



**CORONER'S INQUESTS INTO THE DEATHS OF  
DIANA, PRINCESS OF WALES AND MR DODI AL FAYED**

12 03 2008

Reasons

Throughout these inquests there has been an ongoing request that I should call His Royal Highness Prince Philip Duke of Edinburgh to give evidence. Having refused the request at an early stage, I said I would keep my decision under review as the hearing proceeded and this I have done. Eventually the point was reached where any remaining evidence was unlikely to have any bearing on the question and consequently I gave my ruling after hearing further argument on 7 March 2008.

Many months ago, before the inquests began, there was a suggestion that Her Majesty the Queen should also to be called but this was modified into a request that she be invited to answer certain questions. I gave my ruling on this too on 7 March 2008, again after hearing oral argument.

These rulings are made without prejudice to submissions that are yet to be made and decisions that are to be taken about what verdicts to leave to the jury.

I now give my brief reasons for these decisions. S.11(2) of the Coroners Act 1988 requires me to examine on oath all persons who tender evidence as to the facts of the deaths of Diana and Dodi and all persons having knowledge of those facts whom I consider it expedient to examine. The material part of rule 36 of the Coroners Rules 1984 provides that the proceedings and evidence at an inquest shall be directed solely to the statutory questions who the deceased was and how, when and where he or she came by their death. One of the functions of an inquest is to confirm or allay rumour or suspicion. Evidence directed towards that is permitted by rule 36 insofar as it relates to the question how the deceased came by their deaths.

If ever there was a case that has generated rumour and suspicion, and indeed it has done so on an international scale, surely this is it. Because of this a great deal of evidence has been called that is only of the most marginal relevance to the questions the jury have to answer. However that has been desirable in order to ascertain whether there is any substance in a number of assertions that have either been made by Mr Mohamed Al Fayed or have been circulating in the media or both.

Nevertheless, it seems to me that there comes a time when a halt has to be called to calling evidence of marginal if any relevance. This is not, as Mr Burnett pointed out, an inquiry into the life of Diana, Princess of Wales, still less an inquiry into the relationships between the late Princess and other members of the Royal Family.

The statute requires me to call witnesses whom I consider it expedient to examine. It seems to me that, after having heard over 5 months of evidence I have to have regard to the issue of expediency in the light of the evidence I have already called. During the course of these last months we have looked at many areas of evidence, including those arising out of rumour or suspicion. Those areas have had to be examined for the jury to decide whether there is anything in them. There does seem to me to be, as I pointed out in argument, an

element in Mr Mansfield and Mr Croxford's submissions of 'the further you have gone the further you ought to go'. In my view a time comes when sufficient evidence has been called to satisfy the requirement in *R v HM Coroner for North Humberside and Scunthorpe ex parte Jamieson* [1995] 1 Q.B 1, 26B per Sir Thomas Bingham M.R. that it is the duty of the coroner as the public official responsible for the conduct of inquests, whether he is sitting with a jury or without, to ensure that the relevant facts are fully, fairly and fearlessly investigated.

Mr Al Fayed's solicitors set out in their letter of 29 February 2008 8 topics that they submit should be explored with the Duke of Edinburgh in the witness box. They put it thus:

1. His attitude to Diana, Princess of Wales, whether he had any animus towards her, and, if so, whether it was expressed to any other persons and, if so, to whom;
2. Whether he sent letters of a hostile nature to Diana, Princess of Wales and, if so, when and what has become of them. In this regard, you will be aware of the evidence of Simone Simmons that she saw letters from HRH Prince Philip to Diana, Princess of Wales, written in 1994 and 1995 which made cruel and disparaging observations about the propriety of the conduct of Diana, Princess of Wales;
3. His attitude in 1997, to both Mohamed Al Fayed and Dodi Al Fayed. And whether he had any animus towards either and, if so, whether it was expressed to any other persons and, if so, to whom; specifically whether he ever referred to Dodi Al Fayed as an "oily bed-hopper" as reported in the Sunday Mirror on 31 August 1997 (copy attached);
4. Any discussion involving perceived damage to the public perception of the Royal Family which Brigadier Hunt-Davies thought in his evidence "quite likely" to have taken place at the Way Ahead Group meeting on the 20 July 1997 (transcript 13 December, page 62, line 25).
5. The decision in August 1996 to remove HRH status from Diana, Princess of Wales;
6. The decision to remove the Royal Warrant from Harrods.
7. Further to the evidence given by David Davies on 31 January 2008, and the subsequent written statement of his wife Della Davies dated 13 February 2008, whether HRH Prince Philip was "aware" of the Metropolitan Police concern regarding the Princess of Wales going on holiday with the Al Fayed family in July 1997, or knew that Her Majesty The Queen was "aware"; and
8. His knowledge of any request for an investigation into the 'Squidgygate' and 'Camillagate' recordings of telephone calls of members of the Royal Household.

I must begin by asking how evidence on the proposed questions could advance the inquiry into how these two people came by their deaths, having regard to all the evidence. It is one thing for arguments to be made that there is evidence that the collision in the tunnel was staged. It is quite another to say that the evidence of the Duke could be relevant.



It should be borne in mind that the central belief of Mr Al Fayed is that Duke of Edinburgh organised the assassination of Diana, Princess of Wales and Dodi Al Fayed through the Secret Intelligence Service because of hostility towards the Princess of Wales and the Al Fayed Family and her perceived damage to the Royal "brand". Her engagement to Dodi Al Fayed and her pregnancy by him were the last straw.

In argument, Mr Mansfield put the matter in a rather different way. He made the following submissions:

- (i) He accepted that there was no direct evidence of the Duke directing any plot or giving any order, and he did not at any point indicate that he wished to put to the Duke that he was in any way involved in the death of the Princess;
- (ii) He submitted that the jury could conclude that 'the Duke of Edinburgh is contributing to a climate of hostility [against the Princess]';
- (iii) He submitted that a series of events had occurred causing the Princess to represent a threat to the Establishment, and that the Duke of Edinburgh should be called to give evidence on the cumulative effect of those events.

The case linking the Duke of Edinburgh to any plot to kill the Princess of Wales is based not on direct evidence but, so it is said, inferences to be drawn from a series of facts that must themselves first be established. It was notable that the theory of an MI6 plot was not put to the relevant witnesses by Mr Mansfield and indeed in a question to Sir Richard Dearlove he expressly disavowed it. Likewise other aspects of the conspiracy alleged by Mr Al Fayed were expressly not pursued with the relevant witnesses for example Trevor Rees Jones. Counsel on my behalf invited Lord Jay and Lord Fellowes to deal with the very serious allegations of conspiracy levelled at them by Mr Al Fayed. Lord Jay denied any involvement in a conspiracy to cover up a murder and Lord Fellowes denied being a party to a conspiracy to commit murder. Neither was further challenged on these points by Mr Mansfield.

The 8 topics seem to me to be remote in the extreme from any allegation that the Duke was involved in the deaths of these people. I shall deal with each of them in turn. As to topic (3) the assertion in the Sunday Mirror of 31 August 1997 that the Duke of Edinburgh referred to Dodi Al Fayed as an "oily bed – hopper" is unsupported by any evidence and the issue of removal of the title HRH from Diana, Princess of Wales was covered in the evidence of Lord Fellowes. I am satisfied that calling the Duke of Edinburgh to give evidence on these topics would not advance the inquest process. Indeed it would be likely to be detrimental to it in reducing it to what has already been described in respect of some witnesses' evidence as a circus.

The main thrust of Mr Mansfield's oral argument was directed towards topics (1) to (3): letters from the Duke of Edinburgh to Princess Diana and his animus towards her. He alleges a serious climate of hostility between the two. The jury has heard a great deal of evidence about their relationship and about letters. The only letters that have been found have been produced and it is common ground that they are not hostile, far less threatening. Mr Mansfield submits that there must have been other letters. The only evidence that there were comes from Simone Simmons. The high water mark of her evidence was that she had seen a letter from the Duke in which there was a passage that was exceedingly inflammatory and derogatory. She explicitly said that none of the letters was threatening, and she added of her own volition that she considered the Royal Family would do nothing to harm the Princess. Hers was the only evidence that the Duke actually had any animus at all against the Princess of Wales and a good deal of evidence has been heard about the nature of the relationship between the two of them indicating that the



Duke was caring and supportive. Mr Devorik gave evidence that the Princess had said that the Duke was hostile to her, but he firmly believed that those remarks simply indicated that the Duke was 'out of favour' at the time.

As to topic (4), whilst Brigadier Hunt-Davies thought that it was quite likely that there was a discussion involving perceived damage to the Royal Family at the Way Ahead Group meeting on 20 July 1997, I have had the advantage of studying both the agenda and the minutes of that meeting. I concluded that those documents should not be disclosed in these proceedings because they are not relevant; they contain nothing to support that contention. In any event, even had there been such a discussion, it is very far from the matter for the jury to consider: how the deceased came by their deaths.

Similarly, the decision in August 1996 to remove the title 'HRH' (topic 5) from the Princess of Wales (which would in any event have been a decision of the Queen) cannot be relevant to any logical consideration of how these people came by their deaths. Additionally, precisely the same step had been taken in respect of Sarah, Duchess of York, earlier in the same year.

The removal of the Duke of Edinburgh's Royal Warrant (topic (6)) took place some time after the death of the Princess. In any event, I regard this issue as so remote as not to be worthy of investigation.

So far as top (7) is concerned, there is a suggestion that the Metropolitan Police were concerned about the visit of the Princess of Wales and her sons to St Tropez. The evidence of Mr Davies was that the Metropolitan Police had formed an unfavourable view of Mr Al Fayed which had been informed by very recent allegations of a break-in at Harrods to the safety deposit box of Tiny Rowland. He went on to say that he telephoned Lord Fellowes to discuss the holiday and that view of the Al Fayed family, and Lord Fellowes replied with a crisp 'We are aware'. I should note that Lord Condon, the Commissioner at the time, disputed Mr Davies' evidence on this point. In any event, whether or not the Queen was aware of the holiday or of the view suggested to have been formed by the Metropolitan Police is immaterial to these inquests. As it happens, Lord Fellowes explained in his evidence that the Queen was well aware of the holiday, because there is a convention that Her Majesty is always consulted when the second in line to the throne travels abroad.

Topic (8), which is described as 'Squidgygate/Camillagate', concerns illicit recordings of two telephone conversations in late 1989, the first between the Princess of Wales and a friend and the second between the Prince of Wales and Mrs Parker-Bowles. The fact of these illicit recordings came into the public domain in the latter half of 1992. There were suggestions at about that time that the intelligence agencies had intercepted those calls, which was roundly denied by the Prime Minister and other ministers in Parliament. I had initially considered that this whole topic was so far removed from the events in Paris at the end of August 1997 that I would not investigate it at all. However, I was persuaded to do so in the light of speculation from a number of witnesses concerning their belief (unsubstantiated in each case) that the Princess was the subject of interception by the security services. Evidence was called from Sir John Adye, who was director of GCHQ at the material time, and the topic was also dealt with with Lord Fellowes. Their evidence introduced documentary records of consideration by the Cabinet Secretary, the heads of the other agencies, the Royal Households and the Home Secretary of questions arising from these illicit recordings. I do not consider that there would be any utility for the purposes of the inquests in asking the Duke of Edinburgh additional questions on this topic.

In keeping open the question whether it might be expedient to call the Duke of Edinburgh I was anxious to see what evidence emerged during the inquests that might alter my initial view. Looking at the whole of the evidence and keeping firmly in mind that it is for the jury and not me to decide what evidence is to be accepted or rejected, nothing has emerged to persuade me it would be expedient to call the Duke of Edinburgh.

I should say in passing that the so-called Mishcon note and Burrell note, in which the Princess's fears are recorded, made no mention of the Duke of Edinburgh. It is perhaps curious that there has been no suggestion that the Prince of Wales, who features in those notes and Mr Al Fayed's stated beliefs about a conspiracy to kill, should be called to give evidence.

As to the questions sought to be put to Her Majesty the Queen, these are directed to three areas. The first is a conversation alleged to have taken place with Paul Burrell in which he recalls she made reference to dark forces or something similar. The second is, in essence, the same as topic (8) for the Duke of Edinburgh – 'Squidgygate'. The third relates to Her Majesty's knowledge of the St Tropez trip (the same as topic (7) for the Duke). As to the second and the third, the same considerations apply as to the Duke of Edinburgh's involvement.

Mr Burnett submits that largely the same considerations should apply as to whether the Queen should be troubled with questions of an investigative nature. Her Majesty is not, I think, a compellable witness (although I emphasise that this has not been explored in argument). It is submitted that nevertheless these questions, should be put to Her Majesty and she can answer them if she wishes. What should be done thereafter would depend on the answers. I do not think I should go down this route if I do not think it would be expedient to have evidence on these matters.

Mr Burrell said he was unclear to what the Queen was referring but this conversation, assuming it was as Mr Burrell described, must be seen against the backcloth that no evidence has emerged of involvement on the part of the British intelligence agencies in the collision.

In summary, I have concluded that enquiries of Her Majesty the Queen should not be made as suggested by Mr Al Fayed, on the basis that they will not assist the jury to answer the statutory questions.

For these reasons I refused the applications.