



INQUEST TOUCHING THE DEATH OF DAWN STURGESS

**c/o Fieldfisher
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Secretary of State for the Home Department
Rt Hon Priti Patel MP
2 Marsham Street
London SW1P 4DF

29 July 2021

Dear Secretary of State

Inquest into the Death of Dawn Sturgess

1. I write in connection with the inquest into the death of Dawn Sturgess, which arises from the high profile events in Salisbury in 2018. I was nominated by the Lord Chief Justice and appointed by the Chief Coroner to conduct this inquest, pursuant to paragraph 3 of Schedule 10 to the Coroners and Justice Act 2009 (“the 2009 Act”).
2. In my First Ruling on Scope and Case Management dated 8 April 2021, following the first Pre-Inquest Review Hearing which was held on 30 March 2021, I expressed my preliminary view that it was highly likely that I would need to invite you to convert the inquest into a public inquiry established under section 1 of the Inquiries Act 2005 (“the 2005 Act”). I believed then it may be necessary to do so to satisfy the obligation in section 5(1) of the 2009 Act, fully and fairly to ascertain and determine how Ms Sturgess came by her death (please see §45 onwards of the Ruling attached for convenience together with my Directions). However, I reserved my position until the Inquest Legal Team (“the ILT”) and I had a better understanding of the material to be disclosed for the inquest.
3. Since then, I, and the ILT, have reviewed some overarching reports held by Her Majesty’s Government (“HMG”). Seeing this material has served to strengthen my provisional view is that it is desirable and necessary that an inquiry be established under section 1(1) of the 2005 Act, for reasons I set out below.
4. I emphasise that while this letter primarily addresses legal and procedural issues, I am anxious that Ms Sturgess’ bereaved family and partner should remain at the heart of the process. I will seek further submissions from them, and from other interested persons, on the issues raised in this letter

at the next Pre-Inquest Review hearing, which will be held on 22 September 2021. I have taken the unusual step of writing to seek your provisional view in advance of that hearing, because it will assist them as well as me to understand your likely response before these further submissions are made.

Events leading to Ms Sturgess' death

5. Dawn Sturgess was a 44-year old woman living in Salisbury in Wiltshire. On 30 June 2018 she was given a bottle of what appeared to be perfume by her partner, Charlie Rowley, and sprayed herself with it. Subsequent testing established that the bottle in fact contained Novichok, a military-grade nerve agent. Ms Sturgess collapsed at the scene of the incident in Muggleton Road, Amesbury, and was taken to the Salisbury District Hospital by ambulance. On 5 July 2018, a diagnosis of Novichok poisoning was recorded in the medical notes. Dawn Sturgess never regained consciousness. She was pronounced dead in hospital on 8 July 2018.

6. Some four months before Dawn Sturgess' death, on 4 March 2018, Sergei Skripal and Yulia Skripal had been poisoned by Novichok in Salisbury. Two Russian nationals, Alexander Petrov and Ruslan Boshirov, had travelled from Russia to the United Kingdom at the beginning of March 2018. They visited Salisbury on the day before and on the day of the poisoning. The UK Government believes that these two individuals are intelligence officers from the Russian military intelligence service ("GRU"), that the Novichok originated in Russia, and that the two men were seeking to kill Mr Skripal who is a former GRU officer. Police inquiries have led to charges, including charges of attempted murder, being brought against Mr Petrov and Mr Boshirov. There is evidence that Ms Sturgess was poisoned by the same chemical that was used against the Skripals.

The Inquest

7. The purpose of any inquest is to ascertain the circumstances in which an individual died. It is a fact-finding exercise to answer four important but limited factual questions: (i) the identity of the deceased; (ii) where they died; (iii) when they died; and (iv) how they came by their death. In circumstances in which Article 2 of the European Convention on Human Rights (as enacted by the Human Rights Act 1998) is engaged, the fourth question expands to mean "how and in what circumstances" their death occurred. An inquest cannot make any finding of civil or criminal liability against a named person, and it cannot attribute blame or impose any sanction or punishment.

8. The present inquest was initially opened by the Senior Coroner for Wiltshire. Members of Ms Sturgess' family challenged his early ruling not to investigate the possible responsibility of the Russian State for Ms Sturgess' death, or the source of the Novichok, by way of Judicial Review. On 24 July 2020, the Divisional Court allowed Ground 1 of the Claim, that the Senior Coroner's reasoning under domestic law for his decision not to investigate wider Russian responsibility was flawed (see §§16-20 of my Ruling). The matter of scope therefore became something for me to decide on my appointment.

9. Following my appointment, I held a Pre-Inquest Review hearing on 30 March 2021. The purpose of that hearing was to set the provisional scope for the coronial investigation and to ensure efficient progress towards an inquest (or inquiry). I have been assisted by my legal team which includes security cleared Counsel and Solicitors.

10. As I have indicated, my full Ruling following the Pre-Inquest Review Hearing on 30 March 2021 is appended to this letter. In summary, the following is an overview of the status of procedural issues:

(1) Designation of Interested Persons (“IPs”). Pursuant to section 47(2) of the 2009 Act, I have designated the following as IPs: the family of Ms Sturgess (Stanley Sturgess (father), Caroline Sturgess (mother), Aidan Hope (son), Ewan Hope (son), GS (daughter)); Charlie Rowley; the Commissioner of Police of the Metropolis; the Chief Constable of Wiltshire Police; the Chief Constable of Thames Valley Police; the South West Ambulance Service; Wiltshire Council; and the SSHD (representing her own department and other Government departments). I withdrew Alexander Petrov and Ruslan Boshirov as IPs with the recognition that they and any relevant Russian state agencies may make an application for IP status in the future. Designation as an IP allows procedural rights during the inquest, including receiving disclosure, making legal submissions and examining witnesses. I anticipate that those designated as IPs for the inquest would become Core Participants in a public inquiry.

(2) Article 2. At present, this is a *Jamieson* inquest, that is, one in which Article 2 is not engaged. However, this position is to be kept under review and my ruling on scope is deliberately wide enough that it would satisfy the requirements of Article 2, if I found it to be engaged. I have set out the reasons for this in my Ruling at §31 onwards.

(3) Scope. I have given a provisional Ruling on the topics that will be considered in the inquest to address the four statutory questions required by section 5 of the 2009 Act. The issues include:

a) *The death of Dawn Sturgess*

- i. Dawn Sturgess – pen portrait evidence
- ii. Events from the beginning of June 2018 to 8 July 2018
- iii. Medical cause of death
- iv. Sufficiency of medical treatment

b) *The poisoning of Sergei and Yulia Skripal*

- i. The events
- ii. Responsibility for the poisoning
 - a. Involvement of Alexander Petrov and Ruslan Boshirov
 - b. The source of the Novichok
 - c. Russian state responsibility

- iii. Whether the UK authorities took appropriate precautions in early 2018 to protect Mr Skripal from being attacked¹
 - c) Steps taken by the UK authorities to ensure public safety following the Skripal poisoning, focusing on the search for any remaining poison – to include relevant aspects of the police investigation / public health response.
 - d) Any connection between the Skripal poisoning and the death of Dawn Sturgess.
- (4) Jury. I have not yet ruled on whether a jury is required in the inquest as a matter of law or as a matter of my discretion.

11. I have also sought disclosure from a wide number of individuals and organisations. I am confident that the work that has been carried out to date on the inquest, including the disclosure of materials, would not be impacted or altered by the establishment of a public inquiry in place of the inquest, since the inquiry would be investigating the same matters as the inquest. Materials and other preparatory work will be equally relevant to both an inquest and an inquiry. The parties involved will therefore not be delayed in their preparations for the hearing and no public funds will be wasted if I make such a request and a speedy response is received following the Pre-Inquest Review hearing on 22 September 2021.

Reports and Investigations into the Salisbury Attack

12. Since the poisoning of first the Skripals, and then Ms Sturgess, a number of police and other investigations have been undertaken, prior to and separately from the inquest process. Each has touched on matters within the provisional scope of the inquest and is relevant to it. However, I am satisfied that none of the investigations, either individually or collectively, would provide an adequate substitute for a full and fair investigation.

Provisional Request for a Statutory Public Inquiry

13. On my behalf, the ILT has sought materials touching on the provisional scope of the inquest from, amongst others, HMG. At an early stage and following my appointment as Coroner, I engaged with a number of government departments and agencies via the Government Legal Department as well as Counter-Terrorism Policing to request access to their internal reviews and any underlying materials potentially relevant to the scope of the inquests. The issues of what was known about the poisoning of the Skripals and Petrov and Boshirov, the source of the Novichok and Russian state

¹ Limited at present to requests for disclosure of any assessments conducted by the UK authorities of the risk to Mr Skripal in the three years before the attack on him (March 2015 to March 2018)

responsibility are central to this inquest. HMG and Counter-Terrorism Police have co-operated in facilitating access to overarching reports and summary information and I am very grateful to them.

14. Having reviewed these documents, I have no doubt that they are relevant (in some respects highly relevant) to the issues of scope set out at paragraphs 3(b), (c) and (d) above. I am well aware of the early stage of these proceedings, and I make it clear that I am not pre-judging any applications that might in due course be made to me. That said, having considered these documents with care, it seems to me to be very likely that, if these proceedings remain as an inquest, most of the content of the documents will have to be excluded by operation of Public Interest Immunity and it will not be possible to provide open gists capturing the important and relevant detail (in particular that relating to issue 3(b)) that the documents contain. In that eventuality – an eventuality that, as I have said, I regard as very likely to arise – it would be impossible for me to discharge my duty to conduct a full, fair and fearless investigation into the circumstances of Dawn Sturgess' death.
15. In the circumstances, my provisional view is that I will need to ask that you take steps to establish, a 2005 Act public inquiry (an inquiry that I would, of course, be happy to chair). Such an inquiry should, as a minimum, be asked to ascertain how, where and in what circumstances Ms Sturgess came by her death on 8 July 2018. Broad Terms of Reference to reflect these purposes would be consistent with the approach taken in the Litvinenko Inquiry.² A statutory inquiry would permit me to allow some evidence to be heard in closed session from which members of the public and Core Participants may be excluded. Although such a closed hearing would, in usual circumstances, be undesirable, the national security concerns in this case mean that the sensitive evidence is likely only be able to be examined and tested in a closed hearing, or not at all.
16. I also wish to record my view that any inquiry that is established should not be focussed solely on the issue of Russian state responsibility but must examine all matters within the scope of the inquests to answer the section 5 2009 Act statutory questions. This will enable the allaying of public concern, which is a central purpose of any statutory inquiry.
17. I intend to ask for further submissions on the question of whether I should proceed to ask you to establish an inquiry under section 1(1) of the 2005 Act at the next Pre-Inquest Review on 22 September 2021. This will ensure that Ms Sturgess' family and Mr Rowley, together with all other interested persons have an opportunity to contribute on this important question in light of the provisional conclusion I have reached. I ask that you indicate as soon as possible in advance of that hearing, what your position is likely to be should I make such a request. This will be essential to allow interested persons to make meaningful submissions, in the light of which I can then make my decision.

² See Appendix 2 of the Litvinenko Inquiry Report:

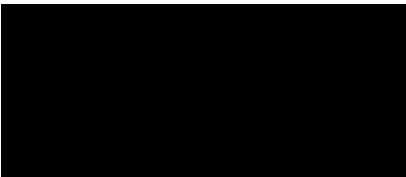
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/493860/The-Litvinenko-Inquiry-H-C-695-web.pdf

18. I can assure you that should I ask you to establish an inquiry and you agree my team and I will do everything in our power to ensure it is conducted within as short a time frame as is reasonably possible.

19. Please give this letter your urgent consideration and respond as requested at the earliest opportunity.

With best wishes

Yours sincerely



The Rt Honourable the Baroness Heather Hallett DBE