

INQUIRY INTO THE DEATH OF DAWN STURGESS

SUBMISSIONS ON BEHALF OF HER MAJESTY'S GOVERNMENT FOR THE SECOND OPEN PRELIMINARY HEARING ON 15 JULY 2022

1. These submissions address the issues identified in the submissions of Counsel to the Inquiry, dated 22 June 2022.

The disclosure process

2. In respect of Direction 1 made by the Chair on 4 April 2022, HMG has provided the Solicitor to the Inquiry with responses to their correspondence of 12 October 2021, 8 November 2021 and 3 February 2022. HMG has sought to identify those parts of each document which, in the submission of HMG, should remain CLOSED (with or without redaction or gisting). HMG will seek to formalise the non-disclosure of CLOSED elements in accordance with the provisions of section 19 of the Inquiries Act 2005 and through ongoing discussion and agreement with the ILT. This work is intended to facilitate the safe disclosure of relevant material to Core Participants as quickly as possible.
3. HMG recognises that the review process needed to protect sensitive material from public disclosure inevitably adds to the time taken to provide disclosure to Core Participants. As has been said before, this process protects some of the most sensitive material in HMG's possession of which the inadvertent disclosure could endanger lives and would put national security at risk. It requires the utmost care. HMG will continue to work with the Inquiry Legal Team ["ILT"] to look at ways of improving the process. One way, already being pursued, is the prioritisation of material that appears to be of the greatest relevance.
4. Whilst we maintain that additional steps remain necessary because of the unique sensitivities in this case, we have borne in mind the need to keep under review whether, as our collective experience grows, efficiencies can be made, and are taking steps to introduce

such efficiencies. HMG can now, for example, agree to remove a time consuming part of the review covering some of the third party material provided by the police. Furthermore, following the early review work that has been underway, several HMG departments have now reached a stage where they are confident they no longer need to conduct reviews of material to check for particular sensitivities. Efforts are also being made to automate work where possible. We recognise that this description is vague and may be unclear to those without knowledge of the work taking place in CLOSED. We welcome questions in CLOSED from the Chair and ILT and will endeavour to provide clear answers within the safe CLOSED environment which we hope will provide some comfort to the other IPs.

5. A substantive number of documents (running to several thousands) have been reviewed by HMG to date (with thousands more having first been reviewed for relevance by junior counsel). That process continues in line with the HMG disclosure strategies and HMG are in the process of reviewing several thousand more documents. That review work is resource intensive and involves large numbers of HMG staff in that exercise. Several thousand pages of relevant material has been cleared and passed to the ILT for their reviews.

Restriction order application in respect of names

(i) The provision of further information

6. HMG has made OPEN and CLOSED submissions in support of its application. In response to the request of CTI dated 10 June 2022, HMG has provided an OPEN response to CTI's note, dated 21 June 2022, to the Chair, ILT and Core Participants. A CLOSED response has also been provided to the Chair and ILT.

(ii) The need for separate restriction order applications in respect of names already publicised

7. Having given consideration to CTI's observations at paragraph 27(d) of CTI's submissions, HMG would respectfully agree, in principle, with the proposal for separate restriction order applications to be made in respect of individuals who have already been publicly linked with the events.

(iii) CIPHERING

8. HMG agrees with CTI's proposal that, if the restriction order application is granted, ILT should create a list of core names to be given ciphers. HMG will co-operate fully in the creation of such a list. The use of ciphers during the initial redaction process should be much more efficient than the substitution at a later stage of ciphers for blanked-out names.
9. HMG does not suggest that, in principle, ciphering should take place before disclosure to ILT. HMG agrees that it is right for ILT to have as much unredacted information as possible, so that ILT can keep under review the relevance of specific names.

Further hearings

10. HMG respectfully supports CTI's suggestion that there should be a further preliminary hearing in October or November 2022.

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4 July 2022