

UNDERCOVER POLICING INQUIRY

PRELIMINARY HEARING: APPLICATIONS BY THE METROPOLITAN POLICE SERVICE
IN RESPECT OF THE SPECIAL DEMONSTRATION SQUAD

DAY 2 OF 2

I N D E X

Submissions by MS HELEN STEEL	1
Reply on behalf of the Metropolitan Police Service	29
by MR HALL	
Reply on behalf of the non-police, non-state core	36
participants by MR SQUIRES	
Further reply on behalf of the Metropolitan Police	37
Service by MR HALL	
Further reply on behalf of the non-police, non-state	40
core participants by MR SQUIRES	
Reply on behalf of Peter Francis by MR EMMERSON	41
Further reply on behalf of the Metropolitan Police	45
Service by MR HALL	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
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16
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Thursday, 6 April 2017

(10.00 am)

THE CHAIR: Good morning, everyone. Good morning, Ms Steel.

MS STEEL: Good morning.

THE CHAIR: Ms Steel, you are aware that I had no advance notice of what it was you wanted to say, so I would be grateful if you took it fairly slowly but gave me the important headlines you want to emphasise and, of course, I will have a transcript once the hearing is over.

MS STEEL: Yes.

1 THE CHAIR: Thank you.

2 Submissions by MS STEEL

3 MS STEEL: Thank you. I actually just want to clarify
4 something in relation to giving notice because my
5 understanding was that, as an unrepresented party, the
6 McLibel Support Campaign, I had an entitlement to speak
7 without giving notice. Is that wrong?

8 THE CHAIR: It is wrong. If you want to speak at a hearing,
9 you should give notice by giving written submissions.
10 The whole purpose of it is so that everybody can apply
11 their minds to the matters raised before they appear.
12 If you like, next time I give a direction, I'll make
13 sure it says so specifically.

14 MS STEEL: Okay. I mean there is another issue, which is
15 that I have actually -- I was originally getting emails
16 directly from the Inquiry about the progress of the
17 case, but that seems to have stopped now. I get quite
18 a lot of things through the solicitors in other
19 capacities that I don't get directly.

20 THE CHAIR: Well, you are represented in other capacities --

21 MS STEEL: Yes.

22 THE CHAIR: -- so you were getting a notice.

23 MS STEEL: No, but the point is I used to get things
24 directly from the Inquiry and for some reason that seems
25 to have stopped.

1 THE CHAIR: Okay. Well, the team will have heard you and no
2 doubt it will be discussed and, if appropriate,
3 rectified.

4 MS STEEL: Okay. Thank you.

5 I am largely speaking to -- on behalf of the McLibel
6 Support Campaign to the submissions as already made, so
7 not really --

8 THE CHAIR: I understand.

9 MS STEEL: Okay. And then, in addition, I was also one of
10 the people that signed up to the letter sent on behalf
11 of the 40 people at the core participants' meeting on
12 26 March, so I also agree with the submissions made in
13 that --

14 THE CHAIR: I understand.

15 MS STEEL: So what I wanted to talk about, apart from the
16 future of the Inquiry, which I'll come on to later --

17 THE CHAIR: Wait a minute. How long do you expect to
18 address me?

19 MS STEEL: I just meant not right at the start, sorry.

20 I was actually at the last page, sorry -- I picked up my
21 notes, sorry. I just wanted to talk about the cover
22 names, the release of files, the -- I can't remember
23 what the other things are now. I have got them in the
24 list -- all the subjects that were spoken about
25 yesterday, but I want to respond to some of the things

1 that the police have said yesterday.

2 THE CHAIR: About those issues?

3 MS STEEL: Yes.

4 THE CHAIR: All right.

5 MS STEEL: Yes. So starting with the cover names, I welcome
6 the acknowledgment by the Inquiry of the importance of
7 transparency and of the release of the cover names in
8 order to be able to get to the truth of what has
9 happened with these.

10 THE CHAIR: I explained all that a year ago.

11 MS STEEL: Yes, I welcome that acknowledgment. I also note
12 that the police largely accept that in principle. But
13 what I say is that what they accept in principle, they
14 are doing the opposite in practice. In practice they
15 are seeking to undermine that transparency and deny the
16 truth from coming out.

17 Basically all of us are agreed on the importance of
18 the release of cover names if the Inquiry is to achieve
19 its objective, so the question left is: when? When are
20 we going to get these names?

21 THE CHAIR: No, it's not, because it is the release of cover
22 names to achieve fairness subject to the requirements of
23 section 19.

24 MS STEEL: I do understand that that has to be taken into
25 account, yes.

1 THE CHAIR: Fine.

2 MS STEEL: But if these names are going to be released
3 anyway, delay just frustrates the purpose of the Inquiry
4 and the need for truth from victims. I don't accept the
5 police claim of intention to be transparent. You can
6 gauge the reality of the police approach by looking at
7 the extent of their applications; almost every single
8 officer and, indeed, when the Inquiry started it was
9 every single officer. What strikes me is that a large
10 part of the problem is the police appear to be going
11 about the process the wrong way. They are searching for
12 reasons not to disclose the cover names even when the
13 officers themselves don't mind. There was a reference
14 to that in the submissions made that, even where they
15 track down the officers and they say they don't mind,
16 still the police are not sure whether they do.

17 THE CHAIR: Well, they say that there may be a public
18 interest reason known to them but not to the officer
19 that requires investigation.

20 MS STEEL: We all know that public interest includes
21 embarrassment and I would say that, where human rights
22 abuses have been exposed, as they have with these
23 undercover officers, that the fact that the
24 Metropolitan Police might be embarrassed and the state
25 be called in to disrepute by the exposure of those human

1 rights abuses is not the reason to cover it up.

2 THE CHAIR: That is why I am here --

3 MS STEEL: Yes.

4 THE CHAIR: -- to make an evaluation of the public interest
5 balance.

6 MS STEEL: Yes.

7 THE CHAIR: So that, if I may say so, is the next stage.

8 MS STEEL: Yes, but my concern is that that is all in the
9 hands of the police at the moment and it has been like
10 that a long way.

11 They have been asking for the strongest cases to be
12 put first for determination, rather than identifying
13 cases where secrecy is clearly not necessary. Are they
14 really saying, for example, that the first batch of
15 officers would be at risk from those they spied on
16 between 1968 and 1972? Anyone who was old enough to
17 protest at time would now be in their late 60s, 70s, 80s
18 or older.

19 THE CHAIR: Like me.

20 MS STEEL: It's unrealistic to suggest that there is a risk
21 of anything other than embarrassment arising from the
22 release of such cover names. The reality is that this
23 is about the police's public image. It is about PR.
24 The more they can keep secret, the less tarnish there is
25 to their name. The fewer examples that are exposed, the

1 more they can suggest it was just a few rotten apples,
2 not an entire rotten barrel.

3 We did hear significant admission yesterday from the
4 police that when they were asked why they hadn't first
5 approached officers to ask them to identify risks,
6 Mr Hall effectively said that it was helpful if the
7 officer disclosed something significant about their
8 deployment that could lead to them identifying a clear
9 risk, but the difficulty was that with the Special
10 Demonstration Squad that is not the majority of cases so
11 far. That is a clear admission that actually there
12 isn't a significant risk to --

13 THE CHAIR: You say if the officer doesn't know --

14 MS STEEL: Yes, if he doesn't remember --

15 THE CHAIR: -- of a risk of harm to himself, then that's
16 a significant starting point?

17 MS STEEL: Yes.

18 THE CHAIR: Right.

19 MS STEEL: Yes. You know, how long are we expected to wait
20 while they read through millions of pages seeking to
21 find something to justify secrecy? I say it is not
22 acceptable. There have been considerable delays already
23 and now they are asking for more delay. Mr Hall said
24 that their objective was not to delay and that they
25 understood that each individual seeks to see matters

1 progress in their own case, but that the poor old
2 Metropolitan Police Service have to deal with the entire
3 picture.

4 That all sounds very believable except when you
5 consider that legal action began in the case of the
6 eight women that I was involved with six years ago and
7 the police knew then that there was a significant
8 likelihood that those officers' identifies might have to
9 be disclosed at some point, so they would have to
10 prepare any background for applications and they would
11 have to assess any risk. Surely also when those
12 officers were exposed in the media, which they all have
13 been, the Metropolitan Police Service carried out risk
14 assessments about what might flow from that disclosure
15 of their cover or their real identities and how they
16 might mitigate that risk. Why can't they provide that
17 now? Why haven't they provided that at the start of the
18 Inquiry?

19 We had absolutely no disclosure through that case.
20 The police refused to confirm names despite the
21 overwhelming evidence, forcing us to go through the
22 additional trauma of endless legal battles in order to
23 prove the abuse we suffered.

24 In 2014 a court ruling forced them to release the
25 names of Bob Lambert and Jim Boyling. Despite that, the

1 police still attempted to re-instate secrecy over their
2 names at this Inquiry. Why was it that when the Inquiry
3 started, both Boyling and Lambert were identified only
4 by their N numbers? There was a provisional anonymity
5 order in October 2005 where they were identified only by
6 their N numbers despite the previous court ruling saying
7 that they could not rely on "neither confirm nor deny".

8 Why did it take until December last year to confirm
9 that my former partner, John Barker, was an undercover
10 policeman whose real name was John Dymes, and why is it
11 that the police persist in refusing to confirm that
12 Mark Cassidy was an undercover policeman whose real name
13 is Mark Jenner, despite the fact that they have given
14 a public apology to the woman he deceived into
15 a five-year relationship with him? The suggestion that
16 confirming what has already been published in newspapers
17 or on TV would somehow render him to serious harm is
18 just laughable.

19 Are the police genuinely asking us to believe that
20 someone with criminal intent would wait for official
21 confirmation before they committed a crime? Really? It
22 beggars belief. This man is responsible for serious
23 abuse. Why shouldn't his name be published by a court
24 of law, the same as any other accused person has their
25 name published whether or not there might be a risk of

1 harm to them?

2 133 of the non-state non-police core participants
3 requested the immediate release of all the cover names
4 last year in a letter sent to the Inquiry in
5 February 2016. Since that time only seven cover names
6 have been confirmed by the Inquiry, all of which were
7 already in the public domain. There was an additional
8 one last week, Roger Pearce, who has actually been on
9 television and radio in 2013 to defend the Special
10 Demonstration Squad officers having relationships.

11 THE CHAIR: Ms Steel, I am going to interrupt for this
12 reason: this is not a forum for arguing restriction
13 order applications.

14 MS STEEL: No, I understand that. I am arguing --

15 THE CHAIR: Just wait, please.

16 MS STEEL: Sorry.

17 THE CHAIR: This is a directions hearing to consider the
18 future conduct of the Inquiry. You know full well that
19 I have said that I am adopting an incremental approach
20 to restriction order applications to make sure that you
21 will be heard. Not today, please. This is not
22 a platform.

23 MS STEEL: No, I am sorry if I misunderstood, but I am not
24 speaking about -- what I am trying to demonstrate is
25 that while the police claim that they are trying to be

1 transparent, the reality to those of us who have been
2 subjected --

3 THE CHAIR: Mr Hall knows perfectly well the restriction
4 order applications is crunch-time for the police. He
5 will have to make good his assertion made a year ago
6 that the vast majority of names should remain secret.
7 I said then what my attitude was and it hasn't changed.
8 They'll have to justify their stance and you will get
9 the opportunity to respond.

10 I also said yesterday that I am concerned with the
11 situation as it is. I am not concerned to bash the
12 Metropolitan Police Service, particularly to ascribe to
13 them dishonourable motives for their conduct so far.
14 I want to move this thing on and if you want to address
15 me about that, I am very happy to hear from you.

16 MS STEEL: Yes. But -- I understand and accept what you are
17 saying. I am just trying to set the picture and I am
18 going to come on to --

19 THE CHAIR: I don't need the picture set. I know what it
20 is.

21 MS STEEL: The one that I was just trying to explain is that
22 Roger Pearce has been in the public eye for several
23 years. He actually wrote a book about his Special
24 Demonstration Squad experiences, so why has it taken
25 until last week to confirm his identity?

1 THE CHAIR: You are asking me that? I am going to have to
2 make a decision about him and a number of other people.

3 MS STEEL: But it demonstrates that the Metropolitan Police
4 are not acting with good intention and I do want to come
5 on to that. I am slightly worried about losing my order
6 and then getting confused, so if you don't mind I'll ...

7 THE CHAIR: Okay. Do pause.

8 MS STEEL: So I wanted to make the point that it should be
9 noted that in standard criminal undercover operations,
10 there is an expectation that officers may have to give
11 evidence in court where their cover names will be
12 revealed and a simple internet search reveals many cases
13 of undercover officers infiltrating violent gangs and
14 having their cover names released. There are even a few
15 recent court cases where the cover names have been
16 released of officers who have infiltrated Islamic State.

17 Why do the police claim it would be more dangerous
18 to release the cover names of officers who have
19 infiltrated campaign groups? It is frankly ludicrous.
20 The reality is that these political policing units were
21 not investigating crime. They were obtaining
22 intelligence, spying on people who were campaigning.
23 There is a big difference.

24 The police may say that they encountered crime, but
25 not only were the actions of the police never subjected

1 to scrutiny, but those spied upon never got a trial
2 before adverse information was added to their files.

3 Coming on to the issue of bad faith which was raised
4 by the police, which was raised yesterday, I do
5 understand the reluctance to believe bad faith, but it
6 doesn't have to be all of the Metropolitan Police who
7 are acting in bad faith. One or two people in key
8 places can have a dramatic effect.

9 I am happy to believe that there are some in the
10 Metropolitan Police Service who are appalled by the
11 abuses committed by these units. Any sane person would
12 be. But why is it so unlikely that there are others
13 that want to lie and cover up? We know that police
14 officers lied, covered up and attempted to smear people
15 at Hillsborough. We know that police officers lied and
16 covered up at Orgreave. So why is it so hard to believe
17 that it might happen here, where we are talking about
18 the public exposure of serious human rights abuses
19 committed by the police?

20 I would also urge you to remember that when we first
21 exposed undercover relationships, it was shocking and
22 no one wanted to believe it. It's now accepted reality,
23 but it took a long hard fight to get to that point, to
24 get the police to admit it.

25 So the idea that the police are entirely benevolent

1 and good is unfortunately what allows them to get away
2 with crimes and human rights abuses. Experiences have
3 taught us that the police are untrustworthy. On top of
4 the abuses, there is the shredding of documents. They
5 are the accused and yet they hold the evidence which
6 could convict them. In no other investigation is so
7 much control of evidence and timetable left in the hands
8 of those being investigated.

9 I believe that the Inquiry needs to take back
10 control from the police. The approach by the
11 Metropolitan Police so far is unacceptable.
12 Prioritising the strongest cases first, that just means
13 that disclosure won't come for longer and longer
14 periods. It shows their focus is on non-disclosure. It
15 is farcical and completely unrealistic to suggest they
16 have to read every single document first before they can
17 make their applications. It is a total waste of time
18 and public resources.

19 Of course, as Counsel to the Inquiry said, the
20 starting point should have been to ask the officers to
21 identify what risks they believed existed and then to
22 assess how realistic those risks are. The police have
23 had at least two years to consider the issues arising
24 from the likely need to release the cover names to the
25 Inquiry and to take such steps as necessary to mitigate

1 risk. Given this, I submit that the Inquiry could
2 safely and reasonably rule that all cover names will be
3 released by default within one month of the hearing
4 unless compelling and unusual reasons are put forward
5 for specific cover identifies to remain hidden.

6 If any of the officers has not already been notified
7 of the Inquiry's interest and intent, I would ask that
8 they be written to and advised to respond promptly if
9 they object, making clear the distinction between cover
10 and real names for the purposes of any applications.
11 That may seem like a short timeframe, but actually in
12 any civil proceedings you get two weeks to respond. If
13 you don't respond, there is an assumption that you don't
14 want to fight the case and I don't see why it should be
15 different here just for the cover names.

16 I accept that the real names have to be dealt with
17 with more scrutiny and I will come on to the difference
18 between the cover and the real names in a moment.

19 THE CHAIR: I don't want submissions that go to the issue
20 whether restriction orders should be made. What I want
21 are your submissions as to how the Inquiry should be
22 progressed.

23 MS STEEL: This is my submission, that there should be an
24 unless order that the police -- that the cover names
25 are -- will be released in a month unless the individual

1 officers come to the court and say, "There is a danger
2 if my cover name is released". The process of making
3 applications for the officers in the National Public
4 Order Intelligence Unit are being made by those officers
5 themselves. There is no reason why the Special
6 Demonstration Squad officers could not make the
7 applications themselves. The police have had the
8 opportunity. They have failed to do it. To leave it in
9 the hands of the police will just create further delay.

10 The Special Demonstration Squad is a historic unit,
11 so if anything they are at less risk than the National
12 Public Order Intelligence Unit. If it is good enough
13 for the National Public Order Intelligence Unit, it is
14 good enough for the Special Demonstration Squad.

15 It would be perfectly reasonable, if the Inquiry has
16 written to the officers directly and asked them, "Do you
17 object to the release of your cover name and, if so, why
18 in brief? Set out what the risk you think is" -- and if
19 they don't respond or they say they don't object, the
20 cover names can be released as soon as the Inquiry has
21 checked through that.

22 A decision can be fairly made on the basis that the
23 police have provided no evidence of adverse consequences
24 so far from the release of cover names -- the fact that
25 they have had that opportunity already -- but also to

1 take into account that the ones that have already been
2 exposed by the actions of activists and journalists, no
3 harm has come to them despite the serious abuses they
4 committed; the fact that other cover names are released
5 in other court cases; the fact that some of these
6 officers went on television on the True Spies programme
7 where anybody who had been infiltrated --

8 THE CHAIR: You are straying.

9 MS STEEL: -- would have been able to identify them.

10 Okay, so that is my primary submission on the cover
11 names. If the Inquiry is not minded to adopt that
12 approach, I submit that at minimum it could rule that,
13 given the passage of time, the immediate release of
14 cover names for the first 20 years of the Special
15 Demonstration Squad presents no real risk under the
16 long-adopted principle of the 30 year rule. The 30-year
17 rule is the law that provides that Government documents
18 of historical importance are released publicly 30 years
19 after they were created, and actually it has now been
20 changed into the 20-year rule, but we are kind of
21 halfway through that process.

22 This approach would allow the Inquiry and the older
23 core participants to begin immediately the process of
24 understanding the nature of the spying on them and the
25 process of evidence-taking and assessment to get

1 underway. Following that, a strict timetable should be
2 adopted for further tranches of officers.

3 I think it is absolutely clear that, certainly for
4 anything older than 30 years ago, if they can't identify
5 a serious risk immediately, the assumption should be
6 that there is none.

7 Moving on to the issue of cover names versus real
8 names because the argument has been put forward that the
9 release of a cover name will lead to the disclosure of
10 the real name.

11 Talking about the mosaic effect. Speaking as
12 someone --

13 THE CHAIR: Ms Steel, I have begged you not to trespass into
14 issues that go to my consideration of restriction orders
15 applications. You made these points very eloquently to
16 me a year ago, I think 23 March. I am well aware of
17 your frustration with what you see as a plain and
18 obvious decision to be made. I beg to differ. The
19 responsibility is mine and I very much regret that here
20 we are a year later and you still don't know my mind
21 about these things. It is intolerable and it has to
22 stop. I agree. But I only want to hear from you today
23 about your suggestions for progress, please.

24 MS STEEL: Well, I have just made my suggestion for
25 progress, but yesterday the issue was raised about the

1 mosaic effect and if you release the cover name will it
2 lead to the release of the real name. That is what I am
3 trying to explain. No, it doesn't.

4 THE CHAIR: If you read part 6 of my ruling of 3 May last
5 year, you will know that I agree with you. It has to be
6 demonstrated.

7 MS STEEL: Okay. Well, I really fail to understand, then,
8 why the cover names have not been released because they
9 haven't been demonstrated.

10 All I was going to say was that as someone who
11 searched for my missing partner, I know that it is not
12 an easy process to find out the real name from the cover
13 name. The only reason I managed to do it was because
14 actually, while my partner was with me, he left behind
15 information that gave away his real name.

16 I also wanted to refer to -- there was references
17 yesterday to the Undercover Research Group. The
18 Undercover Research Group is not researching undercover
19 police officers out of malicious intent. It is
20 publishing information to allow those who were abused by
21 these units to seek justice.

22 THE CHAIR: I do not want an advertisement for the
23 Undercover Research Group. I have a witness statement
24 from them describing what they do. I know. You don't
25 need to tell me again.

1 MS STEEL: To be honest, I was sat here yesterday and I felt
2 that they were being maligned so I wanted to defend
3 them.

4 THE CHAIR: I am not maligning anybody, but --

5 MS STEEL: Not necessarily by you. I can't remember --

6 THE CHAIR: -- but to suggest that their purpose is not to
7 disclose the identity of undercover policemen won't
8 wash. That's plainly what they do for their own
9 reasons.

10 MS STEEL: Well, the reality is that the police are not
11 attempting to bring these people to justice, so the only
12 people left are the activists who were affected by it.
13 That is why the Undercover Research Group exists.

14 I also wanted to talk about the police --

15 THE CHAIR: You have just made the case for the mosaic
16 effect.

17 MS STEEL: No, not at all. I don't think so. I am
18 perfectly serious that the release of cover names does
19 not lead to the release of real names. It is an
20 extremely difficult process. As I said, I only managed
21 to do it because he told me his name in a roundabout
22 way. That is the same for just about all of them. It
23 is only because of the information that they gave to
24 their partners. Unless they had relationships, it is
25 unlikely that that information exists. If they did have

1 relationships, it deserves to be exposed.

2 Coming on to the references, there are references to
3 domestic extremism. This is just a small point, that
4 I think the police should be required to provide
5 disclosure of their definition of "domestic extremism".
6 It is a completely unrealistic one and we should have
7 the opportunity to challenge the whole idea of a threat
8 from core participants who have been seeking progressive
9 change in society.

10 I also wanted to touch on the hypocrisy of the
11 Metropolitan Police Service, when they complain about
12 the release of cover names, to say that the police can't
13 be assumed to be wrongdoers when actually that is their
14 whole basis for the Special Demonstration Squad. It is
15 to spy upon everybody involved in campaigns. Releasing
16 the cover names does not assume their guilt. It allows
17 people to testify as to their actions while under cover.
18 Withholding the cover names means that the truth cannot
19 be heard.

20 We have heard a lot about talk of safety of officers
21 but what about the safety of the public? Delay allows
22 further abuse to continue. It allows the police
23 officers to feel untouchable, to think that they can do
24 what they like and get away with it. It is
25 understandable that some people think it's okay for the

1 police to have longer, but some of us have been waiting
2 for the truth for over 25 years; 25 years in which the
3 Metropolitan Police Service knew that we were looking
4 and took steps to stop us finding out; 25 years in which
5 they continued to allow male undercover officers to
6 continue to emotionally manipulate and sexually abuse
7 women who were politically active in this country.

8 25 years is too long. Every bit of truth that
9 I have got, I have had to fight for. It hasn't been
10 given to me by those who had the knowledge and the
11 responsibility and who could have told me the truth if
12 they possessed any sense of decency. The police should
13 not be allowed to control the Inquiry and the release of
14 information to those they spied on in this way. It is
15 an urgent matter. There has been enough delay already.
16 This isn't historic. These units still exist and there
17 are other people still at risk.

18 Right, in terms of moving on to the release of group
19 names. Firstly, the public have a right to know which
20 groups were spied on. The public interest lies in
21 disclosure. We live in a supposed democracy with the
22 right to freedom of expression and the right to freedom
23 of association. The balance should lie with disclosure
24 of release of the names of the groups.

25 In other cases that I have referred to -- and if you

1 want, I can supply you with examples -- the police have
2 revealed that they spied on groups and people with links
3 to Islamic State. That is a current live threat. It is
4 absolutely ludicrous to suggest that the release of
5 names of any of the groups spied on by the political
6 policing units here presents more of a danger than that.

7 The possibility of indirect identification of real
8 names is vanishingly small. A group would have to have
9 only two or three members for it to be obvious who the
10 infiltrator was. The real reason is embarrassment.

11 As a supposedly democratic country is revealed to
12 have engaged in widespread spying on its citizens who
13 were exercising their rights to seek change and progress
14 in society -- and we are talking about the
15 anti-apartheid movement, now widely accepted to be
16 right; the women's equality movement, now accepted to be
17 right; environmental sustainability. It is now
18 recognised that climate change is a critical issue -- we
19 are talking about spying on what are protected human
20 rights. There is every reason why the names of these
21 groups should be disclosed immediately.

22 In relation to the individual files, there are two
23 key reasons why they need to be disclosed to us. One is
24 that part of the purpose of the Inquiry is to assist the
25 victims in finding truth in order that we can gain

1 closure. The second is that the Inquiry is not in
2 a position to determine what isn't relevant and
3 necessary from just the face of the documents.
4 Something may look innocuous, but may be significant and
5 only recognised by us. And I understand that there is
6 an opportunity to write in further about that, so
7 I won't add additional points at this stage. But
8 I would urge you to take on board that those files do
9 contain things which we know to be untrue. I have had
10 mine in the past and it has had somebody else's name on
11 it which is absolutely nothing to do with me, somebody
12 who I used to share a house with, a completely different
13 person. There are inaccuracies in there. You won't be
14 able to identify them just by looking at them.

15 In terms of the future of the Inquiry, I reject the
16 police calls to limit the scope of the Inquiry to just
17 the Special Demonstration Squad and the National Public
18 Order Intelligence Unit. Spying on campaigners is not
19 historic. These units continue. The National Domestic
20 Extremism Unit, the National Extremism Tactical
21 Coordination Unit, and they all represent an
22 interference with the rights of freedom of association
23 and expression and they need to be investigated too.

24 Moving on to representation. Just on the issue of
25 counsel, I will be very brief on this because I know it

1 was largely dealt with yesterday. I would say that it
2 is unjust to require us to detail the splits in our --
3 you know, the differences between us in order to justify
4 an additional barrister. That is a legally unfair
5 process --

6 THE CHAIR: No, it is not.

7 MS STEEL: -- because at the time we haven't developed --

8 THE CHAIR: You need to make an application to me to justify
9 considerable public expense. In order to grant the
10 application, I need to know, at least in outline, the
11 grounds upon which the application is made.

12 MS STEEL: Well, a significant issue, I would say, is that
13 imbalance in resources between the two sides. The
14 police are spending millions on trying to cover up their
15 abuses and they are being represented by multiple
16 lawyers, while the victims are being forced to share one
17 set of lawyers despite the sheer number of the non-state
18 core participants.

19 THE CHAIR: You don't share one set of lawyers.

20 MS STEEL: Well, we do in court. We are only allowed to
21 have one set of lawyers.

22 THE CHAIR: On preliminary issues where the interests are,
23 on the face of it, the same, it is reasonable that
24 counsel should represent those with the same interests.
25 That's the essence of what the Inquiries Act 2005 says about

1 recognised legal representatives.

2 MS STEEL: I do understand that, but what you have to
3 understand is that -- and I was just going to explain
4 that although there is a 178 officially, a large number
5 of those are groups and they actually encompass more
6 people than that.

7 So there's actually, within that number of people,
8 a wide variety of experiences from people that range
9 from being spied on at one meeting to people who have
10 lived with undercover officers for years. While you
11 seemingly may think that they all have common interests,
12 those of us who have been waiting a long time feel the
13 urgency is more -- feel the issue is more pressing.

14 THE CHAIR: Only about the preliminary issue under
15 consideration.

16 MS STEEL: Well, I understand that, but the preliminary
17 issues under consideration is what is holding up the
18 Inquiry and holding up those of us who have been looking
19 for truth for a long time from getting that truth.

20 THE CHAIR: Yes, and those of you who have been waiting the
21 longest will feel the deepest frustration --

22 MS STEEL: Yes.

23 THE CHAIR: -- and anger.

24 MS STEEL: Yes.

25 THE CHAIR: I understand. Do you want me to take a break,

1 Ms Steel?

2 MS STEEL: I have nearly finished.

3 THE CHAIR: Are you sure you want to go on to finish now?

4 You choose.

5 MS STEEL: Well, I just feel that it's unfair to expect us
6 to all -- there is incredible pressure, especially in
7 three weeks, to try and get agreement between such
8 a huge number of people with such a diverse range of
9 experiences and it's unfair. It puts a huge amount of
10 pressure and stress on us when we have been through
11 a horrendous amount already, and I don't think it's
12 reasonable to make us do that when the other side has
13 endless resources at their disposal, and I understand
14 their funding doesn't come through you. But at the end
15 of the day their funding comes from the taxpayer, the
16 same, and why should the victims be forced into
17 a position where they are not getting their views
18 expressed because of the difficulty of representing so
19 many views all at once?

20 THE CHAIR: If I may say so, the message coming from your
21 side of the hearing room has been consistent and to the
22 same effect.

23 MS STEEL: The end result in terms of wanting disclosure is
24 consistent. What is not consistent is how long people
25 are prepared to wait and those of us who have waited

1 a long time already and seen how long the delays can go
2 on and how long the police will string it out feel that
3 enough is enough. It has to stop. The Inquiry has to
4 take control and stop the police, you know, controlling
5 the proceedings like this.

6 THE CHAIR: As you see it, getting away with it?

7 MS STEEL: Yes, exactly. Exactly.

8 THE CHAIR: Right.

9 MS STEEL: Can I just touch on the issue about wanting our
10 own solicitors at the hearing where there are major
11 issues that affect us being argued? Actually, this
12 doesn't happen that often, but there have been, I think,
13 two -- probably this one and the one last year were
14 really key issues which a lot of people felt very
15 strongly about. People want their own solicitor in
16 court.

17 You know, criminal courts have a victim support
18 scheme. It is recognised that legal proceedings are
19 stressful and compound the harm caused. Our solicitors
20 know our cases, they know us, we know them. They can
21 explain things to us. How can one solicitor answer the
22 questions of everybody who was there yesterday? It is
23 just not feasible. Many of us don't know each other.
24 Most of us don't know each other's solicitors. All of
25 us have had our trust damaged, so to expect us to talk

1 to strangers about intensely personal matters and
2 concerns is unfair.

3 I also wanted to point out that there haven't been
4 many of these hearings, so the total cost of payment for
5 the solicitors is probably very minimal compared to the
6 overall cost of the Inquiry and that would make a big
7 difference.

8 The final points I wanted to make are in terms of
9 a venue. The court yesterday was overflowing. There
10 does need to be a bigger venue, especially for the key
11 hearings, and also that many of us would like to be able
12 to follow the proceedings with documents. There are
13 a lot of statements and submissions. We would like to
14 be able to sit there and read it in front of us and make
15 notes, but we can't do that in a public gallery. There
16 are no benches. So we have asked that the Inquiry look
17 at seeing if there is another venue where -- that would
18 be more suitable for making core participants feel
19 comfortable and able to take a proper part in the
20 proceedings.

21 THE CHAIR: All right.

22 MS STEEL: Thank you.

23 THE CHAIR: Thank you very much. Mr Hall.

24 Reply submissions on behalf of the Metropolitan Police

25 Service by MR HALL

1 MR HALL: Sir, on the process going forward, can I start by
2 inviting you to consider the question of further
3 hearings of this nature? You may find it helpful to
4 hear from the core participants from time to time in the
5 same room. It permits you to hear a range of views
6 which may assist in priorities going forward. However
7 hard it is for from the police to hear from Ms Wilson
8 and Ms Steel, it is quite right that we do and what they
9 say is utterly compelling.

10 It may help to dispel misapprehensions as to the
11 motive of the police. That is important. It provides
12 an opportunity for greater transparency. I can
13 articulate on behalf of the police perhaps more clearly
14 what we have been doing and be held to account. So we
15 do invite you to consider further periodic hearings as
16 the Inquiry goes forward because we, certainly for our
17 side, have found it helpful.

18 Can I turn to perhaps the key point of real interest
19 arising from the hearing process, which is the question
20 of cover names versus real names. May I address you for
21 a little length on that --

22 THE CHAIR: Yes.

23 MR HALL: -- if I may. All agree -- and Mr Emmerson in
24 particular is very clear on this point -- that
25 disclosure of cover names is relevant to the

1 effectiveness of the Inquiry. If cover names are
2 disclosed -- that will depend upon the public interest,
3 but if a cover name is disclosed, then of course the
4 gathering of evidence from the public can take place and
5 it is a reasonable assumption that the officers were
6 only ever known by their cover names. There may be
7 internal documents which refer to the officers' real
8 names, but those real names could be redacted and
9 replaced by the cover names with no loss at all to the
10 significance of the documents.

11 However, it is clear that some of the non-state core
12 participants represented by Mr Squires clearly
13 considered that that is not sufficient and that real
14 names should also be disclosed unless the contrary is
15 strictly justified. As we know, the process of
16 considering restriction orders over real names is more
17 complicated because it involves more than considering
18 the strength of the cover name.

19 Now, the reasons why the non-state core participants
20 who fall in that category would like to know the real
21 names was not really spelt out by Mr Squires. It could
22 be a sense of justice, "Well, it could be said you knew
23 my real name. I want to know your real name"; it could
24 be a desire for revenge, to expose the person and cause
25 them unhappiness in their real life; it could be a sense

1 that, as Mr Squires put it, ordinarily in a court, if
2 you give evidence from behind a screen or in a different
3 name, that has to be justified as a departure from open
4 justice.

5 Now, the first and second of those reasons of
6 personal desire to know the real name we submit have
7 little, if anything, to do with the public purpose of
8 the Inquiry and is premised -- repeatedly premised -- on
9 the view that the officers are wrongdoers. Why should
10 that be the approach? If at the end of the Inquiry you
11 were to make findings -- the chairman was to make
12 findings -- about individual officers then, yes, perhaps
13 the issue could be revisited.

14 Mr Squires gave the example of where someone was
15 found to have done wrongdoing who was now occupying
16 a prominent position in public life -- I think that was
17 the example he gave -- then that may be right, but that
18 is something that requires a fact-finding to be complete
19 first. It doesn't need to be addressed now.

20 We submit the Inquiry should not concern itself with
21 settling private scores. It is about finding out the
22 truth and for that purpose what is needed is the cover
23 name. So what about the third reason that Mr Squires
24 gave, the point that ordinarily screening and the use of
25 substitute names requires justification as a departure

1 from open justice? I mean that's right. It does
2 require justification. But one might ask: why is it so
3 hard to justify the non-disclosure of real names?
4 Undercover police officers are covert human intelligence
5 sources and it is a cardinal and well-established
6 principle of public policy that covert human
7 intelligence sources should not have their real names
8 disclosed.

9 The Inquiry could in fact decide now that it would
10 always grant anonymity for real names, save in
11 exceptional circumstances, and the police could then
12 focus much more on the strength of the cover name than
13 have to ask itself in every case: what is the
14 consequence to that officer if their real name is
15 published, which of course involves not just simply the
16 objective risk to them from others, but also their
17 subjective fears that they may have from others, what
18 effect would it have on their personal and private
19 lives.

20 THE CHAIR: Can I just ask you to think for a moment how
21 that works in practice? If you were to tell the Inquiry
22 that a cover name could be released, but that the
23 inquiries necessary to support a fourth anonymity
24 application would take weeks or months, you are
25 suggesting that I should make a provisional or

1 cautionary order releasing the cover name, but
2 protecting the real name because it is or would be
3 conducive, you would recognise that the time may come
4 when that order would have to be revisited in the light
5 either of the evidence that does emerge as to the
6 security of the individual or the evidence relating to
7 that individual officer's conduct?

8 MR HALL: No, I am not asking --

9 THE CHAIR: Then how would it work?

10 MR HALL: I would invite you to make a final order based
11 upon the public interest, the principle that covert
12 human intelligence sources' real names are never
13 disclosed save in exceptional circumstances -- so make
14 a final order, but recognise -- I recognise -- that
15 a final order protecting their real names could be
16 revisited -- not necessarily -- but could be revisited
17 if the circumstances warrant it, and I would not invite
18 anything like a provisional parking of the decision.
19 I would invite --

20 THE CHAIR: It is not parking exactly. It would have to be
21 justified on the basis of the time saved.

22 MR HALL: If I am right, then it would not have to be done
23 on the conduciveness front. It could be done on
24 a public interest basis because of the public interest
25 that I have referred to of protecting the real names of

1 covert human intelligence sources.

2 THE CHAIR: All right, if an order was made as you suggest,
3 what circumstances might change the public interest
4 balance?

5 MR HALL: A finding of wrongdoing could. Sorry, I am
6 getting a ...

7 THE CHAIR: All right. I am grateful to you for elucidating
8 your argument.

9 MR HALL: Sir, I am grateful.

10 There is a further point on this topic, which is one
11 that concerns individual officers, and it must be
12 remembered that the Inquiry is approaching the Special
13 Demonstration Squad on the basis of something of
14 a roving commission in the sense that is it trying to
15 explore every aspect of Special Demonstration Squad
16 deployments and trying to expose all wrongdoing, rather
17 than focusing on the wrongdoing against Ms Steel, for
18 example, and the wrongdoing against Ms Wilson?

19 One imagines as a matter of common sense that if
20 individual officers are aware that their real names will
21 never be exposed, save in those exceptional
22 circumstances that I have suggested, they'll have less
23 to fear and more reason to cooperate. That must, as
24 a matter of common sense, relieve some of the subjective
25 fears that officers may be feeling, to know that their

1 real names will be protected and all that the Inquiry is
2 concerned about is their cover names which then allows
3 the Inquiry to proceed.

4 So there is an additional potential advantage from
5 the perspective of individual officers, although of
6 course principally concerned with the -- well, it is an
7 observation that I make, a practical observation.

8 THE CHAIR: Yes. There is the opposite side of the coin,
9 isn't there? If you know you are going to be disclosed
10 if misconduct is proved, then you are less likely to
11 come clean.

12 MR HALL: That is a fact. That is bound to be the case in
13 this process. That is bound to be the case. I mean,
14 the Metropolitan Police Service want wrongdoing to be
15 exposed, but I cannot escape from the fact that
16 individual officers could have a motive not to be as
17 frank as they want to be. But if one gives sensible --
18 I suggest -- sensible approach about real names from the
19 off, that is more conducive to the truth coming out than
20 a battle over real names which it doesn't appear is
21 really necessary to advance the Inquiry's investigation.

22 THE CHAIR: All right. Thank you.

23 Reply submissions on behalf of non-police non-state core
24 participants by MR SQUIRES

25 MR SQUIRES: Sir, I apologise to rise. I am extremely

1 concerned. This appears to be an entirely new
2 application, as I understand it, for the Inquiry to
3 decide now always to grant anonymity for real names.
4 This is an application which was due to be heard for an
5 extension of time and to limit the scope of the Inquiry
6 in the way suggested. We have answered that, but we
7 certainly haven't had the chance for me to take
8 instructions and make proper submissions on what appears
9 to be an entirely new application as to the approach the
10 Inquiry should take.

11 THE CHAIR: Yes, thank you.

12 Further reply submissions on behalf of the Metropolitan
13 Police Service by MR HALL

14 MR HALL: That is a very fair point and the submissions that
15 I make --

16 THE CHAIR: You are developing an argument to respond to the
17 case that cover names should be released now?

18 MR HALL: No, actually.

19 THE CHAIR: Then what are you doing, Mr Hall?

20 MR HALL: I am drawing on what appeared to be something like
21 almost a consensus that what is important is cover names
22 and trying to suggest a practical way forward, although
23 I agree, I couldn't make the application now without
24 Mr Squires having the opportunity to reply. But that is
25 why having further hearings of this nature may well be

1 beneficial.

2 THE CHAIR: It seems to me, listening to you, that the
3 obvious forum is the group of applications that
4 I consider first. Then you have real cases in which to
5 make your respective arguments. I would issue a "Minded
6 to" note, if it happens to be me. You can respond in
7 writing on principle and application at your
8 convenience - well, only within the timetable -- which
9 is why I wanted this process to be incremental, so as to
10 be palpably fair to everyone. But it doesn't work if it
11 takes over a year to give me a risk assessment.

12 MR HALL: Then that is the obvious way of dealing with it in
13 the context of --

14 THE CHAIR: That is the urgent priority, Mr Hall.

15 MR HALL: Yes. Sir, I am grateful for the fact that this is
16 a forwards-looking hearing. The reasons for the delay
17 have not been fully investigated. Of course it is
18 regrettable and I don't for a moment underestimate the
19 sense of frustration, but it has been a complicated task
20 designed -- what I have described as a "system to cope".

21 THE CHAIR: It is probably unique, but you knew that a year
22 ago.

23 MR HALL: I have to say that -- I mean "unique" is
24 absolutely right and we have had to respond and adapt,
25 and to borrow your words, Sir, it is crunch-time for our

1 system and we will do what we have set out to do.

2 THE CHAIR: Let's hope your system is lined with Teflon.

3 MR HALL: Yes. Anyway, you do now have restriction order

4 applications. You have got risk assessments, so your

5 team can now --

6 THE CHAIR: When? Yesterday?

7 MR HALL: I think Friday. But your team can look at them now.

8 It is not right to say they are generic, but you can

9 judge that when you look at them. It is not right to

10 say this is something that could be done just by counsel

11 on their own, but again you can judge that. I have to

12 emphasise that, if it was simply down to one of the

13 counsel team to put these together, there would still be

14 the process of gathering the information and compiling

15 it, which itself is an enormous job.

16 So you have the documents, you can form a view of

17 them, but we do say they would be useful for you, and

18 rulings can start to be made and we can address this

19 question of real and cover names as part of that.

20 THE CHAIR: Thank you.

21 MR HALL: Can I --

22 THE CHAIR: If you are going on to another subject, I would

23 like to raise a caveat about timetable that concerns me.

24 I take the view that the person who finishes this

25 process should start it. It will not make sense for me

1 to issue a fully reasoned "Minded to" note on, say, half
2 a dozen to a dozen applications only to find that when
3 one or more of the core participants wishes to challenge
4 it at an oral hearing, another chairman comes along and
5 has already had his page or her page scored by me. That
6 would be unfair to my successor.

7 So it is possible that I will have to make
8 a decision soon as to whether I personally can embark on
9 that "Minded to" process. If it is not me, then of
10 course it has to be my successor and I am not in control
11 of that calendar. We are doing our very best, I assure
12 you, to make sure there is no gap in continuity.

13 Does everybody agree that it would not make sense
14 for me to start the process but not finish it at the
15 oral hearing? Mr Squires?

16 Further reply submissions on behalf of non-police non-state
17 core participants by MR SQUIRES

18 MR SQUIRES: Sir, from our perspective it may just depend on
19 timing at which stage first matters could be considered.
20 I entirely appreciate there is an advantage in having
21 the continuity. On the other hand, if that is going to
22 mean a significant delay before someone is able to get
23 up to speed and start considering the first set of
24 applications it may be that's outweighed by the
25 advantage, Sir, of you considering them and giving

1 myself in the shoes of my successor, whoever it is,
2 I would feel somewhat embarrassed to be not bound but
3 guided by somebody else's exercise of judgment.

4 MR EMMERSON: Yes, I mean, the whole "Minded to" process is
5 designed to ensure it is the same mind that is applied
6 both before and after the submissions intended to
7 disturb it.

8 I suppose the concern that all of us would have in
9 this room would be if that does result in a hiatus in
10 which work that could be being done can't be done, and
11 I see Mr Hall nodding.

12 I don't wish to retread any of the ground that has
13 already been covered but I did note in Mr Hall's
14 submissions a dichotomy between the level of concern
15 that there may be about cover names and the level of
16 concern that there may be about real names, and I wonder
17 if there is to be a period of possible delay whether or
18 not it might be appropriate for the [Metropolitan Police
19 Service] to revisit the suggestion that if there are cover
20 names that there is no jigsaw concern about they could at
21 least be released at this stage, leaving for a further
22 hearing any application that there may be on notice of course
23 to Mr Squires and everybody else for real names to be the
24 subject of a permanent or lasting order.

25 In other words, if it is clear it does seem to be

1 common ground that there is likely to be a number, at
2 least, of cover names that are capable of being released
3 without prejudice to a risk of jigsaw effect, then maybe
4 that work could be done during any hiatus period there
5 may be.

6 THE CHAIR: Sooner rather than later --

7 MR EMMERSON: Exactly.

8 THE CHAIR: -- everybody seems to think.

9 MR EMMERSON: Exactly so.

10 THE CHAIR: Mr Hall would like the comfort of a protection
11 of the real identity in principle from the beginning.
12 There will not be unanimity about that submission.

13 MR EMMERSON: No.

14 THE CHAIR: And at some stage I or somebody else will have
15 to resolve it.

16 MR EMMERSON: Yes. One totally understands why Mr Hall
17 wants that comfort because he doesn't want, having
18 released the cover name, to kick open the door one way
19 or another to a further application to release the real
20 name. But in fact, there is an intellectual fusion
21 going on here that doesn't need to take place between
22 the individual's cover name and their real name.

23 Because at the moment the applications are all being
24 dealt with as one, so you are being given an individual
25 and you are being told, this is the cover name risk,

1 this is the real name risk and presumably there will be
2 evidence in support of each, what I am suggesting, and
3 I hope I am not repeating myself too much, is that there
4 are actually two completely different disclosure
5 exercises. And there is absolutely no reason why the
6 first one can't take place straight away with
7 the Metropolitan Police making its assessment of whether
8 cover names are likely to involve a jigsaw effect.

9 Since it does look as though there may be some delay
10 in proceeding on a compendious basis, and since Mr Hall
11 is concerned at some point in the future that it may be
12 necessary for him to make an application for, if you
13 like, a blanket order in relation to real names and
14 given the consensus, at least amongst a proportion of
15 the non-state participants, but certainly as far as my
16 client's position is concerned it is an absolutely clear
17 stance that there would rarely if ever be a need for the
18 disclosure of the real name for the Inquiry's terms of
19 reference to be discharged, then it does seem that
20 a useful way of moving forward, really moving forward
21 now would be to put Mr Hall's clients under, and indeed
22 the other police participants, under an obligation to
23 conduct the jigsaw exercise first and to tell you and
24 the public the names of those whose cover names can
25 safely be released.

1 THE CHAIR: Thank you. Mr Hall.

2 Further reply submissions on behalf of the Metropolitan
3 Police Service by MR HALL

4 MR HALL: The problem with that approach is that it is not
5 simply a question of testing the jigsaw or mosaic effect
6 but also considering the broader public interest of
7 revealing there was an undercover officer in
8 a particular group. That does raise the difficult issue
9 of third parties. It does raise the issue of the
10 broader public interest and potentially techniques.
11 Whether it does in fact is another matter but one needs
12 to consider this and one can't simply say: is there
13 a mosaic effect of revealing the real name of the
14 officer? So although it is a tempting proposal, it is
15 not one that would be practicable.

16 In any event, there is perhaps a risk of changing
17 the process that we have worked so hard to create. The
18 proposal which I have invited you to consider was one
19 that was effectively made on the assumption -- you
20 recall I read out the assumptions yesterday -- that one
21 would not be concerned with real names. So of course
22 where we can see that a cover name stands up and we can
23 discount a risk to third parties and the broader public
24 interest and we are taking sensible decisions -- I'll
25 come in a moment to that -- then yes, of course we'll do

1 that as quickly as possible.

2 THE CHAIR: That would be the basis on which the current
3 risk assessments have been prepared because they would
4 follow Part 6 of my last ruling and the guidance.

5 MR HALL: Yes. On the question of "Minded to", it may be
6 that one has to drop the "Minded to" process to benefit
7 from your guidance on these issues if it is necessary to
8 avoid a big break. The "Minded to" process doesn't work
9 if the second mind is different from you, but it may be
10 that one simply has to have hearings to tease this out
11 before you, a hearing and then a ruling.

12 THE CHAIR: I see. I'll have to consult my team and think
13 about that, Mr Hall.

14 MR HALL: I am grateful.

15 Sir, I just have I think two or three more minutes,
16 if I may, in reply.

17 THE CHAIR: Please, do.

18 MR HALL: I am grateful.

19 Sir, the point has been made by Sir Robert Francis
20 that in the case of National Public Order Intelligence
21 Unit officers, individual officers making the
22 application, and that is well and good, but of course
23 one cannot lose sight of the fact that there still needs
24 to be consideration, presumably by the chief constable
25 who is responsible for the particular officer of that

1 broader question of the public interest, including risk
2 to third parties.

3 Now, in the case of the police, the
4 Metropolitan Police, that joint decision, risk to the
5 officer and risk of the broader public interest, has
6 been made and in 13 cases, although I know that not all
7 of them have been possible to be published on the
8 website, in 13 cases the Metropolitan Police has said
9 that they would not apply for a restriction order over
10 a cover name. So in the vast majority of cases where
11 decisions have been made the Metropolitan Police have
12 been taking sensible and transparent decisions and it is
13 right that the non-state core participants should hear
14 that.

15 It is not the case, and I am afraid Ms Helen Steel
16 was wrong about this, that in the majority of the cases
17 they have been seeking to suppress the cover name where
18 a decision has been made.

19 Mr Squires addressed you, Sir, on the question of
20 the protocols and he referred to some submissions of the
21 31 March which we haven't got and I understand why that
22 is not for today's hearing. But can I just raise the
23 question of the privacy formula.

24 It is right that counsel to the Inquiry have been
25 persuaded to change the protocol on restriction orders

1 to allow additional circulation of information to
2 individuals who could be affected by the restriction
3 order application. We have put in written submissions
4 and the short point in those is to say we would invite
5 you to be cautious before putting in that additional
6 layer of delay in every case. Mr Barr has accepted,
7 I think, that the 2019 time estimate would have to be
8 extended if that's used. He hasn't said by how much but
9 it must be a number of months, and if the Inquiry is
10 still conducting a strategic review, which we gather
11 from submissions it is, we would invite you to consider
12 that as part of the review because if the Inquiry is not
13 going to hear evidence until 2019, then on a back of the
14 postcard type analysis the final unredacted report is
15 probably not much earlier than 2022 on that basis.

16 THE CHAIR: Yes.

17 MR HALL: Groups. Sir, we do recognise the desire of
18 members of the public to see relevant and necessary
19 material sooner rather than later so they can prepare.
20 We will look at trying to do something sooner to assist
21 the Inquiry indicating which groups have been looked at.
22 For example, where a cover name of an officer has been
23 officially confirmed by the Inquiry, then it should be
24 possible in some cases to say, well, on that basis these
25 are the groups that have been looked at by the police.

1 In order to assist in the process of transparency
2 we'll speak to Mr Barr and see what we can do on that
3 although of course this has to be done deliberately and
4 one doesn't want to compromise individual officers
5 through inadvertent or rushed disclosure.

6 THE CHAIR: All right.

7 MR HALL: Sir, on the question of the fraught issue of the
8 Data Protection Act, we respectfully agree with you this
9 is a contentious issue and if this is a point that is
10 going to be pursued, it probably does require
11 submissions and some sort of hearing and resolution
12 because it clearly is contentious and we don't agree
13 with Mr Squires on that.

14 THE CHAIR: Mr Squires I think has indicated he will
15 recommend making a written application to the Inquiry.
16 The chairman will then have to consider how to advance
17 its proper consideration.

18 MR HALL: Yes. The broader and the final point that I'll
19 make, if I may, in reply is it is clear that choices
20 have to be made. One can layer upon the Inquiry
21 additional tasks, depending on whether Mr Squires is
22 right about the law or we are right about the law. But
23 even assuming he was right, the more tasks one layers
24 upon the Inquiry, the more processes one layers upon the
25 Inquiry, plainly the longer it will take for the Inquiry

1 to report and in broad terms that, subject to fairness,
2 subject to correctness, factual correctness, it must be
3 desirable that the Inquiry can get on rather sooner than
4 my 'back of the postcard-type' projection of 2022.

5 So whatever the rights and wrongs of the law it does
6 seem to us that everyone has to make choices. Those
7 choices are going to be difficult but ultimately that's
8 what's necessary in order to achieve the Inquiry but,
9 that said, thank you for allowing us to participate in
10 this and we will do our best to assist.

11 THE CHAIR: All right, thank you.

12 Now, Mr Barr, depending on how long you want to
13 address me it is your choice as to whether you want
14 a break.

15 MR BARR: Sir, unless there is anything you would like me to
16 assist you with, I have nothing to add that isn't
17 already in our written notes.

18 THE CHAIR: In which case we'll call an end to the hearing.

19 Thank you all very much for the care you have taken
20 to put across to me your various points of view. I hope
21 to give a ruling this month but, as I said at the
22 outset, I don't expect to be in a position to tell you
23 exactly how the Inquiry will progress from here, but if
24 there is something useful I can say I will say.

25 Thank you very much.

1 (11.20 am)

2 (The hearing concluded)

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