

<p>1 Tuesday, 4 May 2021 2 (12.00 pm) 3 Pre-inquiry Hearing 4 THE CHAIRMAN: Yes, Ms Blackwell. 5 MS BLACKWELL: Good morning, sir, may I begin by introducing 6 the parties this morning. 7 THE CHAIRMAN: Yes. 8 MS BLACKWELL: I appear as counsel to the inquiry, together 9 with Nikita McNeil. We are assisted by 10 Abigail Scholefield, solicitor to the inquiry. 11 Mr Baker's family is represented by 12 Phillippa Kaufmann Queen's Counsel, together with 13 Michael Oswald and Amy Ooi. 14 W80 is represented by Duncan Penny Queen's Counsel, 15 together with Leona Wyn Roberts. 16 The MPS is represented by Matt Butt Queen's Counsel, 17 together with Daniel Futter and Grace Bovill. 18 The NCA is represented by Neil Sheldon Queen's 19 Counsel, together with Anthea Brookes. 20 The IOPC is represented by Danny Simpson, 21 Liz Parsons and Catherine Hall. 22 Sir, an index to -- 23 THE CHAIRMAN: Can I just ask, is it anticipated that the 24 seats that people are in now, or the rows that people 25 are occupying now, are the rows that they will occupy</p> <p style="text-align: center;">Page 1</p>	<p>1 throughout the hearing? 2 MS BLACKWELL: Yes. 3 THE CHAIRMAN: Fine, thank you, so I will know where to 4 look. 5 MS BLACKWELL: Good. 6 The index to today's bundle was circulated to the 7 core participants last week and, sir, we hope that you 8 have a hard copy of the documents in bundle form. 9 THE CHAIRMAN: I do, thank you. 10 MS BLACKWELL: The agenda of which is lying behind tab 1. 11 I will begin by giving an update on the disclosure 12 and preparation position for the summer hearings. There 13 is an update note in your bundle, sir, behind tab 7, 14 which was circulated to core participants on 27 April. 15 There remain a number of witness statements that have 16 been requested and are yet to be provided to the inquiry 17 legal team. However, I am pleased to report that the 18 list of outstanding statements and evidence is ever 19 dwindling. It has been reduced even from the time 20 between the update note being circulated and today's 21 date. We would like to acknowledge that the MPS has 22 assisted us to a large extent in organising the 23 provision of these additional statements as quickly as 24 possible. We are grateful for their assistance in that 25 regard.</p> <p style="text-align: center;">Page 2</p>
<p>1 It has not always been easy, sir, as I am sure you 2 appreciate, to alight upon the most appropriate 3 individual to provide a statement. There is a balancing 4 exercise to be undertaken in relation to the 5 identification of, in particular, appropriate command 6 and control officers, particularly in relation to 7 surveillance and policing, who, on the one hand, need to 8 be senior enough to be able to speak with authority, but 9 not so senior that they are effectively -- 10 THE CHAIRMAN: Remote. 11 MS BLACKWELL: -- unapproachable. Exactly. 12 THE CHAIRMAN: Yes. 13 MS BLACKWELL: We hope the remaining statements which are 14 currently outstanding will be with us by 11 May. 15 The inquiry legal team has disclosed a vast amount 16 of material and we are confident that all of the 17 material currently held by the inquiry legal team -- 18 which as you know, sir, has to go through a certain 19 process before it can be disclosed to core 20 participants -- will be disclosed by the end of this 21 month. Our March update note to core participants 22 promised that everything would be disclosed by 23 mid April, but there have since that time been a further 24 2,000 pages provided to the inquiry legal team. Again, 25 I am pleased to say the majority of that has now been</p> <p style="text-align: center;">Page 3</p>	<p>1 through the redaction process and is now in the hands of 2 core participants. 3 Finally, we have made inquiries with three possible 4 civilian witnesses who were identified originally by the 5 IOPC in order to see if they are able to assist the 6 inquiry. These requests came from the family and we 7 have put in train the relevant enquiries and will report 8 back as soon as we have answers to give. 9 May I turn, sir, to provide an update on the 10 position of expert evidence. 11 THE CHAIRMAN: Yes. 12 MS BLACKWELL: As you know, sir, there are two policing 13 experts Messrs Arundale and Burrows, who have now 14 provided three reports. The inquiry legal team does not 15 at this stage intend to seek any further reports from 16 them but, if that position should change, we will notify 17 core participants of any additional requests. 18 In relation to the audio product, the MPS has 19 provided a report by a forensic speech analyst, 20 Martin Barry, and as a result of receiving that report, 21 the inquiry legal team has asked Alan French of 22 Cedar Audio to produce a further report about the 23 enhancement that he conducted of the audio recordings 24 from the Audi vehicle and the transcripts which he 25 produced. The inquiry legal team has also asked that</p> <p style="text-align: center;">Page 4</p>

<p>1 Alan French and Martin Barry meet to produce, as far as                  2 possible, a joint agreed transcript of the audio                  3 recording from the time just before the interception, to                  4 a minute or two beyond that.                  5 THE CHAIRMAN: I would have directed that if you hadn't                  6 volunteered it.                  7 MS BLACKWELL: Thank you.                  8 THE CHAIRMAN: Yes.                  9 MS BLACKWELL: We hope to be provided with the joint agreed                  10 transcript within the next couple of weeks and that will                  11 be in turn provided to core participants once it has                  12 been received by us.                  13 In relation to the audio monitoring equipment, the                  14 inquiry legal team has been keen to obtain evidence                  15 about the choice and installation of the probe and                  16 monitoring devices placed inside the Audi vehicle. The                  17 inquiry legal team has been assisted by Bill Storey, who                  18 has now been instructed to produce a report on the                  19 installation and monitoring of the probe. He is                  20 qualified and experienced to provide evidence on many of                  21 the questions which the inquiry legal team has                  22 identified and asked. However, he requires another                  23 witness with the experience of working alongside and                  24 amongst a technical support unit who is able to assist                  25 with particular parts of those queries. We have been</p> <p style="text-align: center;">Page 5</p>	<p>1 doing our very best, sir, to identify an individual                  2 suitable to perform that role. It has not proved easy.                  3 The difficulty that we have faced is that many of those                  4 with suitable experience are still serving officers who                  5 are currently working in covert roles or amongst teams                  6 that are not able to assist or accommodate our requests,                  7 but we are still making enquiries. We have been                  8 provided with some additional suggestions in our search                  9 and we will notify core participants when a suitable                  10 witness has been identified.                  11 The issues for these two individuals are narrow, and                  12 so we hope that once Bill Storey and his partner have                  13 been given the opportunity to work together, that the                  14 report that is expected can be prepared in short form                  15 and will be available, we hope, by the end of this                  16 month.                  17 THE CHAIRMAN: Do you want me to make a direction?                  18 MS BLACKWELL: No, thank you.                  19 THE CHAIRMAN: Right.                  20 MS BLACKWELL: May I turn now to deal with --                  21 THE CHAIRMAN: Can I just suggest then that, I know one of                  22 the many pluses of the way that this inquiry has been                  23 conducted hitherto has been the degree of cooperation                  24 between the core participants.                  25 MS BLACKWELL: Yes.</p> <p style="text-align: center;">Page 6</p>
<p>1 THE CHAIRMAN: I will rely upon you to ensure that everybody                  2 is kept up to date as to where we are at in relation to                  3 that additional evidence --                  4 MS BLACKWELL: Yes.                  5 THE CHAIRMAN: -- and if anybody wants to raise it, ahead of                  6 14 June, they can do so.                  7 MS BLACKWELL: Yes, thank you.                  8 THE CHAIRMAN: Thank you.                  9 MS BLACKWELL: May I turn then, please, to deal with the                  10 issue of a possible physical reconstruction of the                  11 interception.                  12 THE CHAIRMAN: Yes.                  13 MS BLACKWELL: The inquiry legal team has requested further                  14 work to be undertaken by the pathologist                  15 Dr Charlotte Randall, Khaldoun Kabbani, the forensics                  16 expert and Stephen Harrington, the blood pattern expert,                  17 to respond to the matters raised by the expert Adam                  18 Brookes instructed by W80. Sir, you will see                  19 Mr Brookes's report in today's bundle, sitting behind                  20 tab 11.                  21 THE CHAIRMAN: Thank you.                  22 MS BLACKWELL: In particular there are two issues which we                  23 have asked the experts jointly to consider.                  24 First, the location of Mr Baker's hands at the time                  25 he was shot. The evidence currently indicates that they</p> <p style="text-align: center;">Page 7</p>	<p>1 were occupying a position at least as high as his neck                  2 at the time that the shot was fired.                  3 Second, the location of the bag being worn by                  4 Mr Baker, in other words whether or not this was sitting                  5 high in his chest area or somewhere else.                  6 As part of that work, the experts have indicated                  7 that it may be helpful to explore the possibility of                  8 whether a physical reconstruction of the shooting can be                  9 achieved. Whether or not that is possible or indeed                  10 reliable is something which the inquiry legal team has                  11 been exploring and we hope to provide a further update                  12 in relation to the practicalities of this later on this                  13 week.                  14 For the time being, may I say this. The inquiry                  15 legal team has received a letter on behalf of Mr Baker's                  16 family which sits behind tab 10 in today's bundle --                  17 THE CHAIRMAN: Yes.                  18 MS BLACKWELL: -- in which support for a physical                  19 reconstruction has been expressed.                  20 THE CHAIRMAN: Yes.                  21 MS BLACKWELL: This confirms their position, as expressed by                  22 the family back when these proceedings were being                  23 conducted as an inquest.                  24 THE CHAIRMAN: Yes.                  25 MS BLACKWELL: We hear their views and we are making great</p> <p style="text-align: center;">Page 8</p>

<p>1 efforts to make them a reality.                  2 On 22 April --                  3 THE CHAIRMAN: For what it is worth, if it helps, I support                  4 that approach.                  5 MS BLACKWELL: Thank you very much. Thank you for that                  6 indication, sir.                  7 On 29 April, the inquiry legal team circulated to                  8 core participants a note from Mr Kabbani, who set out                  9 what he hopes to be achieved by a physical                  10 reconstruction. That sits behind tab 12 in today's                  11 bundle.                  12 THE CHAIRMAN: I think he undertook a similar exercise in                  13 the Yaqub matter, did he not?                  14 MS BLACKWELL: The inquest, yes, he did, yes. On behalf of                  15 the IOPC.                  16 We are yet to discover whether or not his work is to                  17 be carried through into the course of the inquests, but,                  18 certainly --                  19 THE CHAIRMAN: Certainly he has the expertise and if it can                  20 help, he will be able to do so?                  21 MS BLACKWELL: Yes, and it would seem the experience.                  22 THE CHAIRMAN: Yes.                  23 MS BLACKWELL: We have continued to make enquiries about                  24 whether or not a reconstruction can be arranged and we                  25 have the following update as of today's date to provide</p> <p style="text-align: center;">Page 9</p>	<p>1 to you, sir.                  2 First, the clothing and the bag worn by Mr Baker at                  3 the time of the interception have been retained and are                  4 available.                  5 W80's weapon has been retained and is available.                  6 The Audi vehicle is not available, but the MPS has                  7 been able to locate a police car which could be loaned                  8 to the inquiry. Now, it is not precisely the same model                  9 but it is, according to Mr Kabbani, close enough. He                  10 has considered the situation which has pertained -- in                  11 other words, that the vehicle itself is not available                  12 and we haven't been able to source an exact replicate.                  13 Within his letter to you --                  14 THE CHAIRMAN: Is it such an unusual vehicle?                  15 MS BLACKWELL: It is a -- the one that has been able to be                  16 obtained is a 2012 model, it's an Audi A6 with a 2-litre                  17 engine, so it is not a mile away from the Audi itself.                  18 THE CHAIRMAN: But I mean is it not possible to get hold                  19 of -- it may be a distinction without a difference,                  20 I don't know, but I would have expected that there would                  21 be a source of an identical vehicle.                  22 MS BLACKWELL: Well, we are running against the clock.                  23 THE CHAIRMAN: Okay.                  24 MS BLACKWELL: So with the car that has been offered by the                  25 MPS, Mr Kabbani is of the view that that will suffice.</p> <p style="text-align: center;">Page 10</p>
<p>1 If I could invite you to look for a moment behind                  2 divider 12, halfway down the page.                  3 THE CHAIRMAN: Yes.                  4 MS BLACKWELL: He says:                  5 "The reconstruction exercise will explore the                  6 possible scenarios and positions of Mr Baker and the                  7 positions of the man bag at the time the shot was fired.                  8 We have [according to Mr Kabbani] enough data to work                  9 with, with a similar make and model car."                  10 He goes on to say:                  11 "It is impossible to scientifically prove what the                  12 deceased was doing or the position he was in a fraction                  13 of a second before he was hit, but the reconstruction                  14 exercise [I am now on the final page] will help the                  15 inquiry in having a clear picture of the possible                  16 positions of Mr Baker, as well as the possible positions                  17 of the man bag at the time the shot was fired."                  18 THE CHAIRMAN: I think it would help if the report from                  19 Mr Kabbani identified the differences between the                  20 vehicle in question and the vehicle which is used for                  21 the reconstruction.                  22 MS BLACKWELL: Yes. We will go back to Mr Kabbani following                  23 today's hearing and request that he provide that                  24 information. We will also continue to --                  25 THE CHAIRMAN: I am sure, yes.</p> <p style="text-align: center;">Page 11</p>	<p>1 MS BLACKWELL: -- search for an identical vehicle but, given                  2 the proximity of the hearings --                  3 THE CHAIRMAN: I understand.                  4 MS BLACKWELL: -- we will do our best in the time that                  5 remains.                  6 THE CHAIRMAN: Everybody know that you are doing your best                  7 and that is really, with respect, what matters.                  8 MS BLACKWELL: Thank you, sir.                  9 We are working with the MPS to identify a suitable                  10 location for the reconstruction and we have identified                  11 two or possibly three dates towards the end of this                  12 month when it is likely that we are able to bring                  13 everyone who needs to be present together and for the                  14 reconstruction to take place.                  15 Finally, we are well on with identifying individuals                  16 who are roughly the same height and build as W80 and                  17 Mr Baker.                  18 THE CHAIRMAN: Yes.                  19 MS BLACKWELL: Again, we are grateful to the MPS for                  20 assisting in this regard.                  21 THE CHAIRMAN: Thank you.                  22 How is it anticipated that the evidence of the                  23 reconstruction will be presented at the inquiry?                  24 MS BLACKWELL: We are currently considering whether or not                  25 it will be appropriate to video the reconstruction, as</p> <p style="text-align: center;">Page 12</p>

1 well as have a scenes of crime officer present to take  
 2 photographs of the same. It is anticipated that during  
 3 the period of time that the experts are currently  
 4 timetabled to give evidence, that in whatever form it  
 5 has been captured, the evidence of the reconstruction is  
 6 provided to the inquiry.  
 7 THE CHAIRMAN: The presentation of the evidence is likely to  
 8 take?  
 9 MS BLACKWELL: I don't anticipate it will take longer than  
 10 an hour or two.  
 11 THE CHAIRMAN: Half a day max?  
 12 MS BLACKWELL: Yes.  
 13 THE CHAIRMAN: Thank you.  
 14 MS BLACKWELL: Sir, may I move on, please, to address you in  
 15 relation to the prospect of livestreaming.  
 16 THE CHAIRMAN: Yes.  
 17 MS BLACKWELL: This hearing room has a capacity, under the  
 18 current COVID guidelines, for up to 50 members of the  
 19 press and of the public to come and witness and follow  
 20 proceedings. It is possible that, following the  
 21 expected relaxation of COVID restrictions on 21 June,  
 22 that capacity may well increase. We have so far heard  
 23 from three members of the press who have expressed  
 24 an interest to follow the evidential hearings. The  
 25 issue for your consideration, sir, is whether, in the

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1 remarks of all core participants and the presentation on  
 2 behalf of Jermaine Baker's family I believe that those  
 3 hearings should be livestreamed and there will be  
 4 a natural cutoff at the end of the first week.  
 5 If for any reason the roadmap is changed to the  
 6 extent that the access which I envisage after 21 June  
 7 cannot be achieved, then different considerations will  
 8 apply and I will be perfectly receptive to any  
 9 application for livestreaming of the evidence, because  
 10 it can be arranged at short notice. But it is  
 11 a significant expense, it is one which will be incurred  
 12 if necessary, but I believe that by -- as I say, this is  
 13 subject to anything that anyone else may say, I believe  
 14 that by approaching the question of livestreaming in the  
 15 way in which I am minded to, the interests of everyone  
 16 are properly catered for.  
 17 MS BLACKWELL: Thank you very much, sir. Those comments are  
 18 most helpful.  
 19 THE CHAIRMAN: Thank you.  
 20 MS BLACKWELL: Perhaps I should simply add for the sake of  
 21 transparency, that a significant proportion of the cost  
 22 of livestreaming is taken up with the necessity to build  
 23 in a delay for the evidence to be suitable for streaming  
 24 on to YouTube.  
 25 THE CHAIRMAN: Yes.

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1 current restrictions, but in the knowledge that they are  
 2 likely to be lifted, it is an appropriate course for you  
 3 to approve for the evidential hearings to be  
 4 livestreamed.  
 5 THE CHAIRMAN: Can I indicate what my provisional view is?  
 6 MS BLACKWELL: Yes, please.  
 7 THE CHAIRMAN: In case it is of assistance to those that  
 8 would be affected by it.  
 9 I take the view that 21 June is a watershed.  
 10 MS BLACKWELL: Yes.  
 11 THE CHAIRMAN: I think we should proceed on the assumption  
 12 that on and from 21 June, the restrictions will be  
 13 lifted to the extent that anybody who wishes to follow  
 14 the proceedings will be able to do so by attending what  
 15 is a very large and spacious inquiry room. I do not  
 16 believe that there could be any argument on the basis of  
 17 a lack of transparency if the proceedings on and after  
 18 21 June were not livestreamed.  
 19 That is subject, of course, to the roadmap operating  
 20 as we are led to believe it will. And everything that  
 21 I say about livestreaming and the cutoff point is  
 22 dependent upon that.  
 23 Different considerations however apply for the first  
 24 week of the hearings. I do believe that for the first  
 25 week of the hearings, which will incorporate the opening

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1 MS BLACKWELL: It is important that the core participants  
 2 perhaps understand and acknowledge that.  
 3 THE CHAIRMAN: It is not one of those cases -- I have caused  
 4 enquiries to be made -- very often the bulk of the  
 5 expense is taken up by setting it up and we thereafter  
 6 run at modest expense thereafter. That is not the case  
 7 as far as this livestream proposal is concerned. It  
 8 will be a significant and ongoing expense.  
 9 MS BLACKWELL: Thank you.  
 10 I will allow each of the core participants to  
 11 develop any submissions that they have in relation to  
 12 that.  
 13 THE CHAIRMAN: Thank you.  
 14 MS BLACKWELL: Press applications regarding attendance  
 15 during the screened witnesses' evidence.  
 16 Sir, at the last preliminary hearing on 15 March,  
 17 when the inquiry was considering anonymity applications  
 18 made by the MPS and the NCA, written submissions were  
 19 made to you on behalf of the editorial legal services of  
 20 the Guardian News and Media, which submitted that  
 21 accredited journalists should be permitted to see the  
 22 relevant witnesses.  
 23 As a result of submissions made and your ruling on  
 24 26 March, you directed as follows, that any member of  
 25 the press who wishes to watch the evidence of some or

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<p>1 all of the witnesses who will give evidence from behind                  2 a screen pursuant to an order under section 19 of the                  3 Act, or any order granting special measures, they must                  4 apply in writing to the solicitors to the inquiry by                  5 19 April. Such applications should include the name of                  6 the member of the press and evidence of their                  7 accreditation, together with the name or cipher of the                  8 witnesses that they apply to see.                  9 Indeed, there was a further order made by you, sir,                  10 that any core participants wishing to object to any such                  11 application must respond in writing by 26 April.                  12 You also included in your rulings the fact that you                  13 would decide any written representations so made at                  14 today's hearing, or by today's date.                  15 THE CHAIRMAN: Yes.                  16 MS BLACKWELL: Your ruling, the restriction orders and                  17 directions were published on the inquiry's website and                  18 sent to press organisations. No applications were                  19 received by the inquiry and a reminder was sent to the                  20 press organisations. On 29 April we received                  21 an application from Diane Taylor, who will be reporting                  22 on the inquiry for the Guardian. She has said that the                  23 application was late because she was awaiting                  24 confirmation about who would be reporting on the inquiry                  25 and having been told that it was her, she duly made her</p> <p style="text-align: center;">Page 17</p>	<p>1 application, which sits behind tab 13 in today's bundle.                  2 THE CHAIRMAN: Yes.                  3 MS BLACKWELL: Notwithstanding that the application is late,                  4 sir, we submit that in light of the explanation given,                  5 on this occasion the application should be considered.                  6 Your original directions allowed for seven days for core                  7 participants to respond, which takes us to 6 May, but we                  8 have asked for core participants to respond sooner if                  9 they are able, and I am sure if you ask them, sir, they                  10 would be prepared to --                  11 THE CHAIRMAN: With respect, Ms Taylor is going to have to                  12 wait until people are ready to make their response.                  13 I regard the situation as very unsatisfactory. It is                  14 not good enough for the Guardian, who were in the van of                  15 asking for this approach to be adopted by the court,                  16 then did nothing and it is quite unacceptable for the                  17 excuse that has been advanced without so much as                  18 an apology from the people at the Guardian who are said                  19 to be responsible for the unfortunate position in which                  20 Ms Taylor finds herself.                  21 For her simply to say, "Screened witnesses, schedule                  22 2 witnesses and/or any other screened witnesses", when                  23 they are quite capable of being particularised, is                  24 wholly unacceptable.                  25 MS BLACKWELL: Sir, are you inviting, then, for a more</p> <p style="text-align: center;">Page 18</p>
<p>1 detailed application to be made?                  2 THE CHAIRMAN: Yes.                  3 Is Ms Taylor here?                  4 MS BLACKWELL: I am afraid I don't know.                  5 I can see Ms Scholefield shaking her head.                  6 THE CHAIRMAN: Is there anybody here from the press?                  7 A MEMBER OF THE PRESS: Yes, sir, I am from the press.                  8 THE CHAIRMAN: But not in connection with this application?                  9 A MEMBER OF THE PRESS: No, sir.                  10 THE CHAIRMAN: Yes.                  11 I am going to direct that if the Guardian, through                  12 Ms Taylor, wish to pursue this application, they must,                  13 by close of business tomorrow, comply with the letter of                  14 my directions. No further extension will be granted.                  15 I am then minded to allow a week for core                  16 participants to respond and I will then rule without the                  17 need for an oral hearing.                  18 MS BLACKWELL: Thank you.                  19 THE CHAIRMAN: But I regard the attitude of the Guardian, as                  20 I say, having beaten a very loud drum in relation to                  21 this application, which may have been perfectly properly                  22 beaten, to simply expose Ms Taylor to the displeasure of                  23 the inquiry and then for neither her nor anybody from                  24 the Guardian to have the courtesy of attending or                  25 offering an explanation or an apology, as really rather</p> <p style="text-align: center;">Page 19</p>	<p>1 unacceptable.                  2 MS BLACKWELL: Sir, we will ensure that your comments are                  3 passed on as well.                  4 THE CHAIRMAN: Thank you.                  5 MS BLACKWELL: There have been no other press applications                  6 in relation to this issue.                  7 THE CHAIRMAN: Yes.                  8 MS BLACKWELL: Of course, if they are made late or close to                  9 the hearing, this, as you know, sir, will be                  10 an extremely busy period for the inquiry legal team and                  11 for all other core participants --                  12 THE CHAIRMAN: I think they will get the drift from the                  13 terms of the order that I have made today that they will                  14 be wasting their time.                  15 MS BLACKWELL: I am sure they will.                  16 THE CHAIRMAN: Thank you.                  17 MS BLACKWELL: Before inviting core participants to make                  18 their submissions, may I mention a couple of other                  19 matters by way of any other business.                  20 The first is in relation to the draft timetable,                  21 sir.                  22 It was circulated to core participants last week.                  23 I have had the opportunity of discussing certain aspects                  24 of it with my learned friend Ms Kaufmann and further                  25 witness statements, as you know, are still expected and</p> <p style="text-align: center;">Page 20</p>

1 will have to be slotted in at appropriate parts of the  
 2 current timetable.  
 3 Any formal submissions on the draft timetable should  
 4 be sent to the solicitor to the inquiry by Friday,  
 5 7 May, please. It is a tight timescale but, as you  
 6 know, sir, we are not now far away from the summer  
 7 hearings.  
 8 THE CHAIRMAN: Yes.  
 9 MS BLACKWELL: As you previously indicated, sir, the inquiry  
 10 will not sit for four weeks between Monday 9 August and  
 11 Friday, 3 September. It is anticipated that the  
 12 evidence will conclude before the summer break and the  
 13 final week of the current timetable -- that is Tuesday,  
 14 3 August until Friday, 6 August -- has been held as  
 15 a sitting week to accommodate any slippage.  
 16 THE CHAIRMAN: Yes.  
 17 MS BLACKWELL: You have directed that in relation to written  
 18 closing submissions following the completion of the oral  
 19 hearings, that they be served by Friday, 27 August, and  
 20 they will be circulated amongst all core participants.  
 21 Counsel to the inquiry does not propose to prepare  
 22 any written closing submissions. The hearings are  
 23 expected to resume on Monday, 6 September for the oral  
 24 submissions to be made and, again, counsel to the  
 25 inquiry does not propose to make any substantial closing

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1 THE CHAIRMAN: But I am not going to say more than that at  
 2 this stage.  
 3 MS BLACKWELL: No.  
 4 THE CHAIRMAN: People may have already managed their affairs  
 5 to ensure that we don't, but if it transpired that it  
 6 was needed, then it may very well be a day on which I am  
 7 able to sit, but we will see.  
 8 MS BLACKWELL: Thank you for that indication, sir.  
 9 THE CHAIRMAN: Okay.  
 10 MS BLACKWELL: The evidence proposals and the rule 10  
 11 protocol, the rule 10 protocol is available for all to  
 12 see on the inquiry website.  
 13 Witnesses giving evidence will be provided with  
 14 a bundle containing their witness statements and their  
 15 key exhibits and the evidence proposals which will be  
 16 circulated will include a list of documents that the  
 17 witnesses may be asked about during their evidence. The  
 18 documents will be displayed on screen by the inquiry's  
 19 evidence management system during the course of the  
 20 evidence and those organisations representing witnesses  
 21 are asked to ensure that their witnesses are shown all  
 22 relevant documents prior to commencing their evidence.  
 23 It is therefore essential that all core participants  
 24 engage with the evidence proposal process and the  
 25 rule 10 protocol.

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1 submissions, but we may attempt to assist you in  
 2 providing a summary of those submissions that have been  
 3 circulated by others.  
 4 THE CHAIRMAN: Thank you.  
 5 MS BLACKWELL: Mindful that you will have had the benefit of  
 6 written closing submissions, we are proposing that core  
 7 participants will be limited to a two-hour slot each for  
 8 the presentation of their oral closing submissions.  
 9 The timetable which we are proposing in relation to  
 10 those presentations are as follows: Monday, 6 September  
 11 for the family of Jermaine Baker and the MPS; that the  
 12 inquiry will not sit on Tuesday, 7 September; on  
 13 Wednesday, 8 September, closing submissions on behalf of  
 14 W80 and the NCA; Thursday, 9 September, closing  
 15 submissions on behalf of the IOPC, if indeed the  
 16 organisation wishes to make oral closing submissions.  
 17 THE CHAIRMAN: And then anything from you?  
 18 MS BLACKWELL: By way of mopping up at the end, yes.  
 19 THE CHAIRMAN: Yes.  
 20 Can I just mention one thing. I know to accommodate  
 21 me, we said that we would not be sitting, I think, on  
 22 Thursday, 22 July.  
 23 MS BLACKWELL: Yes.  
 24 THE CHAIRMAN: It is likely that, if we needed to, we could.  
 25 MS BLACKWELL: Right.

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1 You will be provided with a bundle of key maps and  
 2 photographs, of experts' reports and of police and  
 3 College of Policing policies. The witnesses and counsel  
 4 to the inquiry will also have these bundles and we will  
 5 have shared the indices for those bundles with core  
 6 participants in good time before the witnesses are to  
 7 step into the witness box.  
 8 According to the rule 10 protocol, the first draft  
 9 evidence proposals are due to be served upon core  
 10 participants by the end of this month. It just remains  
 11 for me to remind core participants, please, sir, that  
 12 they are asked to respond within six working days before  
 13 the relevant witness gives their evidence and we will  
 14 circulate a finalised proposal in terms of the areas of  
 15 questioning, four working days before the evidence is  
 16 due to be given.  
 17 Keeping to these deadlines as far as possible  
 18 provides a system which is workable and likely to bring  
 19 the highest degree of success to the smooth running of  
 20 the inquiry. As you know, sir, we cannot call every  
 21 witness, nor would that be helpful to you in determining  
 22 the issues which you have in accordance with the term of  
 23 reference to so determine. We will endeavour keep the  
 24 hearings as efficient and effective as we can, but this  
 25 of course requires the cooperation of all core

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1 participants.  
 2 We are confident that, with the teams in place who  
 3 are present today, this cooperation will be forthcoming  
 4 and will lead to the completion of matters within the  
 5 timetable being achievable.  
 6 Sir, is there anything at this stage with which  
 7 I can help you? If there is not, then I will turn to my  
 8 learned friend Ms Kaufmann to address you on behalf of  
 9 the family.  
 10 THE CHAIRMAN: Yes.  
 11 Yes, Ms Kaufmann.  
 12 MS KAUFMANN: Good morning, sir.  
 13 Thank you very much, Ms Blackwell.  
 14 Can I just express on behalf of the family their  
 15 gratitude to the inquiry team and to you, sir, for all  
 16 the huge amount of work that has gone into the  
 17 preparations in the last of many months, which brings us  
 18 to the point where the family can clearly see this is  
 19 now going to happen.  
 20 THE CHAIRMAN: Yes.  
 21 MS KAUFMANN: That is a matter of real comfort to them but  
 22 also a matter of, as you will understand, real stress as  
 23 we come up to it and they are getting increasingly  
 24 anxious as we reach the start in June.  
 25 I can deal very, very briefly with all the matters

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1 THE CHAIRMAN: If 21 June does not bring with it the degree  
 2 of openness, literally, that we are expecting, then we  
 3 will be as you were with livestreaming.  
 4 MS KAUFMANN: Yes, and we are very happy with that approach.  
 5 As far as the press applications are concerned,  
 6 nothing to be said about that, we will wait and see what  
 7 comes.  
 8 THE CHAIRMAN: Yes.  
 9 MS KAUFMANN: So really we have nothing --  
 10 THE CHAIRMAN: I was certainly, if I may say so,  
 11 Ms Kaufmann, not minded to put you and your fellow core  
 12 participants' representatives under any pressure to  
 13 respond to belated applications when there was no  
 14 acceptable explanation for their lateness. Thank you.  
 15 MS KAUFMANN: Sir, really we have no further observations to  
 16 make. We are very happy with the progress that has been  
 17 made.  
 18 THE CHAIRMAN: Thank you.  
 19 Who wants to go next?  
 20 MS BLACKWELL: Mr Butt.  
 21 MR BUTT: Sir, unless I can assist you, there is nothing  
 22 I would seek to submit at this stage.  
 23 Anything in relation to the matters raised --  
 24 THE CHAIRMAN: This is going too smoothly, Mr Butt.  
 25 MR BUTT: That is exactly what I was thinking, sir.

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1 of updating. We are, as I say, hugely grateful and glad  
 2 to see and hear about the further final steps that are  
 3 being taken in respect of gathering evidence,  
 4 disclosure, preparation of witness statements, the  
 5 provision of possibly three further statements from  
 6 civilian witnesses pursuant to our requests that that be  
 7 looked into, the further expert evidence, all these  
 8 things I am going through because we have no comments or  
 9 observations to make on them.  
 10 THE CHAIRMAN: No.  
 11 MS KAUFMANN: Again, the physical reconstruction, we are  
 12 very grateful that the inquiry has taken that forward,  
 13 it is, as Ms Blackwell said, something we have been  
 14 pressing for for a long time.  
 15 THE CHAIRMAN: I think it got lost a bit. It was on the  
 16 back burner, but it has never gone away.  
 17 MS KAUFMANN: No, and we understand there has been so much  
 18 that has had to be done and we are just grateful that  
 19 that is now being looked at.  
 20 Livestreaming, we have no submissions to make on  
 21 that. That seems like a very, very sensible and fair  
 22 approach.  
 23 THE CHAIRMAN: Thank you very much.  
 24 MS KAUFMANN: Obviously, as you say, subject to the roadmap  
 25 changing --

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1 We can raise between parties, but there's nothing  
 2 I need to raise, thank you.  
 3 MS BLACKWELL: Mr Penny, please.  
 4 THE CHAIRMAN: Mr Penny.  
 5 MR PENNY: Sir, the only matter I would mention is we would  
 6 be grateful, as matters go forward and I know my learned  
 7 friend has already mentioned this will happen, to be  
 8 kept up to date and informed as to the proposals for the  
 9 ambit, the parameters and the conduct of the proposed  
 10 physical reconstruction.  
 11 THE CHAIRMAN: I have no doubt that that will happen.  
 12 MR PENNY: Plainly, of course, obviously we have a keen  
 13 interest in the proposals for the evidential  
 14 presentation of that matter in the inquiry.  
 15 THE CHAIRMAN: Yes, thank you.  
 16 MS BLACKWELL: Mr Sheldon.  
 17 MR SHELDON: Sir, the only matter I have to raise, other  
 18 than to express our gratitude to the inquiry legal team  
 19 for the update of progress, relates to livestreaming.  
 20 We take no objection at all to the provisional view you  
 21 have expressed that there should be livestreaming for  
 22 the first week, subject to the roadmap, not thereafter.  
 23 The only observation we would make, and I am not  
 24 sure whether or not this has been built into your  
 25 provisional view or not is that any such livestreaming

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1 should be subject to a brief delay before it is placed  
 2 into the public domain, for obvious reasons.  
 3 THE CHAIRMAN: Yes.  
 4 MR SHELDON: Primarily in relation to --  
 5 THE CHAIRMAN: Ms Blackwell, do you want to deal with that  
 6 now.  
 7 MS BLACKWELL: Yes, of course.  
 8 In the usual way that these matters are arranged,  
 9 there would have to be a delay and as I have already  
 10 mentioned to you, sir, there is a considerable cost in  
 11 organising that delay.  
 12 THE CHAIRMAN: Yes.  
 13 MR SHELDON: Well --  
 14 THE CHAIRMAN: That will be borne on the chin.  
 15 MR SHELDON: Thank you very much, sir.  
 16 Other than that, nothing from me.  
 17 MS BLACKWELL: Mr Simpson.  
 18 MR SIMPSON: Thank you. May I echo everybody else's  
 19 gratitude to the inquiry team, who certainly we have  
 20 been greatly assisted by.  
 21 I repeat I think what I have said on earlier  
 22 occasions, it is not the IOPC's intention to play  
 23 an active role in this inquiry, it is our intention to  
 24 provide as much assistance as we can do to the inquiry,  
 25 but not otherwise to be involved and unless matters

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1 change, or circumstances change, it is not intended that  
 2 the IOPC will be legally represented throughout the  
 3 inquiry and indeed probably for very little of it.  
 4 THE CHAIRMAN: Understood.  
 5 MR SIMPSON: Thank you. But the investigators will be  
 6 present throughout the inquiry to continue to provide  
 7 assistance.  
 8 THE CHAIRMAN: I would expect that, thank you.  
 9 MS BLACKWELL: Can I just put on record as well the great  
 10 assistance that has already been provided by the  
 11 organisation.  
 12 THE CHAIRMAN: Yes.  
 13 MS BLACKWELL: Thank you.  
 14 Sir, I have come to the end of my list and I have  
 15 nothing to say by way of additional assistance, unless  
 16 I can provide any to you?  
 17 THE CHAIRMAN: Bear with me a minute, please. (Pause)  
 18 No, I think that is it.  
 19 See you all on 14 June.  
 20 MS BLACKWELL: Certainly.  
 21 THE CHAIRMAN: 10.00 on 14 June.  
 22 MS BLACKWELL: Thank you.  
 23 THE CHAIRMAN: Look after yourselves. I look forward to  
 24 seeing you then.  
 25 Thank you.

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1 (12.45 pm)  
 2 (The hearing concluded)  
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