

TIMES NEWSPAPERS LIMITED

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From the Legal Department

Our Ref.: BJ

Date: 1 July 2022

Your Ref.:

Amy Nicholls
Field Fisher

By email: Amy.Nicholls@fieldfisher.com

Dear Miss Nicholls,

Dawn Sturgess Inquiry

I write on behalf of Times Newspapers Limited ("TNL"), publisher of The Times and The Sunday Times, in response to the applications of Her Majesty's Government ("HMG") and Operation Verbasco (The Metropolitan Police/Thames Valley Police) for indefinite restriction orders in respect of broad categories of individuals who are connected, in various ways, to the Dawn Sturgess Inquiry ("the Inquiry" and "the Applications").

The categories of individuals in respect of whom restriction orders are requested are:

Operation Verbasco:

- all CTP Staff, save for those who have been avowed by the CTP.

HMG:

- all staff below Senior Civil Servant grade and the military equivalent of below one star mark;
- all Senior Civil Servant not publicly linked to the events in 2018;
- all UK Intelligence Community Staff unless publicly avowed.

The note from HMG confirms that its application in respect of staff includes all former staff and external staff, including contractors and experts, who may have been brought in to advise or assist.

TNL is concerned by the general nature and broad scope of the Applications which seek indefinite restriction orders, effectively anonymity orders, for classes of individuals with no or limited exploration of the particular risks presented for the individuals concerned. TNL understands that more information might be available that has not been shared with it. It also understands that the Applications are in advance of disclosure and the relevance of each individual included in the various categories is not necessarily clear at this point. As a general point, TNL opposes the blanket anonymisation of categories of individuals. TNL is particularly

concerned that the restrictions are requested to be indefinite with no periodic review of necessity or appropriateness. The restrictions sought have the potential to stifle reporting of a significant inquiry and, as proposed, represent a disproportionate restriction on the fundamental principle of open justice.

When determining any application for anonymity in an inquiry or other judicial proceedings, the starting point must be a presumption of openness, in conformity with the principles of open justice and the importance of Article 10 rights, especially when considering any restrictions either on access to or reporting of inquiry proceedings. Any departure from open justice must be subject to scrutiny, be proportionate and strictly necessary. On the information available to it, TNL objects to the indefinite nature of the proposed restrictions.

With the limited information available to it, TNL reserves its position in relation the Applications as at this stage the significance of the potential evidence is unknown. The greater the role of the witnesses/ relevance of the evidence to the Inquiry's terms of reference, the greater the public interest in reporting the evidence in its fullest form is likely to be. TNL asks to be provided with further information about the likely role of the individuals when that information becomes available. Only then will it be able to make informed submissions as to the appropriateness of any ongoing anonymity order/restriction.

It is TNL's position that, where material is disclosed to other parties in the context of an application for restrictions on reporting, that material should be provided to TNL, so that it can make informed submissions if appropriate.

TNL welcomes the distinction drawn at para 15 of the note of 27 June from Operation Verbasco where it confirms that its application "*does not extend to CTP staff who will be called as witnesses*". Instead applications for this category of individual will be the subject of separate consideration and application. The note anticipates a more informal process by which a Core Participant can seek the identification of an individual who is represented by a cipher. It is not clear that HMG supports this approach and TNL would welcome confirmation of its agreement to this approach.

As explained above it is particularly important to bring specific focus to the anonymity afforded to witnesses to the Inquiry and requests that notice is given to TNL of each application with the supporting evidence to enable it to meaningfully consider and respond/comment as appropriate.

Yours faithfully,

TNL Legal

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