

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

RESTRICTION ORDER PURSUANT TO SECTION 19 INQUIRIES ACT 2005

ANONYMITY ORDERS- UPDATED

This Restriction Order is made pursuant to section 19(2)(b) of the Inquiries Act 2005 (“the Act”), read with section 19(3) of the Act.

Any threat to break such an order, or any breach of it, can be certified to the High Court or Court of Session under section 36 of the Act, and the Court will deal with it as though the breach had occurred in proceedings before that Court.

IT IS ORDERED THAT:

1. This Order was made on 26 March 2021, and updated on 28 April 2021. It remains in force indefinitely.
2. The Chairman may vary or revoke this Order by making a further order at any point.
3. Any breach of this Order by any means whatsoever shall be notified in writing to the Solicitor to the Inquiry (STI) immediately upon identification of the breach.

National Crime Agency witnesses

4. The name and identifying details of those witnesses listed on Schedule 1 to this order shall be withheld from all and any disclosure given by the Inquiry.
5. The name and identifying details of Witness C and SE11 shall be withheld from all Inquiry personnel, save to the extent that the individual concerned holds appropriate security clearance and requires the information for the effective discharge of their functions on behalf of the Inquiry.
6. The pseudonyms and/or ciphers allocated to those witnesses listed on Schedule 1 to this order shall be used to identify the witness for the purposes of the Inquiry.
7. Any oral evidence those witnesses listed on Schedule 1 to this is to be given entirely in CLOSED session.

8. For the purposes of this Restriction Order, 'CLOSED session' is defined as follows:
 - a. A hearing conducted at premises accredited to handle evidence relating to material of the security classification of closed material.
 - b. A hearing attendance at which is restricted to:
 - i. the Chairman;
 - ii. Counsel to the Inquiry, who hold appropriate security clearance;
 - iii. Solicitor(s) to the Inquiry, who hold appropriate security clearance;
 - iv. Inquiry personnel and court staff who hold appropriate security clearance and whose attendance is necessary for the administration of the hearing;
 - v. NCA legal representatives and personnel who hold appropriate security clearance;
 - vi. Metropolitan Police Service legal representatives and personnel who hold appropriate security clearance and have a direct interest in the evidence to be given at the hearing.
9. Any recording of the proceedings in a CLOSED session (whether by way of transcription or otherwise) is to be subject to the restrictions set out at paragraphs 4-6 of this Order.
10. The National Crime Agency will be notified in advance, and with sufficient notice to make representations, of any intention on the part of the Inquiry to modify or vary the terms of this Order as it applies to the material listed on Schedule 2.

Metropolitan Police Service witnesses

11. The Metropolitan Police Service witnesses listed in Schedule 2 of this order will be granted anonymity within these proceedings.
12. The following measures will apply to those witnesses listed in Schedule 2 of this order:
 - a. The witness' name and other identifying details be withheld from Core Participants, save for the names of FE3 and FE6;
 - b. The witness' name and other identifying details will be withheld from members of the public, including members of the press;
 - c. The witness will be identified within these proceedings (whether in documents disclosed for the purposes of the proceedings or in court) by reference to their cipher, and that no reference shall be made within the proceedings to the witness's name or any other identifying feature;
 - d. In the event that the witness is called to give evidence, the witness will do so screened from members of the general public but visible to the Chairman, court staff, the legal representatives for core participants, approved family members and any other person, including members of the media, whom the Chairman expressly

permits;

- e. In the event that the witness' evidence is livestreamed or published online, the effect of this "screening" be preserved and the witness' image not broadcast;
- f. The witness, or any other witness, will not be asked questions that might lead to their identification;
- g. The witness will be permitted to enter and leave court through a route not available to the public; and
- h. The media will be prohibited from publishing the witness's identity or image or any other identifying feature, pursuant to section 11 of the Contempt of Court Act 1981.

13. In relation to EG39 the measures at paragraph 12 will apply save that if the witness is called to give evidence he will be screened from all members of the public, the media, Counsel to the Inquiry, core participants and core participants' legal team. EG39 will only be visible to the Chairman and the Solicitor to the Inquiry.

W80

14. W80 will be granted anonymity within these proceedings.

15. The following measures will apply to W80:

- a. W80's name and other identifying details will be withheld from Core Participants, and members of the public, including members of the press;
- b. W80 will be identified within these proceedings (whether in documents disclosed for the purposes of the proceedings or in court) by reference to his cipher, and that no reference shall be made within the proceedings to his name or any other identifying feature;
- c. In the event that W80 is called to give evidence, he will do so screened from members of the general public but visible to the Chairman, court staff, the legal representatives of all core, approved family members and any other person, including members of the media, whom the Chairman expressly permits;
- d. In the event that W80's evidence is livestreamed or published online, the effect of this "screening" be preserved and W80's image not broadcast;
- e. W80, or any other witness, will not be asked questions that might lead to W80's identification;
- f. W80 will be permitted to enter and leave court through a route not available to the public; and
- g. The media will be prohibited from publishing W80's identity or image or any other identifying feature, pursuant to section 11 of the Contempt of Court Act 1981.

PENAL NOTICE

16. The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.

HH Clement Goldstone QC

Chairman, Jermaine Baker Inquiry

28 April 2021

Schedule 1- National Crime Agency Witnesses Granted Anonymity

1. Witness C

2. SE11

Schedule 2- Metropolitan Police Service Witness Granted Anonymity

Covert Surveillance and Support Officers

1. FE3
2. FE5
3. FE6
4. FE7
5. FE10
6. FE11
7. FE12

Turkish Speaking Officer

8. FE25

Intelligence Officer

9. FE19

Technical Support Officer

10. EG39

Serving Counter Terrorism Specialist Firearms Officers

11. P2
12. R116
13. S105
14. V68
15. W97
16. W108

17. W109

18. W112

19. Q89

20. A179

Retired Counter Terrorism Specialised Firearms Officers

21. S111

22. S48