

Collaborations with Grenfell Tower Inquiry must end after corporate witnesses granted legal immunity

By Alice Summers
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Attorney General Suella Braverman announced June 1 that any statements given to the Grenfell Tower Inquiry by “legal persons” cannot be used as evidence against them in a future prosecution.

According to the “Factsheet” issued by the Attorney General’s office, a legal person includes any “limited liability partnership or an incorporated company,” effectively granting immunity to all the corporations involved in Phase Two of the Inquiry.

Almost three years on from the devastating Grenfell Tower fire, which cost the lives of 72 people, the corporations and other organisations responsible have now been granted additional protection against criminal prosecution.

The inquiry has not set a date to reconvene but, due to the coronavirus pandemic, limited attendance hearings may be possible in July. Phase Two of the inquiry was halted at the end of January after many of the companies, which carried out the deadly 2014-16 “refurbishment” of Grenfell Tower, refused to testify unless they were given assurances that they would be legally protected from self-incrimination.

Architects Studio E, flammable cladding providers and installers Rydon and Harley Facades, and the Kensington and Chelsea Tenant Management Organisation (who managed the tower on behalf of the local Conservative council) all petitioned Inquiry Chairman Sir Martin Moore-Bick to ask the Attorney General’s office for this undertaking.

Eager to facilitate the legal amnesty demanded by the corporate criminals, Moore-Bick urged the Attorney General to grant this request, stating dishonestly that “it is the only way that the inquiry can be confident of getting to the truth of what happened at Grenfell Tower.”

An undertaking was promptly issued, granting “natural persons”, or individuals, immunity from prosecution for any oral evidence they gave to the inquiry.

Demands for legal immunity only for “natural persons”

were not considered by Inquiry lawyers to be sufficient protection for the corporations. Solicitor to the Inquiry, Caroline Featherstone, expressed concern at the time that some witnesses were so closely identified with their corporate entity that it might be more expedient to provide corporate immunity as well as individual protection against self-incrimination.

Including companies, Featherstone insisted, “would simply ensure that, if and insofar as they could be regarded as having given evidence, they would also be protected against self-incrimination to the same extent as under the general law.”

Aware of deep-going opposition of the bereaved and survivors of the Grenfell fire and in the wider population to this official absolution of the corporate murderers, Braverman initially ruled that she was “not satisfied that the public interest favours an undertaking that also covers legal persons [companies].”

At the end of April, Moore-Bick again wrote to the Attorney General on behalf of the corporations. This was after receiving letters from numerous companies which declared that if protection from self-incrimination was not extended to entire corporations as well as individuals, they would still refuse to testify. Lawyers acting for Harley Facades, Arconic and cladding and window fitters Osbourne Berry all stated that directors were so closely associated with their corporations that they would claim privilege against self-incrimination on behalf of their company, unless the undertaking was extended.

Moore-Bick dutifully acquiesced to their demands, asking Braverman not only to extend her undertaking to the three companies that had demanded it, but to a fourth—consultancy firm C S Stokes. This was despite C S Stokes having told the inquiry that they did not think this was necessary!

In an attempt to sugar the bitter pill survivors and the bereaved were being asked to swallow, much was made by the Attorney General of the fact that the initial undertaking

did not cover companies. Braverman claimed at the time that this “means that oral evidence given to the inquiry can be used against them [the companies] in any future prosecution.”

This further legal request was the signal Braverman needed to fully accede to the demands and interests of the main corporate entities, giving the lie to all her earlier assurances.

In a letter to Moore-Bick explaining her decision, Braverman claimed that there had been a “material change of circumstances which means that it is right for me to consider your [Moore-Bick’s] request to revisit my original decision.”

Previously “no legal person had sought the protection of an undertaking”, she added.

In other words, all the companies had to do to be guaranteed legal immunity was to ask nicely!

Braverman cynically commented, “The bereaved, survivors and their relatives have been very much in my mind in making my decision and I hope that the extension to the undertaking helps them to find the truth about the circumstances of the fire.

“It is important to know that I am granting the extension in the knowledge that it will not jeopardise any future criminal investigation or prosecution and that it does not offer anyone immunity from prosecution.”

Legal immunity is precisely what is being offered. As the WSWS noted, when the first undertaking of immunity was granted in February, legal rulings such as these have “been central to many other inquiries—and [are] a tried and tested mechanism of the ruling elite to manage their crises. [The initial undertaking] named the “the Stephen Lawrence Inquiry, the Bloody Sunday Inquiry, the Ladbroke Grove Inquiry, the Robert Hamill Inquiry, the Rosemary Nelson Inquiry, the Baha Mousa Inquiry, the Al Sweady Inquiry, the Azelle Rodney Inquiry, the Iraqi Fatalities Investigations and the Undercover Policing Inquiry,”—all of which sought to cover up the role of corporations or the state in acts of violence or violations of democratic rights.

The government’s attempts to dress up the immunity decision as a means of ensuring “truth and accountability” must be rejected. But this means rejecting the entire framework of the inquiry. Rather than being set up to determine the “truth” and hold those responsible to account, the inquiry is a politically motivated whitewash campaign intended to shield the guilty from prosecution.

It was convened under the Labour government’s 2005 Inquiries Act, which states, “An inquiry panel is not to rule on, and has no power to determine, any person’s civil or criminal liability.” Moore-Bick proposed, with then Prime Minister Theresa May rushing to agree, that any issues of a

“social, economic and political nature” should be barred from the inquiry.

The parallel “criminal investigation” into Grenfell by the Metropolitan Police is the other main mechanism in the denial of justice to those who died at Grenfell, the bereaved and survivors. The Met have stated that no-one will face any criminal proceedings in their investigation—if any are ever to be brought—until the second phase inquiry findings are published and a subsequent police study of its conclusions has taken place. It is suggested that this could take until 2025—fully eight years after the fire.

With further delays due to the pandemic, the end date could be years after that. Now these undertakings of immunity mean that nothing said by the companies in Phase Two of the Inquiry can ever be used in the police’s glacier-like investigation.

The political establishment that continue to support the Inquiry, including Labour and trade unions—led by the Fire Brigades Union—are facilitating a rotten state cover-up.

The Socialist Equality Party reiterate our call, first made a year ago, for the Grenfell families and their legal teams to withdraw all cooperation from this fraudulent inquiry. The £40 million of taxpayers’ money spent on the inquiry—with Moore-Bick receiving £1,000 a day—should be seized from its recipients and distributed to the bereaved and survivors.

The demand must be that all those guilty among the political and corporate elite of social murder at Grenfell are immediately arrested, charged and put on trial.

For further information visit the Grenfell Fire Forum Facebook page.

To contact the WSWS and the
Socialist Equality Party visit:

<http://www.wsws.org>