



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

Mr. John Allman
27 Crocken Tor Road,
Okehampton,
EX20 1TE

13th July 2018

Dear Mr. Allman,

Re : Alfie Evans Deceased

Thank you for your letter dated the 30th June 2018 which is a Letter Before Action in respect of your proposed claim for judicial review. In responding, I shall adopt the form suggested by Annex B to the Pre-Action Protocol.

1. Proposed Claimant

John William Allman of 27 Crocken Tor Road, Okehampton EX20 1TE.

2. Proposed Defendant

HM Senior Coroner for Liverpool and Wirral of HM Coroner's Court, Gerard Majella Courthouse, Boundary Street, Liverpool L5 2QD.

3. Reference Details

None given.

4. The Details of the Matter being Challenged

4.1 In your letter you say that your proposed claim relates to decisions I made from 28th April to 9th May 2018 in relation to the death of Alfie Evans and you

then state that the decisions which you "might impugn include, or may include" some of nine listed matters. You add, "I impugn your overall decision whereby there would be no inquest, nor adequate information made public as to why there was to be no inquest". The basis for your seeking to challenge my decision not to hold an inquest is said to be that Alfie was "in custody or otherwise in state detention" when he died and that an inquest is therefore mandatory by reason of sections 1 and 4 of the Coroners and Justice Act 2009 ("the CJA").

4.2 You go on to say that you claim "standing, or victim status, merely in my capacity as a member of the world's public, who applied to you to gain further enjoyment of my Article 10 right when I asked for information about the inquest. You deprived me of my share of the public benefit of an inquest, along with the rest of the world's public. Article 10 enjoyment that is, which Parliament enacted should flow to the general public, from each and every necessary, mandatory inquest, like the one you deliberately put a stop to. Benefits, that is, to the whole public, not just to CJA s47 Interested Persons".

5. Response to the Proposed Claim

5.1 As you recognise in your letter, we have already been in email correspondence about the matters you raise and, for the avoidance of any doubt or confusion, I shall repeat that correspondence here :

(i) The exchanges began on the 4th May 2018 when you wrote stating, "I would like to receive information about the inquest into the widely reported death of Alfie Evans",

(ii) On the 8th May 2018 I responded, saying "Thank you for your enquiry.

Please could you explain what your connection and interest is to the matter to which you refer",

(iii) Later on the 8th May you replied as follows :

"Dear Mr Rebello

I had written to you saying, "I would like to receive information about the inquest into the widely reported death of Alfie Evans." You replied today, asking, "Please could you explain what your connection and interest is [sic] to the matter to which you refer." I am writing now to answer your query. I would still like, please, *your* answer to *my* query, if you wouldn't mind.

You will be relieved to learn that I shall not become a statutory "interested person" for the purposes of section 47 of The Coroners and Justice Act 2009. I dare say you have quite enough of *those* to deal with already!

My primary interest and connection are my common humanity with Alfie, as expressed in John Donne's famous poem, "For whom the bell tolls". Indeed, that interest in, and connection with the death of any member of the public, on the part of every other member of the public, seems to me to be the rationale for Her Majesty appointing coroners in the first place.

I am the father of five, and the grandfather of eight. I have been a parliamentary candidate several times, and have taken a great deal of interest in pro-life issues that have been touched upon in the various court cases about this particular unfortunate child. I have studied law at university, and have worked as a paralegal. I have read many judgments and law reports over the years, not only in this case, but in other cases, ever since I was a teenager. (I was 65 yesterday.) I have been a party to several legal proceedings myself. I have attended many high profile court hearings as a spectator. I have been a witness at a coroner's inquest myself, although I have no evidence to give in Alfie's inquest. I have even, on one previous occasion, applied for permission to apply for judicial review of a decision by a fellow coroner of yours. However, that case and this are not connected in any obvious way.

I publish a blog, and a great deal more, in which I often comment upon controversial court cases and other topical issues. So, you could also describe me as a "journalist" of sorts.

The extent to which I have been able to comment on the particular case of Alfie Evans, as informedly as I'd like to, has been severely limited, due to the

lateness of the publication of handed-down judgments, and the paucity of detailed information in the public domain, in part due to a perceived duty of medical confidentiality that no longer applies, now that the patient is deceased. In particular, **the cause of Alfie Evans death** is something that I wanted to find out for myself, as soon as I heard that Alfie had died, having been following the news stories and court cases about him for several weeks by then. However, my searches of the internet have not revealed to me any information as to the cause of Alfie's death considered most likely by the physician who certified death. Nor did I find any mention of any post mortem examination of his mortal remains. Nor news of the time and place of his impending coroner's inquest.

Alfie Evans' **cause of death** remains **unknown**, at least as far as the general public is aware. There will, therefore, presumably, have to be an inquest. Unlike the numerous court hearings during Alfie's lifetime, that inquest will not need to rely solely upon speculative medical opinions given when Alfie was still alive, as to how and when he was likely to die, the less robust factual basis of all the court hearings before his death. It will, instead, be able to access the results of a post mortem examination that will go to evidence as to reveal how and when Alfie actually did die. Unlike the earlier medical evidence, no duty of confidentiality owed to Alfie during his short life will impede the publication of the evidence used in your coroner's court, to inform the jury's verdict. What was once seen merely through a glass darkly, will at last become fully known, so-to-speak.

(A side effect of Alfie's post mortem might be to render less mysterious the mystery illness of which, it was predicted, he would die eventually, regardless of whether that turns out to have been the cause of death or not.)

It is likely that Alfie's cause of death will quite likely be discovered, when the post mortem examination is carried out of Alfie's mortal remains, to have been natural causes. But I am aware of rumours and conspiracy theories too, that instead postulate accidental death (e.g. death that was an unintended side effect of over-zealous analgesia intended to keep Alfie comfortable), and even (I am sorry to have to remind you) *homicide*. A toxicology report may reveal to what extent, if any, medication given to Alfie before he died may

have shortened his life. It could therefore exonerate fully those unfortunate health professionals whom, somewhat irresponsibly, until your inquest reveals the truth and silences the wagging tongues, various conspiracy theorists are wont recklessly to accuse of homicide.

Since shortly after Alfie's death, I have rightly kept my silence about this case, even though it raises profoundly important issues of great interest to the general public. Meanwhile, the public waits for more accurate and definitive information than it ever had during Alfie's short life, obtainable from your forthcoming inquest into Alfie's death. Alfie's death remains a death of unknown (or, at least, *unpublicised*) cause, as far as the public is concerned. There is much to be discussed, arising from this case. There may be a perceived need for fresh legislation, for example. However, the desirable, calm, informed debate about the issues that Alfie's case raises, which was impossible whilst Alfie was still alive, will remain impossible, until the inquest jury delivers its verdict. The longer the delay before the inquest, the greater the risk of a repetition of such unpleasant scenes as were witnessed during Alfie's life, and which, happily, appear to have subsided now, as former demonstrators now, along with others like myself, await patiently the inquest verdict to come.

Kind regards,

John Allman

07720 842242

Contact details at JohnAllman.UK

P.S. I am away from home temporarily at the time of writing, so please use email to keep in touch with me, at least for the time being.

P.P.S. In the unlikely even [sic] that you were not aware of the death of Alfie Evans, and still are waiting for a member of the public to report this to you formally, please construe this email as a report of his death, if you can, or tell me what more you need from me, in order for *me* to report a death to *you*, which the mass media have already reported to the world at large",

(iv) My response, on the same day, was :

"Dear Mr Allman,

Alfie Evans died from a natural cause of death and there was no duty for a coroner to investigate under the Coroner and Justice Act 2009 or under any other legislation",

(v) Later that afternoon you wrote to me again stating,

"Dear Mr Rebello,

When I wrote to you earlier today, I genuinely did not know the cause of Alfie Evans' death. I was surprised to learn that you already knew that. How could I have learnt this, without writing to you, please? Obvious choices of web search string did not bring this to light. It was as though the information was not yet known, or was not in the public domain.

Please could you advise me of which particular "natural cause of death" Alfie Evans died, and how this is known? Before his death, there was much talk of an unknown illness. Presumably, more is now known.

I had understood, perhaps incorrectly, that section 1 of the 2009 Act required an inquest whenever the cause of death was "unknown". I had construed that the cause of Alfie's death was "unknown" for the purposes of section 1, even though it might remain to be this covered that the cause, whatever it was, was likely to have been a natural one. Though natural, the cause of death would remain unknown, I reasoned, if all that was known about it was that it had involved an illness that was itself unknown.

I am very keen to write about Alfie's case, calmly and informedly, now that he is dead. It seems that my hopes of doing so in the light of a coroner's jury's verdict have alas been dashed. However, information that you almost certainly hold, may serve just as well, to make my future contribution to the discussion properly informed, as so much of the discussion before Alfie's death unfortunately wasn't.

Would you please indicate the cost to me, of my obtaining from you, a copy of the death certificate (with subject data redacted of any person still living, of

course), documenting the putative cause of death as certified by the certifying physician? And, also, please, the cost of a copy of the post mortem examination report (similarly redacted), documenting the (by then) *known* cause of Alfie's death, as discovered by the pathologist? This information is, I am sure you will appreciate, helpful to the media and the public, (a) for discovering to what extent the pessimistic predictions and prognoses made when Alfie was still alive, turned out to have been right all along, and (b) for the refutation of conspiracy theories, speculation, rumour and gossip surrounding Alfie, even now",

(vi) I replied, stating :

"Dear Mr Allman

I cannot add to my earlier email. There was no coroner's investigation. Most deaths are not reported to coroners, and for these the only information in the public domain is the information in the Register of Deaths at the local Register Office or through GRO",

(vii) Your immediate response was :

"I wish to report this death to the coroner myself, as a death with an "unknown" cause, and hereby do so. It is a death of which I have learnt myself, on the BBC news, but about which nothing has been reported, as regards what the cause of the death was, apart from by yourself, to me, today. You have told me that there was a natural cause of death, but have told subsequently also told me that you "cannot" tell me what that natural cause of death was, and have never investigated the death. That is most unsatisfactory",

(viii) In reply, I wrote :

"Dear Mr Allman

Following preliminary inquiries, the court has determined that this death does not require a coroner's investigation. Your communication does not provide

any new information beyond the detailed material to which the court have had access.

The death is registered as a death from natural causes.

As there is no coroner's investigation it would be inappropriate for the court to share with you private family information. The registered death is however in the public domain as anyone can apply for a death certificate",

(ix) You then sent me an email which stated,

"Please may I have a copy of the order or decision of the coroner's court which you mentioned, to the effect that the death of Alfie Evans does not require an investigation on the part of the court (etc)? I may wish to seek judicial review of that. You may wish to provide any statement of reasons for that decision.

If you know, please state whether there has been a post mortem",

(x) On the 9th May 2018 I wrote to you in the following terms :

"Dear Mr Allman,

If there had been a coroner's investigation, I would not have been of the opinion that you have sufficient interest in this matter to provide you with disclosure on the information you have provided. You are therefore not a properly interested person for this matter.

In any event there was not a coroner's investigation as a medical certificate as to cause of death was issued under s22 Births and Deaths Act 1953 of which I was satisfied was a death from natural causes. Accordingly the duty under s1 Coroner and Justice Act 2009 to investigate did not arise.

Duty to investigate

1 Duty to investigate certain deaths

(1) A senior coroner who is made aware that the body of a deceased person is within that coroner's area must as soon as practicable conduct an investigation into the person's death if subsection (2) applies.

(2) This subsection applies if the coroner has reason to suspect that—

(a) the deceased died a violent or unnatural death,

(b) the cause of death is unknown, or

(c) the deceased died while in custody or otherwise in state detention.

There is much information in the public domain particularly in the judgments of the Family Division Alder Hey NHS Trust -v- Evans [2018] EWHC 308 (Fam) 20th February 2018 and the Court of Appeal Thomas Evans -v- Alder Hey Trust[2018] EWCA 984 (Civ) – 25th April 2018. The judgments sets out the history and background far more eloquently than I could. The information in the judgments though germane and relevant to the issues before the senior courts is incomplete so far as the detailed care and testing carried out by the clinical team.

As part of my preliminary enquiries into by what means Alfie came by his death I am satisfied that his death is from a diagnosed incurable natural cause. This enables his death to be registered without a coroner's investigation. The matter has been dealt with under the form 100A procedure. Whereby I have indicated that the Registrar of Deaths need not refer the matter to me under regulation 41 Births and Deaths Regulations 1987; and, that the informant can register Alfie's fact and cause of death using information provided on the Medical Certificate as to the cause of death issued under s22 Births and Deaths Act 1953. These ministerial or administrative duties of the coroner are not carried out in open court however the public record of the death is in the Death Register.

Open justice is a very important part of our rule of law but citizens and their families have rights to confidentiality and privacy – our medical records and our relationship with our doctors is private. These matters only enter the public domain in the coroner's court when there is a duty to investigate which proceeds to inquest.

I have decided that you are not a properly interested person, however I do not know if you are a bona fide journalist or just a concerned member of the public but in any event hopefully I have explained the form 100A procedure which is one outcome from a coroner's preliminary investigation.

I do not intend to debate these issues or other matters you have raised. As a coroner, I have my duties and it would be inappropriate for me to explain more to you",

(xi) Later that day you responded as follows :

"Dear Mr Rebello

You have told me, "As part of my preliminary enquiries into by what means Alfie came by his death I am satisfied that his death is from a diagnosed incurable natural cause."

Please tell me the *name* of that disease. If you cannot do this, then, *prima facie*, "the cause of death is unknown". [CJA s1(1)(b)]

I had already accessed the judgments you mentioned in your previous email, which give what you call the "background". It is *because* of that background information, not *despite* it, that I desire to discover, as you should too, what eventually did happen, causing the death of Alfie Evans. The evidence before the courts during Alfie's lifetime amounted to mere expert *predictions* concerning the timing and manner of his eventual death. No coroner who had been informed that Alfie had died, ought reasonably to assume, as you appear to have assumed and to be inviting *me* to assume too, that Alfie's death was merely the fulfilment of those expert predictions made to other courts whilst Alfie was still alive. Alfie's death has provided an opportunity (hopefully) to prove those earlier predictions right, and to exonerate those accused on the internet of killing Alfie. But, if you allow Alfie's body to be destroyed in a few days time, by cremation, or by burial for that matter, without a post mortem first, then you will be complicit in the destruction of the best physical evidence that could establish, after the event, the actual cause of Alfie's death, as opposed to the predicted cause of his eventual death, predicted beforehand, for the enlightenment of the senior courts that were involved before Alfie died. You will undermine public confidence in your office, and a whole lot more.

There is no hurry, for an application to be made for judicial review, of your decision, which I consider to be wrong in law, for reasons I shall draft carefully and in good time, not to hold an inquest. However, and with a heavy heart, I think you can see that I shall need to make an emergency application to prevent the destruction of the evidence, by the performance of a funeral, not

preceded by a post mortem, that would destroy the evidence. That is, unless you come to your senses at once, and intervene in order to order a post mortem examination yourself. I would prefer that, to having to make an emergency application to the courts myself, because you are still conniving at the destruction of the most important evidence needed for the inquest I hope in due course to force you to hold, by judicially reviewing your unreasonable decision that no inquest was needed.

It will be inevitable, if you resist the logic of this appeal for common sense on your part, that, once our correspondence is made public, conspiracy theories will condense around you, in your new role as the arch-villain, who could have prevented the Alfie Evans cover-up. By encouraging you to reconsider a decision that could merely have been hasty, rather than sinister as some will claim, I am doing you a favour. I am your friend, even if you are inclined to think of me as a thorn in your side at the moment.

I do not believe that it makes the slightest difference to the legalities, whether or not I am "a journalist", or whether or not I would be an "interested person" in any inquest. The argument is compelling, against allowing the destruction of the evidence, that might enable the name of Alfie Evans' alleged, "diagnosed incurable" fatal disease to be made public, so that the cause of his death may cease to be unknown, for the purposes of CJA s1(1)(b). I feel that your place in the history books of tomorrow, as a hero or as the villain of a possible cover-up postulated by conspiracy theorists galore, hangs upon your decision, today, as to how to respond to my representations.

I believe that you are, as coroner, a member of the judiciary. However, I could urge you please to take legal advice as to how to reply to this email. I took legal advice myself, yesterday"

(xii) Finally, I responded later on the 9th May 2018 by stating,

"Dear Mr Allman,

Thank you. You are not an interested person in this matter. I indicated that I would not debate this matter with you. If you want to know a registered cause of death this is available to the public from the Registration service. I have

nothing further to add. I do not intend to respond to you on this matter further”.

5.2 In our correspondence I have, therefore, already explained to you that Alfie Evans’ death was reported to me, that on the basis of the information and evidence provided to me, including a Medical Certificate providing a cause of death, I concluded that his death was a natural causes death, that in those circumstances (by reason of s.1 of the CJA) I did not open an investigation and I issued a form 100A, that the death has been registered, and that any member of the public (including yourself) may apply for a copy of the death certificate.

5.3 As I have explained my position fully to you in the exchanges above, I will respond to your proposed challenge in relatively brief form, as follows :

(i) I do not accept that you have a proper standing or involvement (locus) to challenge my decision making in the way that you seek to do and my further comments below are made without prejudice to that position.

(ii) Although you have referred to nine “decisions” which you say you may wish to challenge, the only matter you identify with a potential ground of challenge is my decision not to open an investigation and conduct an inquest.

You assert that I am obliged to do so on two grounds :

(a) First, because the cause of death is unknown. As I explained in our email correspondence, you are wrong about that. The cause of death is known and is available for the public to see. It is as recorded on the form 100A and death certificate, and

(b) Secondly, because Alfie died “in custody or otherwise in state detention”. I do not agree and I have no reason to suspect that, as a matter of fact or law, he did so. In this regard, although different on its facts, you may also be interested to read the case of R (Ferreira) v HM Senior Coroner for Inner South London [2017] EWCA Civ 31.

(iii) In the circumstances, I do not consider that you have raised any proper basis for a claim for judicial review.

6. Details of Other Interested Parties

If you do seek to pursue a claim for judicial review I would suggest that, at least, Alfie Evans' parents ought to be named as Interested Parties.

7. ADR Proposals

In the above circumstances, I do not consider that any ADR process would be appropriate.

8. Response to Request for Information and Documents

For the reasons set out above I do not accept that you are entitled to receive copies of the documents sought.

9. Address for Further Correspondence and Service of Court Documents

All correspondence and documents should be sent to HM Coroner's Court, Gerard Majella Courthouse, Boundary Street, Liverpool L5 2QD, and marked for my attention.

Yours sincerely



André Rebello OBE
Senior Coroner for Liverpool & Wirral