

<p>1 MS LAMBERT: Sir, we are grateful for that. I think, so far 2 as we are concerned, that concludes the business of 3 the day, save for, sir, any observations you wish to 4 raise in respect of the IPCC.</p> <p>5 LORD JUSTICE GOLDRING: Well, I think I will do that now, 6 because it is a matter that troubles me.</p> <p>7 Mr O'Connor, this is not to you personally, as I am 8 sure you appreciate. I am bound to say that I was 9 troubled by the announcement, if that is what it was, 10 precisely, that the IPCC apparently issued on Thursday 11 in relation to suspects.</p> <p>12 I really questioned whether it was appropriate, days 13 before these inquests were due to start, to issue 14 something like that. I had made an order under the 15 Contempt of Court Act which was perfectly clear, and 16 I have no doubt that I was not the only person to be 17 troubled about it, and I would like to know how it 18 happened.</p> <p>19 MR O'CONNOR: Sir, I wonder if I may respond to that in two 20 parts?</p> <p>21 LORD JUSTICE GOLDRING: Of course.</p> <p>22 MR O'CONNOR: Sir, dealing first with one particular tweet 23 that was tweeted on Thursday evening --</p> <p>24 LORD JUSTICE GOLDRING: This was done by tweets, was it?</p> <p>25 MR O'CONNOR: Sir, there were public statements made by</p> <p style="text-align: center;">Page 1</p>	<p>1 responsible for two investigations that are ongoing, 2 both the Operation Resolve investigation, which is 3 a managed IPCC investigation, or at least part of it is, 4 and the IPCC's own independent investigation.</p> <p>5 Sir, with respect to both of those investigations, 6 the IPCC has a statutory duty to inform interested 7 parties who are defined in the Act of the progress of 8 those investigations.</p> <p>9 LORD JUSTICE GOLDRING: I am sure it doesn't have 10 a statutory duty to do so if it would be thought that so 11 informing them prejudiced an independent judicial 12 proceeding.</p> <p>13 MR O'CONNOR: Sir, that is clearly right, and, with respect, 14 that is why the arrangements that we thought had been 15 put in place were put in place, so that your team were 16 happy with what we posted on the internet. The 17 requirements are that we do it every 28 days. The 18 practice has been that we do it shortly following 19 pre-inquest reviews. That was the process that was 20 followed last week, as it has been followed on previous 21 occasions, sir.</p> <p>22 I know that there has been some discomfit not only 23 from you but from other Interested Persons.</p> <p>24 LORD JUSTICE GOLDRING: It is not surprising, Mr O'Connor, 25 just stepping back for a moment, is it?</p> <p style="text-align: center;">Page 3</p>
<p>1 a number of different means. There were discussions at 2 court with the press. There was a regular IPCC update 3 posted on the IPCC website.</p> <p>4 LORD JUSTICE GOLDRING: Mr O'Connor, forgive me 5 interrupting. What the IPCC posts on its website has to 6 bear in mind the order that I made about prejudicial 7 publicity and the Attorney General's order that is 8 perfectly clear.</p> <p>9 MR O'CONNOR: Sir, we do recognise that, and if I can say 10 this: that is why the text of that update was sent to 11 your team earlier last week, on Tuesday, in fact. Sir, 12 we are very conscious of the fact that there are these 13 restrictions. We have had discussions with your team. 14 We have come to an arrangement as to how that situation 15 is to be managed.</p> <p>16 What in fact happened was that a draft of the IPCC 17 update was sent to your team on Tuesday. It was 18 approved on Wednesday and, with a few minor amendments 19 which aren't material, in my submission, that is what 20 was posted on the IPCC website on Thursday afternoon.</p> <p>21 In fact, the update also included, as your team were 22 aware, a reminder to everyone reading it of 23 the importance of avoiding anything that might prejudice 24 the inquests.</p> <p>25 Sir, the context for this is that the IPCC is</p> <p style="text-align: center;">Page 2</p>	<p>1 MR O'CONNOR: Sir, our position is that there is a difficult 2 balance to be struck between observing the statutory 3 duty that we have to inform the large group of people 4 who are interested in our own inquiries and, clearly, 5 sir -- and there is no hesitation in this -- in avoiding 6 doing anything which might prejudice your inquests.</p> <p>7 I repeat, sir, that is why we have had conversations 8 with your team, that is why we ran past your team and 9 sought their approval for --</p> <p>10 LORD JUSTICE GOLDRING: All I will say is this, Mr O'Connor: 11 I personally would like to see anything else before it 12 goes out by way of publicity from the IPCC in relation 13 to these matters. I certainly do not want to see 14 a repetition of what happened.</p> <p>15 MR O'CONNOR: Sir, that is well understood. I'm grateful.</p> <p>16 LORD JUSTICE GOLDRING: Thank you very much.</p> <p>17 MS BARTON: Sir, may I rise to my feet and say something 18 about this --</p> <p>19 LORD JUSTICE GOLDRING: Of course.</p> <p>20 MS BARTON: Sir, I will keep my submission very short, but 21 it is of some importance, so far as both the force and, 22 I think, the officers are concerned, that there is 23 clarity around --</p> <p>24 LORD JUSTICE GOLDRING: Can everyone hear Ms Barton?</p> <p>25 MS BARTON: That there is clarity around what happened, sir,</p> <p style="text-align: center;">Page 4</p>

<p>1 because the work of the IPCC falls into two parts. 2 There is a formal update, which is what was run past 3 your team last week, but there is also the ability of 4 the IPCC to tweet information, and, as we understand it, 5 what happened is this hearing -- the pre-inquest hearing 6 finished at 17.07 pm on Thursday, and at 17:57, so 7 within an hour, there was a tweet which referred 8 directly to information which had come to light during 9 the course of the hearing and which was prohibited from 10 publication under the order which you had made. 11 That was picked up very quickly in the thread of 12 the tweets, because the very next one was saying, "Is 13 that information you should tweet? What's the point? 14 Is it a PR exercise?", and the answer to that from the 15 IPCC was: 16 "The information was given at the pre-inquest 17 hearing today and is part of our monthly update." 18 The problem with that, so far as Interested Persons 19 are concerned, is that there was a recognition in that 20 tweet that the information that was being tweeted was 21 part of the hearing and therefore was the subject of 22 the order. 23 The difficulty that that then created was that the 24 Chief Constable of South Yorkshire then wrote to the 25 IPCC, and emailed it on Friday morning. We had no</p> <p style="text-align: center;">Page 5</p>	<p>1 correctly pointed out that updates are provided to your 2 team. It should, however, be said that when the last 3 note was circulated, Mr Suter of your team responded to 4 the IPCC, undertaking to review the note as usual, but 5 saying that it was a matter for the IPCC to decide 6 whether anything might infringe the Attorney General's 7 notice about contempt, because Mr Suter was unwilling to 8 become, as he described it, a one-stop shop for advice 9 on the subject. 10 LORD JUSTICE GOLDRING: Quite. 11 MR HOUGH: Of course, we are not in the position to be that 12 for anybody. We can clarify the extent of your orders 13 under the Contempt of Court Act, but it is for everybody 14 publishing information about these inquests to make very 15 sure that they don't commit a contempt by publishing 16 prejudicial material. 17 LORD JUSTICE GOLDRING: Thank you, Mr Hough. I think the 18 position is pretty clear, isn't it, Mr O'Connor? 19 MR O'CONNOR: Sir, yes. Sir, can I just respond briefly to 20 the points Ms Barton made? There was the tweet that she 21 referred to. That, in fact, was the point I had been 22 coming to, and I didn't get to it. Ms Barton is right 23 to say that there were some words in the middle of that 24 tweet which linked the IPCC's publicity about the fact 25 of there being 13 suspects with what had been said in</p> <p style="text-align: center;">Page 7</p>
<p>1 response to that, until 12.07 pm today, and the result 2 was that that tweet remained on the internet for those 3 to see until today. 4 So, having tweeted it within an hour of the close of 5 the proceeding, it remained there for three days. We 6 are very concerned that the IPCC did not see the 7 seriousness of what they had done in the course of this 8 particular tweet. They must be treated in the same way 9 as everyone else within these proceedings -- the 10 families, the Interested Persons who might otherwise 11 wish to tweet -- and there is a very real concern that 12 they have seriously overstepped the mark and, in doing 13 so, there has been a flagrant disregard of the order 14 which you made. 15 LORD JUSTICE GOLDRING: Thank you very much, Ms Barton. 16 MR HOUGH: Sir, may I just deal with a couple of points? 17 LORD JUSTICE GOLDRING: Of course. 18 MR HOUGH: First of all, in relation to your order last 19 week, that of course prohibited publication of what was 20 said in the proceedings last week. It doesn't, of 21 itself, prohibit an Interested Person from disclosing 22 a fact known to that Interested Person, although care 23 would obviously have to be taken not to commit 24 a contempt in doing so. That is the first point. 25 The second point I would make is that Mr O'Connor</p> <p style="text-align: center;">Page 6</p>	<p>1 court that day. 2 Sir, we do accept that that was a breach of 3 the section 4(2) order. We apologise, of course, for 4 that. It sprang from an inadvertence in the fact that 5 someone in the press office hadn't appreciated what 6 exactly were the implications of the order that you had 7 made. Sir, in fact, the tweet was taken down on 8 Saturday, it wasn't still up this morning, but you may 9 not think that is a matter of great importance. 10 Sir, as far as Mr Hough is concerned, perhaps it has 11 been a learning exercise for everyone. We will, of 12 course, take on board what he has said as well, of 13 course, as what you have said. There does remain the 14 issue of the duty we are under, but we will take great 15 care in future as to how we seek to discharge it. 16 LORD JUSTICE GOLDRING: Well, I am quite clear that the 17 duty, as I dare say you know, Mr O'Connor, cannot 18 override the fairness of proceedings. 19 MR O'CONNOR: Sir, we wouldn't suggest otherwise for 20 a moment. I'm grateful. 21 22 23 24 25</p> <p style="text-align: center;">Page 8</p>

<p>A</p> <p>ability 5:3 accept 8:2 Act 1:15 3:7 7:13 advice 7:8 afternoon 2:20 amendments 2:18 announcement 1:9 answer 5:14 anybody 7:12 apologise 8:3 apparently 1:10 appreciate 1:8 appreciated 8:5 appropriate 1:12 approval 4:9 approved 2:18 arrangement 2:14 arrangements 3:14 Attorney 2:7 7:6 avoiding 2:23 4:5 aware 2:22</p> <hr/> <p>B</p> <p>back 3:25 balance 4:2 Barton 4:17,20 4:24,25 6:15 7:20,22 bear 2:6 board 8:12 bound 1:8 breach 8:2 briefly 7:19 business 1:2</p> <hr/> <p>C</p> <p>care 6:22 8:15 certainly 4:13 Chief 5:24 circulated 7:3 clarify 7:12 clarity 4:23,25 clear 1:15 2:8 7:18 8:16 clearly 3:13 4:4 close 6:4 come 2:14 5:8 coming 7:22 commit 6:23 7:15 concern 6:11 concerned 1:2 4:22 5:19 6:6 8:10 concludes 1:2 conscious 2:12 Constable 5:24 contempt 1:15</p>	<p>6:24 7:7,13,15 context 2:25 conversations 4:7 correctly 7:1 couple 6:16 course 1:21 4:19 5:9 6:7,17,19 7:11 8:3,12,13 court 1:15 2:2 7:13 8:1 created 5:23</p> <hr/> <p>D</p> <p>dare 8:17 day 1:3 8:1 days 1:12 3:17 6:5 deal 6:16 dealing 1:22 decide 7:5 defined 3:7 described 7:8 difficult 2:1 difficult 4:1 difficulty 5:23 directly 5:8 discharge 8:15 disclosing 6:21 discomfit 3:22 discussions 2:1 2:13 disregard 6:13 doing 4:6 6:12 6:24 doubt 1:16 draft 2:16 due 1:13 duty 3:6,10 4:3 8:14,17</p> <hr/> <p>E</p> <p>earlier 2:11 emailed 5:25 evening 1:23 everybody 7:13 exactly 8:6 exercise 5:14 8:11 extent 7:12</p> <hr/> <p>F</p> <p>fact 2:11,12,16 2:21 6:22 7:21 7:24 8:4,7 fairness 8:18 falls 5:1 families 6:10 far 1:1 4:21 5:18 8:10 feet 4:17 finished 5:6 first 1:22 6:18,24 flagrant 6:13 followed 3:20,20</p>	<p>following 3:18 force 4:21 forgive 2:4 formal 5:2 Friday 5:25 future 8:15</p> <hr/> <p>G</p> <p>General's 2:7 7:6 given 5:16 goes 4:12 GOLDRING 1:5 1:21,24 2:4 3:9 3:24 4:10,16 4:19,24 6:15 6:17 7:10,17 8:16 grateful 1:1 4:15 8:20 great 8:9,14 group 4:3</p> <hr/> <p>H</p> <p>happened 1:18 2:16 4:14,25 5:5 happy 3:16 hear 4:24 hearing 5:5,5,9 5:17,21 hesitation 4:5 Hough 6:16,18 7:11,17 8:10 hour 5:7 6:4</p> <hr/> <p>I</p> <p>implications 8:6 importance 2:23 4:21 8:9 inadvertence 8:4 included 2:21 independent 3:4 3:11 inform 3:6 4:3 information 5:4 5:8,13,16,20 7:14 informing 3:11 infringe 7:6 inquests 1:13 2:24 4:6 7:14 inquiries 4:4 interested 3:6,23 4:4 5:18 6:10 6:21,22 internet 3:16 6:2 interrupting 2:5 investigation 3:2 3:3,4 investigations 3:1,5,8 IPCC 1:4,10 2:2 2:3,5,16,20,25 3:3,6 4:12 5:1</p>	<p>5:4,15,25 6:6 7:4,5 IPCC's 3:4 7:24 issue 1:13 8:14 issued 1:10</p> <hr/> <p>J</p> <p>judicial 3:11 JUSTICE 1:5,21 1:24 2:4 3:9,24 4:10,16,19,24 6:15,17 7:10 7:17 8:16</p> <hr/> <p>K</p> <p>keep 4:20 know 1:17 3:22 8:17 known 6:22</p> <hr/> <p>L</p> <p>LAMBERT 1:1 large 4:3 learning 8:11 light 5:8 linked 7:24 LORD 1:5,21,24 2:4 3:9,24 4:10 4:16,19,24 6:15,17 7:10 7:17 8:16</p> <hr/> <p>M</p> <p>managed 2:15 3:3 mark 6:12 material 2:19 7:16 matter 1:6 7:5 8:9 matters 4:13 means 2:1 middle 7:23 mind 2:6 minor 2:18 moment 3:25 8:20 monthly 5:17 morning 5:25 8:8</p> <hr/> <p>N</p> <p>note 7:3,4 notice 7:7 number 2:1</p> <hr/> <p>O</p> <p>observations 1:3 observing 4:2 obviously 6:23 occasions 3:21 office 8:5 officers 4:22 one-stop 7:8 ongoing 3:1</p>	<p>Operation 3:2 order 1:14 2:6,7 5:10,22 6:13 6:18 8:3,6 orders 7:12 override 8:18 overstepped 6:12 O'Connor 1:7,19 1:22,25 2:4,9 3:13,24 4:1,10 4:15 6:25 7:18 7:19 8:17,19</p> <hr/> <p>P</p> <p>part 3:3 5:17,21 particular 1:22 6:8 parties 3:7 parts 1:20 5:1 people 4:3 perfectly 1:15 2:8 person 1:16 6:21 6:22 personally 1:7 4:11 Persons 3:23 5:18 6:10 picked 5:11 place 3:15,15 pm 5:6 6:1 point 5:13 6:24 6:25 7:21 pointed 7:1 points 6:16 7:20 position 4:1 7:11 7:18 posted 2:3,20 3:16 posts 2:5 PR 5:14 practice 3:18 precisely 1:10 prejudice 2:23 4:6 prejudiced 3:11 prejudicial 2:6 7:16 press 2:2 8:5 pretty 7:18 previous 3:20 pre-inquest 3:19 5:5,16 problem 5:18 proceeding 3:12 6:5 proceedings 6:9 6:20 8:18 process 3:19 progress 3:7 prohibit 6:21 prohibited 5:9 6:19 provided 7:1 public 1:25</p>	<p>publication 5:10 6:19 publicity 2:7 4:12 7:24 publishing 7:14 7:15 put 3:15,15</p> <hr/> <p>Q</p> <p>questioned 1:12 quickly 5:11 quite 7:10 8:16</p> <hr/> <p>R</p> <p>raise 1:4 ran 4:8 reading 2:22 real 6:11 really 1:12 recognise 2:9 recognition 5:19 referred 5:7 7:21 2:8 regular 2:2 relation 1:11 4:12 6:18 remain 8:13 remained 6:2,5 reminder 2:22 repeat 4:7 repetition 4:14 requirements 3:17 Resolve 3:2 respect 1:4 3:5 3:13 respond 1:19 7:19 responded 7:3 response 6:1 responsible 3:1 restrictions 2:13 result 6:1 review 7:4 reviews 3:19 right 3:13 7:22 rise 4:17 run 5:2</p> <hr/> <p>S</p> <p>Saturday 8:8 save 1:3 saying 5:12 7:5 second 6:25 section 8:3 see 4:11,13 6:3,6 seek 8:15 sent 2:10,17 seriously 6:12 seriousness 6:7 shop 7:8 short 4:20 shortly 3:18 sir 1:1,3,19,22 1:25 2:9,11,25 3:5,13,21 4:1,5</p>	<p>4:7,15,17,20 4:25 6:16 7:19 7:19 8:2,7,10 8:19 situation 2:14 sought 4:9 South 5:24 sprang 8:4 start 1:13 statements 1:25 statutory 3:6,10 4:2 stepping 3:25 struck 4:2 subject 5:21 7:9 submission 2:19 4:20 suggest 8:19 sure 1:8 3:9 7:15 surprising 3:24 suspects 1:11 7:25 Suter 7:3,7</p> <hr/> <p>T</p> <p>take 8:12,14 taken 6:23 8:7 team 2:11,13,17 2:21 3:15 4:8,8 5:3 7:2,3 text 2:10 Thank 4:16 6:15 7:17 think 1:1,5 4:22 7:17 8:9 thought 3:10,14 thread 5:11 three 6:5 Thursday 1:10 1:23 2:20 5:6 today 5:17 6:1,3 treated 6:8 troubled 1:9,17 troubles 1:6 Tuesday 2:11,17 tweet 1:22 5:4,7 5:13,20 6:2,8 6:11 7:20,24 8:7 tweeted 1:23 5:20 6:4 tweets 1:24 5:12 two 1:19 3:1 5:1</p> <hr/> <p>U</p> <p>understand 5:4 understood 4:15 undertaking 7:4 unwilling 7:7 update 2:2,10,17 2:21 5:2,17 updates 7:1 usual 7:4</p> <hr/> <p>W</p>
--	--	--	---	--	--	---

want 4:13
wasn't 8:8
way 4:12 6:8
website 2:3,5,20
Wednesday 2:18
week 2:11 3:20
5:3 6:19,20
wish 1:3 6:11
wonder 1:19
words 7:23
work 5:1
wouldn't 8:19
wrote 5:24

Y

Yorkshire 5:24

1

12.07 6:1
13 7:25
17.07 5:6
17:57 5:6

2

28 3:17

4

4(2) 8:3