



INQUEST TOUCHING THE DEATH OF DAWN STURGESS

First Ruling on Scope and Case Management

Introduction

1. In June 2018, Dawn Sturgess and her partner Charlie Rowley were living in Amesbury, Wiltshire, a town seven miles from Salisbury, Wiltshire. At some point during that month, Mr Rowley found what he thought was a perfume bottle in Salisbury. On 30 June 2018 he gave the bottle to Ms Sturgess and she sprayed herself with its contents. Ms Sturgess collapsed and both she and then Mr Rowley were taken to hospital. Subsequent testing established that the bottle in fact contained Novichok, a military-grade nerve agent. Ms Sturgess was pronounced dead on 8 July 2018. The post mortem indicated the cause of her death was Novichok poisoning. In January 2021 I was appointed Coroner to investigate her death. On 30 March 2021 I conducted the first hearing of the inquest, during the course of which I made several rulings and reserved one issue for further consideration. These are my reasons and my conclusion on the additional issue.
2. The Covid pandemic meant that I was obliged to conduct the hearing remotely with only Counsel and Solicitor to the Inquest present in court, observed by members of the public and representatives of the media. Interested persons, their representatives and other representatives of the media followed the proceedings remotely.
3. There were three principal issues to be determined at this stage:
 - i. Designation of interested persons;
 - ii. Provisional scope of the inquest;
 - iii. Continuing the investigation as an inquest or inviting the establishment of a public inquiry.

4. I invited written submissions from those likely to be interested persons in the proceedings. I received submissions from lawyers acting for the family of Ms Sturgess and Mr Rowley, the Commissioner for the Metropolitan Police (“MPS”), the Chief Constable of Wiltshire Police, the Salisbury NHS Foundation Trust (“SFT”), the South Western Ambulance Service NHS Foundation Trust (‘SWASFT’) the Chief Constable of Thames Valley Police, the Secretary of State for the Home Department (“SSH”) and Wiltshire Council. I am indebted to all those who responded for their assistance.

Factual background

5. I shall not rehearse the factual background of Ms Sturgess’ death in great detail; much of it is already in the public domain and helpfully set out in the submissions of Counsel to the Inquest. The following summary (which is based to an extent on contemporaneous press reporting) should be sufficient to indicate that, on the material currently available, there appears to be a clear link between Ms Sturgess’ death and the earlier use of the same nerve agent in an attack upon Sergei Skripal and his daughter, Yulia Skripal, in Salisbury, Wiltshire.
6. On 2 March 2018, two Russian nationals, using the names Alexander Petrov and Ruslan Boshirov landed at Gatwick and stayed at a hotel in East London. Press reports suggested that traces of Novichok were later discovered in their London hotel room.
7. On 3 March Yulia Skripal flew into the UK to visit her father, then living in Salisbury. Petrov and Boshirov visited Salisbury that same day and again on 4 March 2018. They left the UK in the evening of 4 March 2018.
8. On 4 March 2018, Sergei Skripal and Yulia Skripal collapsed on a park bench in the Salisbury town centre having been poisoned by Novichok. A police officer, Detective Sergeant Nick Bailey, who visited their house as part of the investigation into their collapse, was also poisoned. All three were badly affected by the Novichok but survived.

9. Samples taken from the Skripals' home suggested they had been poisoned there and that the highest concentration of the nerve agent was deposited on the front door handle. A letter from the then National Security Adviser Sir Mark Sedwill to the NATO Secretary General stated that Russian military intelligence (the "GRU") had targeted Yulia Skripal's email accounts at least as far back as 2013 and, during the 2000s, had tested methods for depositing nerve agents on door handles.
10. The UK Government believes that the two men calling themselves Petrov and Boshirov are intelligence officers from the GRU and that the Novichok originated in Russia. Novichok has been identified as belonging to a family of nerve agents believed to have been developed by the Soviet Union in the 1980s. Both Theresa May as Prime Minister and Boris Johnson as Foreign Secretary have raised the possibility of Russian state involvement. In a statement on 14 March 2018, Theresa May stated that absent a credible response from the Russian government, the UK government had concluded that it was an "unlawful use of force" by the Russian state against the UK. Boris Johnson stated on 16 March 2018 that "it was overwhelming likely" that the poisoning had been ordered by the President of Russia, Vladimir Putin. Despite Russia consistently and vehemently denying responsibility for the attack, many countries have condemned the attack and supported the UK's position.
11. The investigative agency Bellingcat has made further claims; in particular it has reported that the names of the two individuals Petrov and Boshirov are in fact GRU military intelligence officers Anatoliy Chepiga and Dr Alexander Mishkin, and that a third member of the GRU (whom Bellingcat has named as Denis Sergeev, operating under the cover identity of Sergey Fedotov) travelled to London during the time of the Salisbury poisoning and may have been involved.
12. The police investigation was conducted by Wiltshire police, Thames Valley Police and MPS Counter Terrorism Command (SO15). SO15 is part of the national Counter Terrorism Policing (CT Policing) network.
13. SO15 led the criminal investigation into who was responsible for the use of Novichok in Salisbury and then, later in 2018, SO15 provided support to the CT Policing led investigation into the death of Ms Sturgess.

14. The extensive police investigation resulted in charges of attempted murder of the Skripals, being brought against Petrov and Boshirov. Russia does not usually extradite its nationals and unless the men are apprehended outside Russia they are unlikely to stand trial. To date they have not co-operated with the British authorities but did agree to be interviewed by the state funded Russian television station in September 2018. They claimed they were on a sightseeing and shopping visit to Salisbury but were forced to cut short their visit on the first day because of the snowy conditions and returned the next.

15. In denying Russian state involvement in the poisonings, the Russian authorities have required answers from the UK government on what it considers important questions.

Previous proceedings

16. Having begun the inquest into Ms Sturgess' death, the Senior Coroner for Wiltshire ruled that Article 2 of the European Convention on Human Rights (the "ECHR") was not engaged either on the basis of an arguable breach of the operational (or 'Osman') duty by UK authorities, or on the basis of an arguable breach of the positive duty by Russian state agents.

17. He further concluded:

- i. that the inquest would consider the acts and omissions of the two Russian nationals, Petrov and Boshirov, and whether any act or omission by them or either of them may have caused or contributed to Ms Sturgess' death;
- ii. that the inquest would not investigate whether any other members of the Russian state were responsible for Ms Sturgess' death and would not investigate the source of the Novichok that appears to have killed her; and
- iii. that the inquest would consider the issue of whether appropriate medical care was provided to Ms Sturgess.

18. Members of Ms Sturgess' family challenged his ruling not to investigate the responsibility of Russian officials other than Petrov and Boshirov for

Ms Sturgess' death, or the source of the Novichok, by way of Judicial Review.

19. On 24 July 2020, the Divisional Court rejected what was Ground 2 of the Claim, holding that the Senior Coroner was correct in ruling that the requirements of Article 2 ECHR did not oblige him to carry out an investigation into the responsibility of Russian agents or the Russian state for the death of Dawn Sturgess.

20. However, 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. The matter of scope is therefore something I must decide.

Interested Persons ("IPs")

21. By virtue of the Coroners and Justice Act 2009 ("CJA 2009"), I have the power to designate individuals, organisations or public bodies as IPs for the inquest. An IP (as defined by section 47) has the right to participate in the proceedings, including the right to receive disclosure of documents under Part 3 of the Coroners (Inquests) Rules 2013 and the right to examine witnesses (either directly or through a lawyer) under rule 19.

22. The Senior Coroner has previously designated the following as IPs:

- i. The Family of Dawn Sturgess
- ii. Charlie Rowley
- iii. Alexander Petrov
- iv. Ruslan Boshirov
- v. The Secretary of State for the Home Department ("SSHD")

23. Those who may be entitled to IP status and made submissions included: members of Ms Sturgess' family, namely Stephen Stanley Sturgess (father), Caroline Sturgess (mother), Aiden Hope and Ewan Hope (sons, both adults), and GS (daughter), Charlie Rowley, the Commissioner of the Metropolitan Police ("MPS"), the Chief Constable of Wiltshire Police,

the Chief Constable of Thames Valley Police, the Salisbury NHS Foundation Trust, South Western Ambulance Service, Wiltshire Council, and the SSHD (representing her own department and representing other government departments).

24. The Salisbury NHS Foundation Trust does not currently seek IP status. Each of the others set out in paragraph 23 meets the criteria set out in the CJA 2009 and therefore were designated IPs. Others may apply to be added to the list or deleted from it as we proceed.

25. I was also invited by Counsel to the Inquest to consider the designation of Alexander Petrov and Ruslan Boshirov as IPs. To date they have not responded to correspondence or participated in the proceedings despite several attempts to contact them. I therefore removed their designation but I emphasise that they and any relevant Russian state agencies may always make an application for IP status in the future.

Scope

26. I considered the issue of scope on the basis that, as things stand, Article 2 ECHR is not engaged in these proceedings. However, should it become necessary, I shall revisit this issue. I should also emphasise that any ruling on scope I make at this stage is provisional and I will keep it under review and may well need to revisit it.

27. On that basis, this inquest (if it remains an inquest) will be a 'Jamieson' inquest, the core purpose of which will be to determine who the deceased was and when, where, and how she died, with the 'how' question having the narrower meaning of 'by what means' rather than the broader (Article 2) meaning of 'in what circumstances'.

28. Nonetheless it is well-established that as Coroner I have a broad discretion in determining the scope of an inquest and that, even in a Jamieson inquest, scope can be broad. In Thompson, Lord Lane CJ stated that:

“The function of an inquest is to seek out and record as many of the facts concerning the details of the death as [the] public interest requires.”¹

29. In *Jamieson*, Sir Thomas Bingham MR stated that:

“It is the duty of the coroner as the public official responsible for the conduct of inquests, whether he is sitting with a jury or without, to ensure that the relevant facts are fully, fairly and fearlessly investigated. He is bound to recognise the acute public concern rightly aroused where deaths occur in custody. He must ensure that the relevant facts are exposed to public scrutiny, particularly if there is evidence of foul play, abuse or inhumanity. He fails in his duty if his investigation is superficial, slipshod or perfunctory. But the responsibility is his. He must set the bounds of the inquiry. He must rule on the procedure to be followed. His decisions, like those of any other judicial officer, must be respected unless or until they are varied or overruled.”²

30. Counsel to the Inquest have set out their suggestions for the provisional scope of the investigation as follows:

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

The poisoning of Sergei and Yulia Skripal

- i. The events
- ii. Responsibility for the poisoning
- iii. Involvement of Alexander Petrov and Ruslan Boshirov
- iv. The source of the Novichok
- v. Russian State responsibility

Response

¹ *R v South London Coroner, ex parte Thompson* [1982] SJ 625.

² *R v North Humberside Coroner, ex parte Jamieson* [1995] QB 1.

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.

Connections

Any connection between the Skripal poisoning and the death of Dawn Sturgess.

31. I am acutely conscious of the distinction between an Article 2 compliant inquest and a Jamieson inquest and that the obligation of a coroner conducting a Jamieson inquest is to determine the identity of the deceased, the place of her death, the time of her death and how (by what means) she came to die.
32. On one view an inquest could answer those questions with a very narrow scope and having heard very little evidence. The post mortem evidence indicated that she died in Salisbury on 8 July 2018 and from Novichok poisoning. But the family already knows those facts. What concerns the family and the wider British public, is by what means did the Novichok, a deadly nerve agent not commonly found on the streets of Wiltshire, come to be there, putting hundreds of lives at risk?
33. For present purposes I assume that the nerve agent was taken to Salisbury to kill Mr Skripal. Had it not been taken and left there, abandoned by the attacker/s, Mr Rowley would not have picked it up and given it to Ms Sturgess. Ms Sturgess would not have died from it. There is therefore a potential direct causal link between the Novichok being taken to Salisbury for use in the attack on the Skripals and the death of Ms Sturgess. The facts that Ms Sturgess was not the target of the attack and that the abandoned bottle containing Novichok was found by Mr Rowley and taken home to Ms Sturgess some time later do not appear to me to break the chain of causation.
34. This in turn creates a possible link to the Russian men who flew into the UK for a two day visit, visited Salisbury twice in that time and flew out again leaving traces of Novichok behind in their hotel room. The

circumstances of their visit and their behaviour raise suspicion that they were involved in the attack and were not acting as rogue assassins.

35. There is therefore the family's interest, a public interest and the legitimate interest of a coroner inquiring into Ms Sturgess' death in establishing if there is sufficient reliable evidence that a foreign state was involved in a lethal poisoning on British soil.

36. My provisional view of scope therefore, is that I should investigate all the issues set out by Counsel to the Inquest. Investigating them seems at present the only way to understand properly the "how" of Ms Sturgess' death. I cannot conduct a full, thorough and effective investigation into the death of Ms Sturgess and the acts and omissions that caused it without investigating the issue of possible Russian state responsibility.

37. Furthermore, this is likely to be the only opportunity for such a thorough investigation in a legal forum.

38. I respectfully agree with the observations of the Divisional Court which held:

"There is acute and obvious public concern not merely at the prima facie evidence that an attempt was made on British soil by Russian agents to assassinate Mr Skripal and that it led to the death of Ms Sturgess, but also at the fact that it involved the use of a prohibited nerve agent exposing the population of Salisbury and Amesbury to lethal risk. There has been, and (to be realistic) there will be, no criminal trial in which the details of how this appalling event came to occur can be publicly examined."³

39. I should also add that my provisional view is that an investigation into possible Russian state responsibility must inevitably involve some (albeit limited) investigation into Mr Skripal's relationship with the Russian state and the circumstances of his leaving Russia. This is an issue I do not currently need to decide. I shall reserve my decision on it and on the extent of the detail that may be required until I have a better idea of the background material.

³ Divisional Court's Ruling (*R (GS) v Wiltshire and Swindon Senior Coroner* [2020] 1 WLR 4889) at paragraph 88.

40. The family invited me to add one further issue to the provisional scope, namely: “Whether the UK authorities took appropriate precautions in early 2018 to protect Mr Skripal from being attacked”. If there was a specific threat to Mr Skripal of Russian retaliation, the family would wish to know whether any steps were taken to protect him, or the public from collateral damage.
41. I understand the family’s concerns (possibly shared by others). They are based on reports in the media and information provided by the Government (for example the letter from Sir Mark Sedwill). However, I also understand the concerns of the SSHD that I should not roam too far and wide in my investigation into the death of Ms Sturgess. Even if the Russian state had a continuing interest in the Skripals, an interest does not necessarily amount to a threat to Mr Skripal’s life. Furthermore, even if the UK authorities were aware of a threat to his life, before the attack on him, such a threat may not have extended to others in the vicinity or living several miles away. The final factor for me to consider is that Ms Cathryn McGahey QC for the SSHD accepted that if I do not put the issue into my provisional scope, it will not be covered by the disclosure process and I will not discover whether the family’s concern is justified.
42. On balance and given the possible causal connection between the attack on Mr Skripal and the poisoning of Ms Sturgess, I am satisfied the issue is potentially relevant to the question of how Ms Sturgess died but at this stage any requests for disclosure on this issue must be reasonable and proportionate. I shall therefore include the issue in provisional scope but limited at this stage to requesting access to any assessments conducted by the UK authorities of the risk to Mr Skripal, in the three years before the attack upon him (March 2015 to March 2018).

Anonymity

43. Ms Sturgess’ daughter, GS, is a child. She was granted anonymity in respect of the High Court proceedings. She applies for an order that she may only be referred to as ‘GS’ in the inquest proceedings. The reasons given are that (i) her real name is not relevant to the inquest and

anonymity does not therefore significantly interfere with open justice; (ii) while her name has occasionally been mentioned in public, it is not widely known, and being named at the inquest is likely to increase hugely the public attention she receives and the extent of public knowledge of her identity; and (iii) if she is identified she may be at risk of retribution from the Russian state and her welfare thereby put at risk. For these reasons, counsel argued that the balance described in *R (T) v. West Yorkshire Senior Coroner* [2018] 2 WLR 211, §62-64 falls in favour of anonymity.

44. Currently, I can see no relevance of her name to this investigation and no legitimate reason for naming GS in these proceedings and none has been advanced. For the purposes of this inquest therefore, we shall call her by the cipher GS. I will obviously return to this issue if requested to do so.

Conversion to Public Inquiry

45. Finally, I turn to the third principal issue namely whether I should immediately invite the SSHD to convert this inquest into a public inquiry established under section 1 of the Inquiries Act 2005. I may well have to do so (and soon) to satisfy the obligation in s.5(1) CJA 2009, fully and fairly to ascertain and determine how Ms Sturgess came by her death. However, I see some force in the submissions of the SSHD that it would be premature and that I should at the very least see some of the material to be provided first. I was referred to the Chief Coroner's Guidance No. 30 for judge-led inquests which recommends this course.

46. The problem in following the 'normal' course, as foreseen by Counsel to the Inquest and the representatives of the family, is that the material disclosed in an exceptional case such as this will inevitably be of a highly sensitive nature. The SSHD is likely to claim Public Interest Immunity ("PII") which, if upheld, would result in the material being excluded from my consideration. A coroner cannot hold closed session hearings. (See *R (Secretary of State for the Home Department) v Inner West London Assistant Deputy Coroner*,⁴ a case arising from the 7/7 Inquests).

⁴ [2010] EWHC 3098 Admin, [2011] 1 W.L.R. 2564.

47. The only option then available to me would be to redact and/or gist the material, where possible (as in the 7/7 inquest) so that as much of the material as possible can be put in the public domain without putting the interests of national security at risk. However not all material can be safely redacted / gisted and published and material considered central to the investigation may have to be excluded from consideration.
48. This position has been reached in two major inquests: the Manchester Arena bombing and the poisoning of Alexander Litvinenko. In the Manchester Arena inquests, the coroner Sir John Saunders upheld a PII claim, the effect of which was to exclude what he described as “centrally important material” relating to the question of whether the bombing could have been prevented.⁵
49. In the Litvinenko inquest, the exclusion on the grounds of PII of material relating to possible Russian State responsibility for Mr Litvinenko’s death led the coroner, Sir Robert Owen, to conclude that the inquest could only then proceed on “an incomplete and potentially misleading basis”.⁶
50. In both the Litvinenko and the Manchester Arena cases, the Home Secretary of the day agreed to establish a public inquiry to serve, in effect, as a substitute for the inquest proceedings, with the advantage that the public inquiry could conduct closed hearings to consider the central but sensitive material that had been excluded from the inquest by operation of PII.
51. I think it is highly likely that I too will reach the stage when I must invite the establishment of a public inquiry but as yet I have a limited knowledge of the nature and extent of the material. I shall therefore reserve my decision until the Inquest Legal Team and I have a better understanding of the material to be disclosed. But, as I made clear during the hearing, I am determined that this investigation should not be hampered by the kind of delay (and unnecessary additional cost) experienced by others.

⁵ <https://manchesterarenainquests.independent.gov.uk/2018/wp-content/uploads/2019/09/2019-09-27-Letter-to-SSHD-1.pdf>.

⁶ The procedural history of the Litvinenko inquest is set out in the Divisional Court’s judgment quashing the Home Secretary’s refusal to establish a public inquiry: *R (Litvinenko) v Home Secretary and others* [2014] EWHC 194 (Admin).

Costs

52. On the issue of costs, I should like to mention an issue I raised at the hearing. At present the costs of this inquest are being met by the rate payers of Wiltshire. The 'Salisbury poisonings' are a matter of national concern; in my view, given the exceptional nature of this case, be it inquest or inquiry, the burden of the costs should be falling on central government not on Wiltshire Council.

The Right Honourable Baroness Hallett DBE

8 April 2021