

## PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

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### RULING ON RESTRICTION ORDER APPLICATION FOR SPECIAL MEASURES RELATING TO NATHAN MASON UNDER SECTION 19 INQUIRIES ACT 2005

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1. This ruling should be read in conjunction with my ruling of 4 May 2021 providing reasons for my decision on the applications for special measures made by and on behalf of serving and former MPS officers.
2. On 12 July 2021, in advance of his evidence before this Inquiry, I received an application on behalf of Nathan Mason for special measures as follows:
  - a. Mr Mason's evidence should not to be streamed live on the Inquiry's YouTube channel;
  - b. Mr Mason's evidence should not to be published on the Inquiry's YouTube channel following the conclusion of his evidence.
3. The application is made the grounds that "*the live stream and ongoing accessibility of Mr Mason's evidence...is damaging to his mental health and places him at risk.*"
4. As Mr Mason's application arose the day before he was scheduled to give evidence, his legal representatives were unable, at that time, to obtain evidence in support of the risk to his mental health or of the objective risk to Mr Mason.
5. On 13 July 2021, with the agreement of all Core Participants, I ruled that Mr Mason would give evidence without the live stream. I did so without prejudging the merits of the application but to allow Mr Mason's representatives the opportunity to obtain supporting evidence without further delay to Mr Mason's live evidence. I concluded that to do otherwise would have frustrated Mr Mason's application and any further delay to Mr Mason's evidence was neither in his interests nor in the public interest.
6. On 19 July 2021 I received a letter from Mr Mason's probation officer describing her experience of his current mental health and emotional wellbeing. On 30 July 2021 those representing Mr Mason confirmed that no further evidence would be provided.
7. No core participant has made submissions in response to this application. Submissions were received on behalf of five media organisations as follows:
  - a. That the application represents an interference with open justice that requires justification;

- b. The assertions about Mr Mason’s mental health were not supported by any expert or medical report;
  - c. In accordance with *Scott v Scott* [1913] AC 417 albeit giving evidence may be painful or humiliating “*this is tolerated and endured*” in the interests of open justice.
  - d. Mr Mason’s evidence will be reported fairly and responsibly.
8. Under s17(3) of the Act there is a statutory duty placed on me, as Chairman, to act with fairness when making any decision as to the procedure or conduct of the Inquiry. Both the Inquiries Act 2005 and the Common Law emphasise the importance of open justice and public access to these proceedings. For that reason, the starting point under s18 of the Act provides a presumption that the Inquiry will be held in public. Any order under s19 of the Act to restrict access to any aspect of the Inquiry’s evidence must specify only those restrictions that are required in all the circumstances.
9. Mr Mason’s representatives have not provided any medical evidence in support of the claims that have been made about his mental health both in the application and by his probation officer. No evidence has been provided to demonstrate that there is a risk to Mr Mason should a video of his evidence be published. I note that whilst Mr Mason’s application submits that publication on YouTube makes Mr Mason’s evidence “*extremely accessible and available to gang members*”, no objection has been raised to the publication of a transcript of Mr Mason’s evidence. That transcript has been available on the Inquiry’s website since 13 July 2021.
10. In light of all of the above, and having considered the application carefully, I refuse the second limb of Mr Mason’s application. The video of his live evidence will be published on the Inquiry’s YouTube channel.

**HH Clement Goldstone QC**  
**Chairman, Jermaine Baker Inquiry**  
1 September 2021