

Preliminary Issue: Restriction Orders (anonymity applications) Further directions

1. On 15 April 2016 I issued Directions concerning preparation for my consideration of anonymity applications made by core participants. Open and closed submissions together with any further evidence in support of applications for anonymity were to be submitted to the Inquiry by 4 pm on Tuesday, 24 May 2016. On receipt the Inquiry's counsel team were to check the applications and evidence for open and closed content and the open material was to be circulated. Responses by core participants to applications made by others were to be filed by 4 pm on Tuesday, 21 June 2016. Subject to further application to the Chairman there would be a single joint response from non-police, non-state core participants to applications made by current or former police officers.
2. A development has arisen in the course of examination by the Inquiry's counsel team of evidence and documents submitted to the Inquiry by the Metropolitan Police Service that requires me to extend the timetable.
3. A witness statement made by 'Cairo', and risk assessments prepared by 'Jaipur' and 'Karachi', submitted to the Inquiry by the Metropolitan Police Service, are relevant to the applications for anonymity made by core participant police officers represented by Slater and Gordon. The Inquiry has also received from the Metropolitan Police Service applications for restriction orders the effect of which, if granted, is to require redactions from those documents before disclosure to other core participants. It is clear to me that the applications made are collateral applications for anonymity which should be made explicitly and supported by such arguments and evidence as the Metropolitan Police Service wishes to submit. It seems to me that I must first make a decision on the applications made on behalf of Cairo, Jaipur and Karachi for anonymity and redaction of these documents before the non-police core participants can be expected to respond to the applications for anonymity made by the Slater and Gordon police officers.
4. I have considered with the Inquiry's counsel team whether there is any practicable means by which the non-police, non-state core participants can contribute meaningfully to the resolution of the combined issues of anonymity for Cairo, Jaipur and Karachi and the redaction of material from their documents. First, I am considering at this stage not an application by a Slater and Gordon police officer for anonymity but an application to restrict disclosure of evidence tendered in support of their applications for anonymity. The further the issue is from the main point of controversy the less compelling is a claim to participate in its resolution on the ground of fairness. Secondly, and critically, by reason

UNDERCOVER POLICING INQUIRY

of the very nature of the information that I shall have to consider I am quite satisfied that neither the issues raised nor the material itself can be further disclosed before I have made a decision one way or the other. If further disclosure were to be made the purpose of the applications would be defeated. It follows that, at least in the first instance, I must consider these issues alone. If, having read the applications submitted on behalf of Cairo, Jaipur and Karachi, I consider that it is possible to receive submissions from core participants, I will invite them.

5. Accordingly, **as to the applications for anonymity made by the Slater and Gordon police officers** I issue the following amended directions:
 - (1) By 4 pm on Thursday, 30 June 2016, the Metropolitan Police Service will deliver to the Inquiry applications for anonymity on behalf of the police officers Cairo, Jaipur and Karachi supported by such written argument and evidence as to which they may be advised. At the same time the Metropolitan Police Service will submit to the Inquiry revised draft redactions from the documents produced by Cairo, Jaipur and Karachi as may be sought on the provisional assumption that the applications for anonymity will be granted.
 - (2) By 4 pm on Thursday, 14 July 2016 the recognised legal representative for the Slater and Gordon applicants will submit to the inquiry all and any further evidence on which the applicants rely in support of their applications for anonymity. Any open content of this material will be circulated to the core participants.
 - (3) By 4 pm on Thursday, 14 July 2016 the Chairman will publish a ruling upon the applications for anonymity and redaction made on behalf of Cairo, Jaipur and Karachi (wholly in open, or partly in open and partly in closed). The open documents will be circulated by the Inquiry to core participants.
 - (4) By 4 pm on Thursday, 15 September 2016 the non-police, non-state core participants shall deliver to the Inquiry such written response to the applications for anonymity made by the Slater and Gordon police officers as they wish. Subject to further application to the Chairman, there will be a single joint response from legally represented non-police, non-state core participants.
 - (5) Upon receipt of the written responses at (4) above the Chairman will give consideration to the further progression of the applications.
6. **As to the applications for anonymity made by non-police, non state core participants**, I will make the following amended directions:
 - (1) Any responses to applications for anonymity shall be filed by 4 pm on Tuesday, 21 June 2016.

UNDERCOVER POLICING INQUIRY

- (2) By 4 pm on Tuesday, 19 July 2016 the Chairman will publish a 'minded-to' Note in which he will indicate those applications that he is minded to grant and those that he is minded not to grant. The Chairman will also publish a timetable towards decisions on the papers or decisions following written or oral argument.
7. I know that the legally represented group of non-police, non-state core participants have applied for an extension of time to respond to the police applications. The amended timetable at paragraph 5 above should have the additional effect of easing pressure on the recognised legal representatives acting for the group.
8. On 9 May 2016 Messrs Leigh Day wrote to the Inquiry on behalf of Peter Francis seeking assistance as to the procedure the Inquiry proposed to adopt to enable core participants to respond to applications for anonymity. In particular Leigh Day were concerned to know whether and, if so, by what means core participants would be entitled to challenge redactions and gists of evidence submitted in support of applications for anonymity. Similar requests for information were made by Tamsin Allen on behalf of the co-operating group of non-police, non-state core participants by emails of 13 April and 27 May 2016. It should be noted that the Inquiry counsel team is already reviewing proposed redactions with a view to ensuring that as much information as can be disclosed is disclosed. The Inquiry will consider the further procedural requirements of the process once I have had the opportunity to read all the open and closed submissions and evidence in support of the anonymity applications. The conclusion I have reached at paragraph 5 above as to the need for me to consider the anonymity applications made on behalf of Cairo, Jaipur and Karachi without further submissions from core participants has been reached on its own particular facts and without prejudice to a future decision as to the procedure to be adopted towards consideration of contested anonymity applications in general. As to the latter I shall consider the representations made to date and, if necessary, seek further assistance.

27 May 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry