

# PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

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## DIRECTIONS FOR THE CONDUCT OF THE SUBSTANTIVE HEARINGS

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### Arrangements for the hearings

1. The hearings will commence on **Monday 14 June 2021** in rooms D200 – E200 the International Dispute Resolution Centre, 70 Fleet Street, London, EC4Y 1EU.
2. The Inquiry will sit from 10am - 4pm, with a lunch break from 1pm - 2pm. There will be a short break in the morning and the afternoon session. These hearing times may change, where necessary, to accommodate witness availability.
3. The Inquiry will sit from Monday to Thursday. Evidence will not be scheduled on Fridays unless witness availability and/or any overspill in the timetable requires it. Core participants will be given as much notice as possible of any Friday on which it intends to sit.
4. The Inquiry will not sit on:
  - a. **Thursday 22 July 2021**
  - b. **Monday 9 August 2021- Friday 3 September 2021** inclusive
  - c. **Tuesday 7 September 2021**
  - d. **Thursday 16 September 2021**
5. A final preliminary hearing will be heard on **Tuesday 4 May 2021** at the International Dispute Resolution Centre. An agenda for that hearing will be circulated by the Solicitor to the Inquiry.

### Timetable

6. The Inquiry legal team will prepare a timetable indicating the proposed date for each witness' evidence. This will be circulated to all core participants as soon as possible.
7. All core participants are asked to ensure that the witnesses that they represent will be available during the hearing dates set out above.

8. Witnesses will be given as much notice in advance of their call date as possible but it may be necessary to make changes to the timetable at short notice. Witnesses will be asked to remain available, if possible, throughout the week in which they are to be called.

### **Transcripts and evidence**

9. A real-time transcript will be available in the hearing room to core participants and the Inquiry Legal Team.
10. Transcripts of the day's evidence, together with any materials shown on the electronic presentation system in the hearing room will be uploaded to the Inquiry's website as soon as practicable after the conclusion of each day's hearing, subject to any restriction order under Section 19 of the Act.

### **Opening and closing statements**

11. The first hearing day will begin with the opening statement of Leading Counsel to the Inquiry Kate Blackwell QC, outlining the issues and indicating the nature and extent of the evidence to be heard.
12. The recognised legal representatives for each core participant will have the opportunity to make opening statements pursuant to Rule 11(i), both orally and in writing, should they wish to do so.
  - a. Written opening statements should be submitted to Solicitors to the Inquiry by **24 May 2021** and will be disclosed to all core participants in advance of the oral opening statements.
  - b. Core participants should inform Solicitors to the Inquiry by **24 May 2021** if they intend to make an oral opening statement and an estimate of how long they require. Time limits may be allocated for these statements if necessary.
13. The recognised legal representatives for each core participant will have the opportunity to make closing statements pursuant to Rule 11(i), both orally and in writing, should they wish to do so.
  - a. Written closing statements should be submitted to Solicitors to the Inquiry by **27 August 2021** and will be disclosed to all core participants in advance of the oral closing statements.
  - b. Core participants should inform Solicitors to the Inquiry by **27 August 2021** if they intend to make an oral closing statement and an estimate of how long they require. Time limits may be allocated for these statements if necessary.

## Questioning of witnesses

14. The Inquiry legal team will prepare and circulate an evidence proposal for each witness which will include the broad topics that it is proposed to cover with that witness. Core participants will have the opportunity to provide observations on these proposals, to highlight any key areas or documents they believe should be covered with the witness.
15. In accordance with Rule 10(1) it is anticipated that the questioning of witnesses will be conducted primarily by Counsel to the Inquiry and myself.
16. Any applications made under Rule 10 must be made in accordance with the Rule 10 Protocol.

## Special Measures

17. Any applications for special measures for any witness must be made in writing to the Solicitor to the Inquiry by 4pm on **12 April 2021**. Such applications must include:
  - a. The special measures sought;
  - b. Why those special measures are required;
  - c. Evidence provided in support of the application.
18. Applications for special measures will be circulated to core participants and to the media, therefore if necessary both open and closed applications will be required.
19. Any representations by core participants in response to applications for special measures must be made in writing to the Solicitor to the Inquiry by 4pm on **19 April 2021**.
20. The Inquiry Legal Team will provide a response to applications for special measures by 26 April 2021.
21. When the Inquiry takes evidence in open hearings from witnesses who are not screened and have not been granted anonymity, the usual rules for attendance in a court room will apply- in particular, there shall be no photography, video recording or audio recording in the Inquiry room (save for the Inquiry's live stream) but sketching of a witness is permissible.
22. When the Inquiry takes evidence from a witness who is screened but has not been granted anonymity the usual rules for attendance in a court room will apply (see para 20). In addition:
  - a. The witness will not appear on the live stream, which will focus upon those asking questions; and
  - b. The making of sketches or taking any image that may tend to identify the witness is strictly prohibited;

- c. The presence of members of the public and legal representatives in the hearing room may be limited by a restriction order made under Section 19 of the Act.
23. When the Inquiry takes evidence from a witness who is screened and has been granted anonymity, the usual rules for attendance in a court room will apply (see para 20):
- a. The witness will not appear on the live stream, which will focus on those asking questions; and
  - b. The making of sketches or taking any image that may tend to identify the witness is strictly prohibited;
  - c. The presence of members of the public and legal representatives in the hearing room may be limited by a restriction order made under Section 19 of the Act.

### **Attendance by members of the press and media**

24. Any member of the press who wishes to watch the evidence of some or all of the witnesses who will give evidence from behind a screen pursuant to an order under Section 19 of the Act or any order granting special measures must apply to Solicitors to the Inquiry by **19 April 2021**. Such applications must include:
- a. The name of the member of the press and evidence of their accreditation;
  - b. The name or cipher of the witnesses that they apply to see.
25. Any application made by members of the press will be circulated to all core participants. Any core participants wishing to object to the presence of specific members of the press during the evidence of any witness must respond by **26 April 2021** to indicate:
- a. The members of the press to which they object;
  - b. The witnesses to which their objection relates;
  - c. The reason for the objection;
  - d. Any additional measures which could or should be put in place.
26. If possible, the Chairman will rule based upon written applications. Any oral submissions that are required will be heard at the final preliminary hearing on **4 May 2021**.

### **Closed Hearings**

27. Hearings will be open to members of the public save for where a restriction order has been made under Section 19 of the Act.

**HH Clement Goldstone QC**

**Chairman, Jermaine Baker Inquiry**

26 March 2021