

UK: Grenfell fire inquiry finalises moves to grant corporations immunity from prosecution

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The official inquiry into the Grenfell Tower fire that killed 72 people in June 2017 stands ever more exposed as a sordid whitewash of those responsible for the catastrophe.

Proceedings are currently adjourned until at least February 24. Their resumption is waiting on the decision of the attorney-general as to whether to promise immunity on oral testimony of witnesses.

Sir Martin Moore-Bick, who is heading the inquiry, described the request for immunity by corporations responsible for transforming Grenfell from a safe building into a death trap as “relatively narrow and focused” in a letter of February 7. He said any immunity granted would not extend to statements made by one witness against another nor to the oral and documentary evidence already given. He was less clear, however, on whether personal immunity extended to “corporate entities.”

Moore-Bick urged the attorney-general to make a rapid decision as the inquiry was “concerned with matters that directly affect the safety of the public at large.”

The show of concern over the thousands of people living in buildings surrounded by flammable cladding is belied by the inquiry’s timetable and the fact that the criminals responsible for the fire remain at large and free to do as they please. It had initially been scheduled to continue until summer 2021 and may now drag on until 2022 before any final conclusions are reached. The cost of the inquiry has already surpassed £40 million, a figure that dwarfs any assistance provided to the victims and their families.

The Inquiry’s chief lawyer, Richard Millett QC, urged Moore-Bick to ask for the immunity, arguing, “Without it you will not get to the truth.” Moore-Bick agreed, stating that he realised many survivors may be “indignant” over such a decision.

Michael Mansfield QC, representing the bereaved and survivors, observed that there had already been enough documentary evidence to reconstruct a narrative, and called the delay “abhorrent.”

The “potential perpetrators of this inferno,” he said, were out to “essentially dictate the terms in which they will provide their assistance.” Indeed, in the period shortly after the fire, both Rydon Maintenance—who oversaw the Grenfell “refurbishment”—and Harley Facades announced they would cooperate fully with the investigation. But last month they joined architects Studio E and cladding and window fitters Osborne Berry in the application for immunity.

Less reported are legal battles occurring in Philadelphia in the US and the staggering lengths that the corporations involved in the Grenfell fire are going to in order to evade justice. Last June, a US law firm filed suit in Pennsylvania against cladding manufacturer Arconic, insulation maker Celotex, and refrigerator manufacturer Whirlpool on behalf of 177 Grenfell survivors and 69 relatives. The state was chosen as the venue because it is where Arconic and Celotex have their American headquarters.

Under US product liability law, a civil case for damages needed to be filed within two years of the fire under the statute of limitations. The suit accuses the companies’ American branches of taking advantage of looser British regulations to sell products they realised were unfit for high-rises, and in some cases manipulating results of tests to mask worries about flammability.

Jeffrey P. Goodman, a partner of the firm representing the plaintiffs, stated, “Although the devastation may have occurred abroad, the decisions that led to it took place here in America.” Robert J. Mongeluzzi, president of the firm, said, “We want to go through their design and testing phase: what they know about flammability, why they made the decision not to sell it in the US but supply it to other countries.”

Unlike in Britain, the case will be tried before a jury and could result in compensation and punitive damages of hundreds of millions.

British courts rarely award punitive damages, fearing that the penalties would impose too great a burden. In the US,

such damages are viewed as an incentive to follow legal practices, especially when corporations and other entities may have to defend their actions in front of juries.

Jill Patterson, a partner with British consumer law and product safety solicitors Leigh Day, said, “The concept of UK compensation is restorative justice—putting people back in the position they were in before the accident happened—as opposed to punishing the company if they’re found to be at fault.”

However, the Grenfell families face what the *New York Times* describes as “steep legal obstacles.” Last autumn, the three corporate defendants attempted to have the case dismissed, claiming all the alleged activities had been done by foreign subsidiaries or affiliates in other countries. The plaintiffs replied that communications and other new information showed the companies to have distinct control over the products involved. A decision in the case is not expected for two years.

Earlier this month, the *Daily Mail* discovered 900 pages of court papers in which, among other things, one of the corporate defendants—Saint-Gobain Construction Products UK that owns Celotex—suggested some of the tower’s residents may have died due to “pre-existing medical conditions.” The defence document of SCG reads, “Claims are barred, in whole or in part, to the extent damages, if any, were the direct result of pre-existing medical conditions.”

Giannino Gottardi, who lost his son and his son’s girlfriend in the blaze, observed from his home near Venice, “These companies put profit ahead of everything. They want to save the name of the company and don’t care about anything else.”

Between 2014 and 2016, when the less expensive, flammable cladding was wrapped around Grenfell Tower, Rydon received £8.6 million for its part in the refurbishment. Over the same period, Robert Bond, the company’s highest paid director, had a salary increase of 12 percent to £473,000 per annum.

The fire has done nothing to dent the company’s ability to reap profits. Rydon collected four awards at a building industry ceremony at the Four Seasons in London just five months after so many died in late 2017—including a special prize for “relations with the community” on the Chalcots estate in North London.

Along with other contractors, Rydon now faces a £130 million suit filed by Camden Council in the London High Court to enable it to rip down the dangerous flammable cladding and take other suitable fire prevention measures.

Even so, just three months ago the corporation was named on the official government approved list of firms suitable for work on high rises. Only public outrage led Conservative government housing minister Robert Jenrick to opine that

Rydon might do better not to bid for contracts worth billions until the Grenfell inquiry finished. After the fire, Rydon watched its profits jump from £12.7 million to £20.5 million. Bond lives in a £3 million mansion in southeast London, driving an Aston Martin with a personalized number plate.

Last week, Moore-Bick wrote to the attorney-general, warning him that upcoming inquiry discussions regarding marketing the faulty products responsible for the disaster would “very likely” introduce possible fraud charges, in addition to any manslaughter and corporate manslaughter charges that may be brought.

He continued to insist, however, that the granting of immunity would not discourage prosecution: “Given the vast volume of documentary evidence and witness statements already available to the police, any admissions or inconsistent statements, although a potential bonus, are unlikely to provide the foundation for a decision to prosecute.”

Moore-Bick is at least correct in citing the vast quantity of evidence. Evidence in the public domain from the day after the fire—and that emerging from the investigations on both sides of the Atlantic—reveals a wealth of material demonstrating that those responsible knew of the potential consequences of their actions. In other words, there is no excuse for a drawn-out public inquiry, followed by further years of police investigation in the UK that may not even be completed until 2025—fully eight years after the fire!

The delays, requests for immunity, attempts by the corporations to dismiss in the US courts, and the despicable arguments about how some of the Grenfell victims have died because of “pre-existing medical conditions” are all methods of obstructing justice and justifications for putting profits before human lives.

The Socialist Equality Party and its Grenfell Fire Forum call on the entire Grenfell community and their supporters everywhere to insist on an immediate halting of the inquiry, which serves only to frustrate justice and protect the guilty. Withdrawing all co-operation from the inquiry must go hand in hand with the demand for the immediate and unrelenting prosecution of all parties who colluded in the social murders of 72 men, women and children.



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