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Sec. Press office

QUEEN ANNE'S GATE LONDON SW1H 9AT

Prime Minister:

This is  
unfortunate!

22 SEP 1982

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23/9

BODIES OF SERVICEMEN KILLED ON ACTIVE SERVICE IN THE  
FALKLANDS

The decision of the Court of Appeal, in the case of Helen Smith, that the coroner in England and Wales in whose area the body is lying must hold an inquest if it appears that the death was violent or unnatural, or a sudden death of unknown cause, even if it occurred abroad, has the unfortunate effect of making it necessary for inquests to be held into the deaths of all servicemen killed in the Falklands when bodies are brought back to this country for burial (or cremation).

It has been tentatively agreed by officials of our two Departments and of the Scottish Courts Administration that the best course would be to arrange for the bodies, due to arrive here in November, to be brought to one place, where the coroner, who would have been forewarned and provided with whatever documentary evidence he requires by your Department, would hold a single inquest covering all the bodies, including those which might be going on to Scotland for burial or cremation. The procedure would be for the inquest to be opened and evidence of identification given. (There may be some advantage in a prior inquest being held by the Falklands' coroner, so as to make identification by the English coroner a formality. This possibility is being explored with your officials. Careful arrangements for identification, acceptable to the coroner, will otherwise need to be made). The inquest would then be adjourned and the bodies released for disposal. Relatives of the deceased would have to be notified of the inquest so that they could attend if they wished, and it is understood that your Department expects to be able to pay any necessary fares.

The arrangements for bringing the bodies back to this country are, as you know, in the hands of your Department including the choice of port or airfield. It is very important that this should be within the jurisdiction of an experienced coroner, and we would like notice in good time of the possible options. When the decision is taken we will, in consultation with the Coroners' Society, brief the coroner.

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The Rt. Hon. John Nott, M.P.

There is one potential difficulty, I hope a remote one, which I feel I should mention. That is that some relative may seek to claim at the inquest that the death of the deceased in a particular case was due to ineptitude of some kind, for example on the part of a platoon commander. It is unlikely, I hope, that this would go so far as to call Government policy into question. There is no way in which this could be prevented by ourselves, but the coroner's handling of the inquest will be crucial.

I am sending a copy of this letter to the Prime Minister, Francis Pym, John Biffen and Michael Jopling.

Lon Hunt