside & Scunthorpe, p.~~  
~~Jamieson[1995] QB 1 (CA))~~
- (3) HMC and/or any jury must ~~not~~ express any opinion or make any determinations or findings on ~~any~~ other matter or ~~frame~~ any

(3) Official security alerts advice and warnings

There is no evidence that these were inadequate but limited evidence has been obtained to date and it is submitted that HMC should explore this issue, particularly given its connection with the arguments about the engagement (or not) of art.2 mentioned above. To be discussed further at the PIR in the light of comments made in part 4 of the CTI Evidence Overview note referred to below.

(4) The Horse and Groom Public House

in the light of

(9)







7. Admission of May Inquiry findings under r.24
- 7.1 On the face of it, r.24 confers a broad power to admit findings by a May Inquiry into the circumstances surrounding the convictions arising out of the bomb attacks in Guildford and Woolwich in 1974. HMC considers them relevant for the purposes of the inquest.
- 7.2 However, it is right to note that such power existed at the time of the 1974 May Inquiry itself. A similar but narrower power was first conferred on coroners with effect from 1 January 2000 by the former Coroners Act 1988, s.17A and Coroners Rules

## ANNEX A: ABBREVIATIONS

øCJ ö	PrivateAnn Hamilton;
øCJ Cö	Area Health Authority;
øctvøö	article 2 of the European Convention on Human Rights;
øELC"422; ö"	theCoroners and Justice Act 2009;
øEUö	PrivateCaroline Slater;
øEVKö	Counsel to the Inquests;
øFUVNö	the Defence Science and Technology Laboratory
øI NF ö	the Government Legal Department;
øI RDö	the Guildford Pub Bombing 5 October 1974;
øJ I RJ ö	the Horse and Groom Public House;
øJ O Eö	HM SeniorCoroner for Surrey, Mr Richard Travers;
øJ TCö	the Human Rights Act 1998;
øK ö	the Irish Guards;
øKRö	interested person;
øLJ ö	GuardsmenJohn Hunter;
øO QF ö	the Ministry of Defence;
øO RUö	the Metropolitan Police Service;
øREö	Mr Paul Craig;
øRKTö	pre-inquest review hearing;
øRKT Cö	the Provisional Irish Republican Army;
øTCTFGö	theRoyal Armament Research and Development Establishment
øTUEJ ö	the Royal Surrey County Hospital;
øUGECö dö	South East Coast Ambulance Service;
øUGO Gö	the School of Electrical and Mechanical Engineers;
øUI ö	the Scots Guards;
øULO ö	Sir John May;
øULO 3ö-øULO 5ö	the 1 <sup>st</sup> -3 <sup>rd</sup> reports of SJM;
øURö	Surrey Police;
øURJ ö	the Seven Stars Public House;
øTBCö	to be confirmed;
øY Hö	GuardsmenWilliam Forsyth;

ðY I ö

the Welsh Guards;

ðY TCEö

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For Hearing: Friday 14 January 2022 at 1000

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