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**MAJOR INQUIRIES AND INQUESTS –
LESSONS AND WARNINGS FROM BLOODY
SUNDAY AND HILLSBOROUGH**

Matthew Hill

1 Crown Office Row
13 October 2017

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The memorials



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Bloody Sunday: the events

- Civil rights march : disturbances when stopped
- Arrest operation leads to 1 PARA entering the Bogside
- 13 shot and killed in disputed circumstances

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Bloody Sunday: the events



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Bloody Sunday: investigations

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- The Widgery Inquiry, 1972
- Major O'Neill's Inquests, 1972
- The Bloody Sunday Inquiry, 1998-2010

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Bloody Sunday: investigations

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Lord Widgery Lord Saville




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Hillsborough: the events

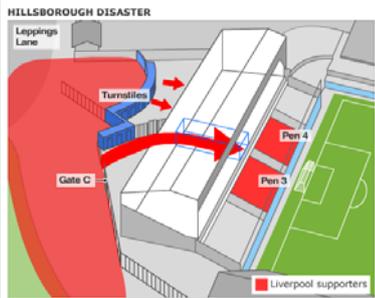
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- FA Cup semi-final: Liverpool v Notts Forest
- Liverpool fans allocated the Leppings Lane end
- Crush outside the turnstiles led to exit Gate C being opened
- Crush in Pens 3 and 4 of the West Terrace led to 96 deaths

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Hillsborough: the events

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HILLSBOROUGH DISASTER

Leppings Lane

Turnstiles

Gate C

Pen 4

Pen 3

Liverpool supporters

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Hillsborough: the events



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Hillsborough: investigations



- The Taylor Inquiry, 1989 - 1990
- The (Popper) Inquests, 1989 - 1991
- The Stuart-Smith Scrutiny, 1997-1998
- The Hillsborough Independent Panel, 2010 - 2012
- The (Goldring) Inquests, 2014 - 2016

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Bloody Sunday: investigations



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Purpose of an inquiry/inquest



Lord Widgery, 1972

"The Tribunal was not concerned with making moral judgments; its task was to try and form an objective view of the events and the sequence in which they occurred, so that those who were concerned to form judgments would have a firm basis on which to reach their conclusions."

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Purpose of an inquiry/inquest



Lord Bingham, 2003 (*Amin*)

“to ensure so far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others.”

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Purpose of an inquiry/inquest



- To establish facts
- To ensure accountability
- To learn lessons
- To restore public confidence
- To discharge investigatory duties
- To place materials in the public domain

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Trust and independence



- The Tribunal
- Influence on the Tribunal: Heath and Widgery
- Missteps: Lord Justice Stuart-Smith
- Lessons: Earn trust – be independent

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Terms of reference / scope



- The balancing exercise
- Approaches: Widgery, Saville and Taylor
- Beyond a boundary
- The limitations on inquests

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The evidence



- The investigators – who guards the guards?
- The selection and sequence of witnesses
- Questioning of witnesses
- Expert evidence – the cost of getting it wrong

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Engaging families and victims



- Representation
- Disclosure – showing your workings
- The role of core participants / interested persons – the benefits of a collegiate approach
- Survivors – an unsquared circle

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The individual



- Public disasters and private tragedies
- The legacy of the original Hillsborough inquests
- The approach in the new Hillsborough inquests

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Conclusions



- The paradox – great expectations and great scepticism
- A response
 1. A compelling public need for an inquiry / inquest
 2. Independence – the keystone
 3. The importance and difficulty of setting the boundaries
 4. Earn trust and be transparent
 5. Inquisitorial more effective than adversarial
 6. Get it right

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