INQUESTS ARISING FROM THE DEATHS IN THE LONDON BRIDGE / BOROUGH MARKET TERROR ATTACK OF 3 JUNE 2017

FIRST RULING ON APPLICATIONS FOR ANONYMITY AND SPECIAL MEASURES

Introduction

1. On 3 June 2017, a terror attack took place at London Bridge and Borough Market. Eight victims were killed in the attack. Events culminated in police officers confronting and shooting the three attackers, all of whom died. These Inquests concern the deaths arising from the attack.

2. Applications for anonymity and/or special measures have been made by family members of two of the three attackers, and by the Metropolitan Police Service ("MPS") and City of London Police ("COLP") on behalf of a number of armed officers from their respective forces. The eight MPS officers are Authorised Firearms Officers ("AFOs") in the Specialist Firearms Command, one of whom is a Tactical Firearms Commander. The three officers of the COLP are also AFOs, each of whom works in the Tactical Firearms Group of the force.

3. On 6 July 2018 I held a Pre-Inquest Hearing. The applications had been made in advance of the hearing, with supporting evidence and submissions. At the hearing, I heard submissions from Counsel to the Inquest ("CTI") in relation to the applications. No Interested Person and none of the applicants made oral submissions on the applications at the hearing. As suggested by CTI, I gave directions which summarised the position taken by CTI and provided for (a) any media organisation to file written submissions responding to the applications and (b) each applicant to file submissions in reply to those of CTI and/or those of the media.

4. Written submissions were later received from the British Broadcasting Corporation ("BBC") and the Press Association ("PA"). One of the applicants (CL) provided responsive submissions with further evidence.

Summary of Orders

5. In summary I shall make the following orders, the detail of which follows in this ruling:

Metropolitan Police Service firearms officers	The applications for anonymity and special measures (with associated reporting restrictions) are granted as set out below.
City of London Police firearms officers	The applications for anonymity and special measures (with associated reporting restrictions) are granted, subject to a modification of the screening order sought, as set out below.
AB (Widow of Khuram Butt)	AB's application for anonymity is refused. AB's application for special measures is granted. AB's children shall not be identified by any advocate save with prior notice and on application to the Court.
ABi, BBi (Relatives of Khuram Butt)	ABi's application is deferred. He shall file and serve further evidence as set out in this Ruling within 21 days. ABi's and BBi's children shall not be identified by any advocate save with prior notice and on application to the Court.
CL, AL (Ex-partner of	CL's current name shall not be given in evidence, and

Rachid Redouane and her child)	there shall be associated reporting restrictions. However, I am not prepared to order that the name she had at the time of the attack should not be given in evidence or subject to reporting restrictions. Her application for special measures is granted. AL shall not be identified by any advocate save with prior notice and on application to the Court.

The Applications

The children

6. The applications made in relation to the children of AB, ABi, BBi and CL (all of whom are under 18) are straightforward and uncontroversial. These are children of individuals who, as described below, were related to the attackers. CTI made submissions that the names of the children about whom applications are made, and the identifying features of those children, are generally not relevant to the matters which will be considered in the Inquests. It will most likely be necessary for a number of children to feature in the narrative about which evidence will be given, such as evidence of the attackers' preparations for the attack, but this need not be by reference to their names.

7. The BBC says that it does not intend to identify any of the children and would not oppose any orders that I make to prevent them being identified. Equally, the PA supports "the avoidance of unnecessary reference to" the children.

8. In my judgment, the appropriate order is that no advocate should name, or give any identifying details of, any of the children of the three attackers, or any other children of AB, ABi, BBi, or CL, except with prior notice and on application to the Court. Their names should be redacted from documents to be disclosed to Interested Persons, and if necessary should be replaced with ciphers or explanatory notes.

9. In my judgment, that represents a fair and sensible approach. It is an approach which reflects the extremely limited relevance of these children to the Inquests. Should an application be made to refer to a child by name in particular circumstances, I shall then consider that application on its merits.

AB

10. By application dated 27 March 2018, AB (the widow of Khuram Butt) seeks directions that –

    a. AB is afforded anonymity and at the Inquests should be referred to as Witness AB;

    b. AB's name and other identifying details should be withheld;

    c. AB should not be asked any questions that would tend to reveal her identity, address or area in which she lives;

    d. AB should give evidence from behind a screen and only be visible to coroner, jury, advocates and Interested Persons;

    e. No person should articulate, publish or otherwise pass on any details that may identify or lead to the identification of AB or her children, her address or the area in which she lives;

    f. There should be no disclosure or publication made of any evidence or documents given, produced or provided to the Inquests which discloses AB's identity, address or area in which she lives, including any description or image capable of identifying AB; and

    g. There should be no disclosure or publication made or any evidence or any document given, produced or provided to the Inquests which discloses the identity of AB's children, their home address or the area in which they live including any description or image capable of identifying them.

11. AB makes her application by reference to articles 2, 3, and 8 of the European Convention on Human Rights ("ECHR"). The application is also made by reference to common law principles, it being said that there are genuine safeguarding concerns regarding the applicant and her children which are causing significant anxiety to the applicant.

12. AB relies upon a witness statement dated 26 March 2018. Her witness statement explains that, following the terror attack, she was arrested and her home was searched by police. She has not returned since then, and has been staying with family. She is concerned about harm she and her family may suffer if identified. So far as she is aware, the press have not published photographs of her or of any child of hers (although there has been publication of reports which name her).

13. In respect of the article 2 and article 3 arguments (considered below), submissions are made that "ill will or malice towards the deceased attackers will inevitably be extended towards their families". It is said that there is a real and continuing risk of AB and her children being attacked if they are identified in connection with the Inquests. The article 8 argument is founded upon intense interest by the media in AB's family. It is argued that the order should be made to protect AB from intrusive media interest which has had a profoundly detrimental effect on her and her children. I address these arguments in more detail below.

ABi and BBi

14. By application dated 5 July 2018, two relatives of Khuram Butt, a male relative (ABi) and a female relative (BBi),[1] seek directions that the names and current addresses of the following persons be withheld from disclosure:

    a. ABi;

    b. ABi's young children;

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[1] These applicants are referred to as "AB" and "BB" in their application and supporting evidence. I refer to them as "ABi" and "BBi" to distinguish them from the widow of Khuram Butt.

c. ABi's wife;

d. ABi's mother; and

e. BBi's young children.

15. BBi does not ask that her name be withheld, recognising that it is already in the public domain, but asks her address be withheld, it being the address at which her young children reside. I have indicated above the way in which I shall deal with the applications relating to the children. Her address is irrelevant, and like other irrelevant personal addresses it should be redacted from documents being disclosed. It should therefore not feature in evidence, but I need not make a specific order in that regard.

16. At the hearing on 6 July 2018, CTI submitted that consideration of ABi's application concerning himself and family members should be deferred pending further evidence as to the effects on him of the application being refused. No such further evidence has yet been received by the Solicitor to the Inquests. I order that any such further evidence on which ABi wishes to rely is provided within 21 days of the date of this Ruling, following which I shall consider the application. I should stress what the further evidence needs to address: it should deal with the specific effects on ABi if his name is given in evidence at the inquests, rather than as a cipher. The evidence should be prepared on the assumption that there will inevitably be evidence which refers to him (and consequent reporting of that evidence), even if it does not do so by name, and on the basis that his name has already appeared in the press and can be found by simple online searches.

CL

17. By application dated 27 March 2018, the widow of Rachid Redouane (CL) seeks the following directions on behalf of herself and her child (AL):

a. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquests which discloses CL's identity, including any description or image capable of identifying CL;

b. There shall no disclosure or publication made of any evidence or document given, produced or provided to the Inquests which discloses the identity of CL's child, AL, including any description or image capable of identifying them.

18. CL's application is made by reference to articles 2 and 3, ECHR, and by reference to common law principles. She initially provided a witness statement dated 22 March 2018. In that initial witness statement she recounts how, after the terror attack, she was arrested and subjected to intrusive and distressing media interest. She explains that she has since been relocated by police for her safety, has changed her name and has taken steps to alter her appearance. She says that she feels panic every time somebody now knocks on her door, after concerns which the police had for her safety in the aftermath of the attack.

19. CTI made submissions at the hearing that, on the basis of that evidence, the application should be refused. The BBC and PA subsequently made submissions to the same effect. A significant basis for the objections of the media is that there have been press reports giving the name CL had at the time of the attack and showing photographs of her. They argue that further reporting of her name will not put her at any significant additional risk.

20. After the hearing, CL provided a supplementary witness statement on 27 July 2018, raising further matters. This was substantiated with medical evidence from CL's General Practitioner and CL's Health Visitor. I shall not repeat the contents of that medical evidence in this open document. However, it is fair to say that the evidence stresses the potentially serious effects on CL of publicity about her connection to Rachid Redouane and her distress at the prospect of being further identified with him.

City of London Police

21. By application dated March 2018, the Commissioner of the COLP seeks directions that –

a. Three COLP officers ("BX44", "BX45" and "BX46") may each use a pseudonym in the Inquests;

b. The officers' names and other identifying details should be withheld;

c. The officers should not be asked any question that may lead to their identification;

d. Each officer should enter and exit the court via a route which prevents the officer being seen by members of the public;

e. Each officer should be screened from all persons, save the Coroner and legal representatives of interested persons;

f. Any audio-visual links from the Court to other locations should be limited to an audio link only for the duration of the evidence of each officer;

g. Such reporting restrictions should be imposed as may appear necessary, including such restrictions as may be necessary in light of any footage shown during the evidence which may reveal or be likely to reveal the physical identity of the officer. In particular, reporting should be restricted to using pseudonyms, and any images (including in electronic or digital format) showing BX44, BX45 and BX46 are permanently pixelated to prevent any identification. This should also include the permanent redaction of any identifying insignia, such as collar numbers, shoulder numbers or name badges as displayed on police uniforms.

22. The application is supported written submissions, including: a witness statement from each of the three officers; and witness statements from Detective Superintendent Angela Rogers and Inspector Chris Rowbottom. Each of these documents is open and there is no confidential annexe to the application.

23. The application is based on four grounds. First, it is said that anonymity should be granted by reference to article 2, ECHR, there being a credible basis upon which to conclude that there is a real and immediate risk to each of the officers' lives. Secondly, the COLP makes the application by reference to common law principles, submitting that the balance of fairness falls in favour of making the orders sought. Thirdly, it is submitted that the officers' article 8 rights are engaged, and outweigh any countervailing considerations. Finally, the orders are said to be in the public interest,

which is recognised as really an extension of the argument based on common law principles.

24. The witness statement of Inspector Rowbottom, dated 15 March 2018, exhibits his risk assessment of the same date. In the risk assessment he says that there is a medium risk of a security breach in respect of each of the three officers and their families, which would have a heavy impact on them. He explains that "there is no doubt that some terrorist subjects have both the ability and potentially the intent" to carry out attacks on such officers. Amongst other conclusions, he writes that "these officers will be deployed in discreet roles in the future and any form of disclosure leading to their identification would have a severe impact upon their ability to do so", since it would potentially compromise both them and indeed any deployment.

25. The witness statement of Detective Superintendent Rogers describes the national threat from terrorism and particularly the threat to police officers. She makes the straightforward point that the risk to these officers specifically would increase were they to give evidence without anonymity. She also comments on the extensive training that such officers have undertaken, and says that recruitment and retention of officers in firearms teams would be "impaired significantly if officers feel they have insufficient support to conduct their role without the full protection of the courts".

26. The three officers have also provided personal witness statements in which they describe the steps they have taken in their lives to ensure that their involvement in the attack at Borough Market is not in the public domain. Each officer, in their own words, explains how their career aspirations would be hampered should they not be granted anonymity. They also each speak of the effects on their personal lives of being publicly identified, effects about which they are each clearly extremely anxious. By way of illustrative example, BX44 writes: "my children do not know that I was involved in this incident and I have no intention of telling them: I would be devastated should they find out this information themselves, which I am sure they would be able to do with a simple internet search on my name should it be made public. Any disclosure of my identity could have a serious adverse impact on those relationships."

27. Neither the media organisations nor any Interested Person has raised any objection to these applications, having been given time to respond.

Metropolitan Police Service

28. By undated application, received on 29 March 2018 by the Solicitors to the Inquests, the Commissioner of Police for the Metropolis seeks directions that –

    a. The names and other identifiable details of eight officers ("V134", "DA87", "F69", "AY14", "E59", "BY5", "E112"[2], "BY28") should be withheld;

    b. The officers should use pseudonyms;

    c. The officers should not be asked questions that might lead to their identification;

    d. The officers should be screened from the public gallery; and

    e. The officers should be permitted to enter and exit the court via a non-public route.

29. The application is made by open written submissions and is supported by the eight personal witness statements of the officers (redacted for disclosure to Interested Persons, but filed with an associated closed version) and the witness statement of T/Superintendent David Brewster.

30. The application is made first by reference to common law principles, with particular reliance on the officers' subjective fears and the reasonableness of those fears. Secondly, the application is made with reference to article 8, ECHR, with discussion of risks of the officers being harmed, being subject to intrusive media attention, suffering restrictions in their careers and experiencing difficulties in relations with their families. Reference is made to the young children of individual officers and the potential adverse effects on them of the officers being identified. The written submissions do not make the application on the basis of article 2 rights, although there is passing reference to such rights at paragraph 12 of the witness statement of T/Superintendent Brewster.

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[2] E112 is described as "E122" in the written submissions. However E112's personal witness is signed as such.

31. T/Superintendent Brewster has prepared a risk assessment, dated 20 March 2018. It takes the same format as the COLP risk assessment prepared by Inspector Rowbottom. Where Inspector Rowbottom considered there was a medium risk to each individual officer which would have a high impact if realised, T/Superintendent Brewster believes that there is a high risk to his officers of identification resulting in serious harmful consequences. He also makes the point that "whether a real threat exists or not, the simple belief that one does exist may be enough to cause high levels of stress, not just involving the officer but also family and friends". Like Inspector Rowbottom, T/Superintendent Brewster describes a high risk that identification would prevent these officers engaging in covert work if the orders are not made. He also cites, amongst other considerations, risks of the MPS as a whole suffering in its operational capabilities, since "officers who perceive that their own safety or that of those close to them is likely to be compromised may be less likely to volunteer for [armed] assignments", whilst the MPS currently in fact needs to increase its armed capability. As a corollary, he notes that "public confidence will be reduced if it becomes known that officers currently engaged in this activity are unwilling to continue".

32. Each of the eight officers has provided a personal witness statement describing the risks that they perceive, and the harm that they fear. One officer, BY5, speaks of concern for his (then) unborn child and other family members who share his surname. As another example, F69 explains that he has "taken conscious and deliberate steps to limit [his] 'on line' presence" and has "no social media accounts".

33. As with the COLP applications, no interested person or media organisation has raised any objection to these officers' request for anonymity and special measures.

Legal Principles

34. The legal principles governing applications for anonymity and special measures generally within the context of inquests were identified by CTI in their submissions and were not in real dispute. By reference to those submissions, the principles may be summarised as follows:

a. As part of the general case-management powers of a coroner, he/she may make an order anonymising witnesses or other persons within an inquest. There is no inconsistency between that power and requirements for inquests to be held in public. See: *R v HM Coroner for Newcastle upon Tyne, Ex Parte A* (1998) 162 JP 387. Courts give effect to and balance the relevant ECHR rights (discussed below) by exercising this power.

b. In deciding whether to make such orders, a coroner usually applies a common law test, making an "excursion" if appropriate into the territory of article 2 of the ECHR. See *Re Officer L* [2007] 1 WLR 2135 at [29]. This involves a two-stage process:

   i. If the refusal of the orders would create or materially increase a risk to the life of the person, such that the risk would be "real and immediate", then the state in the person of the coroner would owe a positive duty under article 2 to protect the witness by reasonable means. In those circumstances, as it was put in the *Officer L* case, the coroner "would ordinarily have little difficulty in determining that it would be reasonable in all the circumstances to give the witness a degree of anonymity". The threshold of "real and immediate risk" derives from the decision of the ECtHR in *Osman v UK* (1998) 29 EHRR 245. A risk is "real" if it is substantial and significant, rather than remote. It is "immediate" if it is present and continuing. See *Rabone v Pennine* Care NHS Trust [2012] 2 AC 72 at [37]-[40].

   ii. If the refusal of the orders would not result in the person being exposed to a real and immediate risk of death, then the coroner should "decide the matter as one governed by common law principles", balancing the factors for and against the orders sought.

c. When applying the common law test referred to above, it is relevant for the court to consider the subjective fears of the person concerned, whatever their degree of objective justification: see *Re Officer L*, at [22]. Risks of harm falling short of real and immediate risk of death (or of serious harm such as might engage article

3 rights) may be relevant to the balancing exercise: see *Sunday Newspaper Ltd's Application (Judgment No. 2)* (2012) NIQB at [17].

d. When seeking to strike the right balance under the common law test, the coroner may consider all the consequences of granting and of refusing the orders sought. For example, in an application for anonymity by a police officer who does specialist work, a relevant factor may be that identification of the officer would prevent him/her continuing in his/her current role and would deprive the force of a valuable resource. See *R v Bedfordshire Coroner, Ex Parte Local Sunday Newspapers* (2000) 164 JP 283.

e. When applying the common law test, a coroner is also required to take proper account of the fundamental principle of open justice, which applies to coroners' courts: see *R (A) v Inner South London Coroner* [2005] UKHRR 44 at [20]. The open justice principle holds that the administration of justice should generally take place in the open, as a safeguard and to maintain public confidence. See *Scott v Scott* [1913] AC 417 at 437-39 and 476-78; *A-G v Leveller Magazine Ltd* [1979] AC 440 at 449-50. In more recent times, courts applying this principle have recognised that giving names and personalities to witnesses and others featuring in the evidence can be an important aspect of openness in the justice system: see *In re Guardian News and Media Ltd* [2010] 2 AC 697 at [63].

f. Where a witness seeks to justify anonymity by reference to his/her rights under article 8 of the ECHR, the court usually has to perform a balancing exercise which weighs those rights against the rights of media organisations under article 10. See *In re S (A Child)* [2005] 1 AC 593 at [16]-[17]; *In re Guardian News and Media* (cited above); *SSHD v AP (No. 2)* [2010] 1 WLR 1652 at [7]. This balancing exercise is "highly fact-specific" and "must take into account the evaluation of the purpose of the principle of open justice as applied to the facts of the case and the potential value of the information in question in advancing that purpose, as against the harm the disclosure might cause the maintenance of an effective judicial process or to the legitimate interests of others": see *R (T) v West Yorkshire (Western Area) Coroner* [2018] 2 WLR 211 at [63].

g. It should be noted that some of the considerations which apply to applications for special measures in criminal cases do not apply to inquests (e.g. the point that the defendant has a right to confront his accuser, including by investigating the accuser's background). See *R v Davis* [2008] 1 AC 1128 at [21].

h. However, in general terms the open justice principle applies with full force to inquests: *Re LM (Reporting Restrictions: Coroner's Inquest)* [2007] CP Rep 48 at [26]-[40].

35. I have taken into account the various additional authorities referred to in written submissions by the BBC and others. In my judgment, they do not alter the propositions set out above. As I have said, those propositions were set out by CTI in their written submissions for the hearing in July 2018 and were not disputed by anyone at the hearing.

Discussion

36. I shall deal with the applications of the various individuals linked with the attackers separately from the police officers' applications, because they raise some different issues. The basic principles governing all the applications are, as explained above, the same.

37. In respect of each application, I shall also consider whether to make orders under section 11 of the Contempt of Court Act 1981 in support of any order I shall make, whether or not that was specifically sought by the applicant.

Adults linked with the attackers

Introduction

38. There are two contentious applications to address now; those of AB and CL. At the outset, it should be observed that there are a number of factors common to each of them.

39. First, and significantly, each has been named in press reports which remain searchable and readily accessible online. As such, it cannot be said that any orders would prevent their names (or at least the names they had at the time of the attack) being discovered by anyone who had a mind to carry out simple internet searches.

40. Secondly, each of them will feature significantly in evidence about the attackers, including evidence about their lives, backgrounds and preparations for the attacks. It cannot be said that they are people of only peripheral interest. The reporting of the evidence will be affected if the names of the attackers' partners cannot be given.

41. Thirdly, as I shall explain below, I shall order special measures to protect both AB and CL if they are called to give evidence. This will provide them a degree of protection, but with minimal effect on the reporting of relevant evidence.

42. Fourthly, although I accept that each of the applicants has genuine concerns about their safety and the safety of their families, those concerns need to be seen in context. Whatever orders I make, there will be reference in the evidence to AB and CL; there will probably be media reports about that evidence; and their names will be in the public domain, readily discoverable by anyone with access to a computer. Making orders that they be anonymised would not alter any of those facts. If anything, it might pique the curiosity of readers of media reports if they were to read that evidence had been given about the partner of an attacker who could not be named for legal reasons. Overall, it will be necessary to weigh the practical benefits which would flow from particular anonymity orders against the adverse effects on reporting and the open justice principle.

Article 2 and article 3 rights

43. The first issue to be considered is whether either of the applicants would face a real and immediate risk of death or serious harm if the requested orders were not granted.

44. As regards AB, I am not satisfied that she would face a real and immediate risk of death or serious harm as a result of being referred to in the Inquests by name. Although she refers to fear of reprisals and has moved home since the attack, she does not mention

any specific threats. She has been named in multiple press reports which remain accessible on the internet, yet thankfully there is no evidence of anyone acting against her since they were published. On the evidence, I am unable to say that any limited additional interest in her which might be generated by her being named again in reports about the Inquests would put her at a real and immediate risk of death or serious harm.

45. CL has provided more detailed evidence that she is at risk of harm (especially psychological harm) if she is subjected to further intrusive media interest and/or hostility from others in her community. However, I have to consider whether she would be at a real and immediate risk of death or serious harm as a result of a refusal to order anonymity, bearing in mind that whatever order I make there remain accessible media reports which include the name she had at the time of the attack and photographs of her.

46. In my judgment, the correct order is that CL's current name should not be given in connection with the Inquests and that related reporting restrictions should be ordered, but that there should be no similar order in connection with the name she had at the time of the attack. If she is called to give evidence, she should be referred to by the name she had in June 2017 and she should give evidence from behind a screen. I consider that that is the right set of orders to make having regard to common law principles and CL's article 8 rights (balanced against countervailing factors). If those orders are made, I do not consider that the refusal of an order withholding the name she had in June 2017 will put CL at a real and immediate risk of death or serious harm.

Article 8 rights of the applicants and article 10 rights of those reporting on the Inquests

47. A proper exercise of balancing the article 8 rights of the applicants against the article 10 rights of those reporting on the Inquests leads to the conclusion that the orders I have identified above should be made.

48. In the case of AB, I accept that she has had real fears for her safety and that of her family, as evidenced by the fact that they have not returned to the family home. Her article 8 rights are engaged. But it should also be recognised that article 10 rights of

media organisations are engaged, since an order anonymising AB would materially affect reporting of evidence in the Inquests.

49. In my judgment, the proper balancing exercise leads to the conclusion that AB should not be anonymised and may be referred to by her name in the evidence. In making that order I give proper weight to the consideration that her name has already appeared in readily accessible media reports, while recognising that a refusal of anonymity may result in a slight increase in media and public interest in her. I also give weight to the fact that I intend providing more meaningful protection in the form of screening orders if she gives evidence.

50. As regards CL, I again accept that she has had real and serious fears for her and her child's safety, as set out in detail in her evidence. It is also important to note that CL is a vulnerable person who is at particular risk of harm. Once again, it must be acknowledged that the article 10 rights of media organisations are also engaged, as CL will feature in the evidence (including about the events leading up to the attack) and the media will legitimately want to report that evidence in a readable form.

51. The balancing exercise between the countervailing rights leads me to the view that the orders identified above should be made. CL can and should be referred to by the name which she had at the time of the attack, and which is already in the public domain. She should not be referred to by her current name, and there should be associated reporting restrictions to prevent that name being given in reports. If she is called as a witness, I intend to order that she should be screened when giving evidence. I shall, of course, consider the potential harm to her when deciding whether to call her as a witness at all (as I would with any potential witness). In my judgment, this approach strikes a proper balance between CL's article 8 rights and the article 10 rights of the media organisations, paying due respect to the open justice principle.

Common law arguments

52. As is often the case, the application of common law principles of fairness to these applications involves substantially the same analytical process and leads to the same results as a proper consideration of competing article 8 and article 10 rights.

Screening under rule 18 of the Rules

53. Screening of witnesses is subject to specific provision in rule 18 of the Coroners (Inquests) Rules 2013 ("the Rules"). That rule provides as follows, in material part:

> "(1) A coroner may direct that a witness may give evidence at an inquest hearing from behind a screen.
>
> (2) A direction may not be given under paragraph (1) unless the coroner determines that giving the evidence in the way proposed would be likely to improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.
>
> (3) In making that determination, the coroner must consider all the circumstances of the case, including in particular –
>
> (a) any views expressed by the witness or an interested person;
>
> (b) whether it would be in the interests of justice or national security to allow evidence to be given from behind a screen; and
>
> (c) whether giving evidence from behind a screen would impede the effectiveness of the questioning of the witness by an interested person."

54. Should the Inquests hear evidence from AB or CL (such decisions not having been made at this stage), I consider that a direction for screening as sought would be likely to improve the quality of their evidence, by dispelling the anxiety which each witness would otherwise feel about giving evidence. It would also allow the Inquests to proceed more expediently, in the sense of proceeding in manner more conducive to the interests of justice. Taking account of the factors specified by paragraph (3) of the rule, it is telling that (i) the applicants have strong grounds for their applications; (ii) no Interested Person objects, the Press Association supports the application and only the BBC raises any objection; and (iii) the proposed screening would not have any adverse effect on questioning of the officers during the Inquests hearings (especially since AB and CL would only be screened from the public gallery, and would be seen by Interested Persons and their lawyers).

Police officers

55. In my judgment, these applications should be granted (subject to slight modification of the screening orders sought by the COLP) as set out below. Although the two applications (by COLP and the MPS) are separate, relying upon distinct evidence and put in subtly different ways, I shall deal with them together and compendiously in this Ruling. I shall do so because my reasons for granting the applications are in substance the same.

Applications for anonymity

56. I have decided that each application is manifestly justified by reference to common law principles of fairness (which include due consideration of the public interest). Accordingly, it is not necessary to give detailed additional consideration to the arguments founded on articles 2 and 8 of the ECHR. I have come to that conclusion for the following principal reasons.

57. First, it is clear that a refusal to grant anonymity to these officers, who played a significant role in this extremely high profile attack, would very likely result in their names being reported prominently and featured on online / social media posts. The risk assessments cite press intrusion as a key concern, and I consider that informal reporting through social media and other postings gives rise to additional concerns.

58. Secondly, all the 11 officers give clear, detailed and personal evidence of their own real and serious worries about the consequences of being identified as firearms officers involved in the fatal shooting of three terrorist attackers. They have all made individual efforts, as they describe, to keep their involvement in the attack both out of the public domain and indeed unknown to some friends and family members. They have done this because of the anxiety which they feel at the prospect of their identities being widely known. Given the high profile nature of the attack and the Inquests, this concern is readily understandable.

59. Thirdly, in addition to the serious anxiety and distress which I am satisfied each officer would experience if not anonymised in the Inquests, a failure to grant this order would

deprive the two police forces of valuable resources. That is both because these officers would probably be unable to deploy in any covert or discreet capacity in future and because there is a real risk of a knock-on effect on the ability to recruit other officers into firearms roles (which have to be voluntary). These are significant factors in the balancing exercise which I need to undertake.

60. Fourthly, each of the officers would be put in difficult positions in their personal life should their involvement in the attack become widely known. Each officer's situation is different: some cite the prospect of uncomfortable conversations with friends, while others believe that their children would see them in a different light. Each of these accounts is compelling and entirely probable.

61. Fifthly, although I do consider that by granting these orders there will be an effect on media reporting (in that the narrative will arguably be less readable and less interesting if these key officers are both nameless and faceless), I do not consider that this consideration outweighs the factors above. The orders which I make will not affect the quality of their evidence, and will not affect the substance of the accounts which they give and which will be reported. Although the officers' demeanour may be of some relevance to the Court, the media's inability to report this should not be a significant interference. It is relevant that the media organisations do not contest this application, although that is not in itself determinative.

Special Measures

62. As noted above, the screening of witnesses is governed by rule 18 of the Rules. Otherwise, special measures which may be taken to protect witnesses are governed by common law powers of case management.

63. I am satisfied that in the case of both the COLP and the MPS officers, the applications for screening and entry to the court via a private route should be granted. For the reasons given above, the officers' identities require protection, and that will only be secured by such orders. In connection with the order for screening, it will also be necessary for any audio-visual link to remote courts to be "audio only" for the duration of the officers' evidence.

64. Having regard to the considerations specified in rule 18, I consider that these orders will improve the quality of the evidence of each witness, by reducing the anxiety that they would otherwise be likely to experience. Furthermore, the screening orders will further the interests of justice, for the reasons given above. Since I shall order that the witnesses will remain visible to me, to the jury (if they give evidence in the jury hearing) and to the legal representatives of all Interested Persons, I do not consider that this will impede the effectiveness of the questioning.

65. One issue regarding screening remains to be resolved. The COLP application asks that, when the officers are giving evidence, they should not be seen by Interested Persons but only by me and by legal representatives. The MPS application makes no similar request, but I am aware from correspondence that the MPS would like some restrictions on the Interested Persons who may see the officers. In particular, they are concerned about remote family members of those who died. In my judgment, the correct approach at this stage is to order screening of the officers from everyone except myself, the jury, Interested Persons and their legal representatives, but to say that each legal team or unrepresented Interested Person should identify those who may be in the courtroom during the officers' evidence. The MPS and COLP can then consider whether anyone on the lists presents a problem, and I shall give them liberty to apply for the officers to be screened also from identified individuals (which would probably in practice mean those individuals moving to the public gallery). The logistics of this process can be handled through correspondence with Solicitors to the Inquests.

Contempt of Court Act 1981

66. Section 11 of the Contempt of Court Act 1981 provides as follows:

> "In any case where a court (having power to do so) allows a name or other matter to be withheld from the public in proceedings before the court, the court may give such directions prohibiting the publication of that name or matter in connection with the proceedings as appear to the court to be necessary for the purpose for which it was withheld."

67. Since I have accepted that the interests of justice require the 11 police officers to be granted anonymity within the Inquests, it follows that reporting of their names and identifying details in connection with the Inquests should be prohibited. Accordingly, I

shall make appropriate orders under section 11 in respect of each of them. As I have indicated above, I shall also make orders for some reporting restrictions in connection with CL.

68. If it becomes necessary to refer to any of the children discussed in this Ruling during the Inquests, and to do so by pseudonym, I shall consider making an order under section 11 in relation to them.

Conclusions in Summary

69. For all the reasons set out in this Ruling, I shall grant the applications of the MPS and the COLP in respect of their 11 officers as set out above. I shall also make associated orders under section 11 of the Contempt of Court Act 1981.

70. The application of AB for anonymity is refused. However, if she is called to give evidence, she should be screened from press and public.

71. The application of ABi is deferred pending receipt and consideration of further evidence.

72. As regards CL, I am prepared to order that she should not be referred to in evidence by the name she currently uses. However, she can and should be referred to by the name she had at the time of the attack. If she is called to give evidence, she should be screened from press and public.

73. Finally, case management orders will be made that the children discussed in this Ruling should not be identified by any advocate, except on notice and with the permission of the Court.

Orders

74. In respect of the children to whom these applications relate, I make the following order, subject to any further order of the Court:

1. **No advocate should name, or give any identifying details of, any of the children of the three attackers, or any other children of AB, ABi, BBi, or CL, except with prior notice and on application to the Court.**

75. In respect of AB, I make the following Order, subject to any further order of the Court:

1. **Pursuant to rule 18 of the Coroners (Inquests) Rules 2013, if AB gives evidence she shall be screened from the public gallery (although not from the Coroner, Interested Persons, their lawyers or members of the jury).**

2. **If AB attends to give evidence, she shall be permitted to enter and exit the Court by an appropriate, non-public route.**

76. ABi shall provide further evidence to the Solicitors to the Inquest as set out above within 21 days of this Ruling, after which his application shall be determined.

77. For the reasons set out in this Ruling, as regards CL I make an order in the following terms, subject to any further order of the Court:

1. **The current name used by CL shall be withheld in disclosure and evidence within the Inquests. For the sake of clarity, this shall not prevent disclosure of and reference to the name CL had at the time of the attack.**

2. **Pursuant to rule 18 of the Coroners (Inquests) Rules 2013, if CL gives evidence she shall be screened from the public gallery (although not from the Coroner, Interested Persons, their lawyers or members of the jury).**

3. **If CL attends to give evidence, she shall be permitted to enter and exit the Court by an appropriate, non-public route.**

4. **Pursuant to section 11 of the Contempt of Court Act 1981, there shall be no publication of the current name used by CL in connection with these Inquests or their subject-matter. For the avoidance of doubt, this order shall not prevent reporting of the name CL had at the time of the attack. This order shall have effect for the duration of the inquests and thereafter, subject to any further order of the Court.**

78. For all the reasons set out in this Ruling, I grant the applications of the MPS and the COLP in respect of their officers as set out above. I make the following orders, subject to any further order of the Court:

1. **The name and identifying details of each of BX44, BX45, BX46, V134, DA87, F69, AY14, E59, BY5, E112 and BY28 shall be withheld in disclosure and evidence within the Inquests.**

2. **Pseudonyms shall be used for each of those officers for the purposes of the Inquests.**

3. **When each of those officers is giving evidence, no question may be asked which might lead to their identification.**

4. **Pursuant to rule 18 of the Coroners (Inquests) Rules 2013, when each of those officers is giving evidence he shall be screened from the public gallery (although not from the Coroner, Interested Persons, their lawyers or members of the jury). There is liberty to apply to the MPS and the COLP for the screening order to be extended to individuals who qualify as or represent Interested Persons.**

5. **When each of the identified officers attends to give evidence, they shall be permitted to enter and exit the Court by an appropriate, non-public route.**

6. **Pursuant to section 11 of the Contempt of Court Act 1981, there shall be no publication of the name of any of the officers known as BX44, BX45, BX46, V134, DA87, F69, AY14, E59, BY5, E112 and BY28 or identifying information about those officers (including images of them) in connection with these Inquests or their subject-matter. This order shall have effect for the duration of the inquests and thereafter, subject to any further order of the Court.**

HH Judge Lucraft QC

Chief Coroner of England and Wales

19th November 2018