Judicial Review
Claim Form

Notes for guidance are available which explain how to complete the judicial review claim form. Please read them carefully before you complete the form.

In the High Court of Justice Administrative Court	
Help with Fees - Ref no. (if applicable)	H W F – 7 K D – P M 9

For Court use only	
Administrative Court Reference No.	
Date filed	

Seal

Is your claim in respect of refusal of an application for fee remission? ☐ Yes ☑ No

SECTION 1 Details of the claimant(s) and defendant(s)

Claimant(s) name and address(es)

name
Mr John William Allman

address
27 Crocken Tor Road
Okehampton
Devon
EX20 1TE

Telephone no. 07720 842242

Fax no.

E-mail address John_W_Allman@hotmail.com

Claimant's or claimant's legal representatives' address to which documents should be sent.

name

address

Telephone no.

Fax no.

E-mail address

Claimant's Counsel's details

name

address

Telephone no.

Fax no.

E-mail address

1st Defendant

name
Senior Coroner for Liverpool Area and Wirral Area

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name
Mr André J. A. Rebello O.B.E. (the individual in office)

address
Gerard Majella Courthouse
Boundary Street
Liverpool
L5 2QD

Telephone no. 0151 233 0141

Fax no. 0151 207 4522

E-mail address Andre.Rebello@Liverpool.gov.uk

2nd Defendant

name

Defendant's or (where known) Defendant's legal representatives' address to which documents should be sent.

name

address

Telephone no.

Fax no.

E-mail address

SECTION 2 Details of other interested parties

Include name and address and, if appropriate, details of DX, telephone or fax numbers and e-mail

name
Mr Tom Evans

address
c/o The Christian Legal Centre
70 Wimpole Street
London
W1G 8AX

Telephone no.
020 3327 1120

Fax no.

E-mail address
info@christianconcern.com

name
Ms Kate James

address
c/o The Christian Legal Centre
70 Wimpole Street
London
W1G 8AX

Telephone no.
020 3327 1120

Fax no.

E-mail address
info@christianconcern.com

SECTION 3 Details of the decision to be judicially reviewed

Decision:
Decision that there was no requirement for an investigation into the death of Alfie Evans (09/05/2016 - 28/04/2018).

Date of decision:
A date no earlier than Monday 30th April 2018 and no later than Tuesday 8th May 2018 (defendant won't say when)

Name and address of the court, tribunal, person or body who made the decision to be reviewed.

name
Mr André J. A. Rebello O.B.E.
Senior Coroner for Liverpool Area and Wirral Area

address
Gerard Majella Courthouse
Boundary Street
Liverpool
L5 2QD

SECTION 4 Permission to proceed with a claim for judicial review

I am seeking permission to proceed with my claim for Judicial Review.

Is this application being made under the terms of Section 18 Practice Direction 54 (Challenging removal)?	☐ Yes	☑ No
Are you making any other applications? If Yes, complete Section 8.	☑ Yes	☐ No
Is the claimant in receipt of a Civil Legal Aid Certificate?	☐ Yes	☑ No
Are you claiming exceptional urgency, or do you need this application determined within a certain time scale? If Yes, complete Form N463 and file this with your application.	☐ Yes	☑ No
Have you complied with the pre-action protocol? If No, give reasons for non-compliance in the box below.	☑ Yes	☐ No

Have you issued this claim in the region with which you have the closest connection? (Give any additional reasons for wanting it to be dealt with in this region in the box below). If No, give reasons in the box below.

☑ Yes ☐ No

Does the claim include any issues arising from the Human Rights Act 1998?
If Yes, state the articles which you contend have been breached in the box below. ☑ Yes ☐ No

The Article 10 right of the claimant, in common with other members of the public wishing to do so, to receive and to impart such information as ought to become public as a result of an obligatory inquest (possible an "Article 2 inquest") into the death of the deceased Alfie Evans.

SECTION 5 Detailed statement of grounds

☐ set out below ☑ attached

SECTION 6 Aarhus Convention claim

I contend that this claim is an Aarhus Convention claim ☐ Yes ☑ No

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45.43 to apply.

If you have indicated that the claim is an Aarhus claim set out the grounds below, including (if relevant) reasons why you want to vary the limit on costs recoverable from a party.

SECTION 7 Details of remedy (including any interim remedy) being sought

1. A finding of fact that the defendant has reason to suspect that the deceased died while in state custody, and/or of an unknown cause

2. A declaration that the decision not to conduct an investigation into the death was therefore unlawful.

3. A mandatory order requiring the defendant to conduct an investigation, or (perhaps preferable) to request another senior coroner to conduct an investigation, into the death of the deceased, unless the Chief Coroner himself first orders a different senior coroner to conduct an investigation.

SECTION 8 Other applications

I wish to make an application for:-
(1) A protective costs order in the public interest; (2) Disclosure of the Form 100A and other materal requested in the Letter Before Action but withheld, including the reasons for the decision; (3) Permission to Amend the grounds of Appeal and Statement of Facts Relied On if disclosure brings to light a need for this; (4) Permission to postpone the filing of authorities including statutory material and my skeleton argument until after disclosure of the withheld material; (5) permission to apply out of time for permission to apply for judicial review if (unlikely) this form is delayed in the post.

SECTION 9 Statement of facts relied on

The statement of facts relied on is annexed as a separate document, with a declaration of truth at the end of it.

(I have signed the decaration of truth below, notwithstanding that the statement of facts is in a separate document with its own declaration of truth at the end, because of previous experience in these circumstances of court staff returning claim forms unissued, in error, when the redundant declaration of truth in Section 9 of the claim form itself is not signed.)

Statement of Truth

I believe (The claimant believes) that the facts stated in this claim form are true.

Full name John William Allman

Name of claimant's solicitor's firm _____

Signed _____ Position or office held _____

Claimant ~~('s solicitor)~~ (if signing on behalf of firm or company)

SECTION 10 Supporting documents

If you do not have a document that you intend to use to support your claim, identify it, give the date when you expect it to be available and give reasons why it is not currently available in the box below.

Please tick the papers you are filing with this claim form and any you will be filing later.

☑ Statement of grounds	☐ included	☑ attached
☑ Statement of the facts relied on	☐ included	☑ attached
☑ Application to extend the time limit for filing the claim form	☑ included	☐ attached
☑ Application for directions (PROBABLY NOT NEEDED)	☑ included	☐ attached
☐ Any written evidence in support of the claim or application to extend time		
☐ Where the claim for judicial review relates to a decision of a court or tribunal, an approved copy of the reasons for reaching that decision		
☐ Copies of any documents on which the claimant proposes to rely		
☐ A copy of the legal aid or Civil Legal Aid Certificate *(if legally represented)*		
☐ Copies of any relevant statutory material		
☐ A list of essential documents for advance reading by the court *(with page references to the passages relied upon)*		
☐ Where a claim relates to an Aarhus Convention claim, a schedule of the claimant's significant assets, liabilities, income and expenditure.	☐ included	☐ attached

If Section 18 Practice Direction 54 applies, please tick the relevant box(es) below to indicate which papers you are filing with this claim form:

☐ a copy of the removal directions and the decision to which the application relates	☐ included	☐ attached
☐ a copy of the documents served with the removal directions including any documents which contains the Immigration and Nationality Directorate's factual summary of the case	☐ included	☐ attached
☐ a detailed statement of the grounds	☐ included	☐ attached

Reasons why you have not supplied a document and date when you expect it to be available:-

The claim for judicial review relates to a decision of a coroner. I know that a coroner is a member of the judiciary. I am concerned that this court might therefore consider the decision for which I am applying for judicial review to be the decision of a court or tribunal, and might therefore expect me to provide an approved copy of the reasons for the decision that I am challenging by way of judicial review.

Unfortunately, I am unable to provide an approved copy of the defendant's reasons for reaching his decision, because although I requested disclosure of his reasons (and indeed the documentation for the decision or decisions themselves) in my Letter of Claim pursuant to the Pre-action Protocol for Judicial Review, the defendant did not comply.

I have included an application for directions, seeking an order for disclosure and inspection of all relevant documents, which the defendant has refused to supply during the pre-action correspondence. The approved copy of the reasons for the decision ought to become available as a result of those directions. I do not know how long that will take.

I have not included a list of required reading at this stage, because of the lack of disclosure of the reasons for the decision, and the consequent content of my application for directions (q.v. at Section 8 above).

Signed _____ 25/7/18 Claimant ~~('s Solicitor)~~ JOHN ALCMAN

In the Administrative Court Claim number:

Between

The Queen

on the application of

Mr John William Allman

Claimant

and

The Senior Coroner for Liverpool Area and Wirral Area

Defendant

regarding

Alfie Evans (deceased, a minor)

Deceased

with interested parties

Mr Tom Evans

Father

Ms Kate James

Mother

Grounds for Judicial Review

Final draft of **25th May 2018**

Scope

i. This document is only a bare statement of my Grounds for Judicial Review. It states succinctly why the decision was wrong.

ii. This document is not a skeleton argument, citing authorities and arguing in detail why my grounds for judicial review are valid. I have not been directed to file a skeleton argument at the permission stage.

iii. If at any stage a skeleton argument is also needed in support of my standing to bring this claim, please would the court direct me to file that too?

Grounds

The defendant's decision was unlawful, that he was not obliged under **s1(1)** and **s1(2)** of **The Coroners Justice Act 2009** ("the Act") to conduct an investigation into the death of the deceased, which had taken place while the deceased was subject to what might be described succinctly and uncontroversially as a lawful "**best interests child euthanasia order**" of the courts.

The decision was unlawful **because:**

1. As a triable matter of fact, **the defendant had objective reason to suspect that the deceased had died while in state detention**. The reason to suspect asserted to have existed consists of the relevant facts set out in the **Statement of Facts Relied On** in this claim and known to the defendant at the relevant time.

2. Any reason the defendant had, or thought he had, or which he formed - for example when making enquiries under **s1(7)** – which the defendant believed to be sufficient reason for him also to suspect that the deceased had died while not in state detention, was not, as a further triable matter of fact, sufficient reason to refute the facts that had already given him the reason he had in the first place to suspect that the deceased had died while in state detention. i.e. any reasons subsequently to doubt what initially he had strong reason to suspect, were too weak, or downright wrong, and in case did not negate the fact that he also had "reason to suspect".

3. **The defendant took account of his own guesses**, predictions or opinions, as to whether the courts, if required to do so (which they had not been), would rule that the death had occurred while the deceased had been in state detention. These guesses, prediction and/or opinions were subjective, not required under the Act, and based upon the defendant's incorrect understanding of earlier judgments of the High Court, Court of Appeal and Supreme Court. The defendant ought to have left ***open*** the question to which he guessed, predicted or opined the answer, as these other and higher courts had wisely left the comparable question open in earlier but similar circumstances to those that prevailed at the time of death.

4. Likewise, the defendant also **had reason to suspect that the deceased had died from an unknown cause**. For example, the High Court had already made a

finding of fact that the deceased suffered from an unknown illness, in a judgment of which the defendant was aware.

5. The defendant's decision engages the **Article 10 Convention right** (to receive and to impart information) of **any member of the public** (including the claimant) who had a **righteous curiosity** to learn the information that would become public at an inquest. That is because the reason that the defendant had for him to suspect (even if he didn't believe it himself) that the deceased had died while **in state custody or otherwise in state detention** and/or of an **unknown cause**, **ought to have guaranteed an inquest**.

The interference which the decision inflicted upon the Article 10 right of the claimant **was not "necessary in a democratic society**, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary**"** (Article 10.2).

When construing the sections **1(2)(b)** and **1(2)(c)** of the Act, in order to make the decision now impugned, the defendant ought therefore, as a **public authority**, to have **construed the wording of the Act compatibly with the Article 10 convention right** of any member of the public with a righteous curiousity (like the claimant's) in the inquest; an inquest, that is, which either **would or wouldn't take place**, depending upon how the defendant construed the Act. If the **defendant** had done this **balancing exercise** correctly, and had construed the Act accordingly, he would not have misdirected himself to the effect that he had no reason to suspect death while in state detention and/or from an unknown cause. If the court now performs the relevant, omitted balancing exercise itself, it will adopt the broad, simple and literal construction of the Act that the public will understand, a construction which the defendant eschewed in favour of his own narrow, over-sophisticated and non-literal construction that the public does not trust, leading to the conclusion which the defendant evaded that an inquest was necessary.

I invite the court to set a wise precedent, whereby **whenever** a child dies subject to a **best interests child euthanasia order**, especially amidst emotional controversy after

worldwide publicity, multiple court hearings, strident demonstrations of public discontent, a plethora of conspiracy theories, acrimonious allegations of public sector wrongdoing and even international diplomacy, senior coroners ought rightly to be **discouraged** in future from construing the relevant words of the Act in **narrow**, **clever**, **non-*literal*** ways that show disdain for and frustrate the public's and the present claimant's righteous curiousity and concommittant desire for an inquest, any such construction of the Act procuring an **interference with the Article 10 right** that is, as a matter of triable fact, **disproportionate** to any and all of the **legitimate aims** set out in Article 10.2.

In the Administrative Court Claim number:

Between

The Queen

on the application of

Mr John William Allman

Claimant

and

The Senior Coroner for Liverpool Area and Wirral Area

Defendant

regarding

Alfie Evans (deceased, a minor)

Deceased

with interested parties

Mr Tom Evans

Father

Ms Kate James

Mother

Statement of Facts Relied On

The claim

1. This is my statement of facts relied on for my claim for judicial review of the defendant's **decision not to hold an investigation into the death of the deceased**.

2. The defendant has **failed to comply with a request for disclosure** of the **Form 100A** on which his decision was recorded, or any of the **other material** I requested in my Letter Before Action. I therefore **do not know the date of the decision** impugned, or its wording. However, the **decision** is more-or-less certain not to have been made any earlier than **1st May 2018**.

3. The deceased was born on **9th May 2016**. He died on **28th April 2018**, at **Alder Hey Hospital** ("the hospital"), in Liverpool.

4. For brevity, the papers of application for permission to apply for judicial review consist only of the claim form, this statement of facts, and my grounds for judicial review, drafted as best as I can in the absence of a better response for the request for disclosure of the reasons for the decision etc. The reason for this brevity at the permission stage should become clear from my application for directions in Section 8 of the claim form (q.v.).

An unknown cause of death

5. Up until the death of the deceased, it was widely reported in the media, and had been found in the High Court to be the case, that the deceased suffered from an **unknown illness**.

The role played by the state in the circumstances of the death

6. The hospital is premises occupied by an NHS trust ("the trust").

7. The trust is part of the National Health Service ("NHS"), which was created and is still governed by the British state, under British statute law, financed by the British taxpayer. The trust is an emanation of the British state and a public authority.

8. During the lifetime of the deceased, the trust, which was funded by the state for this purpose, instigated certain litigation seeking the court's findings as to the deceased's best interests, and responded when the parents continued the litigation with a "misconceived" application for of a writ of ***habeas corpus***. There are **eight domestic judgments** in all ("the judgments"). I intend to ask counsel to put the judgments into his folder of authorities for the substantive hearing (or do this myself if still self-represented by that stage). The judgments will be referenced in my/counsel's skeleton argument when I am directed to file that. I have not been directed to file a skeleton argument yet.

9. **I do not impugn the said domestic judgments** in the present proceedings. In fact, **I rely on them**. They go to evidence of relevant findings of the courts before the death. The coroner ought to have been aware of the judgments at the time of the decision of his which I do impugn. The judgments ought better to have informed his wrong decision. During the pre-action correspondence, the coroner has admitted having had knowledge of at least two of the judgments.

10. I believe that it is fair to say that it is partly what the judgments <u>don't</u> say, but which the defendant seems mistakenly to think they <u>do</u> say, that makes them **supportive of my own position**. (I ought not to expand on this belief of mine though, in a statement of facts, at the permission stage.)

11. The High Court, the Court of Appeal of England and Wales and the Supreme Court of the United Kingdom, are all **public authorities** and **emanations of the British state**.

12. The overall effect of the litigation during the deceased's lifetime included that when the deceased eventually died, he was *de facto* **detained** (at least merely in the literal, dictionary sense of the word) by the trust, which had until recently been treating him and thus prolonging his life, for which the trust's staff deserve thanks.

13. The continued ***literal*** detention of the deceased was on the say-so of the courts, as documented in the judgments.

14. The deceased's legal representation throughout the litigation during his lifetime - litigation at first in order to ascertain his bests interests and later to determine an application for ***habeas corpus*** - was instructed by a ***guardian at litem***, which was itself yet another public authority and emanation of the state, called CAFCASS.

15. The state's CAFCASS instructed the deceased's lawyer, in proceedings which the state's NHS trust and the state's NHS Litigation Authority had brought using the state's money, in order to seek the state's courts' rulings, allowing the state's trust to ***de***tain (or at least to ***re***tain) the deceased in the state's hospital, eventually receiving no therapeutic treatment there, until he died or until further order of one or other of the state's courts.

16. When there was civil unrest about this state of affairs amongst the public in Liverpool, and when the parents of the deceased had been suspected of being minded to try to remove the deceased from the hospital, the local police force (which is another public authority and emanation of the state) had been called upon to use force to prevent the feared removal of the deceased from the state's hospital and to quell the unrest, lest there be a breach of a peace which is said often said to be the "queen's" peace, who happens to be the ***head*** of state.

17. In summary, the publicly-funded public authorities and emanations of the state that had played various roles in procuring the circumstances of the death of the deceased, who was by then receiving no treatment - a death which took place at the (state-owned) hospital, contrary to the settled and express wishes of his parents, who were forbidden to discharge their son - were:

- Parliament (which had set up the NHS and enacted The Children Act)
- The trust
- The NHS Litigation Authority
- CAFCASS
- The High Court
- The Court of Appeal
- The Supreme Court
- The police (and the queen whose peace they kept)

18. From start to finish, **nobody *but* the British state** was involved at all, at any stage, in making sure that the deceased remained at the hospital, or at least **under the control of the trust** that occupied the hospital, until his death or further court order.

19. The parents of the deceased did not have ***custody*** (so-to-speak) of their own son when he died. By then, beyond a shadow of a doubt, **the state itself had custody** of Alfie. One might therefore even say that the deceased actually died "in custody" of the state, never mind while "otherwise in state detention" as I believe.

20. At least two foreign sovereign states, distressed at what they witnessed was happening in the UK, sought to intervene, namely Italy and The Holy See.

Reason to suspect

21. I do not plead, nor need I prove, that the deceased was being detained by the state when he died, in any sense at all of the word "detained". It is merely my informed and not entirely uneducated (but irrelevant) ***opinion*** that the deceased's indisputable ***re***tention by the state amounted to state "***de***tention" in a relevant sense. My opinion is based squarely upon my pleaded facts, which I know to be true, and which the defendant also knew to be true.

22. The defendant knew perfectly well the facts about the state's role in procuring the circumstances in which the deceased died, and what those circumstances were, when he took his decision not to hold an investigation into the death.

23. The defendant also knew a whole lot more besides, for example about civil unrest, on the part of demonstrators outside the hospital in Liverpool, and reportedly sometimes ***inside***, who called themselve's "Alfie's Army", when demanding that the authorities should **"release"** the deceased, presumably because of a public perception that he was being **detained** in the hospital in the first place; relying, that is, on their vocabularies and their dictionaries to tell them what the word "detain" meant. He also knew (he admitted) about the high level of public concern about the case, and about various allegations of wrongdoing published on the internet, some far-fetched, others all too worryingly plausible.

24. I plead, and invite the court to infer, that on the day he took his decision of which I now seek judicial review, the defendant **had reason to suspect** (a "low hurdle" in the authorities) that the deceased had **died while in state detention**. Detention, that is, in the sense of the word intended by Parliament, when enacting the Coroners Justice Act, the ordinary dictionary meaning of the word.

25. That the state was undeniably still ***re***taining the deceased when he died, was, I reason logically, reason enough for the coroner at least to **suspect** that the state was also "***de***taining" him. He ought therefore to have realised that he ought to hold an inquest, even if confidential information he had (which has not been forthcoming to me even when I requested disclosure in my Letter Before Action) rebuts the assumption, which is natural (absent a post-mortem examination), that the deceased's hitherto unknown illness had ***remained*** unknown right up until the date of death and beyond, right up to the date of the decision which I impugn.

26. I believe I have the following well-informed and correct insight into the thought processes of the defendant, based upon the evidence of his contribution to the pre-action correspondence and his correspondence with others.

27. The pre-action correspondence proves that the defendant was influenced by one or more of the following **irrelevant considerations**:

(a) whether a court would rule, if required to do so, that the deceased had been detained by the state at he time of his death

(b) whether he himself believed that the deceased had been detained by the state at the time of his death

(c) whether any state detention there might have been had been lawful.

28. The defendant **overlooked** the only **relevant** consideration, which was whether he had **reason to suspect** that the deceased had been being detained by the state when he died. Objectively, he ***did*** have reason to suspect this. I expect to be able to prove this straightforwardly, in a trial of fact.

29. The defendant, based upon his own reading of the judgments, appears to have believed that if the courts were ever obliged to rule, yes or no, on the question as to whether the deceased had been "detained" when he died, they would have ruled "no". It is clear that he mistakenly believed that the courts had ***already*** ruled that the deceased had not been being detained in some relevant sense, in the earlier, albeit ***different*** circumstances that had prevailed a few days ***before*** the death. If this claim is allowed to be heard, counsel or I will argue that the earlier judgments **stop well short** of making the finding of fact which the defendant seems to think they made, that the deceased ***wasn't*** being detained, back then.

30. I believe that the defendant also concluded that on the evidence before him (including the judgments, which will inform the hearing of this claim if permission is granted to seek judicial review) that he didn't, on the balance of probabilities, have **reason** for him to believe that the deceased died while in state detention. But (to anticipate my judicial review grounds) I am certain that the defendant applied the **wrong test** here.

31. Whether or not the defendant had reason good enough for him subjectively to **believe** that the deceased died while in state detention, it is an **objective fact**, that the defendant most certainly had abundant reason to **suspect** this. Counsel or I will

argue, directly from the wording of the relevant statute itself (if this claim isn't blocked at the permission stage), that the **correct** statutory test which the defendant **ought** to have applied, was "reason to suspect", which would be an easy and objective test that was indisputably met on the known facts and the evidence (which latter, of mine, I have not yet been directed to file).

32. When disposing of the ***habeas corpus*** application, the courts had wisely refrained from ruling expressly, yes or no, whether the deceased had or hadn't been detained, because that was not required of them for their then present purposes. They correctly ruled only that any detention, **if** there had been any, **would have been** lawful. ***That*** is why the ***habeas corpus*** application was held to be "misconceived".

33. I do not say either that any state detention which the defendant had reason to suspect would have been unlawful, if the suspicions of detention he had reason for had turned out to be well-founded, which (I say) was not for the coroner to decide. The courts had already made it clear, recently, that the deceased's detention (albeit in different circumstances from those that prevailed at the time of death) would have been, at worst, perfectly ***lawful*** detention, because it was in the deceased's own best interests for the state to detain him. My point is that "even a guilded cage is still a cage". Lawful detention by the state is still state detention.

34. In any event, the circumstances immediately before the deceased's death were different from those that the courts had already considered when determining Mr Paul Diamond's failed ***habeas corpus*** application on the parents' behalf. The deceased had stopped receiving treatment in the interim, distinguishing the deceased's facts from those in ***Pereira***, upon which I anticipate the defendant will seek to rely, and different from the deceased's own facts a few days earlier for that matter.

My standing / victim status

35. I say that if the coroner had done his job "by the book" so-to-speak, **there would have been an inquest**. I deduce this as follows.

36. First he would have noted that there was reason for him (or anybody else) at least to **suspect** that the deceased had died while in state detention in the ordinary, everyday, dictionary meanings of the words. That much is surely undeniable, even if the defendant had then proceeded to guess that the higher courts wouldn't find that the deceased was actually "detained" in some special, legal sense of the word. (That is, if the courts were ever forced to decide that question, which they never have been yet.)

37. The defendant guessed that, if asked to consider the question, the courts would have found that there was a special, legal sense of the word "detention" in which the state's undeniable ***re***tention of the deceased had not, technically speaking, been his ***de***tention. This gave the defendant a subjective reason to suspect that the deceased had <u>not</u> died while in state detention after all, alongside his existing objective reasons to suspect that the death <u>had</u> occurred in state detention. But, unlike opposing beliefs, which cause cognitive dissonance, opposing suspicions can and often ***should*** coexist, in minds that are required to be kept open.

38. The defendant could and should have held the two opposing suspicions in tension, rather than discarding one in favour of the other, as he did. After all, the facts that had provided an objective reason to suspect a death in state detention, **were not changed** by whatever legal sophistry the defendant engaged in, misinformed by his own apparent misunderstanding ot the judgments, as I intend to prove he was, if permitted to make an application for judicial review. The defendant displayed the courage needed to rush in where even the Supreme Court had feared to tread unnecessarily. He overthought his simple task of applying verbatim the test Parliament had laid down.

39. This wrong-thinking on the defendant's part prevented an inquest. (QED)

40. The inquest prevented by the wrong decision was one in which I would have been **interested**, in ***one*** sense of the word (but admittedly not in another sense.) My interest was that of **righteous curiosity**. I am content to be cross-examined on this (and other) of the facts that I claim to be true.

41. On **Friday the 4th May 2018**, i.e. around the time of the relevant week when the coroner would likely have been taking his "Form 100A" decision not to conduct an investigation, the exact date of and wording of which decision he has refused to tell me, I wrote to the coroner, saying only,

"I would like to receive information about the inquest into the widely reported death of Alfie Evans."

42. This goes to proof that I was interested in learning the outcome of the inquest that I assumed would be ***de rigeur*** after such a controverial, widely reported, litigated-about, lamented, premature and unusual death. It had been a death which had expanded and further entrenched the controversial British case law about what one might call the UK's controversial **"best interests child euthanasia orders"** of our courts. By such an order the state had ***re***tained the deceased Alfie Evans to itself. The unlearned common people, armed only with their vocabularies and dictionaries, had objective reason to suspect that this ***re***tention of their beloved Alfie was also the state's ***de***tention of him. So did the defendant. He therefore ought to have realised that my curiosity was righteous, and responded with courtesy.

43. Even before the inquest, I had commented on news reports, on the website of Premier Christian Radio, about the protests of "Alfie's Army" and criticism (made in one of the judgments) of the Christian Legal Centre, which represented the parents in the ***habeas corpus*** application. In one such comment, just after the death, I lamented the lack of information in the public domain, and rejoiced that at least we'd find out the truth now, now that the deceased had died and there would have to be an inquest.

44. The defendant emailed me on **Tuesday 8th May**. Our dialogue ended the next day, until it resumed with my formal Letter Before Action and the defendant's less than enlightening reply.

45. During the dialogue, it became clear that the defendant was reluctant for me to learn anything at all from him, in my mere capacity as an ordinary member of the

public who (I let him know) does a spot of sporadic citizen journalism on a blog. He certainly wasn't willing to tell me any of the information already known to him and those in the know, such as ought to come to light at an inquest. I only have enough information to draft this claim for judicial review (JR).

46. My blog is called **JohnAllman.UK.**

47. The defendant made much of the fact that if there had been an investigation, which had evolved into a fully-fledged inquest, I would not have been a **properly interested person** (PIP) at the said inquest, for the purposes of the Coroners Justice Act (CJA). He is correct when he says that I would not have been a PIP. I have never claimed to have PIP status.

48. My attempts to understand the CJA and the doctrine of ***locus standi*** in JR (or victim status in the ECtHR if it comes to that), have led me to believe I am even more a victim of an **Article 10 breach** flowing from the wrong decision that I impugn, than I would have been if I had had the PIP status the defendant seems mistakenly to think I need in order to ask the court to review judicially his decision not to hold an inquest. The less chance he has of finding out the truth some other way, as a PIP might have, I reasoned, the more the non-PIP truth-seeker like myself becomes the Article 10 victim of a decision not to let the public discover the truth at an inquest.

49. Expressly, the defendant said that **because I wasn't a PIP** (and he doubted that I was any sort of "journalist" either) he proposed to tell me virtually nothing. True to his word, he continued to tell me more-or-less nothing that I didn't already know, even after receiving my Letter Before Action pursuant to the Pre-action Protocol for Judicial Review.

50. An inquest would have been inevitable if the defendant had not taken the flawed decision he did. An inquest would have brought the information I wanted to light, into the public domain, and a lot more information besides that the defendant did not want me, as a mere member of the public, or anybody else, perhaps not even himself, to discover. Even though it was the enacted will of Parliament that in such cricumstances, such information should be made public through an inquest.

51. I reached the conclusion that **the ordinary member of the public** such as myself, is Parliament's **main intended beneficiary** of the provisions it enacted in the CJA that make a public inquest mandatory in certain circumstances, specifically the circumstance of the present deceased, who the senior coroner had the same **reason to suspect had died while in state detention** that I had myself, when I asked to be kept informed of when the inquest was going to be, expecting there to be an inquest.

52. I have come to realise that **every member of the public who would be interested**, is a **victim** of a wrong decision not to hold a public inquest that is required by law. I therefore am confident that I have sufficient interest to apply for judicial review of the decision not to hold an inquest. The pre-action correspondence goes to further evidence of this, though further evidence ought not to be necessary.

53. In addition to being an ordinary member of the public, I am also a **political activist**. On five separate occasions, I have stood for Parliament, most recently for the Christian Peoples Alliance, a political party that has strong policies and a keen interest in euthanasia statute and case law. The inquest into the death of this particular deceased is especially important to the public interest objective of enabling informed political debate, and the informing of the policies of political parties offering candidates for election, and voters.

54. In this regard, there was a finding of fact early on in the litigation that a great deal of the deceased's brain was missing, and that nobody knew why. It was desirable that the gloomy prognosis based on the interpretation by expert witnesses of non-invasive scans should have been calibrated against the better-informed posthumous diagnosis potentially available via a post-mortem examination, at which the deceased's remaining brain could have been weighed, to measure exactly how much of really was missing.

55. After expressing the interest I have in this matter, I was inundated with attention from strangers who had learned of my intentions. A few were passionately opposed to what I was proposing to do, even to the point of abusiveness in a couple of cases. The majority were supportive. A few had suspicions of wrong-doing on the part of the state of the kind that I imagine Parliament had it in mind to assauge, when enacting that there ought ***always*** to be an inquest when somebody died **while in state detention**, largely I assume in order to allay such public suspicions.

The parents

56. It was at the suggestion of the defendant that I included the parents of the deceased as interested parties to this claim, even though the decision of which I am seeking judicial review wasn't taken in the context of litigation.

Statement of Truth

I believe that the facts stated in this Statement of Facts Relied On are true.

Signed:

John William Allman 25th July 2018