

# UNDERCOVER POLICING INQUIRY

## Directions on the conduct of the Tranche 1 Phase 3 (T1 P3) hearings

### Hearings

1. The T1 P3 hearings will take place from 9 to 20 May 2022.
2. The first 3 days will be devoted to opening statements. Opening statements may be made by:
  - 2.1. The Commissioner of Police for the Metropolis.
  - 2.2. The Secretary of State for the Home Department.
  - 2.3. The Designated Lawyer's Core Participant Group.
  - 2.4. The Category F Core Participants (Relatives of Deceased Individuals).
  - 2.5. The Category H Core Participants (Individuals in Relationships with Undercover Officers).
  - 2.6. Non-State Core Participants represented by Kate Thomas at Birnberg Peirce ('Madeleine', & Dianne Langford).
  - 2.7. Non-State Core Participants represented by Hodge Jones & Allen (Peter Hain, Ernest Rodker, and Jonathan Rosenhead).
  - 2.8. Non-State Core Participant represented by Bhatt Murphy (Celia Stubbs).
  - 2.9. Non-State Core Participants represented by Saunders Solicitors (Tariq Ali, Piers Corbyn & Ernie Tate).
  - 2.10. Non-State Core Participants represented by Public Interest Law Centre ('Mary' & Richard Chessum).
  - 2.11. Other Non-Police, Non-State Core Participants (through the co-ordinating group).
3. Any other core participant who wishes to make an opening statement in T1 P3 must apply for permission to do so by no later than 29 March 2022. A timetable for oral opening statements will be set if not agreed.
4. Opening statements will be made virtually and be live-streamed to the public at large.
5. Where the Inquiry reads the written statements of any civilian witness who is not giving oral evidence, and the summaries of the evidence of managers who have provided witness statements but who are not called to give oral evidence, this will also be live-streamed to the public at large.
6. The oral evidence of witnesses will be given in person (unless the Chairman directs otherwise) at the Amba hotel. The hearing will be an open public hearing. Members of the public, press and Recognised Legal Representatives who wish to attend a

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particular hearing day will need to register in advance on the Inquiry website. Registration is expected to open on 11 April 2022 and close on 2 May 2022.

7. A rolling transcript with a 10-minute delay will not be provided for T1 P3. A transcript will be published at the end of each day, setting out the oral evidence given. As in T1 P1 and P2, the written statement of the witnesses and relevant documents will be published shortly before they give evidence.
8. An unencrypted audio transmission of the oral evidence of witnesses with a 10 minute delay will be made via YouTube. Automatically generated captions will be available. Both the audio content and the captions will be capable of being rewound. The transmission will be available both within and outside the United Kingdom. There will be no restriction on its use. These measures are possible because there is no restriction order in respect of the real or cover name of any of the witnesses.
9. If any witness requests it, their evidence can be transmitted by audio-visual means by YouTube with a 10 minute delay and/or by making a video recording of it and posting it on the Inquiry's website.

### Special Measures

10. Special Measures Applications on behalf of Police witnesses giving oral evidence shall be submitted by 25 February 2022.
11. A response will be provided by the Inquiry Legal Team by 25 March 2022.

### Hearing Bundle

12. The Inquiry intends to publish the T1 P3 Hearing bundle on Opus by 14 March 2022.

### Opening statements

13. Opening statements on behalf of those set out in paragraph 2 above (or given permission under paragraph 3) shall be submitted to the Inquiry on or before 25 April 2022.
14. Written opening statements received by the Inquiry by the specified deadline (i.e. 25 April 2022) will be circulated only to the legal representatives of those who have provided such statements, on 3 May 2022. Otherwise, written opening statements will be published by the Inquiry on the day on which an accompanying oral opening statement is made.

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15. Counsel to the Inquiry's Opening Statement will be circulated to those who have submitted written opening statements no later than 3 May 2022.

### Questioning and Rule 10

16. The Recognised Legal Representatives of any Core Participant who wishes to propose lines of questioning and/or seek permission to ask questions in accordance with Rule 10(3) or Rule 10(4) should submit a written request to Counsel to the Inquiry by 29 April 2021. Requests should be made in accordance with [Inquiry's Note on application of Rule 10 of the Inquiry Rules 2006](#) (published on 14 October 2020). Any Core Participant not listed at sub-paragraphs 2.1 – 2.10 above should submit lines of questioning and/or seek permission to ask questions through the co-ordinating group.
17. A meeting or meetings (which may be virtual) will be offered between Counsel to the Inquiry and counsel for those who propose such questions or topics to ensure that they are understood.
18. Recognised Legal Representatives of any Core Participant may submit revised lines of questioning or topics to Counsel to the Inquiry no later than 7 days prior to the date on which the relevant witness provides evidence.
19. The Inquiry Legal Team shall provide a response confirming if the questions or topics will be put to the witness no later than 24 hours prior to the witness giving evidence.
20. Unless agreed in advance, witnesses will be questioned by Counsel to the Inquiry.
21. Counsel instructed by the Recognised Legal Representative of a witness will be permitted to ask questions at the conclusion of his or her oral evidence about any topic covered in the oral or written evidence of the witness. If more than 10 minutes is required for this exercise, permission must be sought on the day.
22. At the conclusion of the evidence of a witness, there will be a 15-minute pause to permit counsel for a Core Participant to apply for permission to ask questions of the witness about any topic or issue which has arisen unexpectedly during the course of the evidence given by the witness. The request can be raised in the first instance with Counsel to the Inquiry who may agree without the need to refer the matter to the Chairman. If no such agreement is reached, the request must be made to the Chairman who will determine it.
23. Any request to question a witness about a topic not covered in their oral or written evidence, whether by their own counsel or by counsel for another Core Participant, must, in the first instance be made to Counsel to the Inquiry. The evidential foundation for the request must be disclosed. If Counsel to the Inquiry does not agree, the request will be determined by the Chairman.

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## Oral Summaries of the Police Witnesses not giving Oral Evidence

24. Where Police witnesses who have provided a witness statement are not giving oral evidence, a summary of their evidence will be read by Counsel to the Inquiry.
25. NPNSCP group coordinator may (on behalf of all NPNSCPs) produce a single generic checklist of topics that they would like the Inquiry to include in these summaries on or before 27 April 2022. Short bullet point lists of specific topics for individual witnesses may also be provided on the same date.
26. The State Core Participants may also produce a generic check list of topics and short bullet point lists for specific witnesses by 27 April 2022.
27. The Inquiry Legal Team will consider these lists and may include the topics in the summary.

## **Reasons**

28. The Inquiry published draft directions for T1 P3 on 31 January 2022. Submissions were invited on paragraphs 7 to 9 of the draft directions only.
29. The Inquiry received submissions from the Non State Non Police Core Participants and the Media.
30. Both sets of submissions requested that paragraph 7 be amended to re-instate the rolling transcript provided with a 10 minute delay as in T1 P2.
31. The NSNPCPs submissions requested that the audio feed of the witness evidence be provided without geo-fencing and the Media requested that they be provided with access to the audio feed.
32. The Media requested that where witnesses' identities are not covered by a restriction order, a visual feed should also be provided covering that evidence as well as an Audio feed. The NSNPCPs confirmed by email that they agreed with the Media's position.
33. Having considered the submissions received, the directions have been finalised as follows:
34. Paragraph 8 now provides that an audio feed on a 10 minute delay will be streamed on You Tube, with no restrictions relating to geo-fencing and no requirement for individuals to register to receive access. The feed can be paused and rewound as required. Automatically generated captioning will be turned on.
35. In light of the amendments to paragraph 8, I do not consider it necessary to incur the significant additional expense of providing the rolling transcript. Paragraph 7 therefore remains the same as in the draft directions.

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36. I provided detailed reasons for refusing requests to provide a video feed of a witnesses evidence in the [Directions on the conduct of the T1 P2 hearings](#). Whilst none of the managers giving evidence in T1 P3 have real name anonymity orders in place, the reasons given in paragraph 24 regarding the adverse impact on the evidence of elderly witnesses should a video stream be made available outside the hearing venue, and the impact on the witnesses right to respect for private life under article 8 ECHR apply.
37. For the reasons given in paragraphs 25 and 26 of those Directions, I consider that the provision of an audio feed provides sufficient access to the proceedings for those unable to attend the hearing venue. Paragraph 9 of these directions therefore remains unchanged.

1 March 2022

Sir John Mitting  
Chairman, Undercover Policing Inquiry