

**IN THE WILTSHIRE AND SWINDON CORONER'S COURT**

**BEFORE THE RIGHT HONOURABLE BARONESS HALLETT DBE**

**IN THE MATTER OF THE INQUEST TOUCHING THE DEATH OF DAWN STURGESS**

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**SUBMISSIONS ON BEHALF OF  
THE STURGESS FAMILY AND CHARLIE ROWLEY  
FOR PRE-INQUEST REVIEW ON 22 SEPTEMBER 2021**

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**Introduction**

1. These submissions are made on behalf of the family of Dawn Sturgess and her partner Charlie Rowley (“the family”). The family pay tribute to the extensive efforts which the Coroner and her legal team have evidently been making to ensure that this investigation proceeds promptly. There is a pressing need to avoid delay in this case. It is already more than three years since Ms Sturgess died. In any inquest, delay risks undermining the effectiveness of the investigation, as recollections may fade and evidence may be lost<sup>1</sup>. But it is even more important than usual for this investigation to take place promptly, because of the grave public concern about this incident in which many members of the public were put at risk, and the importance of identifying steps that may be taken to avoid something like it happening again.

**Public inquiry**

2. The family support the proposal of the Coroner and CTI to ask the Home Secretary to establish a public inquiry at this stage, for the reasons given by the Coroner in her letter to the Home Secretary dated 29 July 2021, and in CTI’s submissions. In summary, the family agree that the key reasons why there should be a public inquiry are:
  - a. The Coroner has decided that the question in s.5(1) CJA 2009 of how Ms Sturgess came by her death, includes *inter alia* “a. Involvement of Alexander Petrov and Ruslan Bshirov, b. The source of the Novichok, c. Russian state responsibility”. She has also said that these issues are central to this inquest.

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<sup>1</sup>*R (JL) v Secretary of State for Justice* [2009] 1 AC 588, §74 and 94

- b. The Coroner has identified information which, it is very likely, will have to be excluded from the inquest due to PII, but which is relevant or highly relevant to issues (a to c) above. She states that, in that eventuality it will be impossible for her to discharge her duty to conduct a full, fair and fearless investigation into the circumstances of Ms Sturgess' death.
- c. As a consequence, the Coroner will be unable to discharge the statutory duty in s.5(1) CJA 2009. The only way that duty can be discharged will be by means of a public inquiry. That will create a legal obligation on the Home Secretary to establish a public inquiry.
- d. The family have not seen any of the sensitive material upon which the Coroner bases those conclusions, but are content to accept the Coroner's views. The Coroner has, very properly, not come to a final conclusion as to whether a PII application will be accepted, since no such PII application has yet been made. But she has expressed the strongest possible view, in the circumstances, that the information will be withheld under PII.
- e. In those circumstances, it is clearly appropriate to establish a public inquiry at this stage, rather than waiting for the sensitive material to be disclosed to the Coroner in full, for resolution of PII applications, and for a decision to be taken about whether a full and fearless inquiry can occur. There will be serious disadvantages in waiting for the outcome of that process.
- f. In particular, it is likely to cause a great deal of delay. That delay could undermine the effectiveness of the investigation (see paragraph 1, above). It is also liable to cause substantial additional trauma to the family, and to exacerbate rather than assuage the widespread public concern about this case. It may waste costs and time: decisions about PII made by the Coroner at an inquest may have to be revisited once the inquest is converted to a public inquiry, pursuant to the somewhat different approach in ss.18-19 Inquiries Act 2005 and r.12 of the Inquiry Rules 2006. Whereas if the inquest is converted to an inquiry now, there will be no need for duplication in the process. Finally,

there is no good reason for delay, since it appears nearly inevitable that the inquest will have to be converted into a public inquiry.

3. We do not repeat here the other points the family made about a public inquiry in their previous submissions.

### **Terms of Reference**

4. CTI's recent submissions contain, in §19, draft Terms of Reference for an inquiry, which it is suggested will be included in a letter of request to the Home Secretary for an inquiry. The family agree with the draft Terms of Reference.

### **Disclosure**

5. The family are concerned to see that certain bodies have not produced disclosure to the Coroner as quickly as had been expected. We reiterate the pressing need to avoid delay in this investigation, explained in more detail in paragraph 1, above. We invite the Coroner's team to grant IPs access to the material on Relativity that can be disclosed (such as that described in paragraph 23 of CTI's submissions), at the earliest possible stage.

### **Scope**

6. The family agree that it is not appropriate to revisit scope at this stage or prior to stage 2 disclosure. Whether it is appropriate to review the scope *after* stage 2 disclosure depends on what is disclosed.

### **Next pre-inquest review**

7. The family welcome CTI's suggestion that there is a further PIR in December 2021. The family's legal team will be available on 17 December 2021.

**Michael Mansfield QC  
Henrietta Hill QC  
Adam Straw QC  
8 September 2021**