

Trenchard Lines, Upavon, Pewsey, Wilts SN9 6BE  
Tel: 01980 615525 Fax: 01980 615526  
e-mail: [chiefexec@aff.org.uk](mailto:chiefexec@aff.org.uk)

19<sup>th</sup> March 2007

Lt Gen Sir Freddie Viggers CMG MBE,  
Adjutant General,  
Trenchard Lines,  
Upavon,  
Pewsey  
SN9 9BE

**Re: Inquests of those killed on Operations overseas**

I am grateful for the opportunity offered to The Army Families Federation to bring to your notice matters which have an impact on the situation and morale of Army families. I would like to take advantage of this and ask that attention is given to reducing the time families have to wait for the inquests of those killed on operations.

Inquests dating back to the beginning of Op Telic are still being processed - the present case of Matty Hull dates back to March 2003 (a fact that is rarely emphasised in reporting). For the families of those who have died the situation is agonising. They claim to feel that they are 'just hanging on' and become 'suspicious' of why there is such a long delay. To make families wait up to four years for an inquest into the death of their loved one is nothing less than cruel.

This issue is also of concern for the families of those presently serving in operational theatres. It is confusing to hear and read about how soldiers were killed in the early stages of Op Telic as if it were recent. I am aware that changes have been made as a result of the Boards of Enquiry however families are not in a position to know this and believe that the situation is the same today as it was in 2003.

Col Frog Freeman (PS4(A)) assured me several times over the last twelve months that there were about to be improvements in the time taken for inquests to be completed. In the autumn of 2006 I was assured that the 'backlog' would soon be down to 3 months. However today we are still seeing cases dating back four years.

I ask that more effort is dedicated to finding solutions to the present situation, perhaps an independent dedicated coroner's team who can build up a military knowledge, is employed by the Government to carry out military inquests in a timely fashion so as to avoid this heart breaking situation.

Yours, with best wishes,

Sammie Crane, Chief Executive



*Adjutant General*

Headquarters  
Adjutant General's Command  
Trenchard Lines  
Upavon  
Pewsey  
Wiltshire SN9 6BE

AG/HQ/1/22/11

Mrs S Crane  
Chief Executive  
Army Families Federation  
Trenchard Lines  
UPAVON  
Pewsey  
SN9 6BE

3 April 2007

Dear Sammie

Thank you for your letter of 19 March, in which you expressed concern over the delays in holding inquests into the deaths of those killed on operations. I share your concerns, particularly over the distress that this delay is causing to bereaved families. I hope what follows is of help to you.

There are various factors that may contribute to the delay in hearing an inquest, most of which are beyond the control of the Ministry of Defence. First, the policy in respect of coroners' courts falls strictly within the remit of the Department for Constitutional Affairs (DCA). Furthermore any decision on when and where an inquest should be heard is a matter for individual coroners, so the Ministry of Defence has no influence over these aspects. Additionally, a coroner would generally wait for the conclusion of the Service Board of Inquiry before calling an inquest as this provides useful background on what are generally specialised issues, and sets an incident in its operational context. There have, of course, been delays to the completion of Boards of Inquiry, which often await the conclusion of a criminal investigation into the relevant incident, but this would cause a delay to the inquest even when a Board of Inquiry is not conducted.

The death of each Service person killed on operations overseas whose body is repatriated to England and Wales is subject to an inquest. The majority of those repatriations have been conducted at RAF Brize Norton, which falls within the Oxfordshire Coroner's jurisdiction. It should be borne in mind that the Oxfordshire Coroner has been trying to deal with the volume of military inquests in addition to his usual workload, so the weight of numbers has led to a backlog of cases. This was considered unacceptable by the MOD and the DCA so, in an effort to remedy this, in August 2006 the Oxfordshire Coroner appointed 3 Assistant Deputy Coroners to help clear the backlog of inquest cases relating to military deaths between March 2003 and May 2006. The backlog should be cleared by this summer. In order to prevent a backlog in the future, the Oxfordshire Coroner has adopted the practice of transferring jurisdiction wherever possible to 'home coroners' (ie the

coroner with jurisdiction nearest to the bereaved families). Additionally, due to maintenance work to the airfield at Brize Norton, repatriation ceremonies will from now for 2 years be conducted at RAF Lyneham in Wiltshire. The Wiltshire and Swindon Coroner has indicated that he will continue to transfer jurisdiction whenever possible.

While I sympathise with your suggestion that there should be a team of coroners who specialise in military inquests, the MOD routinely provides subject matter experts, to attend inquests as 'expert witnesses' and to brief coroners ahead of the inquest, particularly on technical or security matters. In addition, we have recently established an 'Inquests Cell' which is tasked to review all Army cases, and is working closely with the other Services to ensure a cohesive approach. This cell will also engage with the coroners who are hearing military inquests, to ensure they are provided with constructive, and more importantly, timely support for inquests. So, while it is useful to have the same coroner conducting military inquests, facilities exist to ensure that they can be conducted by any coroner. Moreover, it is the view of the DCA – who are the responsible Department - that all coroners are able to conduct any inquest, military or otherwise, regardless of the circumstances of the death.

As you know, the Army makes every effort to keep in touch with bereaved families, and we provide them with a copy of the Board of Inquiry report when one has been conducted. In some cases, they are provided with a presentation, usually from the Board President, who will explain the Board's findings and recommendations, and where possible, tell them what action has been taken. Not all families want to go through this; the Visiting Officer might talk them through the report, and there are some families who would rather just receive a copy without any form of briefing. I acknowledge that we need to be more positive in keeping bereaved families informed of progress with recommendations; that said, it is not always necessary as some recommendations are closed before the families receive the report. There is no reason why a family cannot be provided with an update to a Board's recommendations at a later date, particularly in the lead up to an inquest, but as far as I am aware no one has asked for this.

{Original Signed}

Copy to:

DPS(A)  
ACOS Pers