



Neutral Citation Number: [2012] EWHC 534 (Admin)

Case No: CO/3590/2011

IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 09/03/2012

Before :

HIS HONOUR JUDGE ANTHONY THORNTON QC

Between :

JOHN WILLIAM ALLMAN

Claimant

- and -

HM CORONER FOR WEST SUSSEX

Defendant

The Claimant appeared In Person
The Defendant was not represented

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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HIS HONOUR JUDGE ANTHONY THORNTON QC

His Honour Judge Anthony Thornton QC :

Introduction

1. The claimant, Mr John Allman, seeks by this renewed application, permission to apply for judicial review of a pre-inquest review decision of Ms Bridget Dolan, the Assistant Deputy Coroner for West Sussex, that was dated 14 January 2011 and which related to an inquest that took place with a jury on 5 and 6 May 2011. The deceased whose death was investigated by that inquest died in tragic and unhappy circumstances and Mr Allman had applied to be a properly interested person at the inquest under rule 20(h) of the Coroner's Rules 1984. By her decision, the Assistant Deputy Coroner decided that Mr Allman was not a properly interested person so that, although he was to be called by her to give evidence, he was not permitted to challenge the evidence of other witnesses or question them himself.

Factual Background

2. The factual background of this ruling is unusual and since this case has a wider public interest, I will set it out in detail. The jury concluded that the deceased met his death by suicide due to his disturbed state of mind. His badly injured body was found at a remote place beside a railway line close to a railway tunnel. Those fatal injuries had been caused by his impact with a moving train. No-one on any particular train had observed or been alerted to this tragic impact when it occurred and it was only possible to place the time of death as having occurred between 15.13 on one day and 14.00 on the following day. Following lengthy investigations by the British Transport Police, the jury by its verdict concluded that this tragedy was not one that had occurred in suspicious circumstances and that there was no external criminal act that had caused or contributed to the deceased's state of mind.
3. However, Mr Allman and others including Ms Amanda Palmer, all of whom had first met the deceased a short time before his death, were convinced by what the deceased had told them, which was that he had been the targeted victim of an organised campaign of criminal stalking and harassment by members of the security services and other state agencies. It was and remains Mr Allman's belief that this secret campaign was conducted by secretly administered electronic/electromagnetic processes which had monitored and adversely influenced the deceased's thinking and state of mind and had also caused him external physical harm. Mr Allman also believed that it was possible that this harassment had ultimately caused the deceased to suffer a prolonged period of sleep deprivation. He considered that the result of this criminally induced technology and its resulting sleep deprivation had induced the deceased, either deliberately or through carelessness, to place himself in the path of the train that had hit and killed him.
4. The deceased was a mechanical design engineer and, at the time of his death was 34 and unmarried. He had formed the belief that he had become a target for electromagnetic harassment by members of state agencies as a result of their dislike of his involvement in anti-Iraq war protests. This belief arose because he considered that

he had first experienced the effects of this harassment during his period of activism in the anti-Iraq war movement. He had certainly been seen to have been suffering from stress and a disturbed state of mind for some time prior to his death and one of the witnesses who gave evidence at the inquest was a psychiatrist who gave evidence as to his mental state. He appears to have been on good terms with his close family but they never accepted his belief that he was the target of electromagnetic stalking although his sister was reported by Ms Palmer to have accepted that it was possible that his problems could be attributed to his susceptibility to electro-hypersensitivity.

5. Mr Allman has for many years opposed the non-consensual use and deployment of technology that can inflict harm and influence human thought. This opposition is combined with his Christian faith and, in 2002, he formed with a group of like-minded people a single issue group called Christians Against Mental Slavery and a charity called Beulah Baruch Ministries. Through his work with these groups, Mr Allman has become known as a support contact in the United Kingdom for people who identify themselves as victims of electromagnetic harassment. Ms Palmer is a colleague of Mr Allman and she shares his beliefs and his active opposition to such harassment
6. Mr Allman first had contact with the deceased in 24 September 2008 when he received the first of a series of emails from him in which the deceased discussed what he considered to be his status as a “targeted individual” and as the victim of “organised stalking” as a result of his being electromagnetically harassed. Mr Allman also read his writings about electromagnetic harassment that were posted on the internet. Both Mr Allman and Ms Palmer first met the deceased on 4 October 2009 when they went together to visit him, by appointment. This was described by Mr Allman as a pastoral visit and had been arranged at the deceased’s request. During the visit, the three of them discussed whether it was possible for a victim of organised stalking to protect himself or herself from that type of harassment. They particularly discussed the situation where a person was in fear of being killed in such a manner that his death appeared to be accidental or suicidal and where the person also believed that the police would not be motivated to offer protection. The solution to this problem was, according to Mr Allman, agreed to be “telling people and appointing those people to ‘make a fuss’ if the client is killed and the police or coroner appear to be trying to avoid investigating the death as a possible homicide.”
7. It was during this visit, and subsequent contacts in the days before his death, that Mr Allman entered into a commitment with the deceased that formed the basis of his application to the Deputy Assistant Coroner to be accorded the status of a properly interested person at the deceased’s inquest. This commitment is best set out in this quotation from a letter sent to the Coroner’s Office soon after the deceased’s death by Mr Allman on the notepaper of Beulah Baruch Ministries. The letter is dated 3 December 2009 and the relevant extracts read as follows:

“I am writing with the unanimous approval of the trustees of this Christian ministry.

Accompanied by a colleague, I conducted a pastoral visit to [the deceased]'s home at his request on 4 October 2009. I established that [he] was the victim of harassment, had been receiving death threats. This charity entered into an agreement with [the deceased]. He promised us that he would never commit suicide. In return, we promised that if, as he feared, the death threats appeared to have been carried out, in that his body was found in the open with signs of a violent death, that we would intervene in the police investigation and the coroner's inquest, to carry out [the deceased]'s own wishes, that a true verdict of unlawful killing should be reached, not a false verdict of suicide.

We remained in direct, personal touch with [the deceased] during the period between our first meeting with him until just over a week before his death, when he emailed us about a group holiday he wanted our charity to plan with him in 2010. We also are aware that he published (inter alia) a video on You Tube website the day before his death, about some of the harassment he was receiving at that time. The video and other postings made no mention of any intention of self-harm that other appear to be assuming.

Now that the worst has happened, in execution of our part of the bargain that we made with [the deceased] before his death, please take notice that this charity wishes to be legally represented at the inquest into [the deceased]'s death. We wish to call witnesses whose evidence is given under oath and tested under cross-examination, who had contact with [the deceased] in the weeks and days immediately before his death. God willing, the witnesses called will include myself and the colleague who accompanied me every time I met with [the deceased]. My colleague is a fellow witness to the solemn promises that I made to [the deceased] on behalf of the charity and to [the deceased]'s testimony as to the harassment and death threats he had been receiving.

... The last death threat known to us was made on 14 October when [the deceased] was on the train home from the first demonstration he led, the only one he will now ever lead, as it turns out. In the light of these facts, the decision of British Transport Police that [the deceased]'s death, when aged only 34 is "non-suspicious" therefore strikes the trustees of the charity as ill-informed and mistaken."

8. The inquest was opened soon after the deceased's death and was adjourned for over a year whilst the circumstances surrounding his death were investigated by a Detective Inspector and other members of the British Transport Police ("BTP"). Mr Allman made detailed representations to the Coroner's Office and to the Detective Inspector and his BTP colleagues as to his belief and his understanding of the deceased's belief that the deceased had been the subject of, and had ultimately met his death as a consequence of, electromagnetic stalking caused by third party intervention. Mr Allman also provided to that investigation copies of all of the emails he had exchanged with the deceased and all other information he had. The Deputy Assistant Coroner, who was of course in charge of these investigations since inquests are undertaken inquisitorially under the direction of the coroner appointed to an inquest, stated in her ruling that the possibility of third party involvement in the deceased's death was investigated in detail in the course of the BTP investigation and no evidence of third party involvement was ever found.
9. The Deputy Assistant Coroner, at the conclusion of the BTP investigation, called a Pre-Inquest Review hearing for 11 January 2011. Mr Allman was notified of that hearing, albeit that that notification was only received by him on 7 January 2011. However, he was able in the intervening weekend to prepare a full witness statement of his proposed evidence to the inquest and he attended the hearing and applied for the right to examine witnesses. Rule 20 permits a number of different categories of person to examine witnesses, the only relevant one being provided for in sub-rule (2)(h), namely:

"Any other person who, in the opinion of the coroner, is a properly interested person."
10. Mr Allman addressed the Deputy Assistant Coroner at some length as to why he should be permitted to examine witnesses at the inquest, which was fixed for 5 and 6 May 2011. He submitted that he should be permitted to examine all the witnesses called at the inquest as a properly interested person. He relied on the contents of his letter to the Coroner's Office that I have already set out, on the contents of his witness statement that he had recently served and on the promise that he had given the deceased at their meeting on 4 October 2009.
11. His principal submission was based on his belief that the deceased's death had been caused by third party intervention. He submitted that this was a reasonable belief given the evidence that the deceased had provided him with of his having been targeted and harmed by electromagnetic stalking, of the scar or burn on his face at the time of his death which had all the attributes of an electromagnetic attack, of the evidence provided by the deceased's You Tube recording posted on the day before his death and of his knowledge of the deceased arrived at through the relatively short but intense involvement he had had with him in the months prior to his death. He also submitted that, if there was insufficient evidence of the deceased's death having been directly caused by third party intervention, it was possible, albeit unlikely, that the deceased self-harmed himself fatally because he was driven to that action by the

electromagnetic harassment which he had been subjected to or because he had been reduced to a state of carelessness by sleep deprivation caused by that harassment.

12. Overall, Mr Allman submitted that his requested status as a properly interested party would best enable him to fulfil his duty to the deceased and to bring out into the open the true facts of the deceased's death both in respect to him and as a means of protecting targeted individuals in the future.

Deputy Assistant Coroner's Ruling

13. The Deputy Assistant Coroner dealt with this application with considerable tact and care as is evident from her ruling. She initially announced her decision at the end of the hearing on 11 January 2011 and she then confirmed that ruling in a detailed written ruling which she published on 14 January 2011. In her ruling, she identified the factual background in detail and then carefully summarised Mr Allman's submissions. She found as a fact that Mr Allman made the promise to the deceased that he stated that he had made. She then set out the relevant provisions of the Coroner's Rules 1984 and correctly directed herself that a "properly interested person" was not defined but that the meaning of that phrase in context meant that such a person should have a reasonable and substantial interest in the matters that were to form the proper scope of the inquest. The Deputy Assistant Coroner then reminded herself that the proper scope of the inquest was set out in Rule 36 of the Coroner's Rules. That Rule is in these terms:

"36.—(1) The proceedings and evidence at an inquest shall be directed solely to ascertaining the following matters, namely—

(a) who the deceased was;

(b) how, when and where the deceased came by his death;

(c) the particulars for the time being required by the Registration Acts to be registered concerning the death.

(2) Neither the coroner nor the jury shall express any opinion on any other matters."

14. The Deputy Assistant Coroner concluded that Mr Allman did not have a sufficiently substantial interest in the inquest in this passage of her ruling:

"22. Mr Allman's interest is in exploring and/or pursuing his own belief that [the deceased]'s death may have been a homicide or in some way resulted from the use of electromagnetic weapons. I accept that in establishing how [the deceased] came by his death, one matter the jury must consider is whether there is any evidence of third party involvement in the death. In the light of representations previously made by Mr Allman to the Coroner's office and the BTP, the possible involvement of a third party has

been investigated in detail in the course of the BTP investigation and no evidence of third party involvement found. In the material currently before the court there is no evidence of third party involvement save for the belief of Mr Allman. Further, beyond the firmly held beliefs of [the deceased] and Mr Allman there is no evidence of the existence or use of electromagnetic weaponry available to the court which could form a proper basis for challenging the evidence of any witness. In so far as Mr Allman's purpose is to explore or establish the truth of his and Darren's beliefs about such weapons, this is outside the scope of this inquiry as defined in Rule 36 [of the Coroner's Rules 1984].

24. *Finally, Mr Allman is an important witness of fact and that he represents a group who share some of [the deceased]'s beliefs is not sufficient to satisfy me that he should be accorded status of a properly interested person.*
25. *... However, I shall keep that decision under review and it is open to be revisited during the inquest proceedings should there be any relevant change of circumstances."*

Subsequent Procedural Steps

15. The ruling was made on 12 January 2011. On 15 February 2011, Ms Palmer submitted a witness statement to the Deputy Assistant Coroner and, on 18 April 2011, the Coroner's Officer informed Mr Allman that the Deputy Assistant Coroner had decided not to call her as a witness since what she stated in her statement was covered by the statement that he had already served. Mr Allman, who represented himself throughout, drafted a claim seeking judicial review of this ruling which was received in draft in the Administrative Court office on 11 April 2011. It was immediately returned to Mr Allman because certain documents were not in the correct form and because insufficient copies of the claim form had been provided. Mr Allman re-submitted the documents in the correct form and the claim was filed on 19 April 2011. Mr Allman sought orders quashing the Deputy Assistant Coroner's ruling. Given that the hearing of the inquest was due to open on 5 May 2011, the application for permission, and an application for interim relief for an order stopping the hearing until the judicial review application had been heard, were placed before Lindholm J who, on 4 May 2011, ruled as follows:

" The application for permission to apply for judicial review has not been made promptly. But I would have refused the application even if it had been made promptly, because I do not discern an arguable basis for contending that the Assistant Deputy Coroner's ruling of 11 January 2011 is infected by any error of law. Nor, therefore, do I see any proper grounds for

granting interim relief the effect of which would be to postpone the inquest due to start tomorrow.”

16. The inquest duly took place. None of those granted properly interested status were legally represented. The Deputy Assistant Coroner called a number of witnesses including Mr Allman, Inspector Ancell of BTP who had conducted the police enquiries, the deceased's father and a psychiatrist and doctor. The jury were also shown the deceased's You Tube appearance that had been post on You Tube the day before his death in which he described his lack of sleep in the preceding week. The jury was also provided with copies of an email that he had sent Mr Allman dated 18 October 2009.
17. Mr Allman complained at the renewed application for permission that he had been unable to give the totality of his evidence in his witness statement since the Deputy Assistant Coroner only asked him questions about his direct dealings with the deceased. This conformed to the terms of the ruling in which the Deputy Assistant Coroner had stated that she intended to call him to deal with the relevant matters covered by his witness statement, particularly his relevant evidence about the deceased's state of mind, his beliefs, what he said to the deceased in October 2009, what the deceased had informed him as to his experiences near the time of his death that he had attributed to the electromagnetic harassment and organised stalking that he considered he had been subjected to and the content of his email messages to Mr Allman. All this evidence was stated by the Deputy Assistant Coroner to be relevant to the deceased's state of mind and his sleep patterns in the few days before his death. It is clear that Mr Allman was able to give almost all of the evidence that he had provided in his witness statement and that what was excluded was excluded since it was inadmissible as being evidence of "opinion on other matters" by Rule 36(2) of the Coroner's Rules.

Mr Allman's Submissions

18. Mr Allman's submissions were set out in his skeleton argument lodged prior to the hearing as supplemented by his detailed oral submissions at the hearing. These submissions relied heavily on previous documents that he had drafted, being the Grounds for Judicial Review and Statement of Facts Relied On sections of the claim form, the Grounds for Renewing the Permission Application and his original statement lodged with the Coroner's Office that was dated 10 January 2011.
19. Mr Allman was seeking, at the renewed application, permission to apply for a declaration that he should have been granted properly interested person status at the inquest so as to be able to question the witnesses and to adduce the additional evidence that he wished to give which the Deputy Assistant Coroner had not brought out in her questioning of him when he gave evidence. He was also seeking an order quashing the verdict of the jury and a further order that there be a fresh inquest that complied, as this inquest had not, with the state's obligation to hold an appropriate investigation into the death of a person where there are reasonable grounds for thinking that the death may have resulted from the wrongful act of its agents. He was,

therefore, seeking permission for a judicial review not only of the Deputy Assistant Coroner's pre-inquest review decision denying him the status of a properly interested person but of inquest itself on the grounds that the inquest had been conducted in a way that did not fully accord with the obligation placed on the Deputy Assistant Coroner to conduct appropriate inquiries into the deceased's death. There are significant procedural difficulties that Mr Allman faces in widening his application for judicial review in this way and both his original application and the widened scope of his application face difficulties since both were brought or made out of time.

20. Mr Allman's original application was renewed under several related strands of argument. In summary, he contended that there were reasonable grounds for the Deputy Assistant Coroner to have concluded that the deceased had, or might have, met his death as a result of the unlawful activities of others, namely as a result of his being harassed and tortured by electromagnetic weaponry. The deceased had informed Mr Allman just over a month before his death that he had been the victim of electromagnetic harassment and had also received death threats from the perpetrators of that harassment. In consequence, he entered into a solemn compact with Mr Allman that he would never commit suicide and Mr Allman promised in return that if he met his death in circumstances in which it appeared that those death threats had been carried out, Mr Allman and his charity would intervene in the ensuing police investigations and inquest so as to ensure that the deceased's wishes were carried out, namely that a true verdict of unlawful killing should be reached.
21. It followed, that Mr Allman had a real and substantial interest in both the deceased and his death and was clearly within the somewhat nebulous class of properly interested person, membership of which would have entitled him to question all the witnesses at the inquest and to introduce evidence relevant to the deliberations of the jury which had been excluded or not adduced by the Deputy Assistant Coroner. The adverse ruling of the Deputy Assistant Coroner was based on the judgments of Kennedy LJ and Pill J in the Divisional Court in *Ex parte Discroll* (1994) COD 91. She had misapplied those judgments to the facts of this inquest and, in ruling that he lacked sufficient interest, notwithstanding the background that I have already outlined and his solemn compact with the deceased, she made an irrational and legally erroneous ruling since, on any reasonable view, he fell within the class of properly interested person provided for by Rule 20(20)(h) of the Coroners Rules.
22. In relation to the inquest hearing, Mr Allman submitted that it was procedurally flawed because he had not been able to place the entirety of his evidence before the jury and had not been able to question the other witnesses who gave evidence. He also complained that the Deputy Assistant Coroner had not permitted him to place evidence before the jury about the known capabilities of electromagnetic weapons when he applied to her in the absence of the jury for permission to do this at the beginning of the second day of the two-day hearing. He also complained that he was not permitted to make submissions to her as to the directions she should give the jury, in particular a direction that a verdict of unlawful killing was possible where the deceased was the immediate cause of his own death but where those fatal actions were themselves the result of unlawful assaults or other criminal acts. As a result, the Deputy Assistant Coroner did not give, but should have given, the jury such a direction.

Discussion

23. The Deputy Assistant Coroner, as can be seen from the critical section of her ruling which I have already set out, based that ruling on her conclusion that there was no credible evidence that had been made available to her that there had been any third party intervention that had caused or contributed to the deceased's death or to his pre-death state of mind, lack of sleep or indications of physical harm that he was reported to have displayed prior to his death. She had accepted that the compact that Mr Allman gave evidence about had been entered into by the deceased with Mr Allman and she did not, as suggested by Mr Allman, reach the conclusion that electromagnetic weaponry could not be used to harass or assault others. Her ruling, and her conduct of the inquest, were based exclusively on the evidence that was placed before her that had been gathered by the full police investigations that she had directed as supplemented by the witness statements she had received, including that of Mr Allman as well as the medical and psychiatric reports about his physical and mental states at the relevant time. That evidence led her to make two critical decisions which governed her procedural directions:

“(1) that Mr Allman would give evidence but would not be allowed to question other witnesses; and

(2) that she would not give the jury a direction that they should consider third party intervention as a possible cause of the deceased's death.

These decisions were:

There was no direct evidence that the deceased had been electromagnetically assaulted by or otherwise subjected to third party criminal assault; and

Mr Allman's evidence as to his dealings and contacts with the deceased were admissible and would be placed before the jury since these were relevant to its consideration of the deceased's state of mind in the period before and leading upto his death.”

24. These two decisions were ones reached by the Deputy Assistant Coroner exercising her inquisitorial powers. Mr Allman was, at root, challenging the reasonableness of the first of these conclusions. His contention was that there was clear evidence of third party intervention because the deceased had complained about such interventions and had described his sleeplessness and his experiences of the hidden attentions that he had suffered in the form of voices, telephone calls and unexpected albeit trivial occurrences. All these descriptions were consistent with electromagnetic assaults and the deceased had described these interventions in vivid terms in emails to him. However, these matters are not, of themselves, anything more than possible indicators of third party attacks. They are also possible indicators of someone suffering from a disturbed and troubled state of mind. These indicators had, however, been fully investigated by the BTP, no doubt at the direction of the Coroner's Office. The police officers involved had undertaken a detailed investigation of all of these

suggested indications of third party assault and into the circumstances of the deceased's death and had found no evidence that any of these indicators were caused by outside influences or that there had been any third party attack on the deceased at any time.

Conclusion

25. It follows that the Deputy Assistant Coroner was well within her rights to refuse Mr Allman properly interested party status since his wish for that status was essentially to fulfil his promise to the deceased that he would ensure that the circumstances of his death would be fully and properly investigated by the police and the inquest process if he met his death in what might loosely be described as suspicious circumstances. Since there was no such evidence, there was no basis for his being accorded properly interested party status. Moreover, it is clear that all the relevant evidence that Mr Allman wished to place before the jury was in fact placed before the jury since it was relevant to their consideration of the deceased's state of mind. Mr Allman's wider evidence about electromagnetic weaponry in general and its propensities to kill and of its use by security forces in covert assaults on persons those forces wish to destroy or whose political protests they wish to neutralise was not relevant for the jury in this case to consider and, in any event, was prohibited from being adduced at this inquest by virtue of Rule 36 which precludes consideration of opinions and hypothetical situations which have no evidential link to the particular death being considered.
26. It follows that there is no prospect of Mr Allman succeeding in obtaining a judicial review of either the Deputy Assistant Coroner's ruling made on 11 January 2011 or of the jury's verdict and the inquest proceedings. He has failed to demonstrate that there was any relevant evidence that was available which was excluded from the jury or any direction which was omitted which should have been given. The matters he relies on as being relevant excluded evidence are not, in the absence of direct evidence of third party assault, anything more than conjecture and opinion and are, in consequence irrelevant and inadmissible.
27. I conclude by deciding, as well, that Mr Allman's claim related to the Deputy Assistant Coroner's ruling was out of time since it was not filed, as required by CPR 54.5, promptly even though it was, apparently, filed exactly 3 months after the ruling since it was received in the Administrative Court Office on 11 April 2011 exactly 3 months after the date of the ruling. The 3-month period is a long stop provision, a claimant must file the claim promptly and will be shut out if the claim is filed within the 3-month period but is not filed promptly. In this case, no reason has been given to show why the claim could not have been filed within, say 6 weeks of the ruling to take a generous timescale. The claim based on the inquest itself fails since this has not been advanced in the claim, save in the skeleton and oral submissions so that that claim, in an impermissible form, was first made over 7 months after the conclusion of the inquest.
28. However, although these time points are sufficient to preclude Mr Allman from being granted permission, the fundamental difficulty remains that he has no grounds for judicially reviewing either the ruling or the inquest. His application is dismissed.

29. The appropriate order is as follows:
1. The claimant's claim was filed out of time since it was not filed promptly and no extension of time is granted.

 2. In any event, permission is refused, there being no prospect of success.