

Chairman's statement about the conduct of tranche 1 evidence hearings

1. The consequences of the coronavirus (COVID-19) outbreak require the Inquiry to rethink the manner in which tranche 1 hearings will be conducted. This statement sets out the manner in which the Inquiry proposes to receive opening statements and evidence in tranche 1. It is not intended to be a template for future tranches.
2. It is intended that the tranche 1 hearings will begin on 2 November 2020 and last, initially, for a period of around 3 weeks. Postponement of the start date from 1 September 2020 has been made unavoidable by the impact of the measures taken to control the outbreak on the ability of the Inquiry team and of state bodies to complete the work necessary to permit the hearings to start.
3. Social distancing measures are likely to remain in place for some time. The assumption made by the Inquiry is that they will do so throughout the period in which tranche 1 hearings will occur. In consequence, the original intention to hold open hearings in a hearing room is impracticable. Virtual hearings are the only means by which opening statements and oral evidence can be received. The Inquiry has researched the possibility of conducting virtual hearings from a hearing room in which a limited number of people will be present. The number of people who could be present is so small as to make this arrangement impracticable. There would not be adequate space for recognised legal representatives, core participants or interested members of the public. Virtual hearings must, therefore, be conducted remotely. This is technically achievable, but commissioning of the services and equipment required must take place by the end of July 2020.
4. Opening statements can be made in writing or orally or by a combination of both. It is anticipated that most, perhaps all, oral statements will be made live and will be live streamed with a delay of five minutes; but a preference to record an oral statement, to be uploaded onto the Inquiry website will be accommodated. Seven days will be set aside for the making of live streamed oral statements, to include a day for that of counsel to the Inquiry. The order in which statements will be made is as follows: counsel to the Inquiry; official police bodies; other state bodies; former undercover officers and managers; non-state core participants, including Peter Francis. Three days will be allowed for statements made by the second third and fourth categories of participant. The final three days will be allowed for the fifth. Proposals for the division of the available time between those who wish to make live streamed statements within each period of three days will be invited by 26 June 2020, to be followed by informal discussions. If they do not produce agreement by 17 July 2020, the Inquiry will impose a timetable.

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5. Written opening statements must be provided to the Inquiry by 4 pm on Friday, 23 October 2020. They will be distributed to other core participants on 2 November 2020 and published by the Inquiry on the day on which an accompanying oral opening statement is made. In the event that no oral statement is made, it will be published during the period allocated for oral opening statements by core participants in the same category.
6. The open oral evidence of witnesses will be given remotely. The evidence will be viewed and heard in real time by me, counsel to the Inquiry and the recognised legal representative of the witness; and heard in real time by core participants with a direct interest in the evidence being given and their legal representatives. An audio recording will be made and, once checked to ensure that it contains nothing which should not be broadcast, will be uploaded onto the UCPI website. A transcript will be made of all oral evidence and uploaded likewise.
7. The location from which an individual will give evidence, and the way in which support can be provided by their representative and or the Inquiry will be decided on a cases by case basis through liaison with the Inquiry Legal Team. All of these arrangements are intended to obtain the best evidence from witnesses and to ensure that real name restriction orders are not undermined. Almost all of the tranche 1 undercover officers who will give open oral evidence are the subject of such orders.
8. Views are invited about the possibility of live streaming the evidence of witnesses, with a five-minute delay, to a room under the control of the Inquiry in which a limited number of people could, with appropriate social distancing, be accommodated. It is likely that they would be confined to core participants directly affected by the evidence being given and their recognised legal representatives, and representatives of the media. The same restrictions would be imposed on the use of handheld devices to photograph or record proceedings as would apply in a conventional hearing room. The understanding of the Inquiry is that this is technically feasible, but given the limited numbers able to benefit from it, of limited value in enabling the wider public to witness the proceedings. Subject to that possibility, the evidence of witnesses will not be live streamed.
9. Any witness who wishes that a video recording of his or her evidence should be made and uploaded onto the website should request that facility before the evidence is given. Unless there is good reason why it should not be, effect will be given to the request.
10. Evidence in the first phase of tranche 1 will be given about the foundation of the SOS, the deployment of undercover officers in the weeks leading up to and immediately after the demonstration on 27 October 1968, the decision to continue and broaden the scope of undercover activities carried out by the SOS after its initial purpose was fulfilled and the undercover activities then undertaken

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before the unit was renamed the SDS. Documents relevant to those issues will be included in the hearing bundle for November 2020, and which the Inquiry intends to publish to core participants on 21 September 2020.

11. The second phase of tranche 1 will be dealt with subsequently and separately. Timing will depend upon completion of necessary tasks by the Inquiry and by state bodies. The target date is February 2021, but that date is not set in stone. If, contrary to expectation, preparatory work takes less time than is currently anticipated, the second phase could begin in January 2021. Continuing difficulties caused by the outbreak might require it to be postponed until March 2021. Documents relevant to this phase will be included in a separate hearing bundle.
12. The task of obtaining witness statements from the small number of living managers in tranche 1 has been interrupted by the steps taken to control the outbreak. Although every effort will be made to attempt to receive their oral evidence in the second phase of tranche 1, the prospects of doing so presently appear remote, given the particular impact of the current restrictions upon that group. If it is not possible to prepare their evidence in time it will be heard in a third phase.
13. Views are invited about these proposals from core participants and the media. Any written representations must be made by 26 June 2020. Virtual meetings with the recognised legal representatives of core participants, both state and non-state will be arranged before a final statement is made in the week commencing 20 July 2020.

29 May 2020

Sir John Mitting
Chairman, Undercover Policing Inquiry