

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

RULING ON APPLICATION ON BEHALF OF DIANE TAYLOR TO VIEW ANONYMOUS WITNESSES

19 MAY 2021

1. To date I have made three rulings in relation to anonymity for police officers pursuant to s19 of the Inquiries Act 2005 (“the Act”).
2. Prior to a preliminary hearing on 15 March 2021 I received written submissions from the Guardian indicating that, in accordance with the decision of the Court of Appeal in *Chief Constable of West Yorkshire Police v Dyer* [2020] EWCA Civ 1375, accredited members of the press should be permitted to see anonymous witnesses whilst they give evidence.
3. In my ruling dated 26 March 2021, in which I made a number of orders under s19 of the Act granting anonymity to a number of witnesses, I directed any member of the press who wished to see some or all of the anonymous witnesses whilst they give evidence from behind a screen to apply in writing to Solicitors to the Inquiry by 19 April 2021.
4. On 29 April 2021 I received a brief application from Diane Taylor from the Guardian to be able to see all of the screened witnesses list in Schedule 2 to the restriction order dated 26 March 2021 on anonymity (“the order”), subsequently updated. At a preliminary hearing on 4 May 2021 I observed that the application received was both late and insufficient. As a result, a more detailed application was submitted on Ms Taylor’s behalf on 5 May 2021, together with a detailed list of the witnesses whose evidence she wished to see, namely:

a. FE3	g. FE12	m. S105	s. W109
b. FE5	h. FE19	n. S111	t. W112
c. FE6	i. FE25	o. V68	u. Q89
d. FE7	j. P2	p. W80	v. A179
e. FE10	k. R116	q. W97	
f. FE11	l. S48	r. W108	
5. The application was circulated to Core Participants who were provided with the opportunity to make submissions. The family of Jermaine Baker have confirmed that they support the application. No other Core Participant has made any submissions in response to the application.
6. I have in mind all of the submissions that have been made in relation to anonymity applications before public inquiries. I agree with the suggestion of Males LJ in *Chief Constable of West Yorkshire Police v Dyer* [2-21] 1 WLR 1233 at §152 and can “see no reason why representatives of responsible media organisations, who can be relied upon

not to disclose information ..., should not be permitted to see the police officers give evidence. That would go some way to promote the objectives served by the principle of open justice.”

7. Ms Taylor will be permitted to view the anonymous witnesses whilst they give evidence before this Inquiry. For the absence of any doubt, the other measures in the order continue to apply to W80 and the witnesses listed in schedule 2 of that order, including that they shall not be named or photographed.
8. As with all orders, this will remain under review throughout the hearings. Should any concerns arise about the evidence of anonymous witnesses, or should it become necessary to revisit arrangements for anonymous witnesses, the order may be revoked or varied.

HH Clement Goldstone QC

Chairman, Jermaine Baker Inquiry

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