

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

14th January 2022

1. Abbreviations

1.1 The following abbreviations may be used herein:

“CTI”	Leading counsel to the inquests, Oliver Sanders QC;
“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.

would be done before the next PIR in March, at which point an indication could be given as to whether any family wishes to give live evidence, or whether they prefer the evidence to simply be read out in court.

3.3.7 Lastly, CTI confirmed that a 1989 Thames Television documentary had been found at the British Film Institute, which includes some relevant evidence

3.7 HMC noted that CTI had addressed the “operational” aspect of the positive substantive obligation arising under Article 2 i.e. a duty to take steps when a specific threat to life arose. However, he asked to be addressed, in addition, on the “systemic” aspect of the positive substantive Article 2 obligation. CTI explained that the positive obligation to protect life includes a requirement to have systems in place to protect life generally

targets in Surrey, before those on 5th October 1974. He further noted that in the whole of the mainland (between 1st January and 4th October 1974) there were six attacks on military targets outside of London, but that none of those incidents bore any resemblance to the GPB.

- 3.10 As the Sir John May Inquiry identified at §14.1 of the report (and as noted by CTI), the GPB were the first of a “new wave” of PIRA attacks in England. The blast at HGPH was the first attack of its kind i.e. an attack on military and civilians mixing in a civilian social setting. MOD agreed with CTI, MPS, and Surrey Police that there was no evidence that public authorities knew, or ought to have known, that there was a real or immediate risk to the lives of off-duty military personnel from the PIRA, so as to engage the operational aspect of the State’s positive obligations under Article 2 ECHR. Whilst he accepted that there was a general, non-specific risk from the PIRA’s campaign, he submitted that it was too general to be characterised as “real and immediate”.
- 3.11 HMC asked: what measures were in place to deal with the general risk posed by the PIRA at the time? Mr Pleeth explained that there had been some difficulty in locating security threat documentation which existed at the time, although he submitted that extensive efforts had been made. In 1974 the BIKINI alert system (similar to the current terror threat system) was operating. Local security advice was promulgated by way of “Part 1 Orders”, which were prepared on typewriters and disseminated in hard copy, then kept locally for one year, and retained centrally for five years. Accordingly, it was believed that no Part 1 Orders from the relevant time now survived. Mr Pleeth stated that MOD believes that some limited evidence may be available at the National Archives in the form of general advice and information on the threat level system operating at the time, and in that regard searches are ongoing.
- 3.12 HMC recognised the efforts that had been made, and emphasised the importance of that further research. It was necessary to understand, to the extent possible, what measures were in place at the time and how they operated, and so if evidence going to that issue existed, it had to be found.

Disclosure

3.16 CTI reiterated that Batch 3 of disclosure (the general contents of which was set out in CTI's written submissions) would be on Caselines in the next week. That would complete the disclosure process, save for further odd documents that may be located or may later be deemed to require disclosure after further review and consideration.

The scope of the inquests

3.17 CTI proposed to deal with scope and evidence together, by reference to the Evidence Overview document prepared in advance of the PIR and circulated to IPs. That document identified 14 issues which it was proposed the inquests should deal with. For each issue, the document identified relevant disclosure materials and witnesses, and whether those witnesses ought to have their evidence read, or heard live in court (either in person or via video link).

3.18 After listing some documents which could be used to establish the general background and context to events (such as contemporaneous reports, maps of Guildford Town Centre, identifies the issues within scope as follows:

3.18.1

Hamilton and Caroline Slater. This issue would cover the sequence of events in the HGPH leading up to the bomb blast itself.

- 3.18.7 **Issue 7 – events in HGPH - the Forsyth and Hunter group:** CTI was optimistic of getting live evidence from this group (which also attended HGPH) about the evening in question, both before and after explosion. He noted that all members of this group, consisting of ex-military personnel, are alive and only one is overseas.
- 3.18.8 **Issue 8 – the time and nature of the explosion in HGPH:** this did not involve consideration of technical evidence, but more the *experience* of those in the pub at the point of the explosion. CTI reported that there are a number of living witnesses who will be able to help with what it was like in HGPH at the moment of the blast, where the explosion came from, and the time at which it occurred. In relation to timing, CTI explained that there is an overwhelming amount of evidence pointing to the explosion taking place around 20:50 hrs, though some materials give slightly earlier or later times. Questions about timing had arisen in proceedings relating to the Guildford Four and the alibi evidence of Carole Richardson, but the inquests would not be exploring those issues; instead, they would focus on the timing of the blast itself.
- 3.18.9 **Issue 9 – the bomb itself and the damage caused:** Major Henderson, Mr Higgs, and Mr Lidstone were the experts who attended HGPH after the blast and pieced together forensic evidence as to the nature and size of the explosive device, and how it worked. CTI confirmed that they are all sadly deceased, but MOD had identified a current expert from the Defence and Science Technology Laboratory, Ms Lorna Hills, who would be able to speak to their evidence. There was some discussion as to the practicalities of eliciting that evidence:

or whether she should be provided with the previous reports and then asked to produce her own superseding/summary report.

3.18.

believed the explosion was centred, and a number of documents giving some indication of the power of the explosion (many of which simply contained photographs of debris). It was not anticipated that they would take a long time to review.

- 3.18.10 **Issue 10 – the emergency response (service personnel in HGPH)**: it was hoped that some live witnesses would be able to talk about the immediate aftermath of the explosion and assistance they gave to those injured and those who died.
- 3.18.11 **Issue 11 – the emergency response (the police)**: CTI indicated that a number of these witnesses are still living, and one had independently emailed HMC's officer with an offer to give evidence.
- 3.18.12 **Issue 12 – the emergency response (the ambulance service, medical personnel and the fire brigade)**: CTI explained that the people attending the HGPH when the explosion occurred (a Saturday night) were mostly younger people, and the police on duty at that time were more junior staff, and thus also relatively

3.19 CTI submitted that, subject to any submissions from other IPs, the foregoing list ought to

contact, when, and the materials being provided. HMC considered this to be a sensible approach.

3.22.3 In respect of medical witnesses:

3.22.3.1 CTI informed HMC that Ms Emma Galland (representing Royal Surrey NHS Foundation Trust) had made contact with a Ms Jennifer Waring (nee Austin), whom CTI had identified as a potential witness for the hearings. Ms Galland explained that Nurse Waring had only recently retired from Royal Surrey County Hospital, and as such she proposed to contact Nurse

3.24 Ms Galland then confirmed that she had made contact with a Ms Charlotte Freeman, who does current emergency response planning the Royal Surrey Foundation NHS Trust, and who had been provided with the South West Surrey Health District report. She was intending to establish if Ms Freeman had any comments on that report in the first instance and felt able to speak to it, before reverting to HMC with an indication as to whether Ms Freeman might be able to assist with evidence for the inquest hearings. It was anticipated that she was unlikely to be able to assist.

3.25 Finally, CTI noted that institutional IPs who were contacting witnesses might find D785 (an album of contemporaneous photographs of witnesses) a useful document to jog the memories of those they contacted.

Empanelment of a jury

3.26 CTI confirmed that the relevant statutory provision is §11 of Schedule 1 to the Coroners and Justice Act 2009. The legislation provides that the default position is for a coroner to sit without a jury, and the question is whether there is sufficient reason to depart from that approach.

3.27 It was noted that:

3.27.1 KRW Law's written submissions on behalf of the family of Private Ann Hamilton said that there *should* be a jury.

3.27.2 Other written submissions received by the court were either neutral or submitted that there should *not* be a jury.

3.28 CTI was neutral on the issue, although observed that there did not appear to be persuasive reasons in favour of calling a jury, and there were some downsides. Ultimately, however, it was a matter in the discretion of HMC.

from that approach

