

1 THE INQUIRY RESUMED ON MONDAY, 21ST JULY 2025 AS
2 FOLLOWS:

3
4 CHAIRMAN: Good morning, Mr. Greaney.

5 MR. GREANEY: Good morning, sir.

10:00

6
7 SUBMISSION BY MR. GREANEY:

8
9 MR. GREANEY: The Omagh Bombing Inquiry, your inquiry,
10 was established under Section 1 of the Inquiries Act
11 2005. And as everyone knows, its purpose is to
12 investigate whether the bombing could have been
13 prevented by UK State authorities.

10:00

14
15 It is inevitable, as all Core Participants recognise,
16 that in order to discharge its Terms of Reference, the
17 Inquiry will have to consider evidence that is
18 sensitive on national security and possibly also other
19 grounds.

10:00

20
21 That in turn, means that it's inevitable that the State
22 Core Participants will, in due course, make
23 applications under Section 19 of the Act which, if
24 successful would have the effect of excluding the
25 public, some Core Participants including the bereaved
26 families and survivors, and their legal representatives
27 from some evidential hearings, namely the closed
28 hearings.

10:00

10:00

1 Sir, we recognise, the Inquiry legal team recognises
2 that the bereaved families and survivors have spent
3 more than 25 years seeking the truth of whether the
4 atrocity in Omagh on 15th August 1998 could have been
5 prevented, and that they are suspicious, or even 10:01
6 cynical, of the UK State's willingness to engage in a
7 way that is straightforward and wholehearted with this
8 Inquiry.

9
10 We acknowledge, too, that the idea of evidence being 10:01
11 heard in circumstances in which the families and
12 survivors will be excluded is one that they will find
13 difficult to accept to say the least. And,
14 accordingly, we regard it as entirely understandable
15 that some, although not all of the bereaved family and 10:01
16 survivor Core Participants, have suggested that special
17 advocates should be appointed to represent their
18 interests in any closed hearings and have made
19 applications for that to occur. And, sir, of course,
20 today and tomorrow and Wednesday, if necessary, have 10:02
21 been set aside in order for you to hear argument upon
22 those applications.

23
24 If anyone imagined that the answer to those
25 applications was straightforward the next two days - or 10:02
26 even three - will disabuse them of that thought. In
27 the thoughtful and helpful written submissions that you
28 have received from all Core Participants, some argue
29 that as a matter of law Special Advocates cannot be

1 appointed in a statutory public inquiry and that, even
2 if such a power exists, it should not be exercised in
3 the circumstances of your investigation.

4
5 Conversely, others argue that Special Advocates may be 10:02
6 appointed in a statutory public inquiry as a matter of
7 law and they contend that such an appointment should be
8 made in our circumstances so as to ensure that the
9 interests of the bereaved families and survivors are
10 protected. Yet others argue that a power to appoint 10:03
11 Special Advocates does exist but either contend that it
12 should not be exercised in our circumstances or are
13 neutral as to whether that should occur.

14
15 And, finally, one family group simply observes that 10:03
16 they are content to leave matters to the Inquiry legal
17 team in closed.

18
19 We have noted, sir, that no Core Participants has
20 contended that Special Advocates need to be appointed 10:03
21 because of a lack of faith in the Inquiry legal team
22 and we are grateful for, and heartened by the
23 confidence that has been expressed in us as a team and
24 you, sir, as a chairman. We make plain that however
25 you rule on the applications for the appointment of 10:03
26 Special Advocates we will be driven, both in open and
27 in closed, to establish the truth.

28
29 Ahead of applications for the appointment of Special

1 Advocates on 9th May of this year, the Inquiry legal
2 team issued a guidance note on the Special Advocates
3 issue. That note explained the role of the Special
4 Advocate and list of the subjects that should be
5 covered in any application for their proposed
6 appointment. Applications were then lodged and
7 responses received from those who opposed appointment.

10:04

8
9 Subsequently, the Inquiry legal team issued a note on
10 Special Advocates dated 17th June, that note was
11 prepared from an independent perspective and was
12 drafted both to assist you, sir, in your
13 decision-making and to give Core Participants a
14 framework against which to make their own oral
15 submissions at this hearing.

10:04

16
17 Both the guidance notes and the further notes invited
18 the Core Participants to engage with three broad
19 issues. Those issues were as follows; first, in a
20 statutory public inquiry established under Section 1 of
21 the Act, is there a power for a Special Advocate to be
22 appointed to represent the interests of a Core
23 Participant who is excluded from a closed hearing and,
24 if so, from where does that power derive?

10:05

25
26 Second, if such a power exists what factors are
27 relevant to the exercise of the discretion; in the
28 circumstances of this Inquiry how should that
29 discretion be exercised and why; and, whose interests

10:05

1 should a Special Advocate (or Advocates) be appointed
2 to represent?

3
4 And, sir, Issue 3: If you conclude that a Special
5 Advocate (or Special Advocates) should be appointed to 10:05
6 represent one or more Core Participants what are the
7 practicalities involved in that appointment, and by
8 whom should the appointment be made? who should fund
9 the appointment and from where does the power to fund
10 derive, and what other practicalities would be involved 10:06
11 in the appointment?

12
13 Sir, we consider that those remain the three issues
14 upon which the Core Participants should focus during
15 the course of this hearing. 10:06

16
17 We propose to set the scene, sir, for the argument on
18 these issues by setting out some high level views and
19 by posing questions in the following order; first,
20 because not all who are present or in any way watching 10:06
21 will understand the role of a Special Advocate we will
22 provide an overview of what that role involves.

23
24 Second, we'll address some of the legislation providing
25 for the appointment of Special Advocates in different 10:06
26 contexts.

27
28 Third, we will deal with some of the case law providing
29 for the appointment of Special Advocates.

1 Fourth, we'll deal with decisions in other public
2 inquiries on applications that were made in those
3 processes for the appointment of Special Advocates.

4
5 Fifth, we will address the impact, if any, of the
6 Investigatory Powers Act 2016 (the IPA).

10:07

7
8 Sixthly, it will be necessary, sir, to consider the
9 impact of the European Convention on Human Rights, in
10 particular Article 2 which, as we all know, protects
11 the right to life.

10:07

12
13 Seventh, we will pose the question: Is there a power
14 to appoint a Special Advocate in a public inquiry? We
15 will not propose to answer that question but we will
16 identify some factors which, sir, it seems to us go to
17 that question.

10:07

18
19 Eighth, we will ask if a power exists, what are the
20 factors that are relevant to the exercise of the
21 discretion whether to exercise that power.

10:07

22
23 Ninth, we will ask should a Special Advocate (or
24 Special Advocates) be appointed in the Omagh Bombing
25 Inquiry? Again, we will not purport to answer that
26 question but will identify factors that seem to us to
27 be relevant to it.

10:08

28
29 Tenth, we will consider whose interests the Special

1 Advocates should be appointed to represent if they are
2 to be appointed.

3
4 And eleventh, and finally, we will deal briefly with
5 the practicalities of appointment if that stage is
6 reached.

10:08

7
8 So, sir, first of all, an overview of the role of
9 Special Advocates.

10
11 The guide to the role of Special Advocates issued by
12 the Special Advocates Support Office (SASO) explains
13 that the Attorney General of England and Wales
14 maintains a panel of Special Advocates in England and
15 Wales and, of particular relevance to the Omagh Bombing
16 Inquiry, a panel in Northern Ireland.

10:08

17
18 Pausing for a moment, any appointment in Northern
19 Ireland is made by the Advocate General of Northern
20 Ireland who is also the Attorney General of England and
21 Wales, so Lord Hermer. The Treasury Solicitor has
22 confirmed this is the position in a letter dated 14th
23 July of this year, sir, which is at page 200 of your
24 submissions bundle.

10:08

25
26 The Treasury Solicitor has also confirmed that
27 Lord Hermer agrees with the position of the Secretary
28 of State for Northern Ireland on this application. The
29 Secretary of State contends, as, sir, you know, that

10:09

10:09

1 there is no power to appoint a Special Advocate in a
2 statutory public inquiry and this brings a number of
3 issues to the surface but, in particular this: It
4 appears to be the position that as we'll explain
5 further in one moment, a Special Advocate is appointed 10:09
6 by a law officer. Accordingly, any appointment would
7 not be by you, sir, so it seems to us that what you
8 would be doing, if you agree with the Applicants, is
9 declaring the existence of a power and your wish that
10 it be used and then asking the law officer - here the 10:10
11 Advocate General - to exercise that power by appointing
12 a Special Advocate.

13
14 So, what happens, we ask, if you conclude there is a
15 power to appoint a Special Advocate and that the power 10:10
16 ought to be exercised but the Advocate General
17 disagrees on both points, as appears to be his
18 position? Procedurally, that situation seems to us, if
19 we can put it this way, to be a messy one and we would
20 seek the Core Participants' assistance in relation to 10:10
21 that issue during the course of this hearing.

22
23 To return to the role of Special Advocates, a Special
24 Advocate is appointed, as we've indicated, by a law
25 officer to represent the interests of an excluded 10:10
26 party; namely, an individual who is not permitted to
27 see closed material or be present as a closed hearing.
28 However, a Special Advocate is not accountable to the
29 excluded party. A Special Advocate does not take

1 instructions in the traditional sense and has the
2 discretion to take any decisions they consider to be in
3 the excluded party's best interests.

4
5 Once a Special Advocate has seen the closed material, 10:11
6 they cannot communicate with the excluded party, save
7 in a narrow run of circumstances. Generally, the
8 Special Advocate will take part in the closed hearing
9 representing the interests of the excluded party,
10 although the extent of the role of a Special Advocate 10:11
11 at such a hearing differs depending on the context.

12
13 Sir, next and secondly, we'll turn to legislation in
14 other areas providing for the appointment of Special
15 Advocates. 10:12

16
17 We submit that in deciding if there is a power to
18 appoint a Special Advocate in a statutory public
19 inquiry it is instructive to consider other statutes
20 that specifically allow for such an appointment. 10:12
21 Before 1997, there was no system that allowed a
22 specially-appointed advocate to consider and challenge
23 material withheld from an applicant in legal
24 proceedings. The development of the Special Advocate
25 system was proposed in response to the decision of the 10:12
26 ECHR in Chahal -v- The United Kingdom [1997] 23 EHRR
27 413.

28
29 In response, the UK Government introduced the Special

1 Immigration Appeals Commission Act 1997. This Act
2 established the Special Immigration Appeals Commission
3 (SIAC) an independent judicial tribunal to hear
4 immigration appeals against Home Office decisions.
5 Section 6 of that Act made provisions for a Special
6 Advocate to represent an appellant in cases where
7 immigration decisions by the Home Secretary involved
8 security sensitive evidence that could not be
9 disclosed.

10:13

10
11 The special Immigration Appeals Commission procedure
12 Rules 2003 and specifically Part 7 govern
13 representation at SIAC.

10:13

14
15 Rule 34 permits a law officer to appoint a Special
16 Advocate.

10:13

17
18 Rule 35 outlines a Special Advocate's functions
19 allowing them to make submissions, to present evidence,
20 and cross-examine witnesses in hearings from which the
21 appellant and their representatives are excluded.

10:13

22
23 Rule 36 details communication protocols for Special
24 Advocates stating that after the service of the closed
25 mater "the Special Advocate must not communicate with
26 any person about any matter connected with the
27 proceedings, except in accordance with paragraph (3) or
28 a direction of the Commission pursuant to a request
29 under paragraph (4)."

1 So paragraph 3 deals, as you know, with persons other
2 than the appellant or his representative.

3
4 Paragraph 4 deals with a request for directions from
5 the commission for authority to communicate with the
6 appellant or his representative or another person.

10:14

7
8 So, sir, in simple terms, as we've indicated, once the
9 Special Advocate is exposed to the closed material the
10 circumstances in which he or she may take instructions
11 are narrow indeed.

10:14

12
13 Sir, Rule 36 further reinforces the open/closed divide
14 and the inability with limited exceptions of the
15 Special Advocate to communicate with those whose
16 interests they represent. As has been observed in
17 other processes, this may mean that a Special Advocate
18 would be of less utility to excluded Core Participants
19 than the Inquiry legal team who would be able to
20 continue to communicate with excluded Core Participants
21 even though they must, of course, respect the terms of
22 any Restriction Order.

10:14

10:15

23
24 Since 1997, the Government has introduced a broad
25 spectrum of statutes that include provisions for
26 appointing a Special Advocate or a similar expressed
27 mechanism for representing excluded parties or it has
28 amended statutes to create that same state of affairs.
29 In our written submissions, we have provided a

10:15

1 non-exhaustive list of such statutes ranging from the
2 Planning (Hazardous Substances) Act of 1990 to the
3 Justice and Security Act 2013.
4

5 Sir, we observe that in general the legislation seems 10:16
6 to follow a common structure. It allows for rules to
7 be made under the governing statute and these rules
8 typically (1) permit hearings to proceed in the absence
9 of a party because of the need to consider sensitive
10 material; and (2) enable that absent party's interest 10:16
11 to be represented in another way. Generally, the
12 legislation anticipates that the rules will provide for
13 a Special Advocate. And where a Special Advocate is
14 provided for, their appointment, functions, duties, and
15 communications protocols are usually expressly set out. 10:16
16

17 As is obvious, the Inquiries Act 2005 and the Rules
18 made under Section 41 of the Act do not conform to that
19 common structure. While Section 19 provides for the
20 hearing of evidence in restricted circumstances, such 10:17
21 as to safeguard national security, it makes no
22 expressed provision for, nor identifies any mechanism
23 by which the interests of an excluded Core Participant
24 may be represented.
25

26 The general thrust of the arguments of those Core
27 Participants who seek or support the appointment of a
28 Special Advocate is the avenue for doing so is provided
29 by Section 17 of the Act. Section 17, of course,

1 provides as follows:

2
3 "(1) Subject to any provision of this Act or of rules
4 under section 41, the procedure and conduct of an
5 inquiry are to be such as the chairman of the inquiry
6 may direct."

7
8 And Section 17 goes on to provide:

9
10 "In making any decision as to the procedure or conduct 10:17
11 of an inquiry, the chairman must act with fairness and
12 with regard also to the need to avoid any unnecessary
13 cost (whether to public funds or to witnesses or
14 others)."

15 10:18
16 The Police Ombudsman of Northern Ireland (PONI) has
17 suggested in written submissions that Section 18 of the
18 act may provide an alternative route to the appointment
19 of a Special Advocate. As with all of the submissions
20 received, PONI's submissions are welcome. But the 10:18
21 Inquiry legal team considers this particular submission
22 to be wrong. Section 18, it currently seems to the
23 Inquiry legal team, emphasises the importance of public
24 access to the proceedings of the Inquiry although
25 subject to any restrictions imposed by a Restriction 10:18
26 Order or Restriction Notice, but says nothing or
27 nothing of significance about the existence (or
28 otherwise) of the power to appoint a Special Advocate.
29 The position of PONI will, as we explained in our note

1 of June, need to be tested, we suggest, during the
2 course of this hearing.

3
4 Sir, overall, the legislation reviewed in our note is
5 indicative of Parliament's consistent recognition of 10:19
6 national security issues. That recognition has
7 frequently led to the inclusion of provisions that
8 exclude disclosure and evidence for national security
9 reasons, alongside express arrangements for
10 representing excluded parties' interest through the 10:19
11 Special Advocate procedure or similar mechanisms.

12
13 We observe again that the Inquiries Act lacks any such
14 expressed provisions and Core Participants should, we
15 suggest, address at this hearing whether that absence 10:19
16 suggests that Section 17 was not intended by Parliament
17 to permit the appointment of a Special Advocate. And,
18 sir, we regard that as an issue of considerable
19 importance upon which we know you will welcome
20 submissions. 10:20

21
22 Thirdly, we turn to some of the case law providing for
23 the appointment of Special Advocates. There is no
24 statutory provision allowing for the appointment of
25 Special Advocates in criminal proceedings. However, 10:20
26 the courts have inferred that power since at least
27 2004. In the R -v- H & Others, [2004] UKHL 3,
28 Lord Bingham explained how public interest immunity
29 (PII) applications should work in criminal trials. At

1 paragraph 36 Lord Bingham explained the sequential
2 questions which a judge had to determine and concluded
3 that:

4
5 "In appropriate cases the appointment of special
6 counsel may be a necessary step to ensure that the
7 contentions of the prosecution are tested and the
8 interests of the defendant protected."

10:21

9
10 At paragraph 22, the Committee outlined the various
11 ethical and practical difficulties involved in
12 appointing a Special Advocate stating that:

10:21

13
14 "...cases will arise in which the appointment of an
15 approved advocate as special counsel is necessary, in
16 the interests of justice, to secure protection of a
17 criminal defendant's right to a fair trial."

18
19 "Such an appointment," the Committee said "will always
20 be exceptional, never automatic; a course of last and
21 never first resort."

22
23 And the Committee went on to observe:

24
25 "It should not be ordered," namely the appointment of
26 a Special Advocate "unless and until the trial judge is
27 satisfied that no other course will adequately meet the
28 overriding requirement of fairness to the defendant."

10:21

1 The courts have also been willing to sanction the use
2 of Special Advocates in other types of proceedings even
3 without specific statutory authority. And we will draw
4 attention, as we have done in writing, to a number of
5 examples.

10:22

6
7 The Secretary of State for the Home Department -v-
8 Rehman, [2003] WLR 1240 was an appeal in respect of
9 decision of SIAC and it was decided that while there
10 was no statutory provision for an appointment of
11 Special Advocate on such an appeal, such an appointment
12 was nonetheless permission.

10:22

13
14 In R -v- Shayler [2002] UKHL 11, the House of Lords
15 endorsed the approach in the Court of Appeal in Rehman
16 and regarded it as capable of being followed in
17 proceedings for judicial review by a former member of
18 the Security Service of a refusal of permission to
19 publish.

10:22

20
21 R (Roberts) -v- Parole Board [2005] UKHL 45, is a case
22 relied upon by the bereaved families and survivors, or
23 at least some of them. At the time of that decision,
24 there was no expressed statutory basis for the
25 instruction of a Special Advocate in proceedings before
26 the Parole Board. However, the House of Lords
27 concluded that such a power nonetheless existed.

10:23

28
29 Sir, we suggest it will be important to analyse this

1 case in the course of this hearing. It is suggested in
2 some of the submissions that Roberts obviously grants
3 the power to appoint a Special Advocate in a statutory
4 public inquiry. The Inquiry legal team is currently
5 unclear why that is obvious.

10:24

6
7 Those who argue that there is a power to appoint a
8 Special Advocate in a statutory public inquiry rely
9 upon Section 17 and PONI, as we've said, on Section 18.
10 If the reality is that Parliament did not intend in
11 Section 17 or Section 18 to empower the appointment of
12 a Special Advocate in a statutory public inquiry how,
13 we ask, could the common law intervene? And we submit
14 that the Core Participants will need to address that
15 issue in their submissions.

10:24

10:24

16
17 Malik -v- Manchester Crown Court [2008] EWHC 1362
18 (Admin), concerned proceedings on an application for a
19 Production Order and under Schedule 5 of the Terrorism
20 Act 2000. A power to appoint a Special Advocate
21 existed, found the Court, but the judge at first
22 instanced been correct not to request such an
23 appointment.

10:24

24
25 Murungaru -v- the Secretary of State for the Home
26 Department [2008] EWCA Civ 1015 involved judicial
27 review proceedings in respect of a revocation of a
28 visa. It was found that a power to appoint a Special
29 Advocate existed but the judge's decision to request

10:25

1 such an appointment was, it was found, wrong on the
2 facts.

3
4 And, sir, the final example of a case in which the use
5 of a Special Advocate has been sanctioned 10:25
6 notwithstanding the absence of a statutory power is AHK
7 -v- the Secretary of State for the Home Department
8 [2009] EWCA Civ 287, which was a case concerning
9 judicial review proceedings in respect of a refusal of
10 an application for British citizenship. The effect of 10:25
11 the ruling in that case was that the appointment of a
12 Special Advocate was permissible in certain situations
13 even without statutory authority.

14
15 Sir, by way of overview of the case law, we submit that 10:26
16 a key element in each of the cases we have just
17 referred to and in the cases overall, was the Court's
18 consideration of its power to appoint a Special
19 Advocate when no other legal basis existed. However,
20 we, on this application, are concerned with a statutory 10:26
21 framework.

22
23 As we've explained, within the context of a public
24 inquiry it is suggested by some Core Participants that
25 Section 17 provides the necessary power for such an 10:26
26 appointment. At the hearing it will be necessary for
27 this suggestion to be examined in detail and for all to
28 engage with this question. If you were, sir, contrary
29 to the suggestion made, to find that Section 17 does

1 not provide a power to appoint a Special Advocate in
2 statutory public Inquiry proceedings, on what basis is
3 it suggested that an inherent power arises under the
4 common law? And again, sir, that, we suggest, is an
5 important issue for all to grapple with during the
6 course of this hearing.

10:27

7
8 Fourthly, so topic 4, fourthly in deciding whether
9 there is a power to appoint a Special Advocate in a
10 public inquiry, it may, we recognise, be of assistance
11 to consider the approach of other statutory public
12 inquiries. Consideration has been given to the
13 appointment of Special Advocates in at least three
14 other recent public inquiries although in the result no
15 Special Advocate was appointed in any of those
16 proceedings.

10:27

10:27

17
18 So, what are those three processes? First, the
19 Litvinenko Inquiry. An application was made by
20 Marina Litvinenko and Anatoly Litvinenko for the
21 appointment of a Special Advocate. In his decision
22 dated 9th October 2014, the Chairman of that Inquiry
23 Sir Robert Owen held as follows:

10:28

24
25 "5. I have formed [said the Chairman] the provisional
26 view that the power to appoint a Special Advocate is
27 implicit in the broad power to determine the procedure
28 to be adopted in an inquiry and in the expressed duty
29 to act fairly."

10:28

1 He went on to say:

2
3 "I do not consider that it is possible to rule out the
4 possibility that there might be circumstances in which
5 the appointment of a Special Advocate would be 10:28
6 necessary to enable the Chairman of an inquiry properly
7 to discharge his functions. But I recognise that such
8 circumstances would be wholly exceptional bearing in
9 mind in particular, the inquisitorial nature of an
10 inquiry constituted under the Act." 10:29

11
12 And then in paragraph 9 Sir Robert went on to say:

13
14 "Bearing in mind in particular the role to be played by
15 counsel to the Inquiry under my direction, I do not 10:29
16 consider the appointment of a Special Advocate to act
17 on behalf of ML and AL to be necessary for the proper
18 discharge of my function. Thus, on the premise that I
19 have power to appoint a Special Advocate I am not
20 persuaded that I should do so. It follows that this 10:29
21 application is refused."

22
23 So, the Chairman there finding the existence of a power
24 but declining to exercise it.

25 10:29
26 In the Manchester Arena Inquiry, an application was
27 made by some of the bereaved families, although not
28 all, for the appointment of a Special Advocate. In his
29 decision dated seventh October 2021 the Chairman, Sir

1 John Saunders held the following, and it again we
2 quote:

3
4 "In this case I am required to comply with the
5 requirements of Article 2 of the ECHR and while it may 10:30
6 be difficult to think of examples I am not prepared to
7 say, as a matter of law, that there is no power to
8 appoint Special Advocates to an inquiry. In my
9 judgment, there is such a power and my ruling in that
10 regard accords with the ruling by Sir Robert Owen in 10:30
11 the Litvinenko Inquiry.

12
13 Despite finding that there was a power to appoint a
14 Special Advocate, the Chairman concluded that it was
15 not necessary or desirable to appoint a Special 10:30
16 Advocate in the Manchester Arena Inquiry.

17
18 The third process in which this issue was considered
19 was the independent inquiry relating to Afghanistan.
20 In that Inquiry an application was made by the Afghan 10:31
21 bereaved families for the appointment of a Special
22 Advocate. In a decision dated 21st August 2023, the
23 Chairman, Lord Justice Haddon-Cave did not express a
24 final view as to whether there was a power to appoint
25 Special Advocates having concluded that: 10:31
26

27 "In my view, it is neither necessary nor appropriate
28 support for Special Advocates for to be appointed in
29 this Inquiry for the following reasons:

1
2 1. The Inquiry involves an independent and impartial
3 investigation by a specially appointed Chair, its
4 process is inquisitorial and is aimed at getting to the
5 truth and not adversarial. 10:31

6
7 2. I have complete confidence that counsel to the
8 Inquiry will test the evidence in closed with the same
9 diligence and independence as they will in the open
10 hearing. Further, my approach to the closed hearings 10:32
11 will be just as rigorous as in open.

12
13 3. The appointment of Special Advocates would
14 duplicate the existing role and functions of counsel to
15 the Inquiry and moreover would involve unnecessary 10:32
16 complication and cost.

17
18 4. The appointment and involvement of Special
19 Advocates would also cause significant delay in
20 circumstances where it is important that the Inquiry 10:32
21 proceeds at pace.

22
23 5. The extent to which Special Advocates would be able
24 to communicate with the Afghan families' recognised
25 legal representative having already had access to the 10:32
26 sensitive material in the context of the judicial
27 review proceedings is limited. In any event, any
28 proposed lines of focus or inquiry could still be
29 communicated to counsel to the Inquiry to the same end.

1
2 6. Given the substantial disclosure that has already
3 been made in open and will in due course be made, other
4 Core Participants will still be able to meaningfully
5 participate in the Inquiry."

10:33

6
7 Sir, the Inquiry legal team considers that it will be
8 helpful - indeed necessary - during this hearing for
9 Core Participants to engage with the extent to which
10 these earlier decisions assist you to decide (a)
11 whether a power to appoint a Special Advocate exists
12 and (b) if it does, whether that power ought to be
13 exercised in the circumstances of the Omagh Bombing
14 Inquiry?

10:33

15
16 And, sir, just pausing for one moment; you will recall
17 that we asked Core Participants to identify any public
18 inquiries in which the existence of a power to appoint
19 Special Advocates had been considered and, sir, no Core
20 Participant had identified any inquiry save for the
21 three that we have just dealt with.

10:33

22
23 Sir, fifthly we turn to the impact, if any, of the
24 Investigatory Powers Act 2016 (the IPA). In deciding
25 if there is a power to appoint a Special Advocate in a
26 statutory public inquiry, it may, we suggest, be useful
27 to consider the interplay of other legislation in
28 particular the IPA. Pausing for one moment, for the
29 avoidance of any doubt what we're about to say is not

10:34

1 intended to confirm or deny the existence of any
2 intercepted communications or related conduct in
3 relation to the work of the Omagh Bombing Inquiry.
4 Instead, our purpose is to examine the practical
5 implications of appointing a Special Advocate should 10:34
6 consideration of any such intercepted communication or
7 related conduct become necessary in the course of your
8 work.

9
10 Section 56(1) of the IPA, prohibits the adducing of 10:34
11 evidence, the asking of questions, the making of
12 assertions, the making of disclosure or the doing of
13 any other thing which discloses the content of an
14 intercepted communication or any secondary data
15 obtained from a communication if that disclosure may 10:35
16 imply that it has come from interception-related
17 conduct or that tends to suggest that
18 interception-related content has, or may have occurred
19 or may be going to occur. The Section 56 prohibition
20 applies to proceedings of statutory public inquiry. 10:35
21

22 Paragraphs 22 and 23 of Schedule 3 to the IPA, provide
23 the exceptions to the Section 56 prohibition as they
24 apply to statutory public inquiries. The Section 56
25 prohibition is disapplied if: 10:35
26

27 "In the course of the inquiry, the panel has ordered
28 the disclosure to be made to the panel alone or (as the
29 case may be) to the panel and any person appointed as

1 legal adviser to the inquiry."

2 Legal adviser is defined as a person appointed a
3 solicitor or counsel to the inquiry, terms which have a
4 particular meaning under the Act and the Rules.

5
6 An ordered disclosure of the sort anticipated by those
7 paragraphs may only occur if the chairman considers
8 that the exceptional circumstances of the case make the
9 disclosure essential to enable the Inquiry to fulfil
10 its Terms of Reference, that is paragraph 22(2). 10:36

11
12 Sir, accordingly, while ordered disclosures can be made
13 to the solicitor to the Inquiry and counsel to the
14 Inquiry, it appears to be the case that there is no
15 power for such disclosures to be made to a Special 10:36
16 Advocate, if appointed.

17
18 Consequently, if a Special Advocate were to be
19 appointed in your inquiry and if, sir, you had to
20 consider material covered by Section 56(1), it seems to 10:37
21 be the position that no ordered disclosure could be
22 made to that Special Advocate which would plainly, we
23 suggest, reduce their utility if the closed material
24 included section 56 material. But, sir, whether that
25 analysis that we have just engaged in is correct, will, 10:37
26 we recognise, require consideration during this hearing
27 as will its consequences if the analysis is correct.

28
29 By paragraph 23 of Schedule 3, the Section 56

1 prohibition is also disapplied in relation to what are
2 termed "restricted proceedings," only insofar as those
3 proceedings are considering ordered disclosures under
4 paragraph 22. Proceedings are restricted proceedings
5 if they operate under a Restriction Order or
6 Restriction Notice which prohibits the attendance at
7 those proceedings of any person who does not fall into
8 one of five categories.

10:38

9
10 Those five categories of person are:

10:38

- 11 1. The Chairman of the Inquiry;
- 12 2. Counsel to the Inquiry and the solicitor to the
- 13 Inquiry;
- 14 3. A person who is "relevant party to proceedings;"
- 15 4. A person representing a relevant party for the
- 16 purpose of the restricted proceedings; and
- 17 5. "A person performing functions necessary for the
- 18 proper functioning of the proceedings."

10:38

19
20 It's obviously important to understand who may be a
21 relevant party. A person may be a relevant party in
22 one of four ways set out in paragraph 23(4) of
23 Schedule 3:

10:38

- 24
25 (1) they are the person who has made the ordered
- 26 disclosure;
- 27 (2) they are giving evidence to the Inquiry in
- 28 circumstances where, but for the paragraph 23(1)
- 29 disapplication, the Section 56 prohibition would be

10:39

1 breached;

2 (3) they are a person who has engaged in the
3 interception-related conduct to which the ordered
4 disclosure relates; and

5 (4) they are any other person to whom the subject
6 matter of the disclosure or evidence has been lawfully
7 disclosed in accordance with Section 58 of the IPA.

10:39

8
9 Sir, it seems to the Inquiry legal team to be striking,
10 that although Special Advocates are expressly
11 referenced within paragraphs of Schedule 3 that deal
12 with proceedings other than statutory public inquiries,
13 paragraph 23 makes no mention at all of disclosure to a
14 Special Advocate nor provides any authority for a
15 Special Advocate to be present in a closed hearing
16 considering ordered disclosure.

10:39

10:40

17
18 Notably, all other legal representatives permitted to
19 be present are expressly identified and are not
20 subsumed as a person performing functions necessary for
21 the proper functioning of the proceedings. And we
22 suggest that this latter provision more appropriately
23 refers to administrative staff essential for the
24 Inquiry's operation and is not apt to describe or
25 include a Special Advocate.

10:40

10:40

26
27 But again, sir, we recognise that the suggestion that
28 we have just made will require careful analysis at this
29 hearing, as is apparent from the submissions received

1 from others demonstrated to be controversial.

2 If, sir, ultimately you conclude that our analysis is
3 correct, it appears to be the case that although the
4 IPA allows for the disclosure and consideration of
5 intercept material and interception-related conduct at 10:41
6 a closed hearing in statutory inquiry proceedings,
7 there is no provision for a Special Advocate to receive
8 this material or attend any closed hearings where it is
9 considered. This limitation, sir, if you agree it
10 exists, on disclosure to a Special Advocate and/or 10:41
11 attendance could be seen as a practical barrier to
12 their effective participation in an inquiry where
13 Section 56(1) material is considered.

14
15 Moreover, if its interpretation is in your assessment 10:41
16 correct, Parliament's failure to amend the Inquiries
17 Act or the IPA to address the situation might suggest
18 there is no parliamentary intention for Special
19 Advocates to be involved in Inquiry proceedings. And
20 in turn that may be because the Inquiry legal team can 10:41
21 already fulfil many of their potential functions.

22
23 Sir, again, this issue will require close analysis
24 during the course of our hearing.

25 10:42
26 Sir, finally before we move on to the impact of the
27 ECHR, connectedly some of the bereaved family and
28 survivor Core Participants argue that the Special
29 Advocates who were instructed in the judicial review

1 proceedings that triggered this Inquiry should be
2 instructed in this Inquiry given their existing
3 knowledge. And that submission is understood as a
4 matter of logic. However, we pose this question: what
5 if the Special Advocates saw Section 56 material in the 10:42
6 course of the judicial review proceedings but could not
7 permissibly see it in the closed hearings of this
8 Inquiry; how, we ask, would that work?
9

10 Sixthly, as we indicated, the impact of the European 10:43
11 Convention on Human Rights. The Human Rights Act 1998,
12 more particularly Section 6(1) provides that it is
13 unlawful for a public authority to act in a way which
14 is incompatible with a convention right.
15 Section 6(3)(b) defines a public authority as including 10:43
16 "any person certain of whose functions are functions of
17 a public nature."
18

19 Sir, we accept, as a matter of law, that the chairman
20 of a statutory public inquiry such as you, sir, when 10:43
21 acting as such is a public authority as defined by the
22 Act of 1998. And if authority for that self-evident
23 proposition were to be required it is provided by R
24 (EA) -v- The Chairman of the Manchester Arena Inquiry
25 [2020] EWHC 2053 (Admin). 10:44
26

27 Section 3 of the Act of 1998 provides that:
28

29 "So far as it is possible to do so, primary legislation

1 and subordinate legislation must be read and given
2 effect in a way which is compatible with the Convention
3 rights. "

4
5 As everyone knows, Article 2 of the ECHR protects the
6 fundamental right to life. In Al-Skeini [2011] ECHR
7 1093 the European Court of Human Rights held:

10:44

8
9 "The obligation to protect the right to life under this
10 provision, read in conjunction with the State's general
11 duty under Article 1 of the Convention to 'secure to
12 everyone within their jurisdiction the rights and
13 freedoms defined in [the] Convention', requires by
14 implication that there should be..."

15
16 And then we emphasise these words:

17
18 "...some form of effective official investigation when
19 individuals have been killed as a result of the use of
20 force by, inter alios, agents of the State. The
21 essential purpose of such an investigation is to secure
22 the effective implementation of the domestic laws
23 safeguarding the right to life and, in those cases
24 involving State agents or bodies, to ensure their
25 accountability for deaths occurring under their
26 responsibility. "

27
28 It appears to the Inquiry legal team, although subject
29 of course to argument at this hearing, that an

1 effective investigation compliant with Article 2 does
2 not necessitate full public access or complete access
3 for Core Participants to all aspects of the Inquiry
4 proceedings. This principle was explicitly
5 acknowledged both R (Amin) -v- the Secretary of State
6 for Home Department [2003] UKHL 51 (see paragraph 28
7 and paragraph 29), and Ramashai -v- the Netherlands
8 [2008] 46 EHRR 43 (see paragraph 353).

10:46

10 It is also apparent, it currently seems to the Inquiry
11 legal team, from the very existence of the Restriction
12 Order procedure in Section 19 of the Act.

10:46

14 So, the Inquiry legal team observes that jurisprudence
15 does not appear to support the contention that Special
16 Advocates are required to fulfil the Article 2
17 obligation to conduct an effective investigation. Sir,
18 if further support for this contention is required, the
19 Inquiry legal team notes that numerous previous public
20 inquiries, including those that incorporated closed
21 hearings, have been conducted successfully in
22 compliance with Article 2 in the absence of Special
23 Advocates. But once more, the significance, if any, of
24 that requires close scrutiny at this hearing.

10:46

10:47

26 So, sir, we turn seventhly to the question of whether
27 there is a power to appoint a Special Advocate in your
28 process. Without arguing for an answer one way or the
29 other we observe the following:

10:47

1
2 First, Section 17 of the Inquiries Act gives a chairman
3 a broad power to determine the procedures and conduct
4 permissible during an inquiry. This power is subject
5 to the requirement that the chairman acts with fairness 10:48
6 and with regard to the need to avoid any unnecessary
7 cost, whether to public funds or to witnesses or
8 others.

9
10 In two previous statutory public inquiries, chairmen 10:48
11 had been prepared to proceed upon the view that
12 Section 17 is wide enough to allow for the appointment
13 of Special Advocates, though no such appointment was
14 requested in the result.

15 10:48
16 Sir, in our assessment there is no doubt that these
17 decisions of senior and experienced judges sitting as
18 chairmen require close consideration during this
19 hearing. While you are entitled to form your own view
20 and are certainly not bound by the decisions in the 10:48
21 Litvinenko Inquiry and/or in the Manchester Arena
22 Inquiry, we suggest that in practice you will need to
23 identify cogent reasons, if you are to depart from
24 their reasoning.

25 10:48
26 Second, while the Inquiries Act permits closed hearings
27 whether pursuant to a Restriction Order or Restriction
28 Notice, it makes no express provision for the
29 appointment of a Special Advocate. Parliament did not

1 include such provision despite typically doing so in
2 statutes where sensitive or national security sensitive
3 evidence is expected to be handled in a closed hearing,
4 often through a Special Advocate or similar mechanism
5 for representing excluded parties. The Inquiry legal 10:49
6 team observes that the Inquiries Act lacks any such
7 express provisions and this absence might suggest that
8 Section 17, as we've submitted already, was not
9 intended by Parliament to permit the appointment of a
10 Special Advocate. 10:49

11
12 Third, many of the functions typically performed by
13 Special Advocate are already carried out by the Inquiry
14 legal team. The Inquiry legal team operates
15 independently of all Core Participants and your team, 10:49
16 sir, comprises several experienced security vetted
17 solicitors and several experienced security vetted
18 counsel at least some of whom will be involved in any
19 closed hearings. The Inquiry legal team suggests that
20 this overlap in functions may explain why there is no 10:50
21 provision for Special Advocates in the Inquiries Act,
22 as the Inquiry legal team effectively performs many, if
23 not all of their core duties albeit from an independent
24 and inquisitorial standpoint.

25 10:50
26 Furthermore, the use of the Inquiry legal team ensures
27 that the closed material is considered not only by
28 counsel, as would be the case when a Special Advocate
29 is appointed, but also by solicitors who would not be

1 available to a Special Advocate or at least not in the
2 same all-in way. Sir, that, we suggest, is an
3 important issue for consideration at this hearing.
4

5 Fourth, the Inquiry legal team observes that although 10:51
6 the Inquiries Act and the IPA allow for the disclosure
7 and consideration of intercept material and
8 interception-related conduct in a closed hearing, there
9 is no apparent provision for a Special Advocate to
10 receive disclosure of this material or to attend any 10:51
11 closed hearing where it is considered. And as we have
12 observed already, this limitation, if that is what it
13 is, on disclosure to a Special Advocate and attendance
14 could be seen as a practical barrier to their effective
15 participation in any inquiry if material caught by 10:51
16 Section 56(1) requires consideration.
17

18 So if this interpretation is correct, Parliament's
19 failure to amend the Inquiries Act or the IPA to
20 address the situation might suggest there is no 10:51
21 paramilitary intention for Special Advocates to be
22 involved in Inquiry proceedings. Perhaps because the
23 Inquiry legal team can already fulfil many of their
24 potential functions.
25

26 Fifth, while Article 2 of the Convention requires that 10:52
27 public inquiries are effective and involve Core
28 Participants to the extent necessary to safeguard their
29 interests, it does not require the appointment of

1 Special Advocate where the Inquiry will hold closed
2 hearings. It may be argued that the Inquiry's
3 inquisitorial nature ensures effective participation
4 through open hearings, with derogation from open access
5 limited to the minimum extent possible, the diligent 10:52
6 work of counsel to the Inquiry and the solicitor to the
7 Inquiry and, sir, your independence as chairman.

8
9 Sixth, we observe that the process for taking evidence
10 at the Inquiry hearings is under Rule 10 of the Inquiry 10:52
11 Rules of 2006. By Rules 2 and 6 and subject to Rule 7,
12 where a Core Participant has appointed a qualified
13 lawyer to act on that person's behalf, the chairman
14 must designate that lawyer as that person's recognised
15 legal representative (RLR) in respect of the 10:53
16 proceedings of the Inquiry. It is only the RLR that is
17 able to ask questions. A Special Advocate who is not
18 appointed by the Core Participant but instead by the
19 law officer on the face of it is not capable of being
20 an RLR within the meaning of the Rules. 10:53

21
22 The absence of express provisions allowing a Special
23 Advocate to ask questions might suggest there is no
24 paramilitary intention for Special Advocates to be
25 involved in Inquiry proceedings although, once again, 10:53
26 this interpretation of the Rules will, we acknowledge
27 require close examination at the hearing.

28
29 Sir, that is all we propose to say at the moment about

1 that seventh topic: Does a power exist?
2 Eighthly, if a power exists, what factors are relevant
3 to the exercise of the discretion whether to exercise
4 it? Sir, if you determine that Section 17 does
5 incorporate a power to appoint a Special Advocate, then 10:54
6 the exercise of that power is, subject to the
7 requirement that you act with fairness, and with regard
8 to the need to avoid any unnecessary cost, a matter for
9 your discretion.

10
11 In the R -v- H [2004] UKHL 3, a case to which we've
12 already referred, at paragraph 22 the Committee
13 outlined the various ethical and practical difficulties
14 involved in appointing a Special Advocate, and they
15 stated this, and at the risk of repetition: 10:55

16
17 "...cases will arise in which the appointment of an
18 approved advocate as special counsel is necessary, in
19 the interests of justice, to secure protection of a
20 criminal defendant's right to a fair trial."

21
22 The Committee said:

23
24 "Such an appointment will always be exceptional, never
25 automatic; a course of last and never first resort." 10:55

26
27 And the Court went on to say:

28
29 "It should not be ordered unless and until the trial

1 judge is satisfied that no other course will adequately
2 meet the overriding requirement of fairness to the
3 defendant. "
4

5 In AHK-v- the Secretary of State for the Home
6 Department [2009] EWCA Civ 287 at paragraph 35, the
7 Court set out its view as to the correct approach in
8 cases of, as it was put, this kind generally, and
9 returned to consider the correct explanation of the
10 test for the appointment of a Special Advocate. The
11 Court did so in the following terms:

10:55

10:56

12
13 "As we indicated above, the test suggested by Miss
14 Gi ovannetti . . . "

15
16 She was appearing as counsel for the Secretary of
17 State. And we emphasise this passage:

18
19 "...was that a special advocate should only be
20 appointed if it is necessary to do so. We do not think
21 that such an approach is markedly different from that
22 suggested in the cases. In any event, it seems to us
23 that it will be necessary to appoint a special advocate
24 where it would be just to do so. Given the very few
25 cases in which these problems arise, viz some 138 in
26 four years in circumstances in which about 100,000
27 applications for citizenship succeed each year, these
28 are exceptional cases. In our view the test is best
29 stated as being that a special advocate should be

1 appointed where it is just to do so, having regard to
2 the requirement that the proceedings must be fair to
3 the claimant and to the Secretary of State."

4
5 The Inquiry legal team observes that AHK appears to 10:57
6 replies a test of strict exceptionality with one of
7 necessity, although that might mean something very
8 similar. As a guide to finding whether the test of
9 necessity will be met, the Court suggests considering
10 whether it is just to appoint a Special Advocate having 10:57
11 regard to the requirement of fairness.

12
13 We suggest, sir, that in deciding whether to appoint a
14 Special Advocate if you conclude that you have power do
15 so, you should consider whether it's necessary for a 10:57
16 Special Advocate to be appointed for the Omagh Bombing
17 Inquiry to achieve its purpose, taking account of the
18 requirement that you act with fairness and with regard
19 to the need to avoid any unnecessary cost whether to
20 public funds or to witnesses or others. 10:58

21
22 Sir, ninthly, we turn to the question of whether
23 Special Advocates should be appointed in your Inquiry
24 if you conclude that there is power for an appointment
25 to be made by the law officer. 10:58

26
27 So we turn then to the question of whether Special
28 Advocates should be instructed.

1 without arguing for any particular outcome, sir, we
2 observe the following:

3
4 First, this Inquiry involves an independent and
5 impartial investigation by a specially-appointed 10:58
6 chairman. Its process is inquisitorial and is aimed at
7 getting at the truth. Its process is not adversarial.
8 Sir, the inquisitorial nature of the proceedings with
9 neither the Core Participants nor the Inquiry legal
10 team having a case, is, it seems to the Inquiry legal 10:59
11 team, important, or at least potentially so.

12
13 Second, but connectedly, the use of a Special Advocate
14 would arguably not be consistent with the inquisitorial
15 nature of a statutory public inquiry. One person of 10:59
16 the appointment of counsel to the Inquiry is to provide
17 for the advocacy function in an inquisitorial context.
18 Counsel to the Inquiry will be able to probe the
19 evidence in closed hearings, supported by the solicitor
20 to the Inquiry and, sir, your team contains members 10:59
21 with particular experience of doing so. We do
22 acknowledge that a Special Advocate would offer some
23 advantages as counsel to the Inquiry must act in
24 accordance with the inquisitorial nature of the
25 proceedings; whereas in contrast, a Special Advocate 11:00
26 would specifically investigate the evidence from the
27 point of view of the Core Participant whose interest
28 they represent. The Core Participant in question we
29 recognise, may feel greater confidence that their

1 interests are being properly considered in the
2 evidential investigation as a result. Although, sir,
3 in this regard it's noteworthy that some of the Core
4 Participants have expressed confidence in the approach
5 adopted by the Inquiry legal team to date. 11:00
6 Nonetheless, this second factor will be an important
7 issue for your consideration at this hearing, we
8 suggest.

9
10 Third, a Special Advocate may take instructions from 11:00
11 their client before seeing the closed documents in a
12 case and may not communicate further with their client
13 after seeing the closed documents save in a very narrow
14 run of circumstances. Unlike a Special Advocate,
15 vetted members of the Inquiry legal team who have 11:01
16 already seen the closed documents may continue to
17 communicate with the Core Participants and their
18 lawyers. The involvement of the Inquiry legal team
19 comprised, of course, of both counsel and solicitors
20 may, therefore, be of more value to the Core 11:01
21 Participants than the involvement of a Special Advocate
22 would be because continued dialogue can guide the
23 Inquiry legal team in issues that are of particular
24 concern to Core Participants.

25
26 Fourth, as we have observed already, there may be a
27 duplication of function between the Inquiry legal team
28 and Special Advocates appointed for Core Participants.
29 And this arguably engages the obligation that you have,

1 sir, under Section 17(3) of the Act of 2005 to have
2 regard to the need to avoid unnecessary costs when
3 making decisions as to the procedure or conduct of the
4 Inquiry. However, we acknowledge that this duplication
5 of function and resultant increase in costs would
6 arguably be justified if you determined, sir, that it
7 is necessary to appoint Special Advocates for the
8 Inquiry to achieve its purpose taking account of the
9 requirement that you act with fairness.

11:02

10
11 Fifth, the Inquiry legal team observes that the use of
12 a Special Advocate in this Inquiry would be novel.
13 Indeed, unique. Special Advocates have not been
14 utilised in any previous statutory inquiry even though
15 several past statutory inquiries have also dealt with
16 sensitive material and held closed hearings.

11:02

17
18 In the Litvinenko Inquiry, the Manchester Arena Inquiry
19 and the independent inquiry relating to Afghanistan no
20 request for the appointment of a Special Advocate was
21 made by the Chair following applications that he should
22 do so, and in the Dawn Sturgess Inquiry - an inquiry
23 which scrutinised claims of the involvement of a
24 hostile state in a death - no application was made for
25 the appointment of a Special Advocate by any Core
26 Participant.

11:03

11:03

27
28 while the lack of a precedent alone is not a
29 determining factor, it may be relevant that previous

1 statutory inquiries have shown, sir, that effective and
2 comprehensive investigations, including those with
3 closed hearings, can be conducted without the
4 appointment of Special Advocates. Sir, as a result we
5 ask the Core Participants to address this question 11:03
6 during their submissions: Is there any sound reason to
7 think that the Omagh Bombing Inquiry would be any
8 different?

9
10 Sixth, if the application is granted and Special 11:03
11 Advocates following, Sir, a request by you are
12 appointed there seems to us to be an obvious risk of
13 delay to your investigation. The volume of closed
14 material is likely to be significant. It will
15 inevitably add some delay if the material has to be 11:04
16 read by Special Advocates, particularly if more than
17 one, and by the Inquiry legal team. Further, if the
18 analysis in relation to the application and operation
19 of the IPA is correct and such material were identified
20 in the Omagh Bombing Inquiry, then the procedural 11:04
21 position would be complex and would likely contribute
22 to further delay in closed proceedings.

23
24 The availability of Special Advocates and premises to
25 accommodate them in Northern Ireland may be an 11:04
26 additional complication and these practical issues
27 require consideration, we suggest, sir, at this
28 hearing.

1 Seventh, in Re Gallagher's application for leave to
2 apply for judicial review [2021] NIQB 85, as we've said
3 already, the proceedings which resulted in this
4 Inquiry, in the judgment of Mr. Justice Horner in that
5 case, the Court stated the following:

11:05

6
7 "The applicant submits with good reason that it is
8 essential to ensure that public concern will be
9 addressed by any inquiry and that this will be so
10 sufficiently robust to ensure that there is public
11 confidence in the outcome. ... The inquiry chairman is
12 given wide powers to act fairly and impartially. There
13 is also the ability to hold CLOSED hearings and to
14 appoint special advocates which may be particularly
15 apposite here given that much of the evidence will be
16 CLOSED."

17
18 And judge then cited the decision of Sir Robert Owen in
19 Litvinenko.

11:06

20
21 Sir, this commentary by Mr. Justice Horner (as he was)
22 on Special Advocates appears to have been obiter given
23 that the High Court did not order the establishment of
24 a public inquiry. Nonetheless, the fact that the High
25 Court here in Belfast appears to have regarded the
26 potential appointment of special advocates in the Omagh
27 Bombing Inquiry as a relevant factor is, arguably
28 relevant to the exercise of your discretion if indeed,
29 sir, you conclude that you have one.

11:06

1
2 And eighth, sir, and finally on the factors that would
3 be relevant to the exercise of that discretion if it
4 exists. Given the substantial disclosure that has
5 already been made in open and will in due course be 11:06
6 made, other Core Participants will be able to
7 participate meaningfully in the Inquiry through the
8 Rule 10 process in open and continued communication
9 with the Inquiry legal team.

10
11 Sir, tenth, whose interests should the Special Advocate
12 (or Advocates) be appointed to represent? And we
13 have little to say about this having addressed the
14 issue in writing.

15
16 If you do decide, sir, that you have a power to request
17 the appointment of Special Advocates, if you decide to
18 make such a request and if Special Advocates are
19 appointed by the Advocate General, it should be noted
20 that Special Advocates have been requested by the five 11:07
21 teams of the bereaved and survivor Core Participants
22 represented by John McBurney Solicitors, Fox Law
23 Solicitors, Campbell & Haughey Solicitors, Logan &
24 Corry Solicitors and Roche McBride Solicitors.

25
26 Differing views have been expressed as to how many
27 Special Advocates would be necessary. While some Core
28 Participants suggest each bereaved and survivor group
29 requires its own Special Advocate due to a unique

1 interest, you could decide, it seems to us, that one
2 Special Advocate team would suffice for all bereaved
3 and survivor Core Participants. In practice of course
4 Special Advocates would only consult with the open Core
5 Participants before receiving closed material. This 11:08
6 means that the need to take nuanced instructions
7 repeatedly from each Core Participant group would be
8 less pressing for Special Advocates than it would be
9 for an open recognised legal representative.

10
11 And finally, sir, our topic 11, the practicalities of
12 appointment. In our written submissions, we identified
13 a series of practical issues relating to the
14 appointment of Special Advocates including the funding
15 arrangements. And so we don't proposing to into those 11:08
16 orally save to note that, statutory provisions for
17 other proceedings involving Special Advocates are
18 strictly prescribed, outlining proceedings for Special
19 Advocates taking instructions, for their engagement in
20 the proceedings, for their ability to make submissions, 11:09
21 ask questions and so on. As, sir, there is no
22 statutory regime for Special Advocates in an inquiry,
23 at least not one that descends into the detail of how
24 they are to be appointed and how they are to operate,
25 if you decided you have a power to make a request, if 11:09
26 you decided to make a request and if there was an
27 appointment by a law officer, sir, you would need to
28 develop your own protocols for the management of
29 Special Advocate engagement.

1
2 Sir, that is all we propose to say at the outset of,
3 and in opening this hearing. What we propose is that
4 we should take a short break at this stage following on
5 which we will call upon Mr. Southey, King's Counsel, to 11:10
6 address you on behalf of those he represents.

7 CHAIRMAN: Yes, thank you very much.

8 MR. GREANEY: Sir, shall we aim to return at 11:20?

9 CHAIRMAN: A break at this stage is in order to
10 accommodate the needs of the stenographer. 11:10

11 MR. GREANEY: It is.

12 CHAIRMAN: So it depends how long she would need. I
13 note that she's been valiantly typing for over an hour,
14 10 minutes might not be very long.

15 MR. GREANEY: May I consult with the stenographer and 11:10
16 we'll take a break for as long as she needs.

17 CHAIRMAN: Yes, thank you.

18
19 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

20
21 CHAIRMAN: Good morning, Mr. Southey. 11:26

22 MR. SOUTHEY: Good morning, sir.

23 CHAIRMAN: Mr. Southey, before we start I wondered if I
24 could ask you just to clarify one matter for me and it
25 really arises out of the point that Mr. Greaney was 11:27
26 making to the effect that the chairman of a public
27 inquiry would not have the power himself to appoint a
28 Special Advocate, and that that power would reside with
29 the relevant law officer; is that something you accept

1 or not.

2 MR. SOUTHEY: well, in perhaps a sort of typical
3 lawyer's answer yes and no. What I mean by that is
4 that I accept that ultimately the actual appointment is
5 made by a law officer, by the Advocate General for 11:28
6 Northern Ireland. The Advocate General retains the
7 list of security cleared Special Advocates and it is
8 for the Advocate General to decide, for example,
9 whether someone is disqualified because of tainting.

10
11 However, we would argue that if you were to conclude,
12 for reasons consistent with your obligations under the
13 Inquiries Act, that a Special Advocate should be
14 appointed it would then be unlawful for there to be a
15 refusal to appoint a Special Advocate. And we say that 11:28
16 for two reasons essentially. Firstly, to the extent
17 that Article 2 -- well Article 2 clearly does apply.
18 But because Article 2 applies it is for you, sir, to
19 determine what steps should be taken in your Inquiry
20 and if authority is authority is needed for that it is 11:29
21 the judgment of Lord Rodger in JL which you can find in
22 the authorities bundle, tab 24, page 506 para 76 where
23 he says once an Article 2 Inquiry is established it is
24 for the investigator to decide how to conduct their
25 investigation. And that's obviously reflected in 11:29
26 Section 17.

27 CHAIRMAN: All I was really wondering is whether you
28 accept that what I should do if I agree with your
29 submissions, is to make a request rather than to

1 actually make an appointment. And then if for whatever
2 reason, the law officer declined to follow that
3 request, well that would be something you would take up
4 with him.

5 MR. SOUTHEY: Yes, that's the procedure we would accept 11:30
6 would need to be followed. But that, as I say, is not
7 uncommon, that's effectively what happens. It's
8 certainly been my experience in other contexts where a
9 closed procedure, in something like SIAC, for example,
10 it is ultimately left to the law officer to make the 11:30
11 appointment.

12 CHAIRMAN: Yes, well that's helpful, thank you.
13 So you have your written submissions and I imagine
14 you're going to take me through those.

15 MR. SOUTHEY: Yes, I'm going to not necessarily repeat 11:30
16 everything but seek to develop them in some detail.

17
18 SUBMISSION BY MR. SOUTHEY:

19
20 MR. SOUTHEY: Can I also just start by thanking the 11:30
21 Inquiry for the time it's putting aside for this issue
22 at this early stage, relatively early stage. Obviously
23 the Core Participants that I represent have from the
24 very early days of this Inquiry been arguing for the
25 appointment of a Special Advocate. And in simple terms 11:31
26 the reason for this is that they obviously have, as is
27 probably clear, a degree of scepticism about the
28 State's position in relation to this Inquiry. There
29 has been considerable delay in getting to this stage

1 and also there is a history, they would argue, of the
2 State not necessarily providing or being fully open,
3 essentially, about what's happened in the past. And
4 because of that, they are of the opinion that it is
5 particularly important that any closed procedure 11:31
6 involves the State being fully tested and it's
7 important also that they have confidence in the outcome
8 of any closed procedure. And in that context, they
9 would argue that the judicial review provides a good
10 model. And in the context of the judicial review they 11:32
11 certainly would argue that it's their impression, and
12 in one sense it can be no more than an impression, but
13 it's their impression that Special Advocates played an
14 important role. And that role of Special Advocates
15 have played in the past in the judicial review is part 11:32
16 of the reason why, from their point of view, it is
17 important that Special Advocates continue to be
18 involved in the process.

19 CHAIRMAN: I follow all of that very easily, but right
20 at the beginning you raised the question or the issue 11:32
21 which others have raised also of scepticism in relation
22 to the State.

23 MR. SOUTHEY: Yes.

24 CHAIRMAN: It is very important to emphasise the
25 distinction between the State and this Inquiry. I'm 11:32
26 not the State for the purposes of this Inquiry.

27 MR. SOUTHEY: I'm not suggesting -- I wasn't
28 intending to suggest, and I'm not suggesting, that you,
29 sir, are the State. The reason I make that point is

1 because - and I'll come on to this - we recognise the
2 important role that both you and counsel to the Inquiry
3 play in testing the evidence but ultimately there are
4 limitations, particularly in relation to the role of
5 counsel to the Inquiry and I'll come on to those. And 11:33
6 that's where a Special Advocate in our submission
7 plays, potentially plays an important role in further
8 testing the State in the closed procedure. It's not
9 the Inquiry is the State, just to repeat really in some
10 senses, it is that the Special Advocate -- it's that 11:33
11 rather the closed procedure will be part of how the
12 State is tested, and the Special Advocate has a role to
13 play in doing that. That's really the point I was
14 trying to make.

15
16 Can I then turn to the issue of the power to appoint
17 the Special Advocate and whether or not you have, sir,
18 a power?

19
20 There are a couple of matters that are not in dispute. 11:34
21 Firstly, nobody argues that there's an express power to
22 appoint a Special Advocate. We say, however, that
23 doesn't take the Inquiry necessarily very much further
24 in determining the issues that arise as a matter of
25 law, because there is nothing that prevents expressly 11:34
26 the appointment of a Special Advocate. It would have
27 been easy to expressly provide in the Rules that a
28 Special Advocate couldn't be appointed, and it's clear
29 that there are contexts in which a power to appoint a

1 Special Advocate has been identified by courts despite
2 the absence of anything expressly in legislation
3 enabling that. And that raises the question of what it
4 is, what principles have the courts applied and
5 identified when deciding that there is a power to
6 appoint a Special Advocate?

11:35

7
8 Now, I'm going to address that case law and I will
9 suggest that there are two matters that lead to the
10 conclusion that there is a power to appoint a Special
11 Advocate. But before doing that, I probably need to
12 address the statutory framework.

11:35

13
14 The statutory framework obviously is found in the 2005
15 Act. I should say before turning to it that
16 submissions have been made by PSNI in particular, about
17 the approach to interpretation of statutes such as the
18 2005 Act. You will find that at paragraph 19 onwards
19 of their submissions. Helpful and informative though
20 those submissions are, we do submit this actually this
21 isn't a difficult issue of construction because, in our
22 submission, the terms of the legislation are clear, or
23 the relevant terms of the legislation are clear. And
24 can I turn first in that context to Section 17?

11:35

11:36

25
26 Section 17 is found in the bundle of authorities at
27 tab 5, page 43. And it starts in subsection (1) by
28 making it clear that procedure and conduct are a matter
29 for you, sir, to provide directions about subject,

11:36

1 unsurprisingly, to any provision of the Act or the
2 Rules.

3
4 That doesn't, in our submission, mean that the Rules,
5 for example, are a comprehensive code. Far from that. 11:37
6 What it makes clear, in our submission, is that the
7 primary source of your powers in relation to procedure
8 are found in the Act. The Act gives you a broad
9 discretion as to how to conduct proceedings, and then
10 the Rules, to some extent obviously, then supplement 11:38
11 that.

12
13 The idea, or the submission rather that you have broad
14 powers, we submit is supported by subsection (3). And
15 subsection (3), in our submission, is critical for 11:38
16 these purposes because it makes it clear that the
17 primary obligation that you are subject to, sir, is the
18 obligation to ensure that you are acting with fairness.

19
20 Now, it is true, as has been highlighted, that 11:38
21 subsection (3) also references the need to have regard
22 to unnecessary cost, perhaps unsurprisingly. But that
23 is, we submit, a secondary consideration, if I can put
24 it that way, and the reason I say that is that the
25 obligation to act with fairness is an unqualified 11:39
26 obligation. It is expressed as being -- and that is
27 clear from the use of the word "must." It, we submit
28 reflects the case law that I'm going to come to which
29 makes it clear that common law fairness applies in this

1 context.

2
3 In contrast, the reference to costs is that you are
4 required to have regard to unnecessary costs or the
5 need, rather, to avoid unnecessary costs. And that 11:39
6 language of "have regard" and that reference to
7 "unnecessary costs", in our submission, makes it clear
8 that ultimately this isn't a question of balancing
9 fairness against cost, if something is required as
10 matter of fairness, it has to happen. The only 11:40
11 relevant restriction on that requirement in relation to
12 fairness arises because of Section 19, because
13 Section 19 obviously, to some extent is a departure
14 from fairness by permitting proceedings or hearings to
15 take place without some of the Core Participants. 11:40

16
17 Now, what we submit is that what Section 17 reflects,
18 which is not inconsistent necessarily with other
19 provisions and I'll come on in particular to the scheme
20 that applied to the Parole Board that was considered in 11:40
21 Roberts. What this scheme demonstrates is that
22 ultimately you are given a broad discretion as to how
23 to act when conducting this Inquiry and that broad
24 discretion is there essentially to ensure that in the
25 wide range of circumstances in which an inquiry may be 11:41
26 being held, fairness can be achieved.

27
28 we would submit that Section 17 means that the
29 Secretary of State for Northern Ireland is wrong to say

1 that effectively the Acts and the Rules are a
2 comprehensive code. To the contrary, what we submit is
3 that the scheme is intended to be a flexible scheme to
4 ensure that fairness can be achieved.

5
6 Section 18 then provides essentially that the default
7 for a tribunal is public access. We submit that while
8 not perhaps being directly relevant is an indication of
9 the importance of the Inquiry allaying public concerns
10 essentially that led to the establishment of the 11:41
11 Inquiry. It's why the public needs access to the 11:42
12 Inquiry.

13
14 Then one comes to Section 19, and Section 19 obviously
15 is the provision that permits the holding of a closed 11:42
16 procedure but it can only be justified on certain
17 specified relatively limited grounds. Those grounds
18 are essentially set out, we submit in subsection (3)(b)
19 but before turning to subsection (3)(b), it's important
20 to notice that the structure of subsection (3) is that 11:43
21 it permits restrictions where justified, but it's the
22 restrictions, it's not the making of the Restriction
23 Order that is permitted where the specified grounds in
24 (3)(b) are present.

25
26 And I make that point for this reason; it would have
27 been possible for Parliament to enact a piece of
28 legislation that essentially said, 'When conditions X
29 and Y are present, the chair of an inquiry can make a 11:43

1 Restriction Order which can contain such provisions as
2 they regard as appropriate. That's not the structure
3 of this piece of legislation. Each restriction has to
4 be justified. And we emphasise that in our submission
5 because based on the case law, particularly the 11:44
6 judgment in the House of Lords in Roberts, we submit
7 that the denial of a Special Advocate is in fact a
8 further restriction on fairness, or a further
9 restriction on the rights of an individual.

10
11 We say that because when we come to Roberts we will 11:44
12 submit that essentially what Roberts recognises is that
13 a closed procedure represents a significant restriction
14 on basic fairness, and the appointment of a Special
15 Advocate then mitigates that to some extent, not 11:44
16 completely but it mitigates to some extent. And so,
17 ordering essentially a restriction, a restricted
18 hearing without the presence of a Special Advocate is a
19 further restriction, we would submit, and so it has to
20 be justified. 11:45

21
22 Looking at the potential grounds -- I should say I've
23 skipped over subsection (3)(a) because I don't think
24 anyone suggests it applies here. The grounds upon
25 which a Restriction Order would be made essentially are 11:45
26 that it would be conducive to the Terms of Reference or
27 it would be necessary having regard to the matters in
28 the public interests rather than having regard to the
29 matters in subsection (4).

1
2 subsection (4) is of relevance in our submission partly
3 because it identifies two matters that may be said to
4 be particularly relevant to the argument in this case.
5 Firstly, it emphasises the importance of public concern 11:46
6 and the impact, essentially, on allaying public
7 concern. And obviously one of the points we argue is
8 that having a Special Advocate would potentially
9 contribute to allaying public concern by giving
10 participants, Core Participants greater faith or 11:46
11 greater confidence in the outcome of the procedure.
12 And, secondly, another fact to be considered is the
13 extent to which risk of harm can be avoided by such a
14 restriction.

15 11:46
16 Now, if I'm correct in the submissions I made in
17 relation to subsection (3), and in particular the need
18 to consider separately essentially the justification
19 for denying Core Participants a Special Advocate in the
20 context of subsection (3), that suggests that it's 11:47
21 necessary to consider the extent to which any harm
22 would be caused by the appointment of a Special
23 Advocate. And we submit, because of the nature of
24 Special Advocates' appointments, because of the fact
25 they are security cleared, no harm would result from 11:47
26 that.

27
28 Now, one thing we submit about section 19 is that it
29 should be interpreted narrowly. The Secretary of State

1 for Northern Ireland in their submissions at
2 paragraph 38, summarise the principle of legality
3 meaning that general words cannot undermine fundamental
4 rights. And we would submit that domestically
5 fairness, common law fairness is a fundamental right, a 11:47
6 right which is then safeguarded in Section 17.

7
8 A closed procedure is inconsistent with that, it's a
9 procedure authorised by Parliament but it is still a
10 departure from basic principles of fairness. And that 11:48
11 implies that provision authorising a closed procedure
12 should be interpreted narrowly and it certainly
13 shouldn't be interpreted, for example, as meaning that
14 there is no right to the participation of a Special
15 Advocate if that is required by reasons of fairness. 11:48
16

17 Consistent with that, in our submission and I won't
18 take you to it, but it's 9(b) of our submissions, we
19 draw an analogy with a judgment that was delivered in
20 the context of an appeal from the Special Immigration 11:48
21 Commission, the Queen on the Application of E (Russia),
22 [2012] 1 WLR 3198, which made the point that because
23 closed procedures are a derogation from basic rights,
24 one needs to ensure that further derogations are
25 minimised. And that means, in our submission, that one 11:49
26 should be looking in this context for authority or for
27 some legal basis, we submit none can be found in the
28 2005 Act, for denying someone the protection of a
29 Special Advocate. That should be the correct approach

1 to interpretation. Section 19 certainly shouldn't be
2 read as being an implicit basis for concluding that
3 there is no right to a Special Advocate where
4 Section 19 is applied.

5 CHAIRMAN: You touched on paragraph, sub-paragraph
6 (3)(a) of Section 19 --

11:50

7 MR. SOUTHEY: Yes.

8 CHAIRMAN: -- Mr. Southey, and rather brushed over it
9 on the proposition that it didn't have any application.
10 And I just wondered whether or not that may be where
11 for example, any evidence that was caught by the
12 Investigatory Powers Act might fall.

11:50

13 MR. SOUTHEY: As I was making the submission I actually
14 sort of wondered for a moment whether that was
15 something to, be frank, I'd missed in relation to it,
16 is that that might be -- I think -- the reason why I
17 think initially I'd reached the conclusion it wasn't
18 where it fell, is that there may be a degree of
19 circularity. And the reason I say that is this, if you
20 go to the, I'm looking for the relevant act, I think
21 it's at tab 8 of the authorities. And the relevant
22 provisions I think are at page 94.

11:50

23 CHAIRMAN: What is it we're looking at here.

24 MR. SOUTHEY: I'm looking at Schedule 3, I think it is,
25 the relevant provisions that apply in the 2016 Act.

11:51

26
27 The 2016 Act is premised, essentially - particularly
28 paragraph 23 - on the fact that -- it provides
29 exemption to the general rule prohibiting disclosures

1 of intercept material where a Restriction Order is in
2 play, effectively, albeit the restriction perhaps is
3 defined in a particular way. It doesn't require any
4 Restriction Order to be made. What it does is
5 authorise disclosure if a Restriction Order is made.
6 So, the way in which I would argue --

11:52

7 CHAIRMAN: Paragraph 23 specifically refers back to
8 restrictions imposed by Section 19.

9 MR. SOUTHEY: It does, but the reason why I'm saying
10 it doesn't come within (3)(a), I think or I submit
11 rather, is this; it provides authority for disclosure
12 where there is a Restriction Order in play. So it
13 means that there is no breach of Section 56 in that
14 context. I would submit that the way in which in
15 practical terms this is intended to operate is that
16 if -- suppose there is a piece that you, sir, become
17 aware that there is an item of intercept material that
18 you wish to consider as part of your deliberations, you
19 would make a Restriction Order under (3)(b) because
20 that was necessary -- it was conducive to you in
21 fulfilling your Terms of Reference. That would then,
22 providing it was made in terms that come within the
23 terms of paragraph 23 of Schedule 3, that would then
24 provide you with authority to receive the material and
25 not breach Section 56. So, you would be making the
26 order not because you're required by the legislation,
27 because nothing in paragraph 23 requires you to make a
28 Restriction Order it's just that if you don't make a
29 Restriction Order you can't consider the material. So

11:53

11:53

11:53

11:54

1 the way in which it seems to us this operates, as I
2 say, is you make the Restriction Order under 19(3)(b)
3 because it's necessary for you to fulfil your Terms of
4 Reference, you need access to that material. And once
5 you've made that order, that gives you the authority to 11:55
6 receive the material compatibly with Section 56.

7 CHAIRMAN: well whatever the answer to it is, it
8 probably doesn't affect the point we're arguing today.

9 MR. SOUTHEY: I don't think it does, but that's why our
10 initial position was it doesn't -- it's still A 11:55
11 subsection (3)(b) point but, as you say, sir, it may
12 not matter for today's argument.

13
14 Two things that I should make clear about the statutory
15 scheme that I've just described, the first is that when 11:55
16 interpreting it, one needs to consider just how wide
17 ranging in principle Section 19 is. Whether or not we
18 are correct to argue that a Special Advocate should be
19 appointed in this case, the first issue obviously is
20 whether or not you have the power. Now, in principle, 11:56
21 it would be possible to have a Section 19 order that
22 effectively prevented a Core Participant in an
23 Article 2 inquiry receiving any relevant evidence about
24 the failings of the State. And this case may come
25 close to that, given how important intelligence is. 11:56
26 But in principle it would be possible to have all of
27 the hearing about State failings in closed.

28
29 when I come to the Article 2 case law, if that were to

1 be the case, in our submission it's difficult to see
2 how it could be compatible with Article 2 for the
3 Inquiry in those circumstances not to appoint a Special
4 Advocate, particularly when there is no obligation
5 necessarily to put in place a counsel to the Inquiry, 11:57
6 there is no obligation necessarily for the Inquiry to
7 be chaired by a lawyer. And so when looking at the
8 powers, in our submission, given how Section 19 in
9 principle could be used, it would be surprising, in our
10 submission, if there isn't, in the right case, a power 11:57
11 to request the appointment of a Special Advocate.
12

13 The second point is, and it links into some of the case
14 law considering fairness in this context, one of the
15 points made by counsel to the Inquiry this morning 11:57
16 questioned whether common law fairness essentially
17 could override statutory restrictions such as it was
18 suggested are found in the Inquiries Act.
19

20 Our point is not that common law can override in some 11:58
21 way the provisions of the Inquiries Act, it is that
22 Section 17, particularly Section 17(3), expressly
23 preserves the common law fairness rights that would
24 have been enjoyed had this Inquiry been established on
25 some other basis. And that, we submit is reflected in 11:58
26 the case law. We cited in our initial application a
27 number of cases considering common law fairness in this
28 context. They, to some extent, are considered and
29 summarised in the recent judgment from the Court of

1 session, the Greater Glasgow Health Board case, which
2 is at volume 2 of the authorities tab 45, page 1245.
3 And the relevant passages are found, as I say, 1245,
4 paragraph 33. And there Lady Wise recognises that
5 fundamental principles of natural justice apply to 11:59
6 Inquiry proceedings, we submit, unsurprisingly, given
7 Section 17. And she recognises that those are
8 requirements that apply to both adversarial and
9 inquisitorial hearings. That's important, in our
10 submission, because a certain amount of weight has been 12:00
11 placed in some of the submissions on the fact that the
12 Inquiry is clearly inquisitorial. And that's correct
13 but it doesn't, as this authority and earlier
14 authorities make clear, mean that there isn't a need or
15 a right to be heard and a right to present argument in 12:00
16 evidence as is made clear in the Greater Glasgow Health
17 Board case. That doesn't mean that there isn't, as I
18 say, analogous rights to those rights that are found in
19 relation to adversarial hearings.

20
21 Now, as I say, Lady Wise's judgment at the bottom of
22 the page makes it clear, the natural justice rights
23 that arise include the rights to present relevant
24 argument. That is qualified, obviously, in this
25 context, by Section 19. But that's where a Special 12:01
26 Advocate, we submit, potentially comes into play
27 because the Special Advocate is in a position to
28 present argument and I'll come on to why we submit they
29 are in a better position to present argument than

1 counsel to the Inquiry.

2 CHAIRMAN: Is the context of the Greater Glasgow Health
3 Board case important for the consideration of the
4 presence of some sort of natural law right?

5 MR. SOUTHEY: I'm not sure it is, sir, in my submission 12:02
6 in the sense that what it's identifying -- the link I'm
7 -- just in one sense to sort of footpath where or to
8 point out where I'm intending to go in relation to
9 this. Our point is that Section 17 essentially

10 expressly provides for the protection of common law 12:02
11 fairness or the preservation of common law fairness.

12 The factors that we submit the cases where Special
13 Advocates have been found to be necessary, or the
14 factors that have led to the recognition of a right to
15 a special Advocate are essentially two, they are 12:02

16 firstly that there is a power for a court or tribunal
17 to hold proceedings in closed and, secondly then, the
18 obligation to ensure fairness. And so, all I need for
19 these purposes at the moment, is to demonstrate,
20 essentially, that the Inquiry, perhaps unsurprisingly 12:03

21 but it's an important starting point, the Inquiry here,
22 we recognise has the power to hold hearings in closed
23 but also has the duty to ensure fairness, and, in
24 particular, common law fairness. And so yes the

25 context was very different, there isn't, as far as I'm 12:03
26 aware and as far as I think anyone is aware, any
27 authority dealing expressly with the issues that arise
28 in the context, other than the decisions of previous
29 chairs, the three decisions of previous chairs, but

1 there's certainly no judicial review, for example.

2 CHAIRMAN: But the question must be what does fairness
3 mean in any given situation.

4 MR. SOUTHEY: well, that's where I go on to build on
5 that with the cases that deal with Special Advocates in 12:03
6 other contexts. If.

7 CHAIRMAN: Before we leave, if we look at the Glasgow
8 Health Board case and the cases which preceded it, the
9 concept of natural justice was brought into focus by
10 the fact for example, in Glasgow Health Board, the 12:04
11 Chair was likely to make a critical finding against a
12 party who was not being permitted to lead evidence that
13 might have dissuaded him from making that finding.

14 MR. SOUTHEY: Yes, that's correct.

15 CHAIRMAN: A very obvious focus for natural justice but 12:04
16 it's not necessarily going to take us terribly much
17 further in understanding what fairness means in other
18 contexts.

19 MR. SOUTHEY: well, except the fundamental -- two
20 things I'd say in relation to that, firstly, if one 12:04
21 looks at the passage that I've taken you to from the
22 Greater Glasgow Health Board case, I accept, of course,
23 that where someone's reputation, for example, is in
24 issue that is an obvious circumstance in which fairness
25 can apply, but the statement of principle which was 12:05
26 cited from Mahon by Lady Wise indicates that a person
27 represented at an inquiry whose interests may be
28 adversely affected enjoys the rights to natural justice
29 that I've just been talking about, and if you think

1 about the position of a Core Participant, such as the
2 Core Participants I represent, they are obviously
3 represented and they're represented because in part
4 they may be adversely affected by the conduct of the
5 Inquiry. If the Inquiry ends up reaching conclusions, 12:06
6 essentially, that those I represent haven't lacked
7 confidence in, that, from their point of view, means
8 that the long road they've been on seeking justice
9 hasn't yet come to an end, they are adversely affected.
10 They have an interest, they have a very real interest 12:06
11 in ensuring that the process is robust.

12
13 Now linked to that --

14 CHAIRMAN: But that's not the same kind of adverse
15 interest that was being discussed in these cases. In 12:07
16 Mahon, for example, there were financial penalties
17 imposed and there were criticisms and there were
18 accusations of conspiring to pervert the course of
19 justice. Now, the kind of adverse consequences that
20 exist in that case in and in Greater Glasgow Health 12:07
21 Board, cannot possibly arise in the course of this
22 Inquiry. There can be no circumstances in which any of
23 the family Core Participants can conceivably be
24 criticised in the context of the Inquiry exploring its
25 Terms of Reference. 12:07

26 MR. SOUTHEY: That's correct, I mean nobody would
27 suggest they could be criticised I would hope, but the
28 point I'm trying to make is that at this stage -- it's
29 important in one sense to take the issue stage by

1 stage. The first issue is do they have, do the Core
2 Participants I represent have a right to a fair
3 procedure? And that's in one sense all I'm seeking to
4 establish at this stage. The interests may be
5 different and that may have an impact on what fair 12:08
6 procedure amounts to. But, certainly their interests,
7 in our submission, are sufficient to mean that they
8 have a right to a degree of fairness. That's implicit,
9 for example, in the status of Core Participants because
10 that means obviously they have a right to legal 12:08
11 representation, they have various other rights under
12 the Rules in relation to that, all of that recognises
13 they have some right to be heard. And that's, in one
14 sense, all I'm worrying about or making submissions
15 about at this stage because that is, if you like, the 12:09
16 foundation I need to then go on to look at what the
17 case law says about the values of the benefit of
18 Special Advocates being present.

19
20 Can I come back to that in a moment because I was going 12:10
21 to take you to the Osborn judgment and the Osborn
22 judgment looks at the purposes of fairness and that
23 supports my arguments in relation to that. But before
24 I do it, can I then just draw attention to - partly
25 because it means we don't have to go to the underlying 12:10
26 authority - the citation by Lady Wise in the paragraph
27 I've drawn attention to of the Associated Newspapers
28 judgment, the judicial review of Lord Justice Leveson's
29 Inquiry, which emphasises that when looking at the

1 issues of fairness, we would submit what it emphasises
2 is that public perception is important and public
3 perception requires that the Inquiry should be, among
4 other things, as balanced as possible. And I make that
5 point because one of the concerns in one sense about 12:11
6 the closed procedure which is one of the bases upon
7 which it is submitted that the Special Advocate is
8 required, is that if the closed procedure does not
9 involve a Special Advocate, diligent though counsel to
10 the Inquiry will be, we're sure, there will be 12:11
11 something of an unbalanced process. And one reason for
12 that is that whatever happens in closed, if lawyers for
13 State parties are present, they will know whether or
14 not there is a legal error that they wish to challenge.
15 One of the difficulties - and it's one of the reasons 12:12
16 why we submit a Special Advocate is important - is that
17 in contrast the Core Participants I represent will not
18 be in that position. There will be an inequality of
19 arms, and to that extent a lack of balance.

20
21 Now, I mentioned a moment ago, Osborn and it's
22 important when considering that because it perhaps
23 sheds light on this issue of sort of whether or not
24 there's a meaningful distinction in this context
25 between people who perhaps are at risk of criticism, 12:12
26 may be at risk of losing jobs, et cetera, because of
27 those criticisms and the Core Participants I represent.
28 And in Osborn, which is at, the relevant passage starts
29 at page 875, Lord Reed considered what the purposes of

1 procedural fairness are. And he identified
2 essentially, we would submit, three purposes. The
3 first is essentially ensuring that better decisions or
4 contributing rather to the achievement of better
5 decisions and you see that at paragraph 67 of his
6 judgment.

12:14

7
8 And we would submit that a Special Advocate potentially
9 brings that benefit because they can have detailed
10 instructions, they will have detailed instructions and
11 they'll be able to present, for example, legal
12 arguments on behalf of Core Participants. They can
13 present, for example, legal arguments that may be
14 difficult but still arguable and obviously argument
15 assists the Inquiry. If you hear two sides of an
16 issue, it's hopefully more likely that a better
17 decision will be reached. But, it's important to
18 recognise that Lord Reed went on to emphasise that
19 there is at least two other values that are engaged,
20 and the first of those is particularly important.
21 Lord Reed deals with that at paragraph 68. And that,
22 he starts by describing, using language of Lord Hoffman
23 but in fact, then says he prefers to describe it in
24 slightly different terms. And the language that
25 Lord Reed uses references the sense of injustice,
26 namely, that "justice is intuitively understood to
27 require a procedure which pays due respect to persons
28 whose rights are significantly affected by decisions
29 taken in the exercise of administrative or judicial

12:14

12:14

12:15

12:15

1 functions. "

2
3 Now that sense of injustice, if one looks at it in that
4 context, that sense of injustice, we submit is likely
5 to be or could potentially be present in this context. 12:16

6 If one has a Special Advocate or rather if one is
7 denied a Special Advocate, one sees decisions being
8 taken about things of real importance, things that in
9 this context people have been campaigning about for
10 27 years, without someone who is there specifically 12:16
11 safeguarding their interests.

12
13 One thing just as an aside because it just struck me
14 going back to the question my Lord asked me about
15 Greater Glasgow Health Board, I realised one thing I 12:16
16 should have said partly is that, of course, at this
17 stage I'm still dealing with the issue of whether you,
18 sir, have a power at this stage. I'm not dealing with
19 the issue of whether or not, that's the primary issue
20 I'm dealing with at this stage. 12:17

21
22 Now, you made the point, sir, that the Core
23 Participants I represent aren't facing criticism, it's
24 perfectly conceivable that an inquiry could involve a
25 situation where someone is facing personal criticisms, 12:17
26 but yet isn't necessarily security cleared, able to
27 access the closed procedure. And so to the extent it
28 might be said that fairness is limited in this case,
29 that's not necessarily a reason for concluding that the

1 power doesn't exist

2 CHAIRMAN: well, the point you've just touched on is
3 the one made by Sir John Saunders in the Manchester
4 Arena Inquiry, I'm not myself entirely sure that a
5 Special Advocate is the answer to that point but we can 12:18
6 put that aside for the moment.

7 MR. SOUTHEY: I am going to come on to what we say the
8 role of the Special Advocates is and why they're
9 potentially important. But it is just important to
10 recognise that in terms of what -- there's a need to 12:18
11 distinguish between in one sense what common law
12 fairness could require in this context and what it may
13 require in this context on the facts of this case.

14
15 Going back, though, we do submit what that sense of 12:18
16 injustice and can I just draw attention to link to
17 that, Lord Reed went on to consider those issues, this
18 issue of the importance, what I would describe as the
19 importance to the individual of being seen to be
20 treated fairly. And he deals with -- he goes on, can I 12:19
21 just draw attention to paragraph 70 in particular,
22 where Lord Reed referred to the practical consequences
23 of the sense of injustice and cited Lord Phillips who
24 said:

25
26 "The feelings of resentment that would be aroused in a
27 party to legal proceedings is placed in a position
28 where it is impossible for him to influence the
29 result."

1
2 And that's important, in our submission, in this
3 context. Going back to where I started from and the
4 campaign that a number of Core Participants I represent
5 have been involved in for a lengthy period of time, 12:20
6 that sense of resentment described by Lord Phillips is
7 a real concern if, having campaigned for so long, key
8 findings were made in circumstances where Core
9 Participants believe their ability to influence the
10 outcome has been restricted because of the fact they've 12:20
11 not been able to instruct a Special Advocate, in
12 circumstances in particular where the Special Advocate
13 has, in the past, been heavily involved in litigation.
14 Litigation that led to this Inquiry.

15 12:21
16 Now the second value or the second benefit of a fair
17 procedure that Lord Reed identifies essentially is in
18 para 71 of the judgment and that is congruence with --
19 or the second value, rather, is the rule of law, as he
20 describes, and what he means by that is congruence 12:21
21 between the actions of the decision-maker and the law
22 governing their actions.

23
24 How is that relevant in this context? well, it is
25 certainly conceivable that there will be legal 12:21
26 argument, essentially, in closed, potentially, about
27 issues do with evidence for example, and what evidence
28 is required and what evidence is needed to ensure the
29 Inquiry fulfills its role. Having someone present

1 those legal arguments in closed on behalf of Core
2 Participants potentially does promote the rule of law
3 in the way that Lord Reed is describing.

4
5 Can I also just touch on before leaving the authorities 12:22
6 so I don't need to go back to it, given that issues
7 have been raised about costs. At para 72 of the
8 judgment Lord Reed deals with an argument that was
9 presented in Osborn about cost and about the cost of
10 the Parole Board holding oral hearings. Halfway 12:22
11 through paragraph 72 Lord Reed says this:

12
13 "The easy assumption that it is cheaper to decide
14 matters without having to spend time listening to what
15 the person affected may have to say begs a number of 12:23
16 questions. "

17
18 And what Lord Reed emphasises then in the following
19 lines of para 72, is that one of the problems with
20 making that assumption that it's cheaper essentially to 12:23
21 have a simplified procedure, is not necessarily
22 accurate because of the consequences of a wrong
23 decision. And there is an analogy here which makes the
24 assessment of cost, in our submission, difficult. If
25 you think about the circumstances of this case or this 12:23
26 Inquiry, where there's been the lengthy campaign there
27 has been for justice, the reality is that what the
28 Inquiry is plainly needing to aim at and what it's in
29 every interest to the Inquiry to achieve is a process

1 whereby everyone walks away from the process feeling
2 confident in the outcome. And adopting a procedure
3 that has the potential to undermine that by meaning
4 people lack confidence in the process, has the
5 potential to create further costs by essentially 12:24
6 resulting in calls for further inquiries or further
7 investigations. It is important that the process is
8 thorough and fully involves the Core Participants
9 because that is the way in which, essentially, there is
10 confidence in the process and hopefully people can move 12:24
11 on as we indicated in our opening submissions last
12 month.

13
14 Now, all of what I've just said is the context in which
15 one should regard the case law regarding Special 12:25
16 Advocates and as I've already in one sense touched
17 upon, we submit that when one looks at that case law,
18 the basis upon which it is consistently being concluded
19 that a power to appoint a Special Advocate, the basis
20 upon which those conclusions have been reached about 12:25
21 the powers to appoint a Special Advocate are
22 essentially two points. The first of those points is
23 that there is a power and a need to consider material
24 in closed in the absence of one of the parties. That
25 is always going to be a significant concern because it 12:25
26 obviously raises issues about fairness. But it's an
27 important starting point because it means that it is,
28 in our submission, in those circumstances a step that
29 enhances fairness as Lord Woolf made clear in Roberts,

1 if a Special Advocate is appointed. And so the second
2 factor that has led to conclusions that there is a
3 power to appoint a Special Advocate is essentially the
4 fact that the courts who had this power to hold closed
5 procedure also had a power and a duty to ensure 12:26
6 fairness. And so, the reason why the power to appoint
7 a Special Advocate in those circumstances was found to
8 exist was because it enhanced the rights of the
9 individual who was being denied access to the closed
10 material, it didn't restrict those rights. 12:26

11
12 Both of those factors are present, we say in this case.
13 We say it's clear, obviously, that section 19 enables
14 the Inquiry to hold a closed procedure but Section 17
15 preserves the right to act fairly. 12:27

16
17 Now, turning to that case law, the case law I'm going
18 to draw attention to, it is important to recognise,
19 given what is said about the absence of any reference
20 to Special Advocates in the Inquiries Act that, the 12:27
21 power to appoint a Special Advocate has been found to
22 exist in a very wide range of circumstances. It exists
23 in crime, it existed in civil proceedings - I say it
24 existed in civil proceedings because it may well be the
25 case that the Justice and Security Act has now 12:27
26 effectively codified that - and exists in family
27 proceedings, and it exists in all those circumstances,
28 as I say, without statutory procedure. And that's not
29 surprising because in all of those contexts there may

1 be the need to withhold material and yet there is
2 obviously a duty to act with fairness.

3
4 Dealing with those cases in chronological order. The
5 first of the authorities essentially that I would draw 12:28
6 attention to is R -v- H, which is found at tab 17 of
7 the authorities and the judgment starts at page 199.
8 The issue in that case --

9 CHAIRMAN: where are we in your written submissions
10 Mr. Southey. 12:28

11 MR. SOUTHEY: sorry I'm taking them out of order but
12 it's in our initial application, sorry, in our
13 application at --

14 CHAIRMAN: It's all right, I'll just go to the case.

15 MR. SOUTHEY: sorry, I think it's at paragraphs -- in 12:29
16 the initial application at paragraph -- I can't find it
17 actually, I thought it was about paragraph 9. But I'll
18 come back to you if it would assist.

19
20 But H, is at tab 17, page 199, and the issue was the 12:29
21 appointment of a Special Advocate in PII proceedings.
22 That may be of some significance because in one sense
23 the issue of the Special Advocates in that context
24 would be more limited than in this context in the sense
25 that it wasn't about the substantive outcome of the 12:30
26 proceedings it was rather about the procedural matter
27 which was whether or not material could be withheld
28 from the proceedings.
29

1 It was clear there was no legislation, and you see that
2 if you go to paragraph 22, page 215. This is the
3 judgment of Lord Bingham, but if you go right to the
4 bottom of the page you see the start of the key
5 paragraph. And I take you to this in part because it 12:30
6 explains why the power was found to exist but also
7 because it may be relevant to another issue that I'm
8 going to come to which is the test to be applied when
9 deciding whether to appoint a Special Advocate.

10
11 You'll see at the last line of the page, Lord Bingham
12 said this:

13
14 "None of these problems should deter..."

15
16 And the problems were some of the difficulties in
17 understanding how a Special Advocate would work -- not
18 understanding how a Special Advocate would work but
19 some of the limitations, essentially, on the work of a
20 Special Advocate, but you see Lord Bingham saying this: 12:31

21
22 "None of these problems should deter the courts from
23 appointing special counsel where the interests of
24 justice are shown to require it. But the need must be
25 shown. " 12:31

26
27 I emphasise those words because, in our submission,
28 they are relevant for two reasons. Firstly, they
29 demonstrate that the reason, the basis upon which the

1 power was held to exist, despite the absence of
2 statutory authority, was the need, essentially, to
3 protect the interests of justice or, to use the
4 language found in Section 17, the need to act with
5 fairness. And, secondly, when looking at the test, in 12:32
6 our submission, that is really the key issue in this
7 context; whether or not the appointment of a Special
8 Advocate is in the interests of justice, whether it
9 achieves fairness.

10
11 The next sentence then obviously is: 12:32

12
13 "Such an appointment should be exceptional, never
14 automatic; a course of last and never first resort."
15 CHAIRMAN: Is it of any relevance, or does it make any 12:32
16 difference, that the interests of justice in the case
17 we're looking at required the Court to comply with
18 Article 6.

19 MR. SOUTHEY: On the face of it, not necessarily,
20 partly because the structure of the judgment suggests 12:32
21 that Lord Bingham reached this conclusion before
22 effectively coming on to his conclusions about the
23 application or the relevance of Strasbourg
24 jurisprudence. And what we would submit on a fair
25 reading, actually what Lord Bingham's concern really 12:33
26 about Strasbourg jurisprudence was whether or not in
27 fact the process would still be compliant with
28 Article 6, he wasn't holding it was necessary for
29 Article 6 purposes, he was looking at whether or not in

1 fact the process was compliant with Article 6.

2 CHAIRMAN: well maybe if we just call it a fair trial
3 then.

4 MR. SOUTHEY: Sorry?

5 CHAIRMAN: Maybe if we just call it a fair trial then. 12:33

6 MR. SOUTHEY: I mean, in one sense the way I would
7 submit that one should approach this - and it goes back
8 to perhaps the submission I made about Greater Glasgow
9 Health Board - the first question is in principle could
10 a power exist? And we submit that if you were to 12:34
11 conclude, and this links into the second question or
12 the next question which is what test should you apply?
13 If you were to conclude, sir, that fairness required
14 the appointment of a Special Advocate, then we submit
15 that's why the power exists. The question maybe then 12:34
16 arises on the facts of this case does fairness require
17 that? But at this first stage the point we're making
18 is that the power is said to have been derived from the
19 need to ensure the fairness.

20 CHAIRMAN: But what I'm wondering about is whether this 12:34
21 concept of fairness is something that you can just put
22 on the shelf and look at and it never changes or
23 whether fairness, in the context of, say, a criminal
24 trial or in the context of another case where an
25 individual's rights are being determined, is something 12:35
26 that has to be viewed in the context of that process
27 and in the context of what is being determined.

28 MR. SOUTHEY: well, I think it would be a bold
29 submission of mine to say that fairness doesn't, to

1 some extent, depend on context, that's recognised if
2 one goes back to Doodly for example, in the House of
3 Lords, it recognises that fairness is context specific.

4 CHAIRMAN: And fairness in the context of a criminal
5 trial requires very obvious and very-well recognised 12:35
6 procedures, including full disclosure, opportunities to
7 cross-examine, opportunities to lead evidence. And the
8 question in my mind is whether any of these cases which
9 deal with what fairness requires in those contexts has
10 any application to what fairness requires in an 12:35
11 inquisitorial process where we're not determining
12 somebody's rights, we're carrying out an actual
13 investigation.

14 MR. SOUTHEY: I think I'd say -- I'd make two sub --

15 CHAIRMAN: I don't mean to suggest for a moment that 12:36
16 fairness doesn't apply.

17 MR. SOUTHEY: Yes.

18 CHAIRMAN: I'm just trying to understand what help I
19 get from those other cases in understanding what I have
20 to view as fairness. 12:36

21 MR. SOUTHEY: Well, can I submit that you potentially
22 get three -- there are three things that potentially
23 are of assistance from H.

24
25 Firstly, and to some extent we're adopting the 12:36
26 structure to the issues that was set for us by counsel
27 to the Inquiry. The first question is, as a matter of
28 principle, do you have a power to appoint a Special
29 Advocate? And if we are correct that at least

1 conceptually, a Special Advocate can be required as a
2 matter of fairness, depending on the circumstances of
3 the case, then, in our submission, you do have that
4 power. And the fact that conceptually a Special
5 Advocate can be required indicates, we submit, that the 12:37
6 power potentially exists.

7
8 The second reason, sort of point that we derive from
9 this is that when looking at whether or not a Special
10 Advocate should be appointed - and there have been 12:37
11 various tests put forward in various submissions as to
12 what the tests should be - but we submit that the key
13 point to draw -- the key point to draw from this case
14 law is that the focus should be on fairness.

15
16 The third point - and this is probably the most
17 relevant though in one sense given the need to consider
18 whether or not there should be a Special Advocate
19 appointed in this case, or in this Inquiry, is that
20 what it recognises, because of the context, is the 12:38
21 potential value, and you see this also -- the other
22 passage I was going to draw attention to is para 36,
23 you see this in para 36 and I'll come to that in a
24 moment. But, I'm going to come to, later on in my
25 submission, submissions about what value a Special 12:38
26 Advocate brings. And what this demonstrates is that
27 one of the key roles a Special Advocate potentially
28 undertakes is that they challenge State justification
29 for withholding material. The whole reason why a

1 Special Advocate was found to be of value, essentially,
2 to fairness was because they brought, or they provided
3 a mechanism essentially by which the defendant was able
4 to challenge the withholding of material. And that's
5 an important role in this context.

12:39

6
7 Yes, this context is very different, it's not a
8 criminal trial, but one of the key things that we
9 submit Core Participants have a legitimate interest in
10 is ensuring that as much as possible is brought into
11 open. And what the H judgment demonstrates in our
12 submission, is the potentially important role that
13 Special Advocates play in that context. The reason why
14 they potentially add to fairness is they provide, or
15 they potentially challenge the State when it seeks to
16 withhold material and --

12:39

12:39

17 CHAIRMAN: And that's what I would do in an inquiry and
18 that's what counsel to the Inquiry would do. And the
19 difference is that in an adversarial situation such as
20 we're discussing in R, one party is seeking to withhold
21 information, the other is arguing for disclosure of it
22 and the judge knows nothing about it, he sits in the
23 middle and determines, as best he can, as between the
24 two. But in the context of an inquiry I will know all
25 of the information, I see all of the material, I see
26 all of the documents. Counsel to the Inquiry will
27 argue for disclosure as and when it's appropriate do
28 so, and so will I. I don't for a second dispute the
29 importance of fairness but I do struggle to see how the

12:40

12:40

1 comparison with R takes us terribly much further.
2 complete difference between an adversarial and
3 inquisitorial system.

4 MR. SOUTHEY: I'm going to come on later to counsel to
5 the Inquiry in particular. I recognise the 12:41
6 limitations, or the limit to which I can take my
7 reliance on R -v- H. The reason why -- the reason why,
8 in one sense, we start with it is because it's still,
9 it is an indication, it does certainly undermine the
10 suggestion that statutory authority is needed for the 12:41
11 appointment of a Special Advocate. And it indicates
12 the Special Advocate can enhance the rights of someone
13 who has been denied access to the material. It may be
14 I can take it no further, but I recognise it's not
15 directly on point. But all I would just draw attention 12:42
16 to, para 36, the reason I drew attention to para 36 and
17 particularly sub-paragraph (4) within para 36, is that
18 para 36, is where Lord Bingham sets out the potential
19 value, essentially, of a Special Advocate in,
20 essentially, challenging the State's justification for 12:42
21 withholding material from a defendant. The
22 prosecution's justification for withholding material
23 from a defendant.

24 CHAIRMAN: Paragraph 36 did you say?

25 MR. SOUTHEY: Paragraph 36 paragraph particularly 12:43
26 sub-paragraph (4), and it's the end of
27 sub-paragraph (4).

28 CHAIRMAN: Sorry, are we still in Osborn? Sorry, I'm
29 looking at the wrong case now. I'm so sorry.

1 MR. SOUTHEY: It's page 220 I should say.

2 CHAIRMAN: I've moved on to a difference case, I'm
3 sorry. Can you give me the pdf number for this, sorry.

4 MR. SOUTHEY: Page 220 of the pdf.

5 CHAIRMAN: What did you want me to take from that
6 Mr. Southey?

12:43

7 MR. SOUTHEY: What I take from that is particularly the
8 last six or seven lines of that which is talking about
9 the testing of contentions of the prosecution,
10 essentially, in relation to justification for
11 withholding material. It was really the passage I
12 relied upon to make good the point I was making
13 earlier, which is that Special Advocates can provide
14 real assistance in testing justifications for
15 withholding material.

12:44

12:44

16 CHAIRMAN: If you're finished with R -v- H we can
17 perhaps think about breaking off at this stage and
18 maybe sitting again at 1:45, would that be convenient?

19 MR. SOUTHEY: That would certainly be very convenient.

12:45

21 THE INQUIRY ADJOURNED FOR LUNCH AND RESUMED AS FOLLOWS:

23 MR. SOUTHEY: Chair, thank you, where we broke when I
24 think I had finished making submissions essentially
25 about R -v- H.

13:47

27 I should say, having sort of thought about your remarks
28 over lunch, that none of the authorities I'm about to
29 go to expressly deal with, in one sense, the issue of

1 what fairness requires of in these circumstances and
2 so, to some extent, they may not provide a direct
3 answer to the question that you were asking. What they
4 all effectively go to is the potential value of a
5 Special Advocate and, in particular, the potential
6 value of a Special Advocate in ensuring fairness.

13:47

7
8 Now, as I say, the next in line chronologically and
9 possibly the most important is the Roberts judgment and
10 the Roberts judgment is Volume 1, tab 19. Relevant
11 passages starting at page 260. And the reason why the
12 Roberts judgment is potentially of greatest
13 significance is because it's probably the closest
14 analogy to the situation here, for two reasons we would
15 submit. Firstly, there is a degree of overlap between
16 -- or there's a degree of similarity between the
17 statutory scheme in issue and the statutory scheme that
18 was considered in Roberts. And, secondly, because it
19 was, what was described at the time as an
20 administrative body that was in issue. And so it
21 wasn't regarded, certainly at that stage, as a classic
22 court.

13:48

13:48

13:49

23
24 To make good those first two points, firstly, if you go
25 to page 260 you will see at the bottom of the page --

13:49

26 CHAIRMAN: Mr. Southey, is it possible to use the
27 paragraph numbers in Roberts?

28 MR. SOUTHEY: It is, I was going to go to paragraph 21.

29 CHAIRMAN: It's just I am using a version of my own

1 that I've already marked up.

2 MR. SOUTHEY: The version is in a slightly odd format
3 at the moment. Para 21 sets out -- with para 22, some
4 of the statutory framework. And the provision I was
5 going to draw attention to is probably about two thirds 13:50
6 of the way through paragraph 21 and that's Rule 13(2)
7 of the Parole Board Rules that applied at the time,
8 which made it clear that the Panel had to conduct a
9 hearing in the manner that it considered most suitable
10 for the clarification of the issues and generally to 13:50
11 the just handling of the proceedings. And so there
12 was, basically, a requirement to act justly, that was
13 consistent with a common law rule of fairness, or
14 common law principles of fairness, rather, which also
15 applied. So you had a general power to act to ensure 13:50
16 fairness is the point.

17 CHAIRMAN: Which rule are you referring to?

18 MR. SOUTHEY: 13(2), as I say, on the version I've got
19 there's a lengthy quotation or citation rather of
20 Rule 5 I think it is, and then after that citation 13:51
21 there's a paragraph that starts "There was to be an
22 oral hearing of the prisoner's case unless otherwise
23 agreed."

24 CHAIRMAN: Yes.

25 MR. SOUTHEY: And then it's within that you'll see 13:51
26 13(2).

27 CHAIRMAN: Yes.

28 MR. SOUTHEY: If you then go onto the next paragraph,
29 because the Rules had changed from time to time, you

1 will see there a citation of Rule 6(2) and 6(3). And
2 you'll see in 6(3) there was an express power to
3 withhold material from the prisoner, and indeed from
4 their legal representative. And you see that the power
5 to withhold from the legal representative arises 13:52
6 because there was the power of the Chair to direct
7 other -- the default was effectively disclosure to the
8 prisoner's representative but there was a power to
9 direct other than in accordance with that. And that
10 power to withhold it from the lawyer was confirmed 13:52
11 effectively by Lord Woolf. If you go to para 75 of the
12 judgment you will see Lord Woolf in his judgment saying
13 although it's not entirely clear, it's his view that
14 that rule was intended to allow the Chair to authorise
15 the material to be held from the lawyer. 13:53

16
17 So the reason, as I say, why I draw an analogy is that
18 you have a general power to ensure fairness and you
19 have a specific power that allows material to be
20 withheld from the prisoner. And that's important when 13:53
21 I come to the detail of Lord Woolf's judgment in
22 particular.

23
24 Now, consistent with the general power to order
25 fairness, if you go to paragraph 56, you will see 13:53
26 Lord Woolf indicating that there was, and it's probably
27 two-thirds of the way through paragraph 56, that there
28 is an implicit obligation on the Board, the Parole
29 Board to act fairly. So, as I say, you have that

1 combination.

2
3 Now in that context, what Lord Woolf concluded was that
4 the instruction or the appointment of a Special
5 Advocate was acceptable or lawful because, essentially, 13:54
6 the use of a Special Advocate provided additional
7 protection. And you see that at para 57 about, I don't
8 know the size of your type but probably about five
9 lines into it, Lord Woolf noted the criticism of
10 Special Advocates in the bodies like the Special 13:55
11 Immigration Appeals Commission, but distinguished the
12 current situation because it was a situation where the
13 Special Advocate was providing additional protection.

14
15 He then in para 58, at the end of the para 58 cited the 13:55
16 European Court of Human Rights judgment in Chahal where
17 the European court talked about how there are
18 techniques essentially that can accommodate security
19 concerns while providing a substantial measure of
20 procedural justice. And effectively at the start of 13:56
21 paragraph 59 endorsed that reasoning providing that
22 Special Advocates do not reduce fairness.

23
24 Then considered the argument, which to some extent is
25 reflected in some of the submissions that have been 13:56
26 made to you, sir, at para 61, he considered the
27 argument that there was no statutory authority.
28 Distinguished them on the basis that in this context
29 the use of a Special Advocate would be exceptional.

1 Certainly we would say it would be highly unusual
2 obviously in the context of inquiries given the history
3 of inquiries. But noted that the position in relation
4 to the model rules for tribunals was that there was no
5 provision for Special Advocates in those rules but 13:57
6 there was a possibility of a closed procedure. So,
7 suggesting that the situation faced in Roberts and that
8 arises in this case is not necessarily without
9 precedent, and expressly said this, which may be of
10 relevance, that the absence of rules may not be 13:58
11 disadvantaged, it enables their use to be flexible.
12 And that's important in this context. Going back to
13 the legislative scheme, the legislative scheme
14 potentially, we would submit, because of the wide range
15 of situations in which inquiries may need to be 13:58
16 conducted, is deliberately not prescriptive but that is
17 an advantage, potentially, in this context because it
18 allows the Inquiry to effectively develop a protocol
19 for the use of a Special Advocate that reflects the
20 particular circumstances of this case. 13:58

21
22 Now, linked to that issue, the prisoner in Roberts
23 opposed the use of Special Advocate and argued
24 effectively that the role of the -- which again is sort
25 of similar to some of the arguments that have been 13:59
26 presented, that the role of Parole Board was
27 constrained by statute. And you see that at para 65.
28 And what Lord Woolf then does, having noted that in
29 principle the submission was correct, drew a

1 distinction which may explain the provisions of the
2 Inquiries Act. He drew a distinction between the
3 withholding of information which was expressly provided
4 for in the legislation in the Parole Board Rules and
5 the power to appoint a Special Advocate which he said 13:59
6 arose because there was an implied duty to act fairly.
7 And if that approach was adopted, Lord Woolf's opinion
8 was there was no objection because the Special Advocate
9 essentially is only mitigating the disadvantage which
10 would otherwise be present. And that's one of the 14:00
11 reasons why we submit the structure of the legislation
12 in this case supports our arguments because what it
13 does is it gives express authority for a restriction on
14 what would otherwise be a right through natural justice
15 which is the right to be present while the hearing is 14:00
16 taking place and the right to participate in that
17 hearing. It doesn't then deal with Special Advocates
18 because there is a general power to ensure fairness.
19 And the use of the Special Advocate, consistent with
20 the approach of Lord Woolf was to distinguish between 14:01
21 the withholding of information and appointment of a
22 Special Advocate because a Special Advocate mitigates
23 the fairness that would otherwise be caused by with the
24 withholding of information.

25
26 Lord Rodger was in the majority as well, it was a 3-2
27 majority in the Roberts case. And he did so, if one
28 goes to paragraph 109, in particular, on the basis that
29 there was justification for withholding material, 14:01

1 Special Advocates as a result mitigate the unfairness.
2 It's really the end of para 109.

3
4 So what I submit in relation to this is that what this
5 demonstrates is that - and I accept it doesn't answer 14:02
6 the question that you, sir, were putting to me this
7 morning which is effectively well why can't counsel to
8 the Inquiry carry out these functions? But what it
9 demonstrates is that the structure of the Act should be
10 understood essentially as in this way, it obviously 14:02
11 expressly permits the holding of a closed procedure
12 despite that being a departure from normal principles
13 of fairness. It then allows for, or requires the
14 procedure to be as close to fair as possible. In doing
15 that, it does implicitly give the Inquiry powers 14:03
16 necessary to achieve fairness, and to the extent that
17 requires the appointment of a Special Advocate then a
18 Special Advocate can be appointed.

19
20 That's why, for example, the PSNI I think it is make 14:03
21 reference to the Al Rawi decision which was the
22 decision that there can't be an implied power to hold a
23 closed procedure. But that doesn't say -- it doesn't
24 assist, in our submission, because that's the first
25 stage. There is undoubtedly an express power in this 14:03
26 context, the question is what can be done to mitigate
27 it?

28 CHAIRMAN: I'd like to just think about Roberts for a
29 moment, if I may, because I think throughout all of the

1 discussions about the possibility of appointing a
2 Special Advocate in inquiry proceedings Roberts has
3 been identified as an important case --
4 MR. SOUTHEY: Yes.
5 CHAIRMAN: -- all the way back to at least 14:04
6 John Saunders decision in Manchester.
7 MR. SOUTHEY: Yeah.
8 CHAIRMAN: It's founded upon here as well and I think
9 some see it as perhaps the straightforward answer.
10 It's something of a nuanced case, it starts of as a 3-2 14:04
11 decision of the House, as you say, but the basis of the
12 decision was twofold I think as you say; first of all,
13 the Court held that there was an express power to
14 withhold the documents from the prisoner himself and
15 from his representatives. 14:05
16 MR. SOUTHEY: Yep.
17 CHAIRMAN: And then they turn to see what could or
18 should be done about that.
19 MR. SOUTHEY: Yep.
20 CHAIRMAN: And one of the relevant provisions was 14:05
21 Schedule 5 to the Criminal Justice Act of 1991 which I
22 think we see set out in Lord Carswell's decision at
23 paragraph 116.
24 MR. SOUTHEY: Sorry, 116?
25 CHAIRMAN: Yes. So the 1991 Act was the Act which set 14:05
26 up the Parole Board.
27 MR. SOUTHEY: Yep.
28 CHAIRMAN: And that was then amended by the Crime
29 Sentences Act of 1997.

1 MR. SOUTHEY: Yeah.

2 CHAIRMAN: which was the Act which gave to the Board
3 the responsibility for determining whether or not a
4 life prisoner should be released whereas originally the
5 only power they had was to make a recommendation. 14:06

6 MR. SOUTHEY: Yep.

7 CHAIRMAN: So, the Board was given the power in respect
8 of somebody like Mr. Roberts, who passed his tariff
9 period, to determine whether or not he should be
10 released. And we see from paragraph 116 that 14:06
11 Schedule 5 may have a role to play in that because it
12 tells us that it shall be within the capacity of the
13 Board to do such things and enter into such
14 transactions as are incidental to, or conducive to the
15 discharge of its functions under the 1997 Act. 14:06

16
17 And for Lord Rodger and Lord Carswell that, I think,
18 was the triggering provision. If we look at
19 paragraph 107, for example, we can see that Lord Rodger
20 begins by saying that there's power within Rule 6(3) to 14:07
21 withhold the provisions. And then he looks at what has
22 to happen after that. And he says at the end:

23
24 "In purely domestic law terms in making an appointment
25 [Special Advocate] the Board act within their powers 14:07
26 under 32(7) and paragraph 1(2)(b) of Schedule 5 to the
27 1995 Act."

28
29 And Lord Carswell at 131 I think says the same thing.

1 So, he says:

2
3 "It seems to me that the Board can more simply and
4 easily satisfy the test contained in paragraph 1(2) of
5 Schedule 5 to the Act which provides it is within its 14:08
6 capacity do such things as are incidental to or
7 conducive to the discharge of its functions. The
8 functions of the Board are to assess whether it is safe
9 to release..." and so on. "If the only effective way
10 to get that information from the reluctant informants 14:08
11 is to use the specially appointed advocate procedure,
12 then the use of that procedure is incidental to or
13 conducive to the discharge of its functions."

14
15 And as you've drawn attention to, at paragraph 65, 14:08
16 Lord Woolf's view was that there was an implied duty to
17 act fairly in undertaking the duty under the 1997 Act.
18 MR. SOUTHEY: Yeah.

19 CHAIRMAN: which is the duty to determine the question
20 of whether or not the prisoner could be released. 14:08

21
22 And so, what we can see is that two of the judges
23 concluded that the Board had power to do such things
24 that were incidental or conducive to its functions, and
25 the other held that it had to act fairly in carrying 14:09
26 out its functions. And it therefore seemed to me that
27 it might be important to understand what function the
28 Board was undertaking in the context of that discussion
29 and what the appointment of the Special Advocate was

1 conducive to. But it might be important to understand
2 that the prisoner in Roberts was someone who'd passed
3 the point of minimum term and that gave him two
4 important rights. The first was to be released, if
5 judged to present no continuing threat to the safety of 14:09
6 the public, that came from the 1997 Act. And the
7 second was to bring proceedings to challenge the
8 lawfulness of his continuing detention, which comes
9 from Article 5(4). And in the exercise of these
10 rights, particularly the first, he's entitled to 14:10
11 procedure which reflected the importance of what was at
12 stake for him, that's the way Lord Woolf put it at
13 paragraph 46.

14
15 But it's perhaps also important to understand what he's 14:10
16 entitled to in respect of his Article 5(4) rights and
17 we see that at paragraph 135, because it's something a
18 little more prescriptive. And 135 we see that
19 Lord Carswell is explaining that Article 5(4) was
20 engaged by common understanding and he says: 14:11

21
22 "A prisoner whose tariff period has expired is entitled
23 to have his continued detention decided by a 'court',
24 and for these purposes the Parole Board has the
25 essential features of a court. An adversarial
26 procedure involving oral representation and the
27 opportunity to call and question witnesses is
28 required."
29

1 And Lord Bingham, although dissenting on the outcome
2 said precisely the same thing at paragraph 17, namely
3 that there was a necessity in an Article 5 context for
4 there to be an adversarial procedure.

14:11

5
6 So, the context that the Board was dealing with was, if
7 there was no representation for the prisoner and if the
8 prisoner was not given access in any sense to the
9 material which the Secretary of State wanted the Board
10 to rely on, then the procedure before the Board could
11 not have been Article 5 compliant. The Board could not
12 have decided, as a court, whether or not it ought to
13 order the release of the individual, unless it was
14 doing so in the context of an adversarial procedure
15 with an opportunity to call witnesses and lead
16 evidence. And it was, therefore, necessary for
17 something to be done in order to create an Article 5(4)
18 compliant procedure. And what was done was the next
19 best thing, namely, to appoint a Special Advocate.

14:12

14:12

20
21 So, whilst the Board was able to exercise powers which
22 were conducive to its function, its function was to
23 operate a court and to provide an adversarial system.
24 Now, I'm not sure how that translates to what we're
25 talking about.

14:13

26 MR. SOUTHEY: well, can I answer those points as best I
27 can? Firstly, in our submission, although it is true
28 and there's reference to it in the judgment, that the
29 Parole Board was required to function in accordance

1 with Article 5, the primary reason given, in my
2 submission, was domestic law because of the domestic
3 law obligation to ensure fairness. This wasn't a case
4 where the House of Lords reached a conclusion as to
5 what domestic law required and then said, 'Hang on a
6 minute, we have a problem here with Article 5, we need
7 to interpret this in a different way.' The analysis of
8 all the judges, in our submission, focuses primarily on
9 domestic law and Article 5 is then noted in passing, in
10 part --

14:13

14:14

11 CHAIRMAN: There's no difference between Article 5 and
12 a domestic law.

13 MR. SOUTHEY: well --

14 CHAIRMAN: The Parole Board has operated under
15 compliance with Article 5 for goodness knows how long.

14:14

16 MR. SOUTHEY: It hasn't always complied with the
17 Article 5 because of the role of the Secretary of State
18 but certainly by the time Roberts was considered it was
19 seeking to comply with article -- what I'm -- the point
20 I was making was that - and this was not incompatible
21 with Article 5 but a lot of the reasoning and the
22 reasoning of the passages I took you to, for example,
23 from Lord Woolf were focused on reaching a conclusion
24 actually that as a matter of domestic law there wasn't
25 an issue here, the power to appoint a Special Advocate
26 arose.

14:14

14:15

27 CHAIRMAN: But that was because of the duty, in
28 Lord Woolf's view, to act fairly in determining the
29 decision as to whether or not the prisoner should be

1 released. So, as he put it, the prisoner was entitled
2 to a procedure which fairly reflected the importance of
3 the process for him.

4 MR. SOUTHEY: Absolutely. Now, my Lord, and I think I
5 started this session by making it clear that I

14:15

6 recognise the limitations in one sense of these
7 authorities. What I rely on this as authority for is
8 the principle that in circumstances where there is an
9 express power to withhold material from a party to some

10 form of proceedings and that results in unfairness, the
11 use of a special Advocate can, to some extent, mitigate
12 that unfairness. I recognise that in particular this

14:15

13 doesn't deal with the situation in this case where,
14 firstly, I have to accept obviously, it's not concerned
15 with the liberty of the individual, and, secondly, it

14:16

16 doesn't say anything about the extent to which -- the
17 role of counsel to the Inquiry because there was no one
18 in that role, it says nothing about the extent to which
19 the role to counsel to the Inquiry can also mitigate

20 the potential unfairness that results from

14:16

21 consideration of something in closed. In one sense
22 maybe, well, not maybe, the primary purpose for relying
23 on this authority is because it goes to this first

24 issue which is does it matter that there isn't any
25 express provision in the legislation? That's something

14:17

26 that counsel to the Inquiry has focused on and we say,
27 no it doesn't because an actually Roberts has a very
28 similar structure. It considered a very similar
29 structure. It was a situation where there was

1 undoubtedly a power to withhold the material and there
2 was then a general duty to act fairly. Now.

3 CHAIRMAN: well there was a power, a statutory power to
4 do what was necessary, to undertake what steps were
5 necessary and conducive to the function of the Board. 14:17

6 MR. SOUTHEY: And that was in circumstances where the
7 boarded to act fairly so it do what was necessary to
8 ensure fairness. One of the points I was going to come
9 back and make a submission about was that my Lord has
10 distinguished, to some extent, between the judgment of 14:18
11 Lord Woolf and the other two judges, I think it was
12 Lord Rodger and Lord Carswell, I would submit that that
13 distinction is not necessarily as clear as it might be
14 in the sense that my Lord made the point, or it might
15 appear, because my Lord made the point that 14:18

16 Lord Carswell, in particular, highlights the
17 legislation and provision saying effectively the
18 boarded powers do what was conducive to its functions.
19 That raises the question of what are its functions, and
20 one of its key functions is clearly to act fairly, 14:18
21 which is a route to --

22 CHAIRMAN: I'm not so sure about that. Its function is
23 to determine the rights of the prisoner and in doing so
24 it has to act fairly. It's not just got a function of
25 acting fairly without qualification, its function is to 14:18
26 make a decision which affects the prisoner in and doing
27 that it has to act fairly. I don't really see there's
28 much difference between any of the three of them.

29 MR. SOUTHEY: I was going to say that but, I agree, I

1 would certainly adopt that there isn't very much
2 difference between them, but then, if you look --
3 obviously the structure of the Inquiries Act is not
4 entirely identical to the statutory structure that
5 govern the Parole Board, but when you look at the 14:19
6 structure here you, sir, have the power to conduct the
7 Inquiry, in general terms, I can't remember the exact
8 legislation but that's broadly a fair summary, we would
9 submit. You have to do that in a fair manner because
10 that's what Section 17(3) says. And that means, in our 14:19
11 submission, it must naturally flow, and that is where
12 there's the overlap with Roberts, that means that you
13 must have, in our submission, the power to appoint a
14 Special Advocate if that's necessary as matter of
15 fairness. And what this goes to is two things really, 14:20
16 one is do you have the power. Secondly, if you do have
17 the power what test should you apply? And we very much
18 focused on fairness. Now, it doesn't go very much
19 further than that because obviously you've highlighted
20 there probably are more differences, but there are at 14:20
21 least two differences, one the fact is that liberty
22 isn't an issue in this case, so Article 5 isn't an
23 issue albeit Article 2 is obviously an issue. And,
24 secondly, there was no equivalent counsel to the
25 Inquiry and they are both matters I need to address. 14:20
26 So, I recognise there's a limitation to Roberts but to
27 the extent - and it is relied on, particularly by the
28 Secretary of State for Northern Ireland - but to the
29 extent it's relied upon, the absence of any express

1 power we say Roberts in particular is the clearest
2 answer to that.

3 CHAIRMAN: well I see Roberts as giving a power to the
4 Board to do what's necessary in order to allow to
5 undertake its function. Now, Section 17 of the
6 Inquiries Act gives me a power and one might say that
7 that gives me a power do whatever is necessary to
8 perform my function.

14:21

9 MR. SOUTHEY: Yeah.

10 CHAIRMAN: So then in interpreting the breadth of
11 Section 17 we have to understand what function I'm
12 perform nothing that respect. And just because we can
13 do, or the Board can do something as of necessity in
14 order to be able to comply with Article 5, doesn't
15 really necessarily seem to me to tell me that I can
16 appoint a Special Advocate. It might tell me that I
17 have to make sure the proceedings are fair but I'm not
18 sure it tells me I have to appoint a Special Advocate.

14:21

19 MR. SOUTHEY: But I'm not sure that --

20 CHAIRMAN: Or even tells me I have the power do so.

14:21

21 MR. SOUTHEY: well, except - and this is in one sense
22 the key issue may be the issue I'm going to turn to
23 which is why do you need to appoint a Special Advocate
24 on the facts? At this stage, in one sense my arguments
25 are premised on the assumption that the appointment of
26 a Special Advocate is needed for fairness in the
27 circumstances of this case, or that it might be needed
28 in the circumstances of some case. Now, certainly we
29 would say it's very easy to conceive of circumstances

14:22

1 where it would obviously potentially be needed. If you
2 were to have -- suppose you had a relatively narrow
3 public inquiry, which is not obviously unusual, where
4 an individual's conduct was directly in issue and that
5 individual couldn't participate in closed proceedings 14:23
6 and closed hearings were highly relevant, well in those
7 circumstances it would be surprising if there wasn't a
8 power because fairness would point very strongly
9 towards it. And at this stage -- it seems that
10 certainly we adopt in one sense the approach of counsel 14:23
11 to the Inquiry and submit that the first question is do
12 you have the power? And our submission is yes, if it's
13 in the particular circumstances a Special Advocate is
14 required as matter of fairness. That then leads may
15 arguably the much more difficult question, which is 14:23
16 does fairness require a Special Advocate on the facts?
17 And that, I accept that Roberts doesn't provide, all
18 Roberts indicates is that a Special Advocate -- what
19 Roberts indicates that's relevant to that is that the
20 Special Advocate may be of value in terms of testing 14:24
21 material in closed. But it doesn't obviously, in
22 particular, deal with the issue of whether that same
23 function can be performed by counsel to the Inquiry.

24
25 Turning then to AHK, AHK is at tab 25 of the 14:24
26 authorities, page 524. AHK was again a situation where
27 what was in issue was a PII certificate
28 CHAIRMAN: It's a bit complicated by the fact that it
29 was rather disapproved of in the Supreme Court, isn't

1 it?

2 MR. SOUTHEY: well, it was disapproved of -- it goes
3 back to the point I made about Al Rawi, which is it was
4 disapproved of to the extent it might be relied upon to
5 indicate there was an implied power to have a closed 14:25
6 procedure because there was some assumption that,
7 effectively, potentially the closed material could be
8 relied on substantively. It doesn't, what the Supreme
9 Court said, in my submission, doesn't cast doubt on it
10 in terms of what it says about the potential value of a 14:25
11 Special Advocate, in particular, in relation to where
12 effectively there is a power to withhold material, in
13 that case for PII.

14 CHAIRMAN: It maybe doesn't add much to --

15 MR. SOUTHEY: It doesn't add a huge amount -- the only 14:26
16 thing it does, it does two things, one again, in our
17 submission, I can jump ahead of it, but what it does
18 again, and this is the controversial bit in one sense
19 of it, it starts from the assumption that there was an
20 ability to hold some sort of closed procedure. It then 14:26
21 held that you could imply into that, have a Special
22 Advocate to mitigate the unfairness of that. And
23 similarly in relation to the test, it focuses on
24 fairness rather than some issue of exceptionality or
25 something along those lines. That's the reason it 14:26
26 assists to some extent.

27
28 The final area, and again, given what you've just said
29 I can probably go through this fairly quickly again but

1 we only picked it up in our supplementary note but we
2 hope it assists.

3
4 The other area where the use of Special Advocates
5 appears to have developed, certainly initially without 14:27
6 statutory authority but appears to continue actually
7 without statutory authority is in relation to family
8 law where certainly the English High Court has
9 recognised that in circumstances where material has to
10 be withheld from a parent, the appointment of a Special 14:27
11 Advocate can be necessary to mitigate unfairness. And
12 that, as I say, appears to continue, this may be
13 relevant when looking at the 2016 Act, the
14 Investigatory Powers Act because it is a provision --
15 it as relevant common use of Special Advocates, not 14:27
16 that Special Advocates are common in any context, but
17 it has certainly happened on a number of occasions, and
18 it isn't expressly addressed in the 2016 Act despite
19 the fact that its use developed before the 2016 Act.
20 And the reason why I say it doesn't appear to be 14:28
21 addressed is because, on the face of it, it is a
22 context in which there aren't any rules of the nature
23 required by the Justice and Security Act. There aren't
24 any family rules, that was acknowledged by the High
25 Court in the case of R which is in the authorities 14:28
26 bundle at page 893 tab 17. And yet Special Advocates
27 continue to be used. And so, family law may be of this
28 assistance because it may show that the Investigatory
29 Powers Act isn't comprehensive. But again, the

1 structure of it is, it starts from the basis that there
2 was a power to withhold the material and then looks at
3 how unfairness can be mitigated.

4
5 what we submit is all of that case law demonstrates, 14:29
6 which we submit is consistent with the scheme of the
7 Inquiries Act, which is that where there is a power to
8 withhold material from a party, a duty and a power to
9 act fairly can then be used to mitigate the obvious
10 unfairness of that and can, as a result, be used to 14:29
11 instruct a Special Advocate if that is required to
12 ensure fairness.

13
14 So when looking at whether the power exists on the
15 facts in principle, in the Inquiries Act, we submit, 14:30
16 well, yes it must do because there are obvious
17 circumstances in which fairness might require a special
18 Advocate because of the nature of the closed procedure.
19 Does it in the circumstances of this case? well that's
20 the more difficult question and that's something that I 14:30
21 need to come to.

22
23 Before doing that, can I just deal because it sort of
24 links with some issues that sort of link into this
25 issue of the power, the most important though, or the 14:30
26 most significant of those is the Investigatory Powers
27 Act.

28
29 Now, the structure of that is, as you've already been

1 told, sir, that Section 56, which is at page 70 of the
2 bundle, tab 8, prevents evidence being adduced,
3 questions asked, assertions made or disclosure subject
4 to Schedule 3. Those things happening rather in the
5 context of the Inquiries Act proceedings in relation, 14:31
6 essentially, to intercept material but that's subject
7 to Schedule 3.

8
9 Schedule 3 then sets out a number of exceptions where
10 effectively then there can be questions asked, et 14:31
11 cetera, in relation to intercept material.

12
13 And there are a number of things to note about
14 Schedule 3. Firstly, it's clear that it's not
15 necessarily comprehensive in the sense that it doesn't 14:32
16 cover every circumstance where a Special Advocate may
17 need to be appointed. On the assumption I'm correct
18 that family proceedings are still not caught by the
19 Justice and Security Act because they don't have the
20 necessary rules, it makes no reference to family 14:32
21 proceedings, that's the most obvious circumstance.

22
23 Secondly, in relation to criminal proceedings, if you
24 go to paragraph 21 of Schedule 3 which is at page 93 of
25 the bundle. You'll see there that there is no 14:33
26 reference, as far as I can see -- Schedule 21 is
27 essentially the provision that allows for a judge
28 conducting criminal proceedings to, as I understand it,
29 conduct a PII exercise certainly to consider material

1 caught by Section 56. There's no reference there that
2 certainly I can see to a Special Advocate. And it's
3 difficult to see how a Special Advocate fits into
4 Section 21. Now, it would be surprising, given the
5 importance essentially attached to the use of Special
6 Advocates in appropriate circumstances, it would be
7 surprising if Special Advocates were no longer
8 permitted in criminal proceedings in appropriate cases
9 where necessary to ensure a fair trial

14:34

10 CHAIRMAN: I'm not sure I'm following that,
11 Mr. Southey.

14:34

12 MR. SOUTHEY: My Lord, the point I'm making is, what is
13 expressly relied upon by the counsel to the Inquiry is
14 in relation to inquiries, paragraphs 22 and 23, the
15 absence of any reference to Special Advocates.

14:34

16 CHAIRMAN: Yes.

17 MR. SOUTHEY: And it's said that's an indication that
18 Parliament didn't anticipate the use of Special
19 Advocates essentially in the Inquiry context.

20 CHAIRMAN: Are you suggest that paragraph 21 would
21 accommodate the use of a Special Advocate?

14:35

22 MR. SOUTHEY: No, I'm not. What I'm saying is that you
23 can't from this, draw any implications about the
24 context in which Special Advocates will potentially be
25 used because paragraph 21 is dealing with the R -v- H
26 situation and yet it makes no reference --

14:35

27 CHAIRMAN: No, I don't think it is, I don't think it
28 is. I think it's probably more akin to the situation
29 that existed in Preston, it's a situation in which

1 there may be information known to the Security Services
2 which is not disclosed to the Crown prosecutor, is not
3 disclosed to the judge but which, if it were not
4 brought to the attention of the prosecutor, might
5 result in him advancing a state of affairs which was 14:36
6 inaccurate or unfair. And so it's a provision that
7 allows the consequence of intercept material to be
8 brought to the attention of the prosecutor so that he
9 can then take the correct steps. One of those steps
10 might be to abandon a line of examination that he was 14:36
11 inclined to pursue. Another might be that he needs to
12 tell the judge so that the judge can force an admission
13 to be made, if necessary. And another is to ensure
14 that the prosecutor can consider whether or not it's
15 safe to continue with the proceedings. It's nothing to 14:36
16 do with PII. This is never going to result in
17 intercept material being disclosed.

18 MR. SOUTHEY: well, the reason I was drawing an analogy
19 with the H situation is that what I draw from H is that
20 essentially if a judge becomes aware -- I mean the 14:37
21 normal position would be that obviously if a judge
22 becomes aware that the public authorities hold material
23 that is potentially relevant to the criminal
24 prosecution it would need to be disclosed. Now, this
25 isn't -- clearly this envisages that material, 14:37
26 intercept material partly because it can't be used
27 being withheld. But it still -- the basic concept in R
28 -v- H we would submit potentially would apply in a
29 paragraph 21 situation because there is still a

1 potential need for fairness in the sense that of
2 someone making submissions about material that might be
3 of use to the defence and may have relevance to the way
4 in which the prosecution is being conducted.

5 CHAIRMAN: There's no scope of Special Advocate being
6 appointed under paragraph 21.

14:38

7 MR. SOUTHEY: well, that's my point, my Lord, is that
8 Schedule 3, in our submission, isn't necessarily
9 comprehensive and it doesn't -- there are issues
10 about -- my point is that it would be surprising if
11 through this route the potential need for a Special
12 Advocate to ensure fairness was now ruled out. That's
13 my point.

14:38

14
15 Similarly, I mean my Lord, as I say that's why I
16 started from the position which is actually the more
17 submission omission is there's no reference at all to
18 family law despite the importance attached to family
19 law, Special Advocates in the use of family law.

14:38

20
21 But, my Lord, the more significant thing -- just to
22 summarise, as I say, our submission is that this isn't
23 necessarily a comprehensive list of every circumstance
24 in which special Advocates are required. Now, in terms
25 of paragraphs 22 and 23 which I accept are obviously
26 much more important, two things really we would
27 emphasise I think. Firstly, if you look at
28 paragraph 22 sub-paragraph (2), the order of the
29 disclosure of intercept material or disclosure of

14:39

14:39

1 material caught by Section 56 is only in exceptional
2 circumstances. So, the implication of that would
3 appear to be, we would submit, that in many cases
4 closed material proceedings -- a closed aspect of an
5 inquiry can often be conducted without reference to 14:40
6 material that potential falls within Section 56. And
7 that's not surprising. If you think about the facts of
8 this case, for example, quite often it would be - and I
9 accept on the facts of this case this may not be
10 exclusively the case, but it quite often will be 14:41
11 important that there was intelligence, not necessarily
12 the source of the intelligence.

13
14 But, in any event, the more important submission, in
15 our submission -- and the reason I make that first 14:41
16 point, just before I move on, is because it would be
17 surprising in one sense if something which is only
18 meant to occur in exceptional circumstances, to use the
19 language of the statute, were to drive -- or were to be
20 the basis upon which it was concluded essentially that 14:41
21 there was no power to appoint a Special Advocate,
22 because Special Advocates will potentially be a value
23 in a wider range of circumstances and this doesn't say
24 anything about the potential contribution they make to
25 fairness in other circumstances. 14:42

26
27 Secondly, turning then to paragraph 23, which may be in
28 one sense more important because that's the provision
29 that allows for restricted proceedings to take place,

1 two things to note really, which are linked about that.
2 Restricted proceedings for the purposes of para 23, are
3 not necessarily everything caught by Section 19.

4 Restrictive proceedings obviously has a very specific
5 meaning, it relates to proceedings which a limited
6 number of people only can attend. Those are people who
7 are specified in sub-paragraph (2).

14:42

8 CHAIRMAN: well, I suppose, restricted proceedings
9 only concern material that's otherwise prohibited by
10 Section 56.

14:43

11 MR. SOUTHEY: That's right, but the restrictions in
12 place, and these are the restrictions -- the effect of
13 this, it goes back to the question you asked me this
14 morning, the effect of this is that if there are to be
15 restricted proceedings considering material containing
16 Section 56 material, the only people who can attend
17 those proceedings are those who are specified in
18 paragraph (2), we accept that. Subject possibly to any
19 interpretation necessary to comply with the Human
20 Rights Act. And the point I was making really was that
21 in most restricted proceedings one can envisage the
22 parties who are likely to attend are likely to be all
23 the State parties and that's partly because they will
24 have security cleared lawyers, they will have security
25 cleared people handling the material internally, there
26 won't be a concern, a security concern about them
27 receiving the material.

14:43

14:43

14:44

28
29 The definition of "restricted proceedings" or the

1 definition of who can attend in 23(2) is potentially
2 narrower than that so one has to be a relevant party or
3 a person representing a relevant party. And a relevant
4 party is defined in paragraph (4), effectively as being
5 people who have in some way been involved in the 14:44
6 intercept material, or the material caught by
7 Section 56.

8
9 So, it is not necessarily clear to us, and this may be
10 the difficulty of being an open advocate, one doesn't 14:45
11 know how these things operate in practice, but it isn't
12 necessarily clear to us, for example, that material
13 that is provided by MI5 - to use that as an example -
14 if it's caught by Section 56 would necessarily enable
15 PSNI to hold proceedings conducted in relation under 14:45
16 paragraph 23(2) because PSNI are not necessarily a
17 relevant party.

18
19 Now, that, on the face of it, would seem slightly odd
20 and unfair and the way round that in our submission, is 14:45
21 that sub-para (e), in our submission, is there, it's a
22 catchall there and it's there in part because it links
23 back to the structure of the Inquiries Act. You've
24 already seen -- you've already heard rather what I have
25 submitted about Section 17 rather. We submit 14:46
26 Section 17 is deliberately in broad terms because it
27 allows flexibility to deal with the range of
28 circumstances that the Inquiry faces. It's not -- one
29 can't necessarily draw an analogy with the special

1 Immigration Appeals Commission because the Appeals
2 Commission deals with a very distinct type of case
3 which will proceed in a particular way.

4 CHAIRMAN: why would it be unfair if PSNI were not able
5 to attend in relation to a hearing that was canvassing
6 or listening to evidence from MI5? 14:46

7 MR. SOUTHEY: I don't think I used the language of
8 unfair, I was saying there was not necessarily any
9 obvious justification for it if they've got
10 appropriately cleared individuals. It might be 14:47
11 unfair --

12 CHAIRMAN: slightly odd and unfair.

13 MR. SOUTHEY: If I used unfair but I was saying it
14 might be unfair. well, I would say it might be unfair
15 because it might be that the material was relevant to a 14:47
16 criticism of someone from PSNI. It wouldn't
17 automatically be unfair is perhaps a better way of
18 putting it, but it might be unfair. But all of that --
19 if one looks, just to put in context the answer I've
20 just given and I was just talking about the flexibility 14:47
21 inherent in Section 17, if you look at subsection (e),
22 sub-para (e) of para (2), that's expressed in broad
23 terms. Now the explanation that's relied upon of this
24 against me is it's to cover people like clerks who are
25 -- and transcribers. And they are potentially 14:48
26 necessary, it's to deal with the admin staff. Now to
27 put that in context, if you go back to paragraph 7
28 which deals with the Justice and Security Act
29 provisions, there is no reference there to court staff

1 potentially dealing with disclosure, not that I can
2 see, if I use that as an example. It's not unique in
3 that.

4 CHAIRMAN: But that's because of the introductory
5 words, I think. Paragraph 7, in common with the other 14:48
6 paragraphs, tells us that Section 56 doesn't apply to
7 in that case closed material proceedings so the
8 exemption doesn't apply -- the prohibition rather
9 doesn't apply, so anybody who's part of those
10 proceedings can be there, unless they're excluded by 14:49
11 what comes later. But within it -- sorry, the reason
12 why -- I'm not sure that it's necessarily as
13 straightforward in that, in the sense that if you look
14 at sub-paragraph (3), which is looking at proceedings
15 under the Justice and Security Act, there is then 14:50
16 limitations as to who disclosure can take place to.

17 CHAIRMAN: I understand that but I think the point is
18 if you're wondering how clerks, assistants, and the
19 like all get into other proceedings that are governed
20 by Schedule 3, it seems to me it's because of the 14:50
21 opening remarks in each of the paragraphs, it says it
22 doesn't apply in relation to any proceedings in these
23 types of litigation. So that seemed to me to mean that
24 the ordinary people concerned in those processes would
25 be present unless, as is the case in most of the 14:50
26 paragraphs, it then goes on to tell who you can't be
27 there.

28 MR. SOUTHEY: That, for example, isn't necessarily
29 universally the case. Paragraph 21, for example, is

1 another example --

2 CHAIRMAN: Paragraph 21 is a very different thing,
3 that's not dealing with any proceedings at all, that's
4 dealing with a particular disclosure that's made
5 privately to the prosecutor. That's not proceedings. 14:51

6 MR. SOUTHEY: Okay. But the more fundamental point
7 that I would make in any event about this, is that --
8 in one sense it links back to the point that my Lord
9 was putting to me about Roberts and the statutory
10 framework about doing something that was conducive. 14:51
11 The special Advocate was found in Roberts to be
12 appointable because there was a general provision
13 allowing for steps to be taking that are conducive. If
14 someone needs to receive material to ensure fairness,
15 ensure fairness despite the powers in section 19, it's 14:52
16 difficult to see why that isn't needed for the proper
17 functioning.

18
19 I mean, one way of putting this is why draw a
20 distinction between a clerk who basically performs an 14:52
21 administrative task who probably one could avoid if
22 need be, and someone who is appointed because without
23 their appointment there won't be fairness. I mean if
24 Roberts says that the words, which it does, conducive
25 to the functioning, that may not be the exact wording 14:53
26 but it's something along those lines that, a special
27 Advocate can be conducive to the functioning, why can't
28 a special Advocate be necessary for the proper
29 functioning, if that's necessary to ensure fairness?

1 Because the proper functioning is fair functioning.

2
3 Two other points that I should make about this
4 provision. Firstly, the Secretary of State for
5 Northern Ireland's submissions at paragraph 17 make 14:53
6 reference to the provisions, I think that are found in
7 Regulation of Investigatory Powers Act if I remember
8 rightly, at the time the Inquiries Act was enacted.

9 Not something counsel for the Inquiry has particularly
10 focused on. Their submission essentially is that when 14:54
11 the Inquiries Act itself was enacted, which may be of
12 some relevance because obviously we say subsequent
13 legislation carries limited weight, when the Inquiries
14 Act was enacted the provisions essentially -- the
15 equivalent provisions only provided for disclosure to 14:54
16 the Inquiry Panel alone. That, in our submission, in
17 one sense doesn't undermine the arguments about Special
18 Advocates it demonstrates really probably at the time
19 when the Inquiries Act was enacted there may not have
20 been a proper anticipation of quite how many people 14:55
21 might need to consider sensitive material. For
22 example, counsel to the Inquiry wasn't at that stage
23 apparently caught by the relevant provisions.

24
25 That explains why -- I mean what one can get, what one 14:55
26 potentially sees if one looks at the statutory history
27 of this is a recognition that actually because of the
28 sensitivity, the need to handle sensitive material, a
29 wider range of people potentially needed to consider

1 the sensitive material to ensure that the Inquiry was
2 effective, that's the basis, we would submit for the
3 addition of sub-paragraph (e), the paragraph that
4 you've just seen, about disclosure to people performing
5 functions necessary for proper functioning. And, as I 14:56
6 say, we submit that broad terms links back to
7 Section 17 because Section 17, in broad terms, is
8 deliberately there to give flexibility to allow the
9 Inquiry to do what's necessary and that is now
10 reflected in the 2016 Act. There is this catchall 14:56
11 provision that is consistent, we would say, with that.
12

13 The second point we make, we reference, and I think
14 we're not alone in this, I think the Core Participants
15 represented by Mr. McBurney make reference to it as 14:56
16 well. We reference Bennion and what is said about
17 later legislation. You'll see that it's in the
18 authorities bundle at tab 58 at page 2053. It sets,
19 perhaps unsurprisingly, a high threshold, we would
20 submit, in essence, before very much assistance can be 14:57
21 drawn from later legislation. In particular, it makes
22 it clear that, although later legislation can be relied
23 on in relation to ambiguity, the test for ambiguity is
24 a high one. It's on the second page at the top of
25 2054. We certainly don't accept that test is met. And 14:58
26 we say it's not met because the clear expression of the
27 requirement for fairness implies that a Special
28 Advocate can be instructed if that is required and
29 nothing in 2016 Act expressly repeals or amends that.

1 And it would have been easy -- had Parliament intended
2 that it wanted to make clear there was no power to
3 appoint a Special Advocate it would have been easy to
4 say that expressly, it's a slightly odd way of doing
5 it. So we submit the 2016 Act ultimately doesn't --
6 the 2016 Act might cause an issue in terms of what the
7 Special Advocates can do but it ultimately doesn't
8 really assist in interpreting this primary issue which
9 is what are the powers of the Inquiry in relation to
10 the appointment of a Special Advocate?

14:59

14:59

11
12 I'm conscious of the time, I need to come on to the
13 Inquiry Rules and then go on to Article 2 and the
14 arguments about the appointment on the facts, but I'm
15 conscious that we haven't had a break

15:00

16 CHAIRMAN: Yes. We'll break at this stage for may be
17 ten minutes or so. Thank you.

18
19 THE INQUIRY ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:

15:11

20
21 CHAIRMAN: When you're ready, Mr. Southey.

22 MR. SOUTHEY: Thank you, sir. When we broke, I'd
23 almost finished and I thought I had finished then I
24 looked at my notes and there's one other thing I think
25 I need to just touch on, domestic law, the Inquiries
26 Act and the extent to which that authorises the
27 appointment of a Special Advocate.

15:11

28
29 The one thing I hadn't addressed, which I realise I

1 ought to have addressed as a matter of domestic law is
2 the Inquiries Rules. Obviously the Inquiries Rules, on
3 the face of them, make no reference to Special
4 Advocates, they provide for questioning by recognised
5 legal representatives but don't address the position of 15:11
6 a Special Advocate. Our submission in relation to that
7 in one sense is a simple one, they are secondary
8 legislation. They have to be interpreted consistently
9 with the Inquiries Act and, in particular, the duty in
10 the Inquiries Act to act fairly if they authorised or 15:12
11 required a provision -- if they required, rather, a
12 procedure that was unfair that would mean they were
13 ultra vires in our submission. And in light of all of
14 that -- and that's consistent, we would submit, with
15 Section 17 and they can't be regarded as a 15:12
16 comprehensive code. There is plenty of case law, we
17 cite one example of it, a recent example from the
18 English Court of Appeal. There's plenty of case law
19 that makes it clear that fairness, common law fairness
20 can supplement, effectively, rules. And in this 15:12
21 context that is obviously required by the provisions of
22 Section 17. Section 17, if it requires a particular
23 steps because a particular step is necessary to ensure
24 fairness, the fact it's not addressed in the Rules
25 can't prevent that step being taken, fairness 15:13
26 ultimately trumps, subject to any other provision of
27 the act.

28
29 Then can I turn to Article 2? We accept - otherwise

1 Section 19 would be incompatible potentially with
2 Article 2 - that Article 2 doesn't necessarily always
3 require public hearings involving next of kin.
4 However, that doesn't mean there is never a right, in
5 particular, to family involvement. And for these 15:13
6 purposes, because we're focusing on Special Advocates I
7 want to focus in particular on the involvement of next
8 of kin because inherent in the idea of a Special
9 Advocate that the proceedings won't be in public.
10 We're not challenging that. What we are challenging is 15:14
11 the -- what we are arguing about is the use of Special
12 Advocate.

13
14 Can I take you to Amin which has already been
15 referenced. If you go to tab 18, which is at page 244 15:14
16 of -- and THE page rather is 244 of the pdf, you'll see
17 Lord Bingham's judgment. And Lord Bingham had to,
18 because there'd been a range of investigations already,
19 consider the investigations that had been conducted in
20 order to determine whether they were compliant with 15:15
21 Article 2. And Lord Bingham ran through those
22 investigations, really paragraphs 34 onwards. And
23 you'll see he firstly looked at the police
24 investigation. He accepted, of course, that had to be
25 conducted in private without participation of the 15:15
26 family. No criticisms of that. Then looked at the
27 trial but to some extent discounted it on the basis
28 that it didn't really consider the issues in the case.
29

1 Then went on to two other investigations, the first was
2 one which conducted by someone called Mr. Butt, that
3 you'll see, although it's described at paragraph 36,
4 the background to that is set out at paragraph 8
5 onwards, and it was essentially an internal 15:16
6 investigation under the leadership of a serving prison
7 governor, a man called Ted Butt basically. And that,
8 it wasn't criticised but it was noted to essentially
9 have been conducted in private, you see that at the
10 bottom of the paragraph, four lines up from the bottom, 15:16
11 and had been a process which the family were unable to
12 play any effective role in relation to.

13
14 There was then a CRE report, I think that's counsel for
15 racial equality if my memory serves me rightly, which 15:16
16 was also noted to bring additional facts to light but,
17 again, it was noted significantly to be in private and
18 so, not an effective part, and so not something,
19 rather, also that the family were able to play an
20 effective part in. 15:17

21
22 That's the context in which there was found to be
23 non-compliance in part because there were further
24 questions that the family would want to participate in.
25 So one can see there that while it's absolutely correct 15:17
26 that part of the investigation could be take conducted
27 in private without family investigation, and that's
28 perhaps the most important part, it wasn't acceptable
29 for all of the stages to be conducted in private. So

1 the question is how do you assess when family
2 involvement's adequate? And the test, in our
3 submission, is clear, it's set out in Amin but it's
4 been repeated in a number of cases. If you go back to
5 page 236 paragraph 20 sub-paragraph (9), the test 15:17
6 identified from Jordan is that "the next-of-kin of the
7 victim must be involved in the procedure to the extent
8 needed to safeguard [their] interests." And that's
9 important

10 CHAIRMAN: Necessary, not needed. 15:18

11 MR. SOUTHEY: Yes, sorry. And it is also obviously
12 legitimate interest. I should emphasise that as well.
13 But that's important because I'm going to come later on
14 to the role the Special Advocate can take. But we
15 submit that that safeguarding of interests, in summary, 15:18
16 is not simply about, for example, questioning
17 witnesses, it is also, for example, about being able to
18 assess whether, for example, there's an error of law in
19 relation to what happens in closed in relation to a key
20 part of the proceedings. And, again, given that we are 15:19
21 at the moment primarily looking at whether there is a
22 power to appoint a Special Advocate, suppose - and this
23 Inquiry may be close to that - suppose that all key
24 material about State failings were in closed, so the
25 next of kin had no direct involvement in the closed 15:19
26 proceedings. The next of kin could ask questions,
27 raise issues with counsel to the Inquiry but wouldn't,
28 for example, know whether anything had happened in
29 closed that amounted to an error of law, wouldn't know

1 whether or not, for example, there was an evidential
2 basis for the findings that are reached in closed.
3 It's difficult, if that were the case, to see how the
4 Inquiry was compliant with Article 2. And so looking
5 at the issue of power firstly, in our submission it is 15:20
6 likely that there is a power because it's, again, easy
7 to conceive of circumstances where without a Special
8 Advocate essentially the next of kin won't be able to
9 safeguard their legitimate interests.

10
11 Now, the State parties cite -- because it's our
12 submission, essentially, that there isn't directly
13 anything on case law and I'm going to come to two
14 things that may provide assistance. The State parties
15 cite two authorities which they say support their the 15:21
16 position in relation to it in relation to the
17 instruction of Special Advocates. The first is
18 Ramsahai. Ramsahai is also in the bundle of
19 authorities at page 415, tab 21. And the issue in
20 Ramsahai, which is the context of the paragraph that's 15:21
21 been cited, was whether the proceedings and the
22 decision of the Court of Appeal should have been public
23 and you see that at para 351. And the passage that's
24 about been relied upon is para 353 where it said:

25
26 "Article 2 does not go as far as to require all
27 proceedings following an inquiry into a violent to be
28 public."
29

1 That's, in our submission, not dealing with the issue
2 of participation which is the issue that we're
3 highlighting on. And you see that because if you go to
4 354, it's made clear that the applicants - and you see
5 this, it's about four lines into 354 - the applicants
6 were unable to participate effectively in the Court of
7 Appeal hearing.

15:22

8
9 It's one of the reasons why we say that there's nothing
10 directly on point, it simply doesn't touch on this
11 because it's not concerned with next of kin involvement
12 and how that is facilitated.

15:23

13
14 Turning then to JL, which is R (On the Application of
15 JL) -v- The Justice Secretary, which is the other
16 authority relied upon. If you go to tab 24, page 508,
17 it's the passage from the judgment of Lord Rodger in
18 the House of Lords.

15:24

19 CHAIRMAN: what paragraph number did you say.

20 MR. SOUTHEY: 80 Lord Rodger says an independent
21 investigator may well be effective even though he isn't
22 conducting his investigation in public.

15:24

23
24 "Again, it depends upon the particular case."

25
26 So it's not -- that's, again, not saying anything about
27 family participation, the next of kin rights. And
28 indeed, he bases his judgment on para 353 of Ramsahai
29 which you've just seen.

1 One thing would I emphasise, which is one of the other
2 reasons for going to this because it's something I'm
3 going to come to in a moment about Article 2,
4 Lord Rodger cites Anguelova -v- Bulgaria first and what
5 that makes clear - and that's something that I will
6 come back to in a moment - is one matter that is
7 particularly important in terms of public scrutiny.

15:25

8 CHAIRMAN: Sorry, Mr. Southey, just a minute. Is your
9 submission here that Lord Rodger is simply talking
10 about the necessity to hear an investigation in public
11 as distinct from commenting upon the involvement of the
12 family?

15:25

13 MR. SOUTHEY: Yes, because he's citing -- if you look
14 at Ramsahai -- he is citing Ramsahai and Ramsahai was
15 expressly a case where there was no issue about family
16 involvement.

15:26

17 CHAIRMAN: But if you look at paragraph 82, he says:

18
19 "... the Grand Chamber has made no attempt to specify
20 types of cases in which a public hearing will be
21 needed. The House should follow that example. But it
22 is worth stressing that, whatever the steps the
23 investigator takes from the time of his appointment
24 until he finishes, they are all part of the single
25 independent investigation which is required by
26 article 2. That investigation may stop once the
27 initial material is assembled. Alternatively, it may
28 continue with witnesses being heard in private, or in
29 public - or some in private and some in public,

1 depending on what is needed for an effective
2 investigation. "

3
4 so he's talking about hearing in private.

5 MR. SOUTHEY: But he's not -- but if you think about 15:27
6 Ramsahai, Ramsahai was a case where the criticism was
7 that the Court of Appeal had heard the case in private.

8 That was held to be unobjectionable, in part because
9 the family had still been able to participate. I took
10 you to the paragraph that made that clear. So, there 15:27
11 is a distinction drawn in the case law between hearing
12 something in public, and family participation. Nothing

13 in the case law suggests that that basic requirement,
14 the family must be involved to the extent necessary to
15 safeguard their legitimate interests, I think I've 15:27
16 quoted that correctly. That that test is in any way

17 compromised, my Lord. And that's -- if you think about
18 Amin, I mean that doesn't mean -- you've got to look at
19 legitimate interest. Police investigation they

20 probably don't have any legitimate interest in because 15:28
21 it's an early investigative stage, it's gathering
22 evidence potentially for prosecution. In this context,
23 obviously they do have a legitimate interest, that's
24 why they're Core Participants.

25 CHAIRMAN: I'm maybe just not following this. You 15:28
26 started by telling me that you accept that Article 2
27 could encompass closed hearings where -- well maybe I
28 need to check. Did you tell me that you accept that
29 Article 2 could be complied with in circumstances where

1 there's a closed hearing and the next of kin are not
2 involved?

3 MR. SOUTHEY: well we accept -- we accept this, we
4 accept that there can be a closed hearing. We accept
5 that the next of kin can be excluded providing steps
6 are put in place to ensure that they are able to
7 safeguard their legitimate interests.

15:28

8 CHAIRMAN: And that might include a Special Advocate or
9 it might not?

10 MR. SOUTHEY: It may depend, to some extent, for
11 example, on what is being considered in closed because
12 it may be it's a very minor issue, so they don't have
13 any real significant legitimate interest. But it may
14 include a Special Advocate. And one of the reasons for
15 that - and I've touched upon this and I'll come back to
16 it - is because unless you have a Special Advocate
17 present, if key findings are being made you don't have
18 anyone effectively independent determining whether
19 there's been any error of law in the approach to that
20 fact finding. And that's an important aspect. One of
21 the functions that we identify - and it's one of the
22 reasons, and I'll come back to this, because I will go
23 through the functions we submit can be performed, but
24 it's a particularly important one, one of the reasons
25 why a Special Advocate is potentially important is a
26 Special Advocate can identify whether or not there has
27 been any error made in closed.

15:29

15:29

15:29

15:30

28 CHAIRMAN: well, I can read my notes a bit better now.
29 You started off by telling me that you accept that

1 Article 2 doesn't necessarily always require a public
2 hearing involving the next of kin.

3 MR. SOUTHEY: Yes.

4 CHAIRMAN: Now, if that's a starting point as a matter
5 of principle, what is it we're taking from Ramsahai? 15:30

6 MR. SOUTHEY: What I'm taking -- our starting point was
7 just to add to that because that's why I started from
8 Amin, the key point is the next of kin have to be
9 involved to the extent necessary to protect their
10 legitimate interest. 15:31

11
12 The citation of Ramsahai and JL, in our submission,
13 simply don't assist. They're not on point because all
14 they're focused on is whether or not proceedings need
15 to be held in public. And that's not really the issue 15:31
16 here, the issue here is the protection of legitimate
17 interests. And that was not what was being considered
18 in Ramsahai or JL. And so I'm effectively dealing with
19 an argument that is put against me saying you can't
20 really get anything of real assistance from Ramsahai 15:31
21 and JL because they don't undermine, in any way, that
22 basic obligation which is how do you ensure that the
23 next of kin's legitimate interests are safeguarded.

24
25 My Lord, I can't remember if I just emphasised this 15:32
26 when we were looking at JL, before we go away from it
27 so I don't need to come back to it. I think I did
28 emphasise the importance attached to maintaining public
29 confidence in terms of any procedure. My Lord, given

1 what I've already said that firstly, in our submission,
2 the issue is not that there is some absolute rule that
3 the family have to be present during every stage of the
4 procedure but, stages of the procedure can require them
5 to be given an opportunity to protect their legitimate 15:33
6 interests, or a mechanism rather to protect their
7 legitimate interests. The question then arises, in our
8 submission, how do you do that? As I say, there's no
9 authority directly on point. But we submit that an
10 analogy can be drawn in those circumstances with the 15:33
11 Article 6 case law. And the reason for that is not
12 because the rights are the same, they're not, obviously
13 the right under Article 6 is the right to a fair trial.
14 But, the reason for that is that in the context of
15 Article 6 where security information perhaps is more 15:33
16 commonly being raised as an issue, what the European
17 court has recognised is that what the State can do is
18 take steps that ensure, essentially, that although the
19 interests of the State are protected, there are, as far
20 as possible, adequate safeguards in place to ensure, as 15:34
21 far as possible, adversarial proceedings and equality
22 of arms. And that, the authority we rely on in
23 relation to that is Regner, which is at page 9 three
24 six of the authorities tab 34.

25
26 Now, I recognise these aren't adversarial proceedings
27 but equality of arms is important because clearly
28 what's anticipated during a closed procedure is that
29 State parties, a number of State parties, will be

1 present for much of them because they will have --
2 there won't be any basis for excluding them under
3 section 19, they will have the necessary security
4 clearance, et cetera.

5
6 And so there is, potentially, an inequality of arms.
7 And what Regner is authority for essentially is
8 recognising that there can be safeguards put in place.
9 That's the basis upon which the European court has
10 endorsed the use of Special Advocates, as we make clear 15:35
11 in our application.

12
13 So, what we draw from this is that while it can be
14 legitimate to protect the interests of the State, as
15 far as possible the interests of the individual must 15:36
16 then be still safeguarded. That's the language of the
17 European court.

18
19 The other point that we make as being particularly
20 important in this context in terms of sort of assessing 15:36
21 whether there has been compliance with Article 2, is
22 public confidence. I've already drawn attention to
23 what was said in JL. In Amin itself, it's page 235,
24 tab 18, paragraph 20(2). It was recognised that part
25 of the reason for holding an investigation was the need 15:37
26 for public confidence in the administration of justice.
27 And one of the ways, we submit, that assess essentially
28 whether family participation is adequate or has been
29 necessary to safeguard legitimate interests - to use

1 more accurately the language of the European Court of
2 Human Rights - one of the way you assess that, in our
3 submission, is by assessing effectively whether it is a
4 system that would generate public confidence on an
5 objective basis. And of course all of that fits with 15:37
6 the statutory scheme of the Inquiries Act which is
7 about finding a solution, essentially, or conducting an
8 investigation into something that is a matter of public
9 concern.

10
11 So we do submit public confidence is a guide,
12 effectively, to whether family participation has been
13 adequate. If it's a system that ought to leave on an
14 objective basis effectively the public satisfied with
15 the outcome, then that would tend to indicate Article 2 15:38
16 had been complied with. If the extent of family
17 involvement is not such to address public confidence or
18 not such as to give rise to public confidence then
19 there may be an issue in terms of Article 2.

20
21 So, ultimately, what our submission is in relation to
22 Article 2 is that the test that you should be
23 considering and the way in which you can assess whether
24 there has been compliance with Article 2, is to look at
25 whether the families' next of kin have been adequately 15:39
26 able to safeguard their legitimate interests in the
27 proceedings, and whether the mechanisms they have been
28 able to safeguard their legitimate interests is one
29 that will have public confidence.

1 I'll come on to why we say a Special Advocate is
2 necessary for those purposes in a moment but that's the
3 test we submit would apply. Now, there have been some
4 fairly extensive submissions essentially about
5 interpreting legislation compatibly with Article 2. 15:40
6 we've slightly struggled to see why that is an issue.
7 Should you accept, in light of my submission on the
8 facts, that Special Advocate is required in order to
9 ensure compliance with Article 2, then, in our
10 submission, it's pretty obvious how compatibility can 15:40
11 be achieved. Your basic power to ensure fairness must
12 include a power to ensure that the procedure is one
13 that complies with Article 2. It's difficult to see
14 how there is a problem with finding a power to comply
15 with Article 2 should Article 2 require the appointment 15:40
16 of a Special Advocate.

17 CHAIRMAN: Given the way that you've just suggested the
18 formulation of that test --

19 MR. SOUTHEY: Yep.

20 CHAIRMAN: -- as to whether Article 2 has been complied 15:41
21 with, I think I would find it helpful if you could
22 assist me with a couple of other things.

23 MR. SOUTHEY: Yep.

24 CHAIRMAN: You drifted into Article 6 and I understand
25 the point that you were making there, although just how 15:41
26 relevant cases in relation to Article 6 are may be a
27 matter for debate. And in touching on Article 6 you
28 also touch on the concept of equality of arms.

29 MR. SOUTHEY: Yes.

1 CHAIRMAN: And that leads me to recognise that in a
2 number of places in your written submissions and today
3 in your oral submissions you refer to the parties. Now
4 who do you consider the parties to be?

5 MR. SOUTHEY: Sorry, when I talk about the parties I 15:42
6 was in one sense using a shorthand for the Core
7 Participants. I think generally that's how I was using
8 it, it may have been also I was referring at times,
9 because there are obviously State parties who are
10 identified as Core Participants, but certainly 15:42
11 that's --

12 CHAIRMAN: You've also talked about one party not being
13 put at a disadvantage over another. These concepts
14 sound rather adversarial.

15 MR. SOUTHEY: well, my Lord, there is - and it's why I 15:42
16 took you to a moment ago, or not a moment ago this
17 morning, to the Glasgow Health Board case. One of the
18 one of the sort of, in one sense, difficult concepts
19 that potentially arises from the way in which public
20 inquiries have developed is that although the 15:43
21 proceedings are described properly as inquisitorial in
22 the sense that what certainly I would submit that means
23 in this context, because this reflects the structure of
24 the Inquiries Act, they're inquisitorial in the sense
25 that you, sir, have a duty to get to the truth of the 15:43
26 matter in simple terms.

27 CHAIRMAN: But it's a bit more than that because it
28 encompasses the question of what the function of the
29 family Core Participants is as well and that's

1 something that plays into the submissions that you've
2 been making. Now, the function of the Core Participant
3 next of kin members isn't defined anywhere but the
4 consultation paper which the Government introduced in
5 2004 on effective inquiries touched on this at 15:44
6 paragraph 90, in which they said that the function of
7 the next of kin would be primarily to assist the
8 Inquiry in establishing the facts, whatever hopes they
9 may have about the outcome. Now, do you agree that's
10 an appropriate description of the function of the Core 15:44
11 Participant?

12 MR. SOUTHEY: I'd put it a little bit stronger than
13 that in one sense. And what I mean by that is that the
14 legitimate interest of the -- the primary interest of a
15 family Core Participant is that they have -- 15:44

16 CHAIRMAN: well, I'm asking about the function not the
17 interests because the interests might be very
18 different. That's the point that the consultation
19 paper was making, that they have a function, whatever
20 hope they have, about the outcome. 15:45

21 MR. SOUTHEY: But their function, to some extent -- but
22 the reason I was talking about -- I would submit the
23 two issues, the functions and interests are, to some
24 extent, overlapping and that's for this reason; in
25 terms of -- and I'll try and use some neutral language 15:45
26 rather than get too wrapped up in functions and
27 interests. What they hope for in terms of an outcome
28 is an outcome that whatever it is they can have
29 confidence in as being a reliable one. In light of

1 that, their function, in our submission, is to
2 potentially, well to play a role, essentially, which is
3 intended to ensure reliability by, for example,
4 challenging evidence, by making submissions on law, by
5 at times challenging the Inquiry if they think the 15:46
6 Inquiry is doing something that is likely to undermine
7 their confidence in the outcome. All of those are
8 legitimate functions because they're aimed at getting
9 to that conclusion that they seek, which is one they
10 have confidence in. So that's what -- that's what we 15:46
11 would say their role is.

12
13 Going back to use the language of the Article 2 case
14 law, their legitimate interests are ones -- well their
15 legitimate interest is ensuring that they come to a 15:46
16 conclusion -- that the Inquiry comes to a conclusion
17 they have confidence in. My Lord, I haven't taken you
18 to the passage of Amin that you will well know which
19 says what is it that a next of kin achieves through
20 this process? You'll remember, I'm sure, it talks 15:47
21 about how they have satisfaction in knowing lessons are
22 learnt et cetera, et cetera and that's their -- that's
23 what their function is. Their function is to ensure
24 that they advance arguments, advance evidence,
25 challenge evidence in a manner that leads them actually 15:47
26 with confidence that the findings reached are such that
27 lessons will be learnt. That people will be held to
28 account.

29 CHAIRMAN: well, all of that might sound a little

1 difficult to square with Rule 10 because it all sounds
2 as though there's a particular set of rights, interests
3 and positions to advance which doesn't sit terribly
4 squarely with Rule 10, which determines that
5 essentially it's counsel to the Inquiry who conducts 15:48
6 the proceedings, subject to the opportunity to make
7 requests to ask questions and the like.

8
9 But that also fits in with something else I was going
10 to ask you about which is, you've often mentioned that 15:48
11 one of the functions of the Core Participant and the
12 Special Advocate would be to properly test the
13 evidence. I did notice in the Associated Newspapers
14 case that Lord Justice Leveson identified testing of
15 the evidence as being the function of counsel to the 15:48
16 Inquiry. Is that something you'd agree with or
17 disagree with?

18 MR. SOUTHEY: Well, counsel to the Inquiry certainly is
19 what I might describe as the lead in doing that, but
20 clearly inquiries, as a matter of practice, for good 15:49
21 reason, recognise there are circumstances in which it's
22 appropriate to allow questions to be asked by family
23 members, Manchester being an example of that for
24 example. It was fairly extensive questioning by
25 family. 15:49

26 CHAIRMAN: My impression is that varies from inquiry to
27 inquiry.

28 MR. SOUTHEY: It does but that may also reflect, for
29 example, the extent to which those Article 2 rights

1 involved, et cetera, because of those. It depends on
2 the circumstances of the case. But all of that
3 demonstrates that the Inquiry process certainly has the
4 flexibility to enable the functions that I've just
5 described to be performed by family members. Again if 15:49
6 you go back to the fact that we are in Article 2
7 territory, we would submit getting to a place where the
8 ultimate outcome is one that the family members,
9 everyone can have confidence in, that is a legitimate
10 interest to use the language of Article 2 and they must 15:50
11 be involved, to use the article language, and the
12 family must be involved to the extent necessary to
13 safeguard that.

14 CHAIRMAN: I don't doubt that, it's the question of
15 just how that's achieved and from your presentation 15:50
16 it's all encompassed in this role that you identify for
17 the Core Participant and the Special Advocate, which
18 sounds very similar to the role that a litigator would
19 have in contested proceedings. Just for example, in R
20 -v- L again, one of the other things, you've mentioned 15:50
21 Lord Rodger's contribution a few times, one of the
22 other things he said was that the relatives might be
23 able to suggest lines of inquiry, but being
24 independent, the investigator is free to reject the
25 suggestions if he considers the inquiries would not be 15:51
26 useful.

27
28 Now, that, rather than viewing matters through the lens
29 of what a Core Participant might or might not want to

1 explore, is the correct approach to take an inquiry, is
2 it not?

3 MR. SOUTHEY: Yes, but that's not necessarily -- that's
4 not necessarily inconsistent with Amin and the
5 submissions I've already made about the safeguarding, 15:51
6 being involved to the extent necessary to safeguard
7 one's legitimate interests.

8
9 I mean if a Core Participant makes a submission to an
10 inquiry chair that they want to ask questions about X, 15:52
11 they are safeguarding their interests by raising the
12 topic, having that considered by the Inquiry. Now, if
13 the Inquiry comes back and says, 'We don't think that's
14 going to further the investigation, we can't see how
15 that's going to be of assistance. It seems to us 15:52
16 that's going down a rabbit hole that won't be of
17 value,' then that's a legitimate decision. Equally, of
18 course, if the Inquiry comes back and says, I'm using
19 something that is deliberately off the wall but to use
20 it as an example, if the Inquiry were to come back and 15:52
21 say, 'But you're ginger-headed, we don't like
22 ginger-headed people making submissions,' then clearly
23 that wouldn't be, that would be breach of Article --
24 because it would be failing to investigate a matter on
25 an arbitrary basis. 15:52

26
27 Lord Rodger's remarks can't be read as meaning
28 effectively the investigator has a complete discretion
29 to make arbitrary decision. They've got to be -- there

1 are a number of principles

2 CHAIRMAN: I'm sure they wouldn't. But they do point
3 away from the sort of adversarial presentation of
4 somebody who has a case to present, who has interests
5 to advance and who has a position to protect. It 15:53
6 points away from that.

7 MR. SOUTHEY: well, except -- and I'm not suggesting --
8 the major distinction, in my submission, between the
9 role I'm suggesting and the role of a litigant is if
10 someone's a litigant, say, in a normal civil claim, 15:53
11 they have a distinct outcome they want, they want to
12 establish that they were assaulted or they want to
13 establish that someone was negligent to them and so
14 they are trying to build a case. What, certainly the
15 Core Participants I represent are seeking do is not 15:54
16 that, what they're seeking to do is make sure the
17 evidence is properly tested so that the findings are
18 ones that they can have confidence in. If there's a
19 line of inquiry --

20 CHAIRMAN: This all suggests a sort of supervisory 15:54
21 role. It's consistent with what you've identified as a
22 Special Advocate could do to; ensure the Inquiry
23 adheres to its duty to act with fairness; ensure the
24 information received is properly tested; and ensure the
25 applicants are not left with the sense of injustice. 15:54
26 But all of these things are the function of the Inquiry
27 as well.

28
29 Now, there's one thing I wanted to ask you to comment

1 on because I suspect you don't agree with it so it's
2 best it's flushed out.

3
4 When the House of Commons Public Administration Select
5 Committee issued it's first report in the session 15:55
6 2004-2005, called Government by Inquiry, it considered
7 and gave advice upon the bill and it set out its
8 conclusions at page 82. And the fourth conclusion was
9 this - and it's talking about circumstances in which
10 evidence may be led in private: 15:55

11
12 "We recognise that circumstances may sometimes require
13 inquiries to hold all or part of their proceedings in
14 private. Ensuring the independence of the Inquiry will
15 serve to reinforce trust in such circumstances." 15:55

16
17 So trust in the independence of the Inquiry, the Chair
18 and the counsel appears to have been seen by the Select
19 Committee as the method of ensuring fairness where
20 private hearings were necessary. Now you would say 15:56
21 that's not adequate, I think?

22 MR. SOUTHEY: It's not necessarily adequate. One
23 primary point -- well there's two, at least two and I
24 was going to come back to this but I'll deal with it
25 now. If you think -- to put this in context, there 15:56
26 will obviously be a significant number of open
27 hearings. During those open hearings all the Core
28 Participants will potentially be represented and they
29 will be represented despite the fact that the Inquiry

1 will be independent and will have its own counsel. In
2 part, we would submit, because -- for two reasons. The
3 first is however good an inquiry is, however diligent
4 an inquiry team are, inquiry chair are, nobody will
5 necessarily spot every point that needs to be taken and 15:57
6 representation allows, at the very least, lines of
7 inquiry to be suggested by people who understand the
8 Core Participant they represent, what their
9 instructions are. It allows lines of inquiry to be
10 advanced. 15:57

11
12 And, secondly, linked to that, the best Inquiry in the
13 world has the capacity to make errors. And one thing
14 that potentially builds confidence in an inquiry
15 outcome is if a range of parties are represented and 15:58
16 their legal representatives ultimately say no grounds
17 for challenge here. And those points explain why, in
18 our submission, there is an express recognition within
19 the Rules of participation by Core Participants and
20 representation of Core Participants. Effectively, 15:58
21 fairness could always be achieved by the Chair and
22 counsel to the Inquiry and the rest of the legal team
23 to the Inquiry acting with diligence, the normal
24 position which is Core Participants can participate and
25 they can participate with representation, simply would 15:59
26 be unnecessary.

27 CHAIRMAN: I'm not sure about that because in closed
28 hearings the Inquiry will be dealing with material that
29 the participants cannot comment on. And all the more

1 that's likely to be the case in this sort of inquiry
2 than it might be in some. And so, if there isn't an
3 opportunity for Core Participants to feed information
4 because they're not aware of the content of the closed
5 material, I'm not sure how that point arises.

15:59

6 MR. SOUTHEY: well, two points I'd make in relation to
7 that. Firstly, just in terms of how it arises. If you
8 have a Special Advocate which is -- I mean, if you have
9 a Special Advocate who has experience of closed
10 material which they are likely to have, who understands
11 what the broad concerns of the Core Participant they
12 represent or they're appointed to assist are, there
13 will, potentially, be things, arguments that they can
14 advance in relation to that material which won't
15 necessarily be obvious.

16:00

16 CHAIRMAN: So counsel to the Inquiry could do exactly
17 that, surely? Because if there are broad areas of
18 interest then they can be communicated to counsel to
19 the Inquiry. My difficulty is understanding how, when
20 you're dealing with closed material to do with
21 intelligence or the like, how information held by the
22 family participants could be fed into that in order to
23 test it.

16:00

24 MR. SOUTHEY: It's not so much -- I mean it may or may
25 not be that there's information that they can feed into
26 to test it, it's more that testing can -- if there were
27 particular areas of concern the Special Advocates can
28 ensure that the testing takes account of that.

16:01

29 CHAIRMAN: Isn't that just what I said, counsel to the

1 Inquiry could do that? There has to be an advantage
2 I'm sure.

3 MR. SOUTHEY: well, the advantage is that a Special
4 Advocate will have had an opportunity to take
5 privileged instructions. 16:01

6 CHAIRMAN: But what could be privileged in the context
7 of an inquiry where we're all working together to try
8 and ascertain the truth? What privileged information
9 can your clients have about how the bombing took place,
10 or about what the intelligence services could or 16:02
11 couldn't have done?

12 MR. SOUTHEY: It's not so much what privileged
13 information they have about how the bombing took place,
14 it's instructions that are privileged in the sense of
15 people having -- obviously the whole basis of privilege 16:02
16 is that people have greater confidence in someone that
17 they can talk to in private, discuss what their
18 concerns are and then advance those.

19 CHAIRMAN: That's certainly what happens in contested
20 litigation but that brings us back to the question of 16:02
21 what functioning we're all performing here. But it's
22 obvious, isn't it, from the very fact of the Litvinenko
23 Inquiry, for example, and Manchester Arena Inquiry,
24 that Article 2 compliant inquiries can take place in
25 circumstances where substantial amounts of evidence are 16:02
26 led in closed hearings from which the next of kin are
27 excluded and in which Special Advocates do not
28 participate.

29 MR. SOUTHEY: The first thing I would say is I wouldn't

1 necessarily concede, and I haven't conceded I think at
2 any stage, that Manchester and/or Litvinenko were
3 Article 2 compliant, that's not -- I wasn't a party to
4 them, I wouldn't necessarily concede that. But
5 secondly, more --

16:03

6 CHAIRMAN: That's a bit difficult Mr. Southey. There
7 is also -- there is at least one case, I think, where
8 the European court has at least considered the
9 operation of the 2005 Act, and done so in the context
10 of how the 2005 Act operates restricted proceedings, is
11 there not? 16:03

12 MR. SOUTHEY: I'm not aware the case my Lord is
13 referring to.

14 CHAIRMAN: well, you surprise me.

15 MR. SOUTHEY: That may be my fault.

16:04

16 CHAIRMAN: It's Carter -v- Russia, which was the
17 Litvinenko case taken to the European Court of Human
18 Rights, Mr. and Mrs. Litvinenko when they became
19 naturalised British citizens changed their names to
20 Carter, but for circumstances that are not known to me,
21 the Inquiry was conducted under their original names
22 but Mrs. Carter subsequently took a case to the
23 European Court of Human Rights in which she claimed
24 that the Russian State were in breach of the
25 substantive limb of Article 2, in other words that it
26 was unlawfully responsible for the killing of her
27 husband. And, secondly, that the Russian State was in
28 breach of its procedural obligation in terms of
29 Article 2 to carry out an effective investigation into 16:04

1 her husband's death. The Court upheld both of those
2 claims. But in doing so, it relied on the findings of
3 the Inquiry.

4 MR. SOUTHEY: Sorry, yes.

5 CHAIRMAN: And, as we know, of course, that was
6 conducted without the benefit of a Special Advocate.
7 And a number of things are interesting about the case,
8 the first I suppose somewhat peripheral, is that
9 Mrs. Carter was represented by Sir Keir Starmer and
10 Ben Emerson.

16:05

16:05

11 MR. SOUTHEY: Yes.

12 CHAIRMAN: One might say that you couldn't get a better
13 combination of human rights lawyers - present company
14 excepted. But when they appeared before the European
15 Court of Human Rights, the Russian State objected to
16 the court taking account of the inquiry's findings, and
17 Mrs. Litvinenko's legal team submitted that nothing in
18 the Russian Government's claims cast any doubt on the
19 evidence which had been led in the Inquiry, or on any
20 procedural process that had led to the Chairman's
21 findings. So, in other words, by the time of the
22 hearing before the European court, Mrs. Litvinenko and
23 her team were defending and relying upon the closed
24 procedures which had been adopted by Sir Robert. And
25 the Court then went on and looked at what had happened.
26 They noted that closed hearings had been heard over a
27 number of days. They noted that during the course of
28 those hearings, Sir Robert had heard evidence about the
29 nature and the extent of the relationship between the

16:05

16:06

16:06

1 Litvinenkos and the British Security Service and
2 intelligence agencies, and the question of whether the
3 Russian State was responsible for his death.

4
5 It noted the various findings which had been made by 16:07
6 the Inquiry which were that Mr. Litvinenko had been
7 fatally poisoned, that he had been poisoned by
8 Mr. Lugovoi and Mr. Kovtun and that when they did so
9 they were acting under the directions of the SPF. And
10 the Court, having looked at the findings, decided that 16:07
11 the principle it would apply in determining whether or
12 not to rely on those was this, and it's at paragraph
13 98:

14
15 "The Court's reliance on evidence obtained as a result 16:07
16 of a domestic investigation and on facts established
17 within domestic proceedings has depended on the quality
18 of the domestic investigative process and the
19 thoroughness and consistency of the proceedings in
20 question. " 16:07

21
22 And in order to apply that test to the findings made by
23 Sir Robert, it noted a number of different things. It
24 noted first that inquiries are not adversarial in
25 nature, they're inquisitorial and aimed at establishing 16:08
26 the truth, that's paragraph 79.

27
28 It noted that inquiries are carried out by a chairman.
29

1 It noted the procedure and conduct are to be such as
2 the Chairman may direct.

3
4 It noted the Chairman must take steps such as are
5 reasonable to secure members of the public are able to 16:08
6 attend. And to see and hear a simultaneous
7 transmission of proceedings.

8
9 It noted that there was an opportunity pursuant to
10 Section 19 to issue a Restriction Order or a 16:08
11 Restriction Notice to restrict public access and the
12 disclosure of evidence where there is a risk to
13 national security or where a person has obtained
14 information on condition of confidentiality. It then
15 noted the various factors of relevance within the 16:09
16 Rules.

17
18 And once it had done all of that, it decided that it
19 could and should rely on the findings made by Sir
20 Robert. And it explained why, at paragraph 100 to 104. 16:09
21

22 Firstly, that a High Court judge with many years
23 experience was appointed as the Chair. Secondly, he
24 was assisted by a team of lawyers including counsel to
25 the Inquiry. That their function was to elicit the 16:09
26 facts without fear or favour towards any party or any
27 particular line of enquiry and to examine all the
28 evidence from an objective and independent standpoint.
29

1 Next, it noted that in addition to being independent,
2 the Inquiry satisfied the requirements of transparency
3 and accountability. The open evidence was received and
4 the witnesses were heard in public hearings, members of
5 the public and press had unrestricted access to the 16:10
6 hearings.

7
8 Next, it noted that decisions taken by the Chairman
9 were susceptible to judicial review. And next it noted
10 that all interested parties were eligible to apply for 16:10
11 Core Participant status and many did.

12
13 And then it said at paragraph 108:

14
15 "It is true that neither the parties nor the Court have 16:10
16 had access to the closed evidence as this material has
17 been in the exclusive possession of the United Kingdom
18 Government. However, in cases where the court has not
19 had sight of national security material on which
20 decisions restricting human rights are based, it has 16:10
21 instead scrutinised the national decision-making
22 procedure to ensure that it incorporated adequate
23 safeguards to protect the interests of the persons
24 concerned. The Court, therefore, takes note of the
25 fact that the closed evidence procedure was set out in 16:11
26 detail in their Inquiry report and the nature of the
27 closed material was described albeit in broad terms.

28
29 The Chairman, counsel and solicitor to the Inquiry and

1 the legal team for the Home Secretary were present at
2 the closed hearings. Counsel could make submissions
3 regarding documentary evidence and witnesses giving
4 oral evidence could be questioned by the Chairman and
5 counsel. Although material subject to a Restriction
6 Notice could not be referred to in the public hearings
7 and had to be redacted from the report prior to its
8 publication, the Restriction Notices were themselves
9 public documents which were published both on the
10 Inquiry website and also as appendices to the report."

16:11

16:11

11
12 So on the basis of that analysis, the Court took
13 account of the Inquiries Act procedure and concluded
14 two things; first, at paragraph 108:

15
16 "To the extent possible under the circumstances, the
17 taking and use of closed evidence was attended with
18 appropriate safeguards."

19
20 And second at 110:

16:12

21
22 "It had no reason to doubt the quality of the domestic
23 investigative process or the independence, fairness and
24 transparency of the proceedings."

25
26 So I wonder whether it might be possible to take two
27 things from that case, first that the European Court of
28 Human Rights declared a robust endorsement of a process
29 which included substantial closed evidence and hearings

1 conducted in the absence of non-State Core Participants
2 and without the appointment of Special Advocates.

3
4 And, second, that an endorsement of that nature would
5 be indicative of the fact that an acceptance of a 16:12
6 process of that nature can be considered fair and
7 compliant with the Article 2 investigative duty. So,
8 it occurred to me that there might well be some value
9 in that case.

10 MR. SOUTHEY: Can I apologise, I think it's fair to 16:13
11 say, having my immediate reaction being I couldn't
12 remember, I do actually have some memory of that and I
13 do remember having looked at it. Our view, I think,
14 was that the nature of the complaint which was
15 obviously against Russia where what was being sought to 16:13
16 do was place reliance on it and in particular the fact
17 that there was no complaint about whether or not the UK
18 had complied with the standard that I highlighted from
19 Amin, meant that Carter -v- Russia was of limited, if
20 any, significance which may be consistent with the fact 16:13
21 that I don't think it's referred to in anyone's
22 submissions in relation to that. That may be an error.
23 But the fact of the matter is, it still -- the
24 circumstance -- the analogous -- the issues that arise
25 in this case would have arisen had the Carters brought 16:14
26 their proceedings against the United Kingdom saying
27 that the procedure wasn't one that allowed for the
28 adequate safeguarding of their interests. If, for
29 example, they had been unhappy with the result of the

1 Litvinenko -- and what I wanted to -- I hadn't finished
2 in one sense what I was saying about the...

3 CHAIRMAN: Do you mean the Article 2 compliance would
4 be determined as to whether or not the parties were
5 satisfied with the outcome?

16:14

6 MR. SOUTHEY: No. What I'm saying is that's the basis
7 upon which a complaint would be brought because that's
8 how the particular issue would arise rather. But what
9 I was going to say was, which wasn't touched on in that
10 case -- sir, you were putting to me about the role of
11 counsel to the Inquiry and I was explaining what I
12 thought they could potentially do in closed or one of
13 the areas. Can I emphasise though because I didn't
14 actually get on to the key role because I do -- the
15 more we've prepared for this the more it certainly
16 seemed to us that this is the key role in terms of
17 public confidence and that's why the point I just made
18 is of relevance.

16:15

16:15

19
20 I don't accept what you put to me in terms of testing
21 evidence in relation to closed, the families have
22 nothing to add or nothing to add that couldn't be put
23 through counsel to the Inquiry.

16:15

24 CHAIRMAN: Well I don't know if they do, I'm asking you
25 that. That's my question, what could they add into
26 that?

16:16

27 MR. SOUTHEY: In one sense I've said, what -- they will
28 have particular concerns. They've already expressed
29 concerns, they've expressed concerns in the judicial

1 review, they've expressed concerns about areas such as
2 the extent to which intelligence sources were providing
3 material that was potentially relevant. But I accept
4 they have no direct knowledge of that other than what
5 is in open. But the role of the Special Advocate in 16:16
6 those circumstances is to ensure that their concerns
7 are properly advanced.

8
9 But the second point I was going to make which is in
10 one sense more important and it is important I make 16:16
11 this clear, which is, let's assume that because I was
12 drawing an analogy with what happens in open, let's
13 assume that in close, because of their knowledge of the
14 circumstances the Core Participants can add very little
15 in terms of questioning of the closed witnesses, there 16:17
16 is a second but actually particularly important sort of
17 aspect to the procedure that is important, partly
18 because of the importance of public confidence which I
19 described which is, let's assume the Core Participants
20 have no questions that they want to ask of a closed 16:17
21 witness, no questions they could properly ask of a
22 closed witness, maybe no submissions they can make
23 about the findings. At the same time, when findings
24 are made, obviously they need to be lawful findings,
25 they need to be properly based on the evidence, they 16:18
26 need to be rational, they need to properly take account
27 of all relevant evidence and they are, in principle,
28 challengeable in judicial review proceedings, and the
29 Inquiries Act recognises that they are challengeable in

1 judicial review proceedings by including provisions
2 about judicial review.

3
4 The second important role that open advocates play,
5 which can't be played by counsel to the Inquiry in our 16:18
6 submission, is essentially advising as to whether there
7 are grounds of challenge, whether the findings are
8 reliable. And that role, in our submission, is really
9 important. What happens in open includes, at the end
10 of the day, the representatives' Core Participants 16:19
11 saying to their clients either - and hopefully this is
12 the case generally, being in a position to say, 'We
13 don't think there's anything to challenge in these
14 findings. These are perfectly proper findings. These
15 were based on the evidence. These were findings that 16:19
16 the Inquiry was entitled to reach. They were proper
17 assessments of the evidence. Nothing to see here.'
18 And part of the problem is, and it's why I drew
19 attention to equality of arms and things like that, is
20 that if you hear closed evidence which is relevant, for 16:19
21 example, to alleged failings by a State body, the State
22 body will probably be present because there'll be no
23 justification for excluding them. If they are unhappy
24 with those findings they will be in a position where
25 they can say, 'We want to bring judicial review 16:20
26 proceedings' if they are of the opinion that there is a
27 legal error in them. If the Core Participants I
28 represent are excluded they will not understand the
29 legal basis - excluded in the sense of not having a

1 Special Advocate - they won't understand the evidential
2 basis, that's inevitable but they will also not be able
3 to know whether there is any error effectively in the
4 approach the Inquiry adopt when making those findings.

5 CHAIRMAN: If we assume that there's an error made in
6 closed of that nature --

16:20

7 MR. SOUTHEY: Yes.

8 CHAIRMAN: -- how would it be rectified?

9 MR. SOUTHEY: well, the way it operates because I have
10 some experience of this from things like Special

16:21

11 Immigration Appeals Commission, is that the way it
12 operates is that the Special Advocates get approval to
13 issue a communication which they're entitled to do,
14 providing it gets approved, saying there are closed

15 grounds - in that case it would be of appeal, but in

16:21

16 this case would be of judicial review. We can't tell
17 you, it doesn't say this normally, but the implication
18 is we can't you what they are, the implication being if
19 you start those proceedings we will put in closed

20 grounds. And that's generally the way in which it has

16:21

21 been advanced. So it's not unheard of for people to
22 put in a simple appeal notice saying, 'I'm appealing.

23 I rely on whatever the Special Advocates will put in.'

24 And special Advocates put in closed grounds.

25 CHAIRMAN: So the judicial review would then be
26 entirely in closed hearings?

16:21

27 MR. SOUTHEY: Yes, with a Special Advocate of course.

28 CHAIRMAN: So, you would then have satellite litigation
29 about which the Core Participants still knew nothing.

1 MR. SOUTHEY: But they would have the assistance of
2 their Special Advocate.

3 CHAIRMAN: Oh, they would know that there was a
4 challenge, they wouldn't know what the basis of what
5 that challenge was, and they wouldn't know what the 16:22
6 arguments in favour of the challenge were to be.

7 MR. SOUTHEY: It may or may not depend. Some of those,
8 it may be possible, obviously sometimes what happens is
9 that submissions are invited on a particular point of
10 law. If there's an interpretation point it may be 16:22
11 possible to say what the interpretation is, but I
12 accept it may be they have no knowledge at all.

13 CHAIRMAN: But at the end of the day, the hearing would
14 be conducted in closed.

15 MR. SOUTHEY: Yes. 16:22

16 CHAIRMAN: And the judge would produce a closed
17 opinion.

18 MR. SOUTHEY: Potentially, yes.

19 CHAIRMAN: And you would then tell the family
20 participants that it turns out there was no error of 16:22
21 law and the original findings stand, or you would
22 explain that the Court had heard there was an error of
23 law and what, the Inquiry was to reconvene or
24 something?

25 MR. SOUTHEY: It would be the same as an open 16:23
26 challenge, it would depend on -- obviously, judicial
27 review is discretionary remedy it would depend on all
28 the normal principles.

29 CHAIRMAN: You'd never be able to explain to the Core

1 Participants what the arguments had been or what had
2 been upheld and what had been rejected.

3 MR. SOUTHEY: Potentially, but it may depend on what
4 the circumstances were but potentially. But, my Lord,
5 that would be the same way round -- I put the 16:23
6 hypothetical. That can operate the other way round, if
7 a State participant believes that there's an error of
8 law in the closed, they can bring those proceedings
9 and, again, the families may be in a position where
10 they believe they've got a finding, it's not being 16:23
11 challenged.

12 CHAIRMAN: Yes, I'm just trying to understand how all
13 that would work out.

14 MR. SOUTHEY: Well, my Lord, I should say you would
15 hope this would be unlikely. I mean certainly one 16:23
16 would believe it would be unlikely but it's important
17 there as a safeguard. What is much more likely, which
18 is why it's important in one sense, is that the Special
19 Advocates are in a position to say afterwards, even if
20 findings are not necessarily what families hoped for, 16:24
21 'We attended. We are perfectly happy that there was
22 nothing unlawful that happened.' And that's, in one
23 sense, what you really hope will happen because that's
24 adding -- I emphasise the importance of public
25 confidence in the context of Article 2 and that's what 16:24
26 you really want to happen is that effectively you've
27 got an independent person whose responsibility is to
28 act in the interests of the families who is able to
29 come back and say, 'There's no problem here. This was

1 perfectly fine.'

2 CHAIRMAN: Okay. Now, you've got a little bit more
3 together I think, Mr. Southey.

4 MR. SOUTHEY: I have. I've taken some things out of
5 order and so that will speed things up but, my Lord -- 16:24

6 CHAIRMAN: Is that a convenient moment?

7 MR. SOUTHEY: That is a convenient point. I'll also
8 give consideration again to Carter -v- Russia, and I
9 apologise, we had looked at it a long time ago. And
10 maybe we should have included it. 16:25

11 CHAIRMAN: Can I just ask you one question for me to
12 think about overnight?

13 MR. SOUTHEY: Yeah.

14 CHAIRMAN: would you anticipate that Special Advocates,
15 if appointed, would have to be familiar with all of the 16:25
16 open material as well?

17 MR. SOUTHEY: Ultimately that's probably a judgement
18 for them. They might need to be, I'd have to accept
19 that. Certainly, the way in my team we're working is
20 that not we are -- not everyone is looking at every 16:25
21 document and we've got a sifting process and whatever,
22 I can't see any reason why that sifting material
23 couldn't be shared with the Special Advocates as in any
24 one sense a shortcut. I anticipate in practice what
25 would probably happen given that is that if we were 16:26
26 sharing our sifting material the Special Advocates
27 would make a judgement as to what they needed to look
28 at and what they didn't need to look at.

29 CHAIRMAN: Yes. It would appear to me that they would

1 have to know something about the open material at
2 least.

3 MR. SOUTHEY: Yes, and obviously it depends on who the
4 Special Advocate is, but the Special Advocates in the
5 judicial review will know something about the open 16:26
6 material because they will have seen all of that. I
7 suppose they'll need to know -- I think that must be
8 right. They'll need to know something, it won't
9 necessarily be every inch of every paper and there are
10 ways in which that can be simplified by the open 16:26
11 advocates providing guidance to material, I would have
12 thought.

13 CHAIRMAN: All right, thank you. Is it convenient to
14 reconvene at 10:00?

15 MR. SOUTHEY: Yes, certainly. Thank you. 16:26

16
17 THE INQUIRY WAS THEN ADJOURNED UNTIL TUESDAY, 22ND JULY
18 2025 AT 10:00 A.M.
19
20
21
22
23
24
25
26
27
28
29

I NDEX

PAGE

| | |
|---------------------------------|----|
| SUBMISSION BY MR. GREANEY | 1 |
| SUBMISSION BY MR. SOUTHEY | 48 |

| | | | | | |
|--|---|--|---|---|---|
| <p>'But ^[1] - 137:21</p> <p>'court' ^[1] - 94:23</p> <p>'Hang ^[1] - 96:5</p> <p>'secure ^[1] - 30:11</p> <p>'we ^[4] - 137:13, 152:12, 152:25, 155:21</p> <p>'When ^[1] - 54:28</p> <p>1 ^[11] - 4:20, 12:8, 13:3, 22:2, 26:11, 26:25, 30:11, 51:27, 57:22, 84:10, 158:4</p> <p>1(2) ^[1] - 93:4</p> <p>1(2)(b) ^[1] - 92:26</p> <p>10 ^[5] - 35:10, 44:8, 46:14, 135:1, 135:4</p> <p>100 ^[1] - 146:20</p> <p>100,000 ^[1] - 37:26</p> <p>1015 ^[1] - 17:26</p> <p>104 ^[1] - 146:20</p> <p>107 ^[1] - 92:19</p> <p>108 ^[2] - 147:13, 148:14</p> <p>109 ^[2] - 89:28, 90:2</p> <p>1093 ^[1] - 30:7</p> <p>10:00 ^[2] - 157:14, 157:18</p> <p>11 ^[2] - 16:14, 45:11</p> <p>110 ^[1] - 148:20</p> <p>116 ^[3] - 91:23, 91:24, 92:10</p> <p>11:20 ^[1] - 46:8</p> <p>1240 ^[1] - 16:8</p> <p>1245 ^[2] - 62:2, 62:3</p> <p>13(2) ^[2] - 85:6, 85:18</p> <p>13(2) ^[1] - 85:26</p> <p>131 ^[1] - 92:29</p> <p>135 ^[2] - 94:17, 94:18</p> <p>1362 ^[1] - 17:17</p> <p>138 ^[1] - 37:25</p> <p>14th ^[1] - 7:22</p> <p>17 ^[38] - 12:29, 13:8, 14:16, 17:9, 17:11, 18:25, 18:29, 32:2, 32:12, 33:8, 36:4, 47:26, 51:24, 51:26, 53:17,</p> | <p>53:28, 57:6, 61:22, 62:7, 63:9, 74:14, 75:6, 75:20, 77:4, 95:2, 100:5, 100:11, 103:26, 111:25, 111:26, 112:21, 115:5, 116:7, 118:15, 118:22</p> <p>17(3) ^[3] - 41:1, 61:22, 99:10</p> <p>17th ^[1] - 4:10</p> <p>18 ^[7] - 13:17, 13:22, 17:9, 17:11, 54:6, 119:15, 129:24</p> <p>19 ^[23] - 12:19, 31:12, 51:18, 53:12, 53:13, 54:14, 56:28, 58:1, 58:4, 58:6, 59:8, 60:17, 60:21, 61:8, 62:25, 74:13, 84:10, 110:3, 114:15, 119:1, 129:3, 146:10</p> <p>19(3)(b) ^[1] - 60:2</p> <p>199 ^[2] - 75:7, 75:20</p> <p>1990 ^[1] - 12:2</p> <p>1991 ^[2] - 91:21, 91:25</p> <p>1995 ^[1] - 92:27</p> <p>1997 ^[8] - 9:21, 9:26, 10:1, 11:24, 91:29, 92:15, 93:17, 94:6</p> <p>1998 ^[3] - 29:11, 29:22, 29:27</p> <p>1:45 ^[1] - 83:18</p> <p>2 ^[58] - 6:10, 12:10, 21:5, 22:7, 26:12, 26:27, 30:5, 31:1, 31:16, 31:22, 34:26, 35:11, 47:17, 47:18, 47:23, 60:23, 60:29, 61:2, 62:2, 99:23, 108:28, 110:18, 112:22, 117:13, 118:29, 119:2, 119:21, 122:4, 122:26, 124:3, 124:26, 125:26, 125:29, 127:1, 129:21, 130:15, 130:19, 130:22, 130:24, 131:5,</p> | <p>131:9, 131:13, 131:15, 131:20, 134:13, 135:29, 136:6, 136:10, 142:24, 143:3, 143:25, 143:29, 149:7, 150:3, 155:25</p> <p>2) ^[1] - 110:7</p> <p>20 ^[1] - 121:5</p> <p>20(2) ^[1] - 129:24</p> <p>200 ^[1] - 7:23</p> <p>2000 ^[1] - 17:20</p> <p>2002 ^[1] - 16:14</p> <p>2003 ^[3] - 10:12, 16:8, 31:6</p> <p>2004 ^[4] - 14:27, 36:11, 133:5</p> <p>2004-2005 ^[1] - 139:6</p> <p>2005 ^[8] - 12:17, 16:21, 41:1, 51:14, 51:18, 57:28, 143:9, 143:10</p> <p>2006 ^[1] - 35:11</p> <p>2008 ^[3] - 17:17, 17:26, 31:8</p> <p>2009 ^[2] - 18:8, 37:6</p> <p>2011 ^[1] - 30:6</p> <p>2012 ^[1] - 57:22</p> <p>2013 ^[1] - 12:3</p> <p>2014 ^[1] - 19:22</p> <p>2016 ^[11] - 6:6, 23:24, 58:25, 58:27, 103:13, 103:18, 103:19, 116:10, 116:29, 117:5, 117:6</p> <p>2020 ^[1] - 29:25</p> <p>2021 ^[2] - 20:29, 43:2</p> <p>2023 ^[1] - 21:22</p> <p>2025 ^[1] - 157:18</p> <p>2053 ^[2] - 29:25, 116:18</p> <p>2054 ^[1] - 116:25</p> <p>21 ^[13] - 84:28, 85:3, 85:6, 105:24, 105:26, 106:4, 106:20, 106:25, 107:29, 108:6, 113:29, 114:2, 122:19</p> <p>215 ^[1] - 76:2</p> <p>21st ^[1] - 21:22</p> <p>22 ^[9] - 15:10, 24:22, 26:4,</p> | <p>36:12, 76:2, 85:3, 106:14, 108:25, 108:28</p> <p>22(2) ^[1] - 25:10</p> <p>220 ^[2] - 83:1, 83:4</p> <p>22ND ^[1] - 157:17</p> <p>23 ^[12] - 9:26, 24:22, 25:29, 27:13, 58:28, 59:7, 59:23, 59:27, 106:14, 108:25, 109:27, 110:2</p> <p>23(1) ^[1] - 26:28</p> <p>23(2) ^[2] - 111:1, 111:16</p> <p>23(4) ^[1] - 26:22</p> <p>235 ^[1] - 129:23</p> <p>236 ^[1] - 121:5</p> <p>24 ^[2] - 47:22, 123:16</p> <p>244 ^[2] - 119:15, 119:16</p> <p>25 ^[1] - 101:25</p> <p>260 ^[2] - 84:11, 84:25</p> <p>27 ^[1] - 69:10</p> <p>28 ^[1] - 31:6</p> <p>287 ^[2] - 18:8, 37:6</p> <p>29 ^[1] - 31:7</p> <p>3 ^[28] - 5:4, 10:27, 11:1, 14:27, 22:13, 24:22, 25:29, 26:14, 26:23, 27:2, 27:11, 29:27, 36:11, 52:15, 52:21, 54:20, 56:17, 56:20, 58:24, 59:23, 105:4, 105:7, 105:9, 105:14, 105:24, 108:8, 113:14, 113:20</p> <p>3) ^[1] - 52:14</p> <p>3)(a) ^[3] - 55:23, 58:6, 59:10</p> <p>3)(b) ^[5] - 54:18, 54:19, 54:24, 59:19, 60:11</p> <p>3-2 ^[2] - 89:26, 91:10</p> <p>3198 ^[1] - 57:22</p> <p>32(7) ^[1] - 92:26</p> <p>33 ^[1] - 62:4</p> <p>34 ^[3] - 10:15,</p> | <p>119:22, 128:24</p> <p>35 ^[2] - 10:18, 37:6</p> <p>351 ^[1] - 122:23</p> <p>353 ^[2] - 122:24, 123:28</p> <p>353) ^[1] - 31:8</p> <p>354 ^[2] - 123:4, 123:5</p> <p>36 ^[12] - 10:23, 11:13, 15:1, 80:22, 80:23, 82:16, 82:17, 82:18, 82:24, 82:25, 120:3</p> <p>38 ^[1] - 57:2</p> <p>4 ^[9] - 11:4, 19:8, 22:18, 26:15, 27:5, 56:2, 82:17, 82:26, 111:4</p> <p>4) ^[3] - 10:29, 55:29, 82:27</p> <p>41 ^[2] - 12:18, 13:4</p> <p>413 ^[1] - 9:27</p> <p>415 ^[1] - 122:19</p> <p>43 ^[2] - 31:8, 51:27</p> <p>45 ^[2] - 16:21, 62:2</p> <p>46 ^[2] - 31:8, 94:13</p> <p>48 ^[1] - 158:5</p> <p>5 ^[21] - 17:19, 19:25, 22:23, 26:17, 51:27, 85:20, 91:21, 92:11, 92:26, 93:5, 95:3, 95:11, 96:1, 96:6, 96:9, 96:11, 96:15, 96:17, 96:21, 99:22, 100:14</p> <p>5(4) ^[3] - 94:16, 94:19, 95:17</p> <p>5(4) ^[1] - 94:9</p> <p>506 ^[1] - 47:22</p> <p>508 ^[1] - 123:16</p> <p>51 ^[1] - 31:6</p> <p>524 ^[1] - 101:26</p> <p>56 ^[21] - 24:19, 24:23, 24:24, 25:24, 25:29, 26:29, 29:5, 59:13, 59:25, 60:6, 86:25, 86:27, 105:1, 106:1, 109:1, 109:6, 110:10, 110:16, 111:7,</p> | <p>111:14, 113:6</p> <p>56(1) ^[4] - 24:10, 25:20, 28:13, 34:16</p> <p>57 ^[1] - 87:7</p> <p>58 ^[4] - 27:7, 87:15, 116:18</p> <p>59 ^[1] - 87:21</p> <p>6 ^[13] - 10:5, 23:2, 35:11, 77:18, 77:28, 77:29, 78:1, 128:11, 128:13, 128:15, 131:24, 131:26, 131:27</p> <p>6(1) ^[1] - 29:12</p> <p>6(2) ^[1] - 86:1</p> <p>6(3) ^[2] - 86:2, 92:20</p> <p>6(3) ^[1] - 86:1</p> <p>6(3)(b) ^[1] - 29:15</p> <p>61 ^[1] - 87:26</p> <p>65 ^[2] - 88:27, 93:15</p> <p>67 ^[1] - 68:5</p> <p>68 ^[1] - 68:21</p> <p>7 ^[4] - 10:12, 35:11, 112:27, 113:5</p> <p>70 ^[2] - 70:21, 105:1</p> <p>71 ^[1] - 71:18</p> <p>72 ^[3] - 72:7, 72:11, 72:19</p> <p>75 ^[1] - 86:11</p> <p>76 ^[1] - 47:22</p> <p>79 ^[1] - 145:26</p> <p>8 ^[3] - 58:21, 105:2, 120:4</p> <p>80 ^[1] - 123:20</p> <p>82 ^[2] - 124:17, 139:8</p> <p>85 ^[1] - 43:2</p> <p>875 ^[1] - 67:29</p> <p>893 ^[1] - 103:26</p> <p>9 ^[4] - 20:12, 75:17, 121:5, 128:23</p> <p>9(b) ^[1] - 57:18</p> <p>90 ^[1] - 133:6</p> <p>93 ^[1] - 105:24</p> <p>94 ^[1] - 58:22</p> <p>98 ^[1] - 145:13</p> <p>9th ^[2] - 4:1, 19:22</p> <p>A.M ^[1] - 157:18</p> <p>abandon ^[1] - 107:10</p> <p>ability ^[4] - 43:13, 45:20,</p> |
|--|---|--|---|---|---|

| | | | | | |
|---|--|--|---|---|--|
| 71:9, 102:20 able [25] - 11:19, 22:23, 23:4, 35:17, 39:18, 44:6, 68:11, 69:26, 71:11, 81:3, 95:21, 100:14, 112:4, 120:19, 121:17, 122:8, 125:9, 126:6, 130:26, 130:28, 136:23, 146:5, 153:2, 154:29, 155:28 absence [14] - 12:8, 14:15, 18:6, 31:22, 33:7, 35:22, 51:2, 73:24, 74:19, 77:1, 88:10, 99:29, 106:15, 149:1 absent [1] - 12:10 absolute [1] - 128:2 absolutely [2] - 97:4, 120:25 accept [26] - 29:19, 46:29, 47:4, 47:28, 48:5, 64:22, 90:5, 97:14, 101:17, 108:25, 109:9, 110:18, 116:25, 118:29, 125:26, 125:28, 126:3, 126:4, 126:29, 131:7, 150:20, 151:3, 154:12, 156:18 acceptable [2] - 87:5, 120:28 acceptance [1] - 149:5 accepted [1] - 119:24 access [15] - 13:24, 22:25, 31:2, 35:4, 54:7, 54:11, 60:4, 69:27, 74:9, 82:13, 95:8, 146:11, 147:5, 147:16 accommodate [4] - 42:25, 46:10, 87:18, 106:21 accordance [5] - 10:27, 27:7, | 39:24, 86:9, 95:29 accordingly [2] - 8:6, 25:12 accords [1] - 21:10 account [7] - 38:17, 41:8, 134:28, 141:28, 144:16, 148:13, 151:26 accountability [2] - 30:25, 147:3 accountable [1] - 8:28 accurate [1] - 72:22 accurately [1] - 130:1 accusations [1] - 65:18 achieve [4] - 38:17, 41:8, 72:29, 90:16 achieved [5] - 53:26, 54:4, 131:11, 136:15, 140:21 achievement [1] - 68:4 achieves [2] - 77:9, 134:19 acknowledge [3] - 35:26, 39:22, 41:4 acknowledged [2] - 31:5, 103:24 Act [89] - 4:21, 6:6, 10:1, 10:5, 12:2, 12:3, 12:17, 12:18, 12:29, 13:3, 14:13, 17:20, 20:10, 23:24, 25:4, 28:17, 29:11, 29:22, 29:27, 31:12, 32:2, 32:26, 33:6, 33:21, 34:6, 34:19, 41:1, 47:13, 51:15, 51:18, 52:1, 52:8, 57:28, 58:12, 58:25, 58:27, 61:18, 61:21, 74:20, 74:25, 89:2, 90:9, 91:21, 91:25, 91:29, 92:2, 92:15, 92:27, 93:5, | 93:17, 94:6, 99:3, 100:6, 103:13, 103:14, 103:18, 103:19, 103:23, 103:29, 104:7, 104:15, 104:27, 105:5, 105:19, 110:20, 111:23, 112:28, 113:15, 115:7, 115:8, 115:11, 115:14, 115:19, 116:10, 116:29, 117:5, 117:6, 117:26, 118:9, 118:10, 130:6, 132:24, 143:9, 143:10, 148:13, 151:29 act [35] - 13:11, 13:18, 19:29, 20:16, 29:13, 35:13, 36:7, 38:18, 39:23, 41:9, 43:12, 52:25, 53:23, 58:20, 74:15, 75:2, 77:4, 85:12, 85:15, 86:29, 89:6, 92:25, 93:17, 93:25, 96:28, 98:2, 98:7, 98:20, 98:24, 98:27, 104:9, 118:10, 118:27, 138:23, 155:28 acting [5] - 29:21, 52:18, 98:25, 140:23, 145:9 actions [2] - 71:21, 71:22 Acts [1] - 54:1 acts [1] - 32:5 actual [2] - 47:4, 79:12 add [9] - 42:15, 81:14, 102:14, 102:15, 127:7, 150:22, 150:25, 151:14 adding [1] - 155:24 addition [2] - 116:3, 147:1 additional [4] - 42:26, 87:6, 87:13, 120:16 address [13] - 5:24, 6:5, 14:15, 17:14, 28:17, | 34:20, 42:5, 46:6, 51:8, 51:12, 99:25, 118:5, 130:17 addressed [7] - 43:9, 44:13, 103:18, 103:21, 117:29, 118:1, 118:24 adduced [1] - 105:2 adducing [1] - 24:10 adequate [8] - 121:2, 128:20, 129:28, 130:13, 139:21, 139:22, 147:22, 149:28 adequately [3] - 15:27, 37:1, 130:25 adheres [1] - 138:23 ADJOURNED [4] - 46:19, 83:21, 117:19, 157:17 Admin [1] - 17:18 admin [1] - 112:26 Admin [1] - 29:25 Administration [1] - 139:4 administration [1] - 129:26 administrative [4] - 27:23, 68:29, 84:20, 114:21 admission [1] - 107:12 adopt [3] - 99:1, 101:10, 153:4 adopted [4] - 19:28, 40:5, 89:7, 144:24 adopting [2] - 73:2, 79:25 advance [6] - 134:24, 135:3, 138:5, 141:14, 142:18 advanced [3] - 140:10, 151:7, 153:21 advancing [1] - 107:5 advantage [3] - 88:17, 142:1, 142:3 | advantages [1] - 39:23 adversarial [15] - 22:5, 39:7, 62:8, 62:19, 81:19, 82:2, 94:25, 95:4, 95:14, 95:23, 128:21, 128:26, 132:14, 138:3, 145:24 adverse [2] - 65:14, 65:19 adversely [3] - 64:28, 65:4, 65:9 advice [1] - 139:7 adviser [2] - 25:1, 25:2 advising [1] - 152:6 advocacy [1] - 39:17 Advocate [243] - 4:4, 4:21, 5:1, 5:5, 5:21, 6:14, 6:23, 7:19, 8:1, 8:5, 8:11, 8:12, 8:15, 8:16, 8:24, 8:28, 8:29, 9:5, 9:8, 9:10, 9:18, 9:24, 10:6, 10:16, 10:25, 11:9, 11:15, 11:17, 11:26, 12:13, 12:28, 13:19, 13:28, 14:11, 14:17, 15:12, 15:26, 16:11, 16:25, 17:3, 17:8, 17:12, 17:20, 17:29, 18:5, 18:12, 18:19, 19:1, 19:9, 19:15, 19:21, 19:26, 20:5, 20:16, 20:19, 20:28, 21:14, 21:16, 21:22, 23:11, 23:25, 24:5, 25:16, 25:18, 25:22, 27:14, 27:15, 27:25, 28:7, 28:10, 31:27, 32:29, 33:4, 33:10, 33:13, 33:28, 34:1, 34:9, 34:13, 35:1, 35:17, 35:23, 36:5, 36:14, 37:10, | 38:10, 38:14, 38:16, 39:13, 39:22, 39:25, 40:10, 40:14, 40:21, 41:12, 41:20, 41:25, 44:11, 44:19, 44:29, 45:2, 45:29, 46:28, 47:5, 47:6, 47:8, 47:13, 47:15, 48:25, 50:6, 50:10, 50:12, 50:17, 50:22, 50:26, 50:28, 51:1, 51:6, 51:11, 55:7, 55:15, 55:18, 56:8, 56:19, 56:23, 57:15, 57:29, 58:3, 60:18, 61:4, 61:11, 62:26, 62:27, 63:15, 67:7, 67:9, 67:16, 68:8, 69:6, 69:7, 70:5, 71:11, 71:12, 73:19, 73:21, 74:1, 74:3, 74:7, 74:21, 75:21, 76:9, 76:17, 76:18, 76:20, 77:8, 78:14, 79:29, 80:1, 80:5, 80:10, 80:18, 80:26, 80:27, 81:1, 82:11, 82:12, 82:19, 84:5, 84:6, 87:5, 87:6, 87:13, 87:29, 88:19, 88:23, 89:5, 89:8, 89:19, 89:22, 90:17, 90:18, 91:2, 92:25, 93:29, 95:19, 96:25, 97:11, 99:14, 100:16, 100:18, 100:23, 100:26, 101:13, 101:16, 101:18, 101:20, 102:11, 102:22, 103:11, 104:11, 104:18, 105:16, 106:2, 106:3, 106:21, 108:5, 108:12, 109:21, 114:11, 114:27, 114:28, 116:28, 117:3, 117:10, 117:27, 118:6, 119:9, |
|---|--|--|---|---|--|

| | | | | | |
|--|---|---|--|--|---|
| <p>119:12, 121:14, 121:22, 122:8, 126:8, 126:14, 126:16, 126:25, 126:26, 131:1, 131:8, 131:16, 135:12, 136:17, 138:22, 141:8, 141:9, 142:4, 144:6, 151:5, 153:1, 153:27, 154:2, 157:4 advocate [8] - 9:22, 15:15, 36:18, 37:19, 37:23, 37:29, 93:11, 111:10 Advocate's [1] - 10:18 Advocates [111] - 3:5, 3:11, 3:20, 3:26, 4:1, 4:2, 4:10, 5:1, 5:5, 5:25, 5:29, 6:3, 6:24, 7:1, 7:9, 7:11, 7:12, 7:14, 8:23, 9:15, 10:24, 14:23, 14:25, 16:2, 19:13, 21:8, 21:25, 21:28, 22:13, 22:19, 22:23, 23:19, 27:10, 28:19, 28:29, 29:5, 31:16, 31:23, 32:13, 33:21, 34:21, 35:24, 38:23, 38:28, 40:28, 41:7, 41:13, 42:4, 42:11, 42:16, 42:24, 43:22, 43:26, 44:12, 44:17, 44:18, 44:20, 44:27, 45:4, 45:8, 45:14, 45:17, 45:19, 45:22, 47:7, 49:13, 49:14, 49:17, 63:13, 64:5, 66:18, 70:8, 73:16, 74:20, 75:23, 81:13, 83:13, 87:10, 87:22, 88:5, 89:17, 90:1, 103:4, 103:15, 103:16, 103:26, 106:6, 106:7, 106:15, 106:19, 106:24, 108:19,</p> | <p>108:24, 109:22, 115:18, 117:7, 118:4, 119:6, 122:17, 129:10, 141:27, 142:27, 149:2, 153:12, 153:23, 153:24, 155:19, 156:14, 156:23, 156:26, 157:4 advocates [3] - 43:14, 152:4, 157:11 Advocates' [1] - 56:24 affairs [2] - 11:28, 107:5 affect [1] - 60:8 affected [5] - 64:28, 65:4, 65:9, 68:28, 72:15 affects [1] - 98:26 Afghan [2] - 21:20, 22:24 Afghanistan [2] - 21:19, 41:19 afterwards [1] - 155:19 agencies [1] - 145:2 agents [2] - 30:20, 30:24 ago [4] - 67:21, 132:16, 156:9 agree [7] - 8:8, 28:9, 47:28, 98:29, 133:9, 135:16, 139:1 agreed [1] - 85:23 agrees [1] - 7:27 ahead [2] - 3:29, 102:17 AHK [6] - 18:6, 37:5, 38:5, 101:25, 101:26 AHK-v [1] - 37:5 aim [2] - 46:8, 72:28 aimed [4] - 22:4, 39:6, 134:8, 145:25 akin [1] - 106:28 AL [1] - 20:17 Al [3] - 30:6, 90:21, 102:3 Al-Skeini [1] - 30:6 albeit [4] -</p> | <p>33:23, 59:2, 99:23, 147:27 alios [1] - 30:20 all-in [1] - 34:2 allaying [3] - 54:9, 56:6, 56:9 alleged [1] - 152:21 allow [7] - 9:20, 32:12, 34:6, 86:14, 100:4, 116:8, 135:22 allowed [2] - 9:21, 149:27 allowing [4] - 10:19, 14:24, 35:22, 114:13 allows [11] - 12:6, 28:4, 86:19, 88:18, 90:13, 105:27, 107:7, 109:29, 111:27, 140:6, 140:9 almost [1] - 117:23 alone [4] - 24:28, 41:28, 115:16, 116:14 alongside [1] - 14:9 alternative [1] - 13:18 Alternatively [1] - 124:27 ambiguity [2] - 116:23 amend [2] - 28:16, 34:19 amended [2] - 11:28, 91:28 amends [1] - 116:29 Amin [9] - 31:5, 119:14, 121:3, 125:18, 127:8, 129:23, 134:18, 137:4, 149:19 amount [2] - 62:10, 102:15 amounted [1] - 121:29 amounts [2] - 66:6, 142:25 analogous [2] - 62:18, 149:24 analogy [8] - 57:19, 72:23, 84:14, 86:17, 107:18, 111:29, 128:10, 151:12</p> | <p>analyse [1] - 16:29 analysis [8] - 25:25, 25:27, 27:28, 28:2, 28:23, 42:18, 96:7, 148:12 Anatoly [1] - 19:20 AND [3] - 46:19, 83:21, 117:19 Anguelova [1] - 124:4 answer [12] - 6:15, 6:25, 31:28, 47:3, 60:7, 70:5, 84:3, 90:5, 91:9, 95:26, 100:2, 112:19 anticipate [3] - 106:18, 156:14, 156:24 anticipated [2] - 25:6, 128:28 anticipates [1] - 12:12 anticipation [1] - 115:20 apologise [2] - 149:10, 156:9 apparent [3] - 27:29, 31:10, 34:9 appeal [5] - 16:8, 16:11, 57:20, 153:15, 153:22 Appeal [5] - 16:15, 118:18, 122:22, 123:7, 125:7 appealing [1] - 153:22 Appeals [7] - 10:1, 10:2, 10:11, 87:11, 112:1, 153:11 appeals [1] - 10:4 appear [5] - 31:15, 98:15, 103:20, 109:3, 156:29 appeared [1] - 144:14 appearing [1] - 37:16 appellant [4] - 10:6, 10:21, 11:2, 11:6</p> | <p>appendices [1] - 148:10 applicant [2] - 9:23, 43:7 Applicants [1] - 8:8 applicants [3] - 123:4, 123:5, 138:25 application [21] - 4:5, 7:28, 17:18, 18:10, 18:20, 19:19, 20:21, 20:26, 21:20, 41:24, 42:10, 42:18, 43:1, 58:9, 61:26, 75:12, 75:13, 75:16, 77:23, 79:10, 129:11 Application [2] - 57:21, 123:14 applications [7] - 3:25, 3:29, 4:6, 6:2, 14:29, 37:27, 41:21 applied [6] - 51:4, 53:20, 58:4, 76:8, 85:7, 85:15 applies [4] - 24:20, 47:18, 52:29, 55:24 apply [19] - 24:24, 43:2, 47:17, 58:25, 62:5, 62:8, 64:25, 78:12, 79:16, 99:17, 107:28, 113:6, 113:8, 113:9, 113:22, 131:3, 145:11, 145:22, 147:10 appoint [55] - 3:10, 6:14, 8:1, 8:15, 9:18, 10:15, 13:28, 17:3, 17:7, 17:20, 17:28, 18:18, 19:1, 19:9, 19:26, 20:19, 21:8, 21:13, 21:15, 21:24, 23:11, 23:18, 23:25, 31:27, 36:5, 37:23, 38:10, 38:13, 41:7, 43:14, 46:27, 47:15, 50:16, 50:22, 50:29, 51:6, 51:10, 61:3,</p> | <p>73:19, 73:21, 74:3, 74:6, 74:21, 76:9, 79:28, 89:5, 95:19, 96:25, 99:13, 100:16, 100:18, 100:23, 109:21, 117:3, 121:22 appointable [1] - 114:12 appointed [46] - 3:1, 3:6, 3:20, 4:22, 5:1, 5:5, 6:24, 7:1, 7:2, 8:5, 8:24, 9:22, 19:15, 21:28, 22:3, 24:29, 25:2, 25:16, 25:19, 33:29, 35:12, 35:18, 37:20, 38:1, 38:16, 38:23, 39:5, 40:28, 42:12, 44:12, 44:19, 45:24, 47:14, 50:28, 60:19, 74:1, 80:10, 80:19, 90:18, 93:11, 105:17, 108:6, 114:22, 141:12, 146:23, 156:15 appointing [7] - 8:11, 11:26, 15:12, 24:5, 36:14, 76:23, 91:1 appointment [87] - 3:7, 3:25, 3:29, 4:6, 4:7, 5:7, 5:8, 5:9, 5:11, 5:25, 5:29, 6:3, 7:5, 7:18, 8:6, 9:14, 9:20, 12:14, 12:27, 13:18, 14:17, 14:23, 14:24, 15:5, 15:14, 15:19, 15:25, 16:10, 16:11, 17:11, 17:23, 18:1, 18:11, 18:26, 19:13, 19:21, 20:5, 20:16, 20:28, 21:21, 22:13, 22:18, 32:12, 32:13, 32:29, 33:9, 34:29, 36:17, 36:24, 37:10, 38:24,</p> |
|--|---|---|--|--|---|

| | | | | | |
|--|---|---|--|--|--|
| <p>39:16, 41:20, 41:25, 42:4, 43:26, 44:17, 45:12, 45:14, 45:27, 47:4, 48:1, 48:11, 48:25, 50:26, 55:14, 56:22, 61:11, 75:21, 77:7, 77:13, 78:14, 82:11, 87:4, 89:21, 90:17, 92:24, 93:29, 100:25, 103:10, 114:23, 117:10, 117:14, 117:27, 124:23, 131:15, 149:2</p> <p>appointments [1] - 56:24</p> <p>opposite [1] - 43:15</p> <p>approach [15] - 16:15, 19:11, 22:10, 37:7, 37:21, 40:4, 51:17, 57:29, 78:7, 89:7, 89:20, 101:10, 126:19, 137:1, 153:4</p> <p>appropriate [9] - 15:5, 21:27, 55:2, 81:27, 106:6, 106:8, 133:10, 135:22, 148:18</p> <p>appropriately [2] - 27:22, 112:10</p> <p>approval [1] - 153:12</p> <p>approved [3] - 15:15, 36:18, 153:14</p> <p>apt [1] - 27:24</p> <p>arbitrary [2] - 137:25, 137:29</p> <p>area [2] - 102:28, 103:4</p> <p>areas [5] - 9:14, 141:17, 141:27, 150:13, 151:1</p> <p>Arena [7] - 20:26, 21:16, 29:24, 32:21, 41:18, 70:4, 142:23</p> <p>arguable [1] - 68:14</p> <p>arguably [5] - 39:14, 40:29, 41:6, 43:27,</p> | <p>101:15</p> <p>argue [12] - 3:5, 3:10, 17:7, 28:28, 47:11, 49:1, 49:9, 49:11, 56:7, 59:6, 60:18, 81:27</p> <p>argued [2] - 35:2, 88:23</p> <p>argues [1] - 50:21</p> <p>arguing [6] - 31:28, 39:1, 48:24, 60:8, 81:21, 119:11</p> <p>argument [14] - 5:17, 30:29, 56:4, 60:12, 62:15, 62:24, 62:28, 62:29, 68:14, 71:26, 72:8, 87:24, 87:27, 127:19</p> <p>arguments [14] - 12:26, 66:23, 68:12, 68:13, 72:1, 88:25, 89:12, 100:24, 115:17, 117:14, 134:24, 141:13, 154:6, 155:1</p> <p>arise [9] - 15:14, 36:17, 37:25, 50:24, 62:23, 63:27, 65:21, 149:24, 150:8</p> <p>arisen [1] - 149:25</p> <p>arises [10] - 19:3, 46:25, 53:12, 78:16, 86:5, 88:8, 128:7, 132:19, 141:5, 141:7</p> <p>arms [6] - 67:19, 128:22, 128:27, 129:6, 131:28, 152:19</p> <p>arose [2] - 89:6, 96:26</p> <p>aroused [1] - 70:26</p> <p>arrangements [2] - 14:9, 45:15</p> <p>Article [75] - 6:10, 21:5, 30:5, 30:11, 31:1, 31:16, 31:22, 34:26, 47:17, 47:18, 47:23, 60:23, 60:29,</p> | <p>61:2, 77:18, 77:28, 77:29, 78:1, 94:9, 94:16, 94:19, 95:3, 95:11, 95:17, 96:1, 96:6, 96:9, 96:11, 96:15, 96:17, 96:21, 99:22, 99:23, 100:14, 117:13, 118:29, 119:2, 119:21, 122:4, 122:26, 124:3, 125:26, 125:29, 127:1, 128:11, 128:13, 128:15, 129:21, 130:15, 130:19, 130:22, 130:24, 131:5, 131:9, 131:13, 131:15, 131:20, 131:24, 131:26, 131:27, 134:13, 135:29, 136:6, 136:10, 137:23, 142:24, 143:3, 143:25, 143:29, 149:7, 150:3, 155:25</p> <p>article [3] - 96:19, 124:26, 136:11</p> <p>AS [3] - 46:19, 83:21, 117:19</p> <p>ascertain [1] - 142:8</p> <p>aside [3] - 48:21, 69:13, 70:6</p> <p>aspect [3] - 109:4, 126:20, 151:17</p> <p>aspects [1] - 31:3</p> <p>assaulted [1] - 138:12</p> <p>assembled [1] - 124:27</p> <p>assertions [2] - 24:12, 105:3</p> <p>assess [6] - 93:8, 121:1, 121:18, 129:27, 130:2, 130:23</p> <p>assessing [2] - 129:20, 130:3</p> <p>assessment [3] - 28:15, 32:16, 72:24</p> <p>assessments [1] - 152:17</p> | <p>assist [9] - 4:12, 23:10, 75:18, 90:24, 117:8, 127:13, 131:22, 133:7, 141:12</p> <p>assistance [10] - 8:20, 19:10, 79:23, 83:14, 103:28, 116:20, 122:14, 127:20, 137:15, 154:1</p> <p>assistants [1] - 113:18</p> <p>assisted [1] - 146:24</p> <p>assists [3] - 68:15, 102:26, 103:2</p> <p>Associated [2] - 66:27, 135:13</p> <p>assume [4] - 151:11, 151:13, 151:19, 153:5</p> <p>assumption [6] - 72:13, 72:20, 100:25, 102:6, 102:19, 105:17</p> <p>AT [1] - 157:18</p> <p>attached [3] - 106:5, 108:18, 127:28</p> <p>attempt [1] - 124:19</p> <p>attend [8] - 28:8, 34:10, 110:6, 110:16, 110:22, 111:1, 112:5, 146:6</p> <p>attendance [3] - 26:6, 28:11, 34:13</p> <p>attended [2] - 148:17, 155:21</p> <p>attention [16] - 16:4, 66:24, 66:27, 70:16, 70:21, 74:18, 75:6, 80:22, 82:15, 82:16, 85:5, 93:15, 107:4, 107:8, 129:22, 152:19</p> <p>Attorney [2] - 7:13, 7:20</p> <p>August [1] - 21:22</p> <p>authorise [2] - 59:5, 86:14</p> <p>authorised [2] - 57:9, 118:10</p> | <p>authorises [1] - 117:26</p> <p>authorising [1] - 57:11</p> <p>authorities [17] - 47:22, 51:26, 58:21, 62:2, 62:14, 72:5, 75:5, 75:7, 83:28, 97:7, 101:26, 103:25, 107:22, 116:18, 122:15, 122:19, 128:24</p> <p>authority [29] - 11:5, 16:3, 18:13, 27:14, 29:13, 29:15, 29:21, 29:22, 47:20, 57:26, 59:11, 59:24, 60:5, 62:13, 63:27, 66:26, 77:2, 82:10, 87:27, 89:13, 97:7, 97:23, 103:6, 103:7, 123:16, 128:9, 128:22, 129:7</p> <p>automatic [3] - 15:20, 36:25, 77:14</p> <p>automatically [1] - 112:17</p> <p>availability [1] - 42:24</p> <p>available [1] - 34:1</p> <p>avenue [1] - 12:28</p> <p>avoid [7] - 13:12, 32:6, 36:8, 38:19, 41:2, 53:5, 114:21</p> <p>avoidance [1] - 23:29</p> <p>avoided [1] - 56:13</p> <p>aware [7] - 59:17, 63:26, 107:20, 107:22, 141:4, 143:12</p> <p>background [1] - 120:4</p> <p>balance [1] - 67:19</p> <p>balanced [1] - 67:4</p> <p>balancing [1] - 53:8</p> <p>barrier [2] -</p> | <p>28:11, 34:14</p> <p>based [4] - 55:5, 147:20, 151:25, 152:15</p> <p>bases [2] - 67:6, 123:28</p> <p>basic [7] - 55:14, 57:10, 57:23, 107:27, 125:13, 127:22, 131:11</p> <p>basis [28] - 16:24, 18:19, 19:2, 57:27, 58:2, 61:25, 73:18, 73:19, 76:29, 87:28, 89:28, 91:11, 104:1, 109:20, 116:2, 119:27, 122:2, 129:2, 129:9, 130:5, 130:14, 137:25, 142:15, 148:12, 150:6, 152:29, 153:2, 154:4</p> <p>be.. [1] - 30:14</p> <p>bearing [2] - 20:8, 20:14</p> <p>became [1] - 143:18</p> <p>become [2] - 24:7, 59:16</p> <p>becomes [2] - 107:20, 107:22</p> <p>beginning [1] - 49:20</p> <p>begins [1] - 92:20</p> <p>begs [1] - 72:15</p> <p>behalf [5] - 20:17, 35:13, 46:6, 68:12, 72:1</p> <p>Belfast [1] - 43:25</p> <p>believes [1] - 155:7</p> <p>Ben [1] - 144:10</p> <p>benefit [4] - 66:17, 68:9, 71:16, 144:6</p> <p>Bennion [1] - 116:16</p> <p>bereaved [8] - 3:9, 16:22, 20:27, 21:21, 28:27, 44:21, 44:28, 45:2</p> <p>best [7] - 9:3, 37:28, 81:23, 95:19, 95:26,</p> |
|--|---|---|--|--|--|

| | | | | | |
|---|--|--|--|---|--|
| <p>139:2, 140:12 better [7] - 62:29, 68:3, 68:4, 68:16, 112:17, 126:28, 144:12 between [19] - 40:27, 49:25, 67:25, 70:11, 71:21, 81:23, 82:2, 84:15, 84:16, 89:2, 89:20, 96:11, 98:10, 98:28, 99:2, 114:20, 125:11, 138:8, 144:29 bill [1] - 139:7 Bingham [10] - 14:28, 15:1, 76:3, 76:11, 76:20, 77:21, 82:18, 95:1, 119:17, 119:21 Bingham's [2] - 77:25, 119:17 bit [7] - 101:28, 102:18, 126:28, 132:27, 133:12, 143:6, 156:2 Board [40] - 16:21, 16:26, 53:20, 62:1, 62:17, 63:3, 64:8, 64:10, 64:22, 65:21, 69:15, 72:10, 78:9, 85:7, 86:28, 86:29, 88:26, 89:4, 91:26, 92:2, 92:7, 92:13, 92:25, 93:3, 93:8, 93:23, 93:28, 94:24, 95:6, 95:9, 95:10, 95:11, 95:21, 95:29, 96:14, 98:5, 99:5, 100:4, 100:13, 132:17 boarded [2] - 98:7, 98:18 bodies [2] - 30:24, 87:10 body [3] - 84:20, 152:21, 152:22 bold [1] - 78:28 Bombing [8] - 6:24, 7:15, 23:13, 24:3, 38:16, 42:7, 42:20, 43:27 bombing [2] - 142:9, 142:13</p> | <p>bottom [5] - 62:21, 76:4, 84:25, 120:10 bound [1] - 32:20 breach [5] - 59:13, 59:25, 137:23, 143:24, 143:28 breached [1] - 27:1 breadth [1] - 100:10 break [5] - 46:4, 46:9, 46:16, 117:15, 117:16 breaking [1] - 83:17 briefly [1] - 7:4 BRIEFLY [2] - 46:19, 117:19 bring [4] - 94:7, 120:16, 152:25, 155:8 brings [4] - 8:2, 68:9, 80:26, 142:20 British [3] - 18:10, 143:19, 145:1 broad [15] - 4:18, 11:24, 19:27, 32:3, 52:8, 52:13, 53:22, 53:23, 111:26, 112:22, 116:6, 116:7, 141:11, 141:17, 147:27 broadly [1] - 99:8 broke [2] - 83:23, 117:22 brought [7] - 64:9, 81:2, 81:10, 107:4, 107:8, 149:25, 150:7 brushed [1] - 58:8 build [2] - 64:4, 138:14 builds [1] - 140:14 Bulgaria [1] - 124:4 bundle [8] - 7:24, 47:22, 51:26, 103:26, 105:2, 105:25, 116:18, 122:18 butt [1] - 120:2</p> | <p>Butt [1] - 120:7 BY [3] - 48:18, 158:4, 158:5 campaign [2] - 71:4, 72:26 campaigned [1] - 71:7 campaigning [1] - 69:9 Campbell [1] - 44:23 cannot [4] - 9:6, 57:3, 65:21, 140:29 canvassing [1] - 112:5 capable [2] - 16:16, 35:19 capacity [3] - 92:12, 93:6, 140:13 careful [1] - 27:28 carried [2] - 33:13, 145:28 carries [1] - 115:13 carry [2] - 90:8, 143:29 carrying [2] - 79:12, 93:25 Carswell [5] - 92:17, 92:29, 94:19, 98:12, 98:16 Carswell's [1] - 91:22 Carter [6] - 143:16, 143:20, 143:22, 144:9, 149:19, 156:8 Carters [1] - 149:25 case [109] - 5:28, 14:22, 16:21, 17:1, 18:4, 18:8, 18:11, 18:15, 21:4, 24:29, 25:8, 25:14, 28:3, 33:28, 36:11, 39:10, 40:12, 43:5, 51:8, 52:28, 55:5, 56:4, 60:19, 60:24, 60:29, 61:1, 61:10, 61:13, 61:26, 62:1, 62:17, 63:3, 64:8, 64:22, 65:20, 66:17, 69:28, 70:13,</p> | <p>72:25, 73:15, 73:17, 74:12, 74:17, 74:25, 75:8, 75:14, 77:16, 78:16, 78:24, 80:3, 80:13, 80:19, 82:29, 83:2, 85:22, 88:8, 88:20, 89:12, 89:27, 91:3, 91:10, 96:3, 97:13, 99:22, 100:27, 100:28, 102:13, 103:25, 104:5, 104:19, 109:8, 109:9, 109:10, 112:2, 113:7, 113:25, 113:29, 118:16, 118:18, 119:28, 122:3, 122:13, 123:24, 124:15, 125:6, 125:7, 125:11, 125:13, 128:11, 132:17, 134:13, 135:14, 136:2, 138:4, 138:14, 141:1, 143:7, 143:12, 143:17, 143:22, 144:7, 148:27, 149:9, 149:25, 150:10, 152:12, 153:15, 153:16 cases [25] - 10:6, 15:5, 15:14, 18:16, 18:17, 30:23, 36:17, 37:8, 37:22, 37:25, 37:28, 61:27, 63:12, 64:5, 64:8, 65:15, 75:4, 79:8, 79:19, 106:8, 109:3, 121:4, 124:20, 131:26, 147:18 cast [2] - 102:9, 144:18 catchall [2] - 111:22, 116:10 categories [2] - 26:8, 26:10 caught [9] - 34:15, 58:11, 105:18, 106:1, 109:1, 110:3, 111:6, 111:14, 115:23 caused [2] -</p> | <p>56:22, 89:23 Cave [1] - 21:23 certain [4] - 18:12, 29:16, 54:16, 62:10 certainly [32] - 32:20, 48:8, 49:11, 57:12, 58:1, 64:1, 66:6, 71:25, 82:9, 83:19, 84:21, 88:1, 96:18, 99:1, 100:28, 101:10, 103:5, 103:8, 103:17, 105:29, 106:2, 116:25, 132:10, 132:22, 135:18, 136:3, 138:14, 142:19, 150:15, 155:15, 156:19, 157:15 certificate [1] - 101:27 cetera [6] - 67:26, 105:11, 129:4, 134:22, 136:1 Chahal [2] - 9:26, 87:16 chair [3] - 54:29, 137:10, 140:4 Chair [9] - 22:3, 41:21, 64:11, 83:23, 86:6, 86:14, 139:17, 140:21, 146:23 chaired [1] - 61:7 Chairman [14] - 19:22, 19:25, 20:6, 20:23, 20:29, 21:14, 21:23, 26:11, 29:24, 146:2, 146:4, 147:8, 147:29, 148:4 CHAIRMAN [122] - 46:7, 46:9, 46:12, 46:17, 46:21, 46:23, 47:27, 48:12, 49:19, 49:24, 58:5, 58:8, 58:23, 59:7, 60:7, 63:2, 64:2, 64:7, 64:15, 65:14, 70:2, 75:9, 75:14, 77:15, 78:2, 78:5, 78:20, 79:4, 79:15, 79:18, 81:17,</p> | <p>82:24, 82:28, 83:2, 83:5, 83:16, 84:26, 84:29, 85:17, 85:24, 85:27, 90:28, 91:5, 91:8, 91:17, 91:20, 91:25, 91:28, 92:2, 92:7, 93:19, 96:11, 96:14, 96:27, 98:3, 98:22, 100:3, 100:10, 100:20, 101:28, 102:14, 106:10, 106:16, 106:20, 106:27, 108:5, 110:8, 112:4, 112:12, 113:4, 113:17, 114:2, 117:16, 117:21, 121:10, 123:19, 124:8, 124:17, 125:25, 126:8, 126:28, 127:4, 131:17, 131:20, 131:24, 132:1, 132:12, 132:27, 133:16, 134:29, 135:26, 136:14, 138:2, 138:20, 140:27, 141:16, 141:29, 142:6, 142:19, 143:6, 143:14, 143:16, 144:5, 144:12, 150:3, 150:24, 153:5, 153:8, 153:25, 153:28, 154:3, 154:13, 154:16, 154:19, 154:29, 155:12, 156:2, 156:6, 156:11, 156:14, 156:29, 157:13 chairman [13] - 3:24, 13:5, 13:11, 25:7, 29:19, 32:2, 32:5, 35:7, 35:13, 39:6, 43:11, 46:26, 145:28 Chairman's [1] - 144:20 chairmen [2] - 32:10, 32:18 chairs [2] - 63:29 challenge [14] - 9:22, 67:14, 80:28, 81:4, 81:15, 94:7,</p> |
|---|--|--|--|---|--|

| | | | | | |
|---|--|---|--|--|---|
| 134:25, 140:17, 152:7, 152:13, 154:4, 154:5, 154:6, 154:26 challengeable [2] - 151:28, 151:29 challenged [1] - 155:11 challenging [5] - 82:20, 119:10, 134:4, 134:5 Chamber [1] - 124:19 changed [2] - 85:29, 143:19 changes [1] - 78:22 cheaper [2] - 72:13, 72:20 check [1] - 125:28 chronological [1] - 75:4 chronological y [1] - 84:8 circularity [1] - 58:19 circumstance [5] - 64:24, 105:16, 105:21, 108:23, 149:24 circumstances [58] - 3:3, 3:8, 3:12, 4:28, 9:7, 11:10, 12:20, 20:4, 20:8, 22:20, 23:13, 25:8, 26:28, 37:26, 40:14, 53:25, 61:3, 65:22, 71:8, 71:12, 72:25, 73:28, 74:7, 74:22, 74:27, 80:2, 84:1, 88:20, 97:8, 98:6, 100:27, 100:28, 100:29, 101:7, 101:13, 103:9, 104:17, 104:19, 106:6, 109:2, 109:18, 109:23, 109:25, 111:28, 122:7, 125:29, 128:10, 135:21, 136:2, 139:9, 139:12, 139:15, 142:25, 143:20, 148:16, 151:6, 151:14, 155:4 | citation [5] - 66:26, 85:19, 85:20, 86:1, 127:12 cite [3] - 118:17, 122:11, 122:15 cited [6] - 43:18, 61:26, 64:26, 70:23, 87:15, 122:21 cites [1] - 124:4 citing [2] - 124:13, 124:14 citizens [1] - 143:19 citizenship [2] - 18:10, 37:27 Civ [3] - 17:26, 18:8, 37:6 civil [3] - 74:23, 74:24, 138:10 claim [1] - 138:10 claimant [1] - 38:3 claimed [1] - 143:23 claims [3] - 41:23, 144:2, 144:18 clarification [1] - 85:10 clarify [1] - 46:24 classic [1] - 84:21 clear [34] - 48:27, 50:28, 51:22, 51:23, 51:28, 52:6, 52:16, 52:27, 52:29, 53:7, 60:14, 62:14, 62:16, 62:22, 73:29, 74:13, 76:1, 85:8, 86:13, 97:5, 98:13, 105:14, 111:9, 111:12, 116:22, 116:26, 117:2, 118:19, 121:3, 123:4, 124:5, 125:10, 129:10, 151:11 clearance [1] - 129:4 cleared [6] - 47:7, 56:25, 69:26, 110:24, 110:25, 112:10 | clearest [1] - 100:1 clearly [7] - 47:17, 62:12, 98:20, 107:25, 128:27, 135:20, 137:22 clerk [1] - 114:20 clerks [2] - 112:24, 113:18 client [2] - 40:11, 40:12 clients [2] - 142:9, 152:11 close [8] - 28:23, 31:24, 32:18, 35:27, 60:25, 90:14, 121:23, 151:13 closed [108] - 3:17, 3:27, 4:23, 8:27, 9:5, 9:8, 10:24, 11:9, 22:8, 22:10, 25:23, 27:15, 28:6, 28:8, 29:7, 31:20, 32:26, 33:3, 33:19, 33:27, 34:8, 34:11, 35:1, 39:19, 40:11, 40:13, 40:16, 41:16, 42:3, 42:13, 42:22, 45:5, 48:9, 49:5, 49:8, 50:8, 50:11, 54:15, 55:13, 57:8, 57:11, 57:23, 60:27, 63:17, 63:22, 67:6, 67:8, 67:12, 69:27, 71:26, 72:1, 73:24, 74:4, 74:9, 74:14, 88:6, 90:11, 90:23, 97:21, 101:5, 101:6, 101:21, 102:5, 102:7, 102:20, 104:18, 109:4, 113:7, 121:19, 121:24, 121:25, 121:29, 122:2, 125:27, 126:1, 126:4, 126:11, 126:27, 128:28, 140:27, 141:4, 141:9, 141:20, 142:26, 144:23, 144:26, 147:16, 147:25, | 147:27, 148:2, 148:17, 148:29, 150:12, 150:21, 151:15, 151:20, 151:22, 152:20, 153:6, 153:14, 153:19, 153:24, 153:26, 154:14, 154:16, 155:8 CLOSED [2] - 43:13, 43:16 closest [1] - 84:13 code [3] - 52:5, 54:2, 118:16 codified [1] - 74:26 cogent [1] - 32:23 combination [2] - - 87:1, 144:13 coming [1] - 77:22 comment [2] - 138:29, 140:29 commentary [1] - - 43:21 commenting [1] - - 124:11 commission [1] - - 11:5 Commission [9] - - 10:1, 10:2, 10:11, 10:28, 57:21, 87:11, 112:1, 112:2, 153:11 Committee [7] - 15:10, 15:19, 15:23, 36:12, 36:22, 139:5, 139:19 common [21] - 12:6, 12:19, 17:13, 19:4, 52:29, 57:5, 61:16, 61:20, 61:23, 61:27, 63:10, 63:11, 63:24, 70:11, 85:13, 85:14, 94:20, 103:15, 103:16, 113:5, 118:19 commonly [1] - 128:16 Commons [1] - 139:4 communicate [8] - 9:6, 10:25, | 11:5, 11:15, 11:20, 22:24, 40:12, 40:17 communicated [2] - 22:29, 141:18 communicatio n [6] - 10:23, 24:6, 24:14, 24:15, 44:8, 153:13 communicatio ns [2] - 12:15, 24:2 company [1] - 144:13 comparison [1] - - 82:1 compatibility [1] - - 131:10 compatible [2] - 30:2, 61:2 compatibly [2] - 60:6, 131:5 complaint [3] - 149:14, 149:17, 150:7 complete [4] - 22:7, 31:2, 82:2, 137:28 completely [1] - 55:16 complex [1] - 42:21 compliance [7] - 31:22, 96:15, 120:23, 129:21, 130:24, 131:9, 150:3 compliant [10] - 31:1, 77:27, 78:1, 95:11, 95:18, 119:20, 122:4, 142:24, 143:3, 149:7 complicated [1] - - 101:28 complication [2] - - 22:16, 42:26 complied [5] - 96:16, 125:29, 130:16, 131:20, 149:18 complies [1] - 131:13 comply [6] - 21:4, 77:17, 96:19, 100:14, 110:19, 131:14 comprehensiv e [8] - 42:2, 52:5, 54:2, 103:29, | 105:15, 108:9, 108:23, 118:16 comprised [1] - 40:19 comprises [1] - 33:16 compromised [1] - 125:17 concede [2] - 143:1, 143:4 conceded [1] - 143:1 conceivable [2] - - 69:24, 71:25 conceivably [1] - - 65:23 conceive [2] - 100:29, 122:7 concept [4] - 64:9, 78:21, 107:27, 131:28 concepts [2] - 132:13, 132:18 conceptually [2] - - 80:1, 80:4 concern [13] - 40:24, 43:8, 56:5, 56:7, 56:9, 71:7, 73:25, 77:25, 110:9, 110:26, 130:9, 141:27 concerned [6] - 17:18, 18:20, 97:14, 113:24, 123:11, 147:24 concerning [1] - 18:8 concerns [10] - 54:9, 67:5, 87:19, 141:11, 142:18, 150:28, 150:29, 151:1, 151:6 conclude [9] - 5:4, 8:14, 28:2, 38:14, 38:24, 43:29, 47:11, 78:11, 78:13 concluded [9] - 15:2, 16:27, 21:14, 21:25, 73:18, 87:3, 93:23, 109:20, 148:13 concluding [2] - 58:2, 69:29 conclusion [9] - 51:10, 58:17, 77:21, 96:4, 96:23, 134:9, 134:16, 139:8 |
|---|--|---|--|--|---|

| | | | | | |
|--|--|---|--|---|--|
| <p>conclusions [5] - 65:5, 73:20, 74:2, 77:22, 139:8</p> <p>condition [1] - 146:14</p> <p>conditions [1] - 54:28</p> <p>conductive [14] - 55:26, 59:20, 92:14, 93:7, 93:13, 93:24, 94:1, 95:22, 98:5, 98:18, 114:10, 114:13, 114:24, 114:27</p> <p>conduct [20] - 13:4, 13:10, 24:2, 24:7, 24:17, 27:3, 28:5, 31:17, 32:3, 34:8, 41:3, 47:24, 51:28, 52:9, 65:4, 85:8, 99:6, 101:4, 105:29, 146:1</p> <p>conducted [16] - 31:21, 42:3, 88:16, 108:4, 109:5, 111:15, 119:19, 119:25, 120:2, 120:9, 120:26, 120:29, 143:21, 144:6, 149:1, 154:14</p> <p>conducting [4] - 53:23, 105:28, 123:22, 130:7</p> <p>conducts [1] - 135:5</p> <p>confidence [30] - 3:23, 22:7, 39:29, 40:4, 43:11, 49:7, 56:11, 65:7, 73:4, 73:10, 127:29, 129:22, 129:26, 130:4, 130:11, 130:17, 130:18, 130:29, 133:29, 134:7, 134:10, 134:17, 134:26, 136:9, 138:18, 140:14, 142:16, 150:17, 151:18, 155:25</p> <p>confident [1] - 73:2</p> <p>confidentiality [1] - 146:14</p> <p>confirm [1] - 24:1</p> | <p>confirmed [3] - 7:22, 7:26, 86:10</p> <p>conform [1] - 12:18</p> <p>congruence [2] - 71:18, 71:20</p> <p>conjunction [1] - 30:10</p> <p>connected [1] - 10:26</p> <p>connectedly [2] - 28:27, 39:13</p> <p>conscious [2] - 117:12, 117:15</p> <p>consequence [1] - 107:7</p> <p>consequences [4] - 25:27, 65:19, 70:22, 72:22</p> <p>consequently [1] - 25:18</p> <p>consider [29] - 5:13, 6:8, 6:29, 9:2, 9:19, 9:22, 12:9, 19:11, 20:3, 20:16, 23:27, 25:20, 37:9, 38:15, 56:18, 56:21, 59:18, 59:29, 60:16, 70:17, 73:23, 80:17, 105:29, 107:14, 115:21, 115:29, 119:19, 119:28, 132:4</p> <p>considerable [2] - 14:18, 48:29</p> <p>consideration [15] - 18:18, 19:12, 24:6, 25:26, 28:4, 32:18, 34:3, 34:7, 34:16, 40:7, 42:27, 52:23, 63:3, 97:21, 156:8</p> <p>considered [23] - 21:18, 23:19, 28:9, 28:13, 33:27, 34:11, 40:1, 53:20, 56:12, 61:28, 67:29, 84:18, 85:9, 87:24, 87:26, 96:18, 97:28, 126:11, 127:17, 137:12, 139:6, 143:8, 149:6</p> <p>considering [8]</p> | <p>- 26:3, 27:16, 38:9, 61:14, 61:27, 67:22, 110:15, 130:23</p> <p>considers [4] - 13:21, 23:7, 25:7, 136:25</p> <p>consistency [1] - 145:19</p> <p>consistent [12] - 14:5, 39:14, 47:12, 57:17, 85:13, 86:24, 89:19, 104:6, 116:11, 118:14, 138:21, 149:20</p> <p>consistently [2] - 73:18, 118:8</p> <p>conspiring [1] - 65:18</p> <p>constituted [1] - 20:10</p> <p>constrained [1] - 88:27</p> <p>construction [1] - 51:21</p> <p>consult [2] - 45:4, 46:15</p> <p>consultation [2] - 133:4, 133:18</p> <p>contain [1] - 55:1</p> <p>contained [1] - 93:4</p> <p>containing [1] - 110:15</p> <p>contains [1] - 39:20</p> <p>contend [2] - 3:7, 3:11</p> <p>contended [1] - 3:20</p> <p>contends [1] - 7:29</p> <p>content [4] - 3:16, 24:13, 24:18, 141:4</p> <p>contention [2] - 31:15, 31:18</p> <p>contentions [2] - 15:7, 83:9</p> <p>contested [2] - 136:19, 142:19</p> <p>context [71] - 9:11, 18:23, 22:26, 39:17, 49:8, 49:10, 51:24, 53:1, 56:20, 57:20, 57:26, 59:14,</p> | <p>61:14, 61:28, 62:25, 63:2, 63:25, 63:28, 65:24, 67:24, 69:4, 69:5, 69:9, 70:12, 70:13, 71:3, 71:24, 73:14, 75:23, 75:24, 77:7, 78:23, 78:24, 78:26, 78:27, 79:1, 79:3, 79:4, 80:20, 81:5, 81:7, 81:13, 81:24, 87:3, 87:28, 88:2, 88:12, 88:17, 90:26, 93:28, 95:3, 95:6, 95:14, 103:16, 103:22, 105:5, 106:19, 106:24, 112:19, 112:27, 118:21, 120:22, 122:20, 125:22, 128:14, 129:20, 132:23, 139:25, 142:6, 143:9, 155:25</p> <p>contexts [7] - 5:26, 48:8, 50:29, 64:6, 64:18, 74:29, 79:9</p> <p>continue [8] - 11:20, 40:16, 49:17, 103:6, 103:12, 103:27, 107:15, 124:28</p> <p>continued [3] - 40:22, 44:8, 94:23</p> <p>continuing [2] - 94:5, 94:8</p> <p>contrary [2] - 18:28, 54:2</p> <p>contrast [3] - 39:25, 53:3, 67:17</p> <p>contribute [2] - 42:21, 56:9</p> <p>contributing [1] - 68:4</p> <p>contribution [2] - 109:24, 136:21</p> <p>controversial [2] - 28:1, 102:18</p> <p>convenient [5] - 83:18, 83:19, 156:6, 156:7, 157:13</p> <p>Convention [5] - 6:9, 29:11, 30:2,</p> | <p>30:11, 34:26</p> <p>convention [1] - 29:14</p> <p>Convention' [1] - 30:13</p> <p>conversely [1] - 3:5</p> <p>core [1] - 33:23</p> <p>Core [87] - 3:19, 4:13, 4:18, 4:22, 5:6, 5:14, 8:20, 11:18, 11:20, 12:23, 12:26, 14:14, 17:14, 18:24, 23:4, 23:9, 23:17, 23:19, 28:28, 31:3, 33:15, 34:27, 35:12, 35:18, 39:9, 39:27, 39:28, 40:3, 40:17, 40:20, 40:24, 40:28, 41:25, 42:5, 44:6, 44:21, 44:27, 45:3, 45:4, 45:7, 48:23, 53:15, 56:10, 56:19, 60:22, 65:1, 65:2, 65:23, 66:1, 66:9, 67:17, 67:27, 68:12, 69:22, 71:4, 71:8, 72:1, 73:8, 81:9, 116:14, 125:24, 132:6, 132:10, 132:29, 133:2, 133:10, 133:15, 135:11, 136:17, 136:29, 137:9, 138:15, 139:27, 140:8, 140:19, 140:20, 140:24, 141:3, 141:11, 147:11, 149:1, 151:14, 151:19, 152:10, 152:27, 153:29, 154:29</p> <p>correct [21] - 17:22, 25:25, 25:27, 28:3, 28:16, 34:18, 37:7, 37:9, 42:19, 56:16, 57:29, 60:18, 62:12, 64:14, 65:26, 79:29, 88:29, 105:17, 107:9, 120:25, 137:1</p> <p>correctly [1] -</p> | <p>125:16</p> <p>Corry [1] - 44:24</p> <p>cost [10] - 13:13, 22:16, 32:7, 36:8, 38:19, 52:22, 53:9, 72:9, 72:24</p> <p>costs [8] - 41:2, 41:5, 53:3, 53:4, 53:5, 53:7, 72:7, 73:5</p> <p>counsel [57] - 15:6, 15:15, 20:15, 22:7, 22:14, 22:29, 25:3, 25:13, 26:12, 33:18, 33:28, 35:6, 36:18, 37:16, 39:16, 39:18, 39:23, 40:19, 50:2, 50:5, 61:5, 61:15, 63:1, 67:9, 76:23, 79:26, 81:18, 81:26, 82:4, 90:7, 97:17, 97:19, 97:26, 99:24, 101:10, 101:23, 106:13, 115:9, 115:22, 120:14, 121:27, 135:5, 135:15, 135:18, 139:18, 140:1, 140:22, 141:16, 141:18, 141:29, 146:24, 147:29, 148:2, 148:5, 150:11, 150:23, 152:5</p> <p>Counsel [1] - 46:5</p> <p>couple [2] - 50:20, 131:22</p> <p>course [31] - 5:15, 8:21, 11:21, 12:29, 14:2, 15:20, 15:27, 17:1, 19:6, 23:3, 24:7, 24:27, 28:24, 29:6, 30:29, 36:25, 37:1, 40:19, 44:5, 45:3, 64:22, 65:18, 65:21, 69:16, 77:14, 119:24, 130:5, 137:18, 144:5, 144:27, 153:27</p> <p>Court [35] - 16:15, 17:17, 17:21, 30:7,</p> |
|--|--|---|--|---|--|

| | | | | | |
|---|---|--|---|--|--|
| 36:27, 37:7, 37:11, 38:9, 43:5, 43:23, 43:25, 61:29, 77:17, 87:16, 91:13, 101:29, 102:9, 103:8, 103:25, 118:18, 122:22, 123:6, 125:7, 130:1, 143:17, 143:23, 144:1, 144:15, 144:25, 145:10, 146:22, 147:15, 147:24, 148:12, 148:27 court [15] - 63:16, 84:22, 87:17, 94:25, 95:12, 95:23, 112:29, 128:17, 129:9, 129:17, 143:8, 144:16, 144:22, 147:18, 154:22 Court's [1] - 145:15 court's [1] - 18:17 courts [6] - 14:26, 16:1, 51:1, 51:4, 74:4, 76:22 cover [2] - 105:16, 112:24 covered [2] - 4:5, 25:20 CRE [1] - 120:14 create [3] - 11:28, 73:5, 95:17 crime [1] - 74:23 Crime [1] - 91:28 criminal [11] - 14:25, 14:29, 15:17, 36:20, 78:23, 79:4, 81:8, 105:23, 105:28, 106:8, 107:23 Criminal [1] - 91:21 critical [2] - 52:15, 64:11 criticised [3] - 65:24, 65:27, 120:8 criticism [5] - 67:25, 69:23, 87:9, 112:16, 125:6 criticisms [4] - 65:17, 67:27, | 69:25, 119:26 cross [2] - 10:20, 79:7 cross-examine [2] - 10:20, 79:7 Crown [2] - 17:17, 107:2 current [1] - 87:12 data [1] - 24:14 date [1] - 40:5 dated [5] - 4:10, 7:22, 19:22, 20:29, 21:22 Dawn [1] - 41:22 days [2] - 48:24, 144:27 deal [14] - 5:28, 6:1, 7:4, 27:11, 64:5, 79:9, 83:29, 89:17, 97:13, 101:22, 104:23, 111:27, 112:26, 139:24 dealing [14] - 63:27, 69:17, 69:18, 69:20, 75:4, 95:6, 106:25, 113:1, 114:3, 114:4, 123:1, 127:18, 140:28, 141:20 deals [7] - 11:1, 11:4, 68:21, 70:20, 72:8, 112:2, 112:28 dealt [2] - 23:21, 41:15 death [3] - 41:24, 144:1, 145:3 deaths [1] - 30:25 debate [1] - 131:27 decide [7] - 23:10, 44:16, 44:17, 45:1, 47:8, 47:24, 72:13 decided [7] - 16:9, 45:25, 45:26, 94:23, 95:12, 145:10, 146:18 deciding [6] - 9:17, 19:8, 23:24, 38:13, 51:5, 76:9 decision [25] - 4:13, 9:25, 13:10, 16:9, 16:23, | 17:29, 19:21, 20:29, 21:22, 43:18, 68:17, 71:21, 72:23, 90:21, 90:22, 91:6, 91:11, 91:12, 91:22, 96:29, 98:26, 122:22, 137:17, 137:29, 147:21 decision- maker [1] - 71:21 decision- making [2] - 4:13, 147:21 decisions [16] - 6:1, 9:2, 10:4, 10:7, 23:10, 32:17, 32:20, 41:3, 63:28, 63:29, 68:3, 68:5, 68:28, 69:7, 147:8, 147:20 declared [1] - 148:28 declaring [1] - 8:9 declined [1] - 48:2 declining [1] - 20:24 default [2] - 54:6, 86:7 defence [1] - 108:3 defendant [6] - 15:8, 15:28, 37:3, 81:3, 82:21, 82:23 defendant's [2] - 15:17, 36:20 defending [1] - 144:23 defined [6] - 25:2, 29:21, 30:13, 59:3, 111:4, 133:3 defines [1] - 29:15 definition [2] - 110:29, 111:1 degree [5] - 48:27, 58:18, 66:8, 84:15, 84:16 delay [5] - 22:19, 42:13, 42:15, 42:22, 48:29 deliberately [4] - 88:16, 111:26, | 116:8, 137:19 deliberations [1] - 59:18 delivered [1] - 57:19 demonstrate [2] - 63:19, 76:29 demonstrated [1] - 28:1 demonstrates [8] - 53:21, 80:26, 81:11, 90:5, 90:9, 104:5, 115:18, 136:3 denial [1] - 55:7 denied [3] - 69:7, 74:9, 82:13 deny [1] - 24:1 denying [2] - 56:19, 57:28 depart [1] - 32:23 Department [5] - 16:7, 17:26, 18:7, 31:6, 37:6 departure [3] - 53:13, 57:10, 90:12 depended [1] - 145:17 derive [3] - 4:24, 5:10, 80:8 derived [1] - 78:18 derogation [2] - 35:4, 57:23 derogations [1] - 57:24 descends [1] - 45:23 describe [4] - 27:24, 68:23, 70:18, 135:19 described [8] - 60:15, 71:6, 84:19, 120:3, 132:21, 136:5, 147:27, 151:19 describes [1] - 71:20 describing [2] - 68:22, 72:3 description [1] - 133:10 designate [1] - 35:14 desirable [1] - 21:15 despite [9] - 21:13, 33:1, 51:1, | 77:1, 90:12, 103:18, 108:18, 114:15, 139:29 detail [5] - 18:27, 45:23, 48:16, 86:21, 147:26 detailed [2] - 68:9, 68:10 details [1] - 10:23 detention [2] - 94:8, 94:23 deter [1] - 76:22 deter.. [1] - 76:14 determine [9] - 15:2, 19:27, 32:3, 36:4, 47:19, 92:9, 93:19, 98:23, 119:20 determined [4] - 41:6, 78:25, 78:27, 150:4 determines [2] - 81:23, 135:4 determining [7] - 41:29, 50:24, 79:11, 92:3, 96:28, 126:18, 145:11 develop [3] - 45:28, 48:16, 88:18 developed [3] - 103:5, 103:19, 132:20 development [1] - 9:24 dialogue [1] - 40:22 difference [7] - 77:16, 81:19, 82:2, 83:2, 96:11, 98:28, 99:2 differences [2] - 99:20, 99:21 different [11] - 5:25, 37:21, 42:8, 63:25, 66:5, 68:24, 81:7, 96:7, 114:2, 133:18, 145:23 differing [1] - 44:26 differs [1] - 9:11 difficult [14] - 21:6, 51:21, 61:1, 68:14, 72:24, 101:15, 104:20, | 106:3, 114:16, 122:3, 131:13, 132:18, 135:1, 143:6 difficulties [4] - 15:11, 36:13, 67:15, 76:16 difficulty [2] - 111:10, 141:19 diligence [2] - 22:9, 140:23 diligent [3] - 35:5, 67:9, 140:3 direct [7] - 13:6, 84:2, 86:6, 86:9, 121:25, 146:2, 151:4 direction [2] - 10:28, 20:15 directions [3] - 11:4, 51:29, 145:9 directly [6] - 54:8, 82:15, 101:4, 122:12, 123:10, 128:9 disadvantage [2] - 89:9, 132:13 disadvantaged [1] - 88:11 disagree [1] - 135:17 disagrees [1] - 8:17 disapplication [1] - 26:29 disapplied [2] - 24:25, 26:1 disapproved [3] - 101:29, 102:2, 102:4 discharge [5] - 20:7, 20:18, 92:15, 93:7, 93:13 disclosed [6] - 10:9, 27:7, 107:2, 107:3, 107:17, 107:24 discloses [1] - 24:13 disclosure [34] - 14:8, 23:2, 24:12, 24:15, 24:28, 25:6, 25:9, 25:21, 26:26, 27:4, 27:6, 27:13, 27:16, 28:4, 28:10, 34:6, 34:10, 34:13, 44:4, 59:5, 59:11, |
|---|---|--|---|--|--|

| | | | | | |
|--|---|--|---|---|---|
| 79:6, 81:21, 81:27, 86:7, 105:3, 108:29, 113:1, 113:16, 114:4, 115:15, 116:4, 146:12 disclosures [4] - 25:12, 25:15, 26:3, 58:29 discounted [1] - 119:27 discretion [12] - 4:27, 4:29, 6:21, 9:2, 36:3, 36:9, 43:28, 44:3, 52:9, 53:22, 53:24, 137:28 discretionary [1] - 154:27 discuss [1] - 142:17 discussed [1] - 65:15 discussing [1] - 81:20 discussion [1] - 93:28 discussions [1] - 91:1 dispute [2] - 50:20, 81:28 disqualified [1] - 47:9 dissenting [1] - 95:1 dissuaded [1] - 64:13 distinct [3] - 112:2, 124:11, 138:11 distinction [8] - 49:25, 67:24, 89:1, 89:2, 98:13, 114:20, 125:11, 138:8 distinguish [2] - 70:11, 89:20 distinguished [3] - 87:11, 87:28, 98:10 divide [1] - 11:13 document [1] - 156:21 documentary [1] - 148:3 documents [6] - 40:11, 40:13, 40:16, 81:26, 91:14, 148:9 | domestic [14] - 30:22, 92:24, 96:2, 96:5, 96:9, 96:12, 96:24, 117:25, 118:1, 145:16, 145:17, 145:18, 148:22 domestically [1] - 57:4 done [8] - 16:4, 90:26, 91:18, 95:17, 95:18, 142:11, 143:9, 146:18 Doody [1] - 79:2 doubt [6] - 23:29, 32:16, 102:9, 136:14, 144:18, 148:22 down [1] - 137:16 drafted [1] - 4:12 draw [18] - 16:3, 57:19, 66:24, 70:16, 70:21, 74:18, 75:5, 80:13, 80:22, 82:15, 85:5, 86:17, 106:23, 107:19, 111:29, 114:19, 129:13 drawing [2] - 107:18, 151:12 drawn [6] - 66:27, 93:15, 116:21, 125:11, 128:10, 129:22 drew [4] - 82:16, 88:29, 89:2, 152:18 drifted [1] - 131:24 drive [1] - 109:19 driven [1] - 3:26 due [4] - 23:3, 44:5, 44:29, 68:27 duplicate [1] - 22:14 duplication [2] - 40:27, 41:4 during [14] - 5:14, 8:21, 14:1, 19:5, 23:8, 25:26, 28:24, 32:4, 32:18, 42:6, 128:3, 128:28, 139:27, 144:27 duties [2] - | 12:14, 33:23 duty [16] - 19:28, 30:11, 63:23, 74:5, 75:2, 89:6, 93:16, 93:17, 93:19, 96:27, 98:2, 104:8, 118:9, 132:25, 138:23, 149:7 EA [1] - 29:24 early [4] - 48:22, 48:24, 125:21 easily [2] - 49:19, 93:4 easy [6] - 50:27, 72:13, 100:29, 117:1, 117:3, 122:6 ECHR [5] - 9:26, 21:5, 28:27, 30:5, 30:6 effect [5] - 18:10, 30:2, 46:26, 110:12, 110:14 effective [18] - 28:12, 30:18, 30:22, 31:1, 31:17, 34:14, 34:27, 35:3, 42:1, 93:9, 116:2, 120:12, 120:18, 120:20, 123:21, 125:1, 133:5, 143:29 effectively [30] - 33:22, 48:7, 54:1, 59:2, 60:22, 74:26, 77:22, 84:4, 86:7, 86:11, 87:20, 88:18, 88:24, 90:7, 98:17, 102:7, 102:12, 105:10, 111:4, 118:20, 123:6, 126:18, 127:18, 130:3, 130:12, 130:14, 137:28, 140:20, 153:3, 155:26 EHRR [2] - 9:26, 31:8 eighth [2] - 6:19, 44:2 eighthly [1] - 36:2 either [2] - 3:11, 152:11 element [1] - 18:16 | eleventh [1] - 7:4 elicit [1] - 146:25 eligible [1] - 147:10 Emerson [1] - 144:10 emphasise [12] - 30:16, 37:17, 49:24, 55:4, 68:18, 76:27, 108:27, 121:12, 124:1, 127:28, 150:13, 155:24 emphasised [1] - 127:25 emphasises [5] - 13:23, 56:5, 66:29, 67:1, 72:18 empower [1] - 17:11 enable [5] - 12:10, 20:6, 25:9, 111:14, 136:4 enables [2] - 74:13, 88:11 enabling [1] - 51:3 enact [1] - 54:27 enacted [4] - 115:8, 115:11, 115:14, 115:19 encompass [1] - 125:27 encompassed [1] - 136:16 encompasses [1] - 132:28 end [8] - 22:29, 65:9, 82:26, 87:15, 90:2, 92:22, 152:9, 154:13 endorsed [3] - 16:15, 87:21, 129:10 endorsement [2] - 148:28, 149:4 ends [1] - 65:5 engage [3] - 4:18, 18:28, 23:9 engaged [4] - 25:25, 27:2, 68:19, 94:20 engagement [2] - 45:19, 45:29 engages [1] - 40:29 England [3] - | 7:13, 7:14, 7:20 English [2] - 103:8, 118:18 enhance [1] - 82:12 enhanced [1] - 74:8 enhances [1] - 73:29 enjoyed [1] - 61:24 enjoys [1] - 64:28 enquiry [1] - 146:27 ensure [43] - 3:8, 15:6, 30:24, 43:8, 43:10, 52:18, 53:24, 54:4, 57:24, 63:18, 63:23, 71:28, 74:5, 78:19, 85:15, 86:18, 89:18, 96:3, 98:8, 104:12, 106:9, 107:13, 108:12, 114:14, 114:15, 114:29, 116:1, 118:23, 126:6, 127:22, 128:18, 128:20, 131:9, 131:11, 131:12, 134:3, 134:23, 138:22, 138:23, 138:24, 141:28, 147:22, 151:6 ensures [2] - 33:26, 35:3 ensuring [7] - 65:11, 68:3, 81:10, 84:6, 134:15, 139:14, 139:19 enter [1] - 92:13 entirely [4] - 70:4, 86:13, 99:4, 153:26 entitled [7] - 32:19, 94:10, 94:16, 94:22, 97:1, 152:16, 153:13 envisage [1] - 110:21 envisages [1] - 107:25 equality [5] - 120:15, 128:21, 128:27, 131:28, | 152:19 equally [1] - 137:17 equivalent [2] - 99:24, 115:15 error [12] - 67:14, 121:18, 121:29, 126:19, 126:27, 149:22, 152:27, 153:3, 153:5, 154:20, 154:22, 155:7 errors [1] - 140:13 essence [1] - 116:20 essential [5] - 25:9, 27:23, 30:21, 43:8, 94:25 essentially [60] - 47:16, 49:3, 53:24, 54:6, 54:10, 54:18, 54:28, 55:12, 55:17, 55:25, 56:6, 56:18, 58:27, 61:16, 63:9, 63:15, 63:20, 65:6, 68:2, 68:3, 71:17, 71:26, 72:20, 73:5, 73:9, 73:22, 74:3, 75:5, 76:19, 77:2, 81:1, 81:3, 82:19, 82:20, 83:10, 83:24, 87:5, 87:18, 89:9, 90:10, 105:6, 105:27, 106:5, 106:19, 107:20, 109:20, 115:10, 115:14, 120:5, 120:8, 122:8, 122:12, 128:18, 129:7, 129:27, 130:7, 131:4, 134:2, 135:5, 152:6 establish [4] - 3:27, 66:4, 138:12, 138:13 established [5] - 4:20, 10:2, 47:23, 61:24, 145:16 establishing [2] - 133:8, 145:25 establishment [2] - 43:23, 54:10 et [6] - 67:26, |
|--|---|--|---|---|---|

| | | | | | |
|---|--|--|---|---|--|
| <p>105:10, 129:4, 134:22, 136:1</p> <p>ethical [2] - 15:11, 36:13</p> <p>European [15] - 6:9, 29:10, 30:7, 87:16, 87:17, 128:16, 129:9, 129:17, 130:1, 143:8, 143:17, 143:23, 144:14, 144:22, 148:27</p> <p>event [4] - 22:27, 37:22, 109:14, 114:7</p> <p>evidence [52] - 10:8, 10:19, 12:20, 14:8, 22:8, 24:11, 26:27, 27:6, 33:3, 35:9, 39:19, 39:26, 43:15, 50:3, 58:11, 60:23, 62:16, 64:12, 71:27, 71:28, 79:7, 95:16, 105:2, 112:6, 125:22, 134:4, 134:24, 134:25, 135:13, 135:15, 138:17, 139:10, 142:25, 144:19, 144:28, 145:15, 146:12, 146:28, 147:3, 147:16, 147:25, 148:3, 148:4, 148:17, 148:29, 150:21, 151:25, 151:27, 152:15, 152:17, 152:20</p> <p>evident [1] - 29:22</p> <p>evidential [3] - 40:2, 122:1, 153:1</p> <p>EWCA [3] - 17:26, 18:8, 37:6</p> <p>EWHC [2] - 17:17, 29:25</p> <p>exact [2] - 99:7, 114:25</p> <p>exactly [1] - 141:16</p> <p>examination [2] - 35:27, 107:10</p> <p>examine [4] - 10:20, 24:4, 79:7, 146:27</p> <p>examined [1] -</p> | <p>18:27</p> <p>example [44] - 18:4, 47:8, 48:9, 52:5, 57:13, 58:11, 64:1, 64:10, 64:23, 65:16, 66:9, 68:11, 68:13, 71:27, 79:2, 90:20, 92:19, 96:22, 109:8, 111:12, 111:13, 113:2, 113:28, 113:29, 114:1, 115:22, 118:17, 121:16, 121:17, 121:18, 121:28, 122:1, 124:21, 126:11, 134:3, 135:23, 135:24, 135:29, 136:19, 137:20, 142:23, 149:29, 152:21</p> <p>examples [2] - 16:5, 21:6</p> <p>except [4] - 10:27, 64:19, 100:21, 138:7</p> <p>excepted [1] - 144:14</p> <p>exceptional [9] - 15:20, 20:8, 25:8, 36:24, 37:28, 77:13, 87:29, 109:1, 109:18</p> <p>exceptionality [2] - 38:6, 102:24</p> <p>exceptions [3] - 11:14, 24:23, 105:9</p> <p>exclude [1] - 14:8</p> <p>excluded [18] - 4:23, 8:25, 8:29, 9:3, 9:6, 9:9, 10:21, 11:18, 11:20, 11:27, 12:23, 14:10, 33:5, 113:10, 126:5, 142:27, 152:28, 152:29</p> <p>excluding [2] - 129:2, 152:23</p> <p>exclusive [1] - 147:17</p> <p>exclusively [1] - 109:10</p> <p>exemption [2] - 58:29, 113:8</p> <p>exercise [14] -</p> | <p>4:27, 6:20, 6:21, 8:11, 20:24, 36:3, 36:6, 43:28, 44:3, 68:29, 94:9, 95:21, 105:29</p> <p>exercised [5] - 3:2, 3:12, 4:29, 8:16, 23:13</p> <p>exhaustive [1] - 12:1</p> <p>exist [9] - 3:11, 36:1, 65:20, 70:1, 74:8, 74:22, 76:6, 77:1, 78:10</p> <p>existed [7] - 16:27, 17:21, 17:29, 18:19, 74:23, 74:24, 106:29</p> <p>existence [6] - 8:9, 13:27, 20:23, 23:18, 24:1, 31:11</p> <p>existing [2] - 22:14, 29:2</p> <p>exists [13] - 3:2, 4:26, 6:19, 23:11, 28:10, 36:2, 44:4, 74:22, 74:26, 74:27, 78:15, 80:6, 104:14</p> <p>expected [1] - 33:3</p> <p>experience [5] - 39:21, 48:8, 141:9, 146:23, 153:10</p> <p>experienced [3] - 32:17, 33:16, 33:17</p> <p>expired [1] - 94:22</p> <p>explain [6] - 8:4, 33:20, 89:1, 140:17, 154:22, 154:29</p> <p>explained [6] - 4:3, 13:29, 14:28, 15:1, 18:23, 146:20</p> <p>explaining [2] - 94:19, 150:11</p> <p>explains [3] - 7:12, 76:6, 115:25</p> <p>explanation [2] - 37:9, 112:23</p> <p>explicitly [1] - 31:4</p> <p>explore [1] -</p> | <p>137:1</p> <p>exploring [1] - 65:24</p> <p>exposed [1] - 11:9</p> <p>express [14] - 14:9, 21:23, 32:28, 33:7, 35:22, 50:21, 86:2, 89:13, 90:25, 91:13, 97:9, 97:25, 99:29, 140:18</p> <p>expressed [13] - 3:23, 11:26, 12:22, 14:14, 16:24, 19:28, 40:4, 44:26, 52:26, 112:22, 150:28, 150:29, 151:1</p> <p>expression [1] - 116:26</p> <p>expressly [18] - 12:15, 27:10, 27:19, 50:25, 50:27, 51:2, 61:22, 63:10, 63:27, 83:29, 88:9, 89:3, 90:11, 103:18, 106:13, 116:29, 117:4, 124:15</p> <p>extensive [2] - 131:4, 135:24</p> <p>extent [43] - 9:10, 22:23, 23:9, 34:28, 35:5, 47:16, 52:10, 53:13, 55:15, 55:16, 56:13, 56:21, 61:28, 67:19, 69:27, 79:1, 79:25, 84:2, 87:24, 90:16, 97:11, 97:16, 97:18, 98:10, 99:27, 99:29, 102:4, 102:26, 117:26, 119:27, 121:7, 125:14, 126:10, 127:9, 130:16, 133:21, 133:24, 135:29, 136:12, 137:6, 144:29, 148:16, 151:2</p> <p>face [5] - 35:19, 77:19, 103:21, 111:19, 118:3</p> | <p>faced [1] - 88:7</p> <p>faces [1] - 111:28</p> <p>facilitated [1] - 123:12</p> <p>facing [2] - 69:23, 69:25</p> <p>fact [26] - 43:24, 55:7, 56:12, 56:24, 58:28, 62:11, 64:10, 68:23, 71:10, 74:4, 77:27, 78:1, 80:4, 99:21, 101:28, 103:19, 118:24, 126:20, 136:6, 139:29, 142:22, 147:25, 149:5, 149:16, 149:20, 149:23</p> <p>factor [4] - 40:6, 41:29, 43:27, 74:2</p> <p>factors [10] - 4:26, 6:16, 6:20, 6:26, 36:2, 44:2, 63:12, 63:14, 74:12, 146:15</p> <p>facts [14] - 18:2, 70:13, 78:16, 100:24, 101:16, 104:15, 109:7, 109:9, 117:14, 120:16, 131:8, 133:8, 145:16, 146:26</p> <p>failing [1] - 137:24</p> <p>failings [4] - 60:24, 60:27, 121:24, 152:21</p> <p>failure [2] - 28:16, 34:19</p> <p>fair [18] - 15:17, 36:20, 38:2, 66:2, 66:5, 71:16, 77:24, 78:2, 78:5, 90:14, 99:8, 99:9, 100:17, 106:9, 115:1, 128:13, 149:6, 149:10</p> <p>fairly [21] - 19:29, 43:12, 70:20, 74:15, 86:29, 89:6, 93:17, 93:25, 96:28, 97:2, 98:2, 98:7, 98:20, 98:24, 98:25, 98:27, 102:29,</p> | <p>104:9, 118:10, 131:4, 135:24</p> <p>fairness [104] - 13:11, 15:28, 32:5, 36:7, 37:2, 38:11, 38:18, 41:9, 52:18, 52:25, 52:29, 53:9, 53:10, 53:12, 53:14, 53:26, 54:4, 55:8, 55:14, 57:5, 57:10, 57:15, 61:14, 61:16, 61:23, 61:27, 63:11, 63:18, 63:23, 63:24, 64:2, 64:17, 64:24, 66:8, 66:22, 67:1, 68:1, 69:28, 70:12, 73:26, 73:29, 74:6, 75:2, 77:5, 77:9, 78:13, 78:16, 78:19, 78:21, 78:23, 78:29, 79:3, 79:4, 79:9, 79:10, 79:16, 79:20, 80:2, 80:14, 81:2, 81:14, 81:29, 84:1, 84:6, 85:13, 85:14, 85:16, 86:18, 86:25, 87:22, 89:18, 89:23, 90:13, 90:16, 96:3, 98:8, 99:15, 99:18, 100:26, 101:8, 101:14, 101:16, 102:24, 104:12, 104:17, 108:1, 108:12, 109:25, 114:14, 114:15, 114:23, 114:29, 116:27, 118:19, 118:24, 118:25, 131:11, 138:23, 139:19, 140:21, 148:23</p> <p>faith [2] - 3:21, 56:10</p> <p>fall [2] - 26:7, 58:12</p> <p>falls [1] - 109:6</p> <p>familiar [1] - 156:15</p> <p>families [8] - 3:9, 16:22, 20:27, 21:21, 150:21,</p> |
|---|--|--|---|---|--|

| | | | | | |
|---|---|---|---|--|--|
| 155:9, 155:20, 155:28 families' [2] - 22:24, 130:25 family [38] - 3:15, 28:27, 65:23, 74:26, 103:7, 103:24, 103:27, 105:18, 105:20, 108:18, 108:19, 119:5, 119:26, 120:11, 120:19, 120:24, 120:27, 121:1, 123:27, 124:12, 124:15, 125:9, 125:12, 125:14, 128:3, 129:28, 130:12, 130:16, 132:29, 133:15, 135:22, 135:25, 136:5, 136:8, 136:12, 141:22, 154:19 far [9] - 29:29, 52:5, 63:25, 63:26, 105:26, 122:26, 128:19, 128:21, 129:15 fatally [1] - 145:7 fault [1] - 143:15 favour [2] - 146:26, 154:6 fear [1] - 146:26 features [1] - 94:25 fed [1] - 141:22 feed [2] - 141:3, 141:25 feelings [1] - 70:26 fell [1] - 58:18 few [2] - 37:24, 136:21 fifth [3] - 6:5, 34:26, 41:11 fifthly [1] - 23:23 final [3] - 18:4, 21:24, 102:28 finally [5] - 3:15, 7:4, 28:26, 44:2, 45:11 financial [1] - 65:16 findings [23] - 71:8, 122:2, 126:17, 134:26, 138:17, 144:2, 144:16, 144:21, | 145:5, 145:10, 145:22, 146:19, 151:23, 151:24, 152:7, 152:14, 152:15, 152:24, 153:4, 154:21, 155:20 fine [1] - 156:1 finished [5] - 83:16, 83:24, 117:23, 150:1 finishes [1] - 124:24 first [39] - 4:19, 5:19, 7:8, 15:21, 17:21, 19:18, 32:2, 36:25, 39:4, 51:24, 60:15, 60:19, 66:1, 68:3, 68:20, 73:22, 75:5, 77:14, 78:9, 78:17, 79:27, 84:24, 90:24, 91:12, 94:4, 94:10, 97:23, 101:11, 109:15, 120:1, 122:17, 124:4, 139:5, 140:3, 142:29, 144:8, 145:24, 148:14, 148:27 firstly [19] - 47:16, 50:21, 56:5, 63:16, 64:20, 76:28, 79:25, 84:15, 84:24, 95:27, 97:14, 105:14, 108:27, 115:4, 119:23, 122:5, 128:1, 141:7, 146:22 fits [3] - 106:3, 130:5, 135:9 five [4] - 26:8, 26:10, 44:20, 87:8 flexibility [4] - 111:27, 112:20, 116:8, 136:4 flexible [2] - 54:3, 88:11 flow [1] - 99:11 flushed [1] - 139:2 focus [6] - 5:14, 22:28, 64:9, 64:15, 80:14, 119:7 focused [5] - | 96:23, 97:26, 99:18, 115:10, 127:14 focuses [2] - 96:8, 102:23 focusing [1] - 119:6 follow [4] - 12:6, 48:2, 49:19, 124:21 followed [2] - 16:16, 48:6 following [14] - 5:19, 21:1, 21:29, 31:29, 37:11, 39:2, 41:21, 42:11, 43:5, 46:4, 72:18, 106:10, 122:27, 125:25 FOLLOWS [3] - 46:19, 83:21, 117:19 follows [4] - 4:19, 13:1, 19:23, 20:20 footpath [1] - 63:7 FOR [1] - 83:21 force [2] - 30:20, 107:12 form [3] - 30:18, 32:19, 97:10 format [1] - 85:2 formed [1] - 19:25 former [1] - 16:17 formulation [1] - 131:18 forward [1] - 80:11 foundation [1] - 66:16 founded [1] - 91:8 four [4] - 26:22, 37:26, 120:10, 123:5 fourth [4] - 6:1, 34:5, 40:26, 139:8 fourthly [2] - 19:8 Fox [1] - 44:22 framework [6] - 4:14, 18:21, 51:12, 51:14, 85:4, 114:10 frank [1] - 58:15 free [1] - 136:24 | freedoms [1] - 30:13 frequently [1] - 14:7 fulfil [5] - 25:9, 28:21, 31:16, 34:23, 60:3 fulfilling [1] - 59:21 fulfills [1] - 71:29 full [2] - 31:2, 79:6 fully [3] - 49:2, 49:6, 73:8 function [29] - 20:18, 39:17, 40:27, 41:5, 93:27, 95:22, 95:29, 98:5, 98:22, 98:24, 98:25, 100:5, 100:8, 100:11, 101:23, 132:28, 133:2, 133:6, 133:10, 133:16, 133:19, 133:21, 134:1, 134:23, 135:15, 138:26, 146:25 functioning [10] - 26:18, 27:21, 114:17, 114:25, 114:27, 114:29, 115:1, 116:5, 142:21 functions [31] - 10:18, 12:14, 20:7, 22:14, 26:17, 27:20, 28:21, 29:16, 33:12, 33:20, 34:24, 69:1, 90:8, 92:15, 93:7, 93:8, 93:13, 93:24, 93:26, 98:18, 98:19, 98:20, 116:5, 126:21, 126:23, 133:23, 133:26, 134:8, 135:11, 136:4 fund [2] - 5:8, 5:9 fundamental [6] - 30:6, 57:3, 57:5, 62:5, 64:19, 114:6 funding [1] - 45:14 funds [3] - | 13:13, 32:7, 38:20 furthermore [1] - 33:26 Gallagher's [1] - 43:1 gathering [1] - 125:21 general [12] - 12:5, 12:26, 30:10, 57:3, 58:29, 85:15, 86:18, 86:24, 89:18, 98:2, 99:7, 114:12 General [9] - 7:13, 7:19, 7:20, 8:11, 8:16, 44:19, 47:5, 47:6, 47:8 generally [7] - 9:7, 12:11, 37:8, 85:10, 132:7, 152:12, 153:20 generate [1] - 130:4 ginger [2] - 137:21, 137:22 ginger-headed [2] - 137:21, 137:22 Giovannetti.. [1] - 37:14 given [28] - 19:12, 23:2, 29:2, 30:1, 43:12, 43:15, 43:22, 44:4, 53:22, 60:25, 61:8, 62:6, 64:3, 72:6, 74:19, 80:17, 88:2, 92:7, 95:8, 96:1, 102:28, 106:4, 112:20, 121:20, 127:29, 128:5, 131:17, 156:25 Given [1] - 37:24 Glasgow [10] - 62:1, 62:16, 63:2, 64:7, 64:10, 64:22, 65:20, 69:15, 78:8, 132:17 goodness [1] - 96:15 govern [2] - 10:12, 99:5 governed [1] - 113:19 governing [2] - 12:7, 71:22 | Government [5] - 9:29, 11:24, 133:4, 139:6, 147:18 Government's [1] - 144:18 governor [1] - 120:7 Grand [1] - 124:19 granted [1] - 42:10 grants [1] - 17:2 grapple [1] - 19:5 grateful [1] - 3:22 GREANEY [4] - 46:8, 46:11, 46:15, 158:4 Greaney [1] - 46:25 greater [4] - 39:29, 56:10, 56:11, 142:16 Greater [7] - 62:1, 62:16, 63:2, 64:22, 65:20, 69:15, 78:8 greatest [1] - 84:12 grounds [10] - 54:17, 54:23, 55:22, 55:24, 140:16, 152:7, 153:15, 153:20, 153:24 group [3] - 3:15, 44:28, 45:7 guidance [3] - 4:2, 4:17, 157:11 guide [4] - 7:11, 38:8, 40:22, 130:11 Haddon [1] - 21:23 Haddon-Cave [1] - 21:23 halfway [1] - 72:10 handle [1] - 115:28 handled [1] - 33:3 handling [2] - 85:11, 110:25 happy [1] - 155:21 harm [3] - 56:13, 56:21, 56:25 |
|---|---|---|---|--|--|

| | | | | | |
|--|--|---|---|--|---|
| <p>Haughey ^[1] - 44:23</p> <p>Hazardous ^[1] - 12:2</p> <p>headed ^[2] - 137:21, 137:22</p> <p>Health ^[10] - 62:1, 62:16, 63:2, 64:8, 64:10, 64:22, 65:20, 69:15, 78:9, 132:17</p> <p>hear ^[5] - 10:3, 68:15, 124:10, 146:6, 152:20</p> <p>heard ^[9] - 62:15, 66:13, 111:24, 124:28, 125:7, 144:26, 144:28, 147:4, 154:22</p> <p>hearing ^[47] - 4:15, 4:23, 5:15, 8:21, 8:27, 9:8, 9:11, 12:20, 14:2, 14:15, 17:1, 18:26, 19:6, 22:10, 23:8, 25:26, 27:15, 27:29, 28:6, 28:24, 30:29, 31:24, 32:19, 33:3, 34:3, 34:8, 34:11, 35:27, 40:7, 42:28, 46:3, 55:18, 60:27, 85:9, 85:22, 89:15, 89:17, 112:5, 123:7, 124:20, 125:4, 125:11, 126:1, 126:4, 127:2, 144:22, 154:13</p> <p>hearings ^[36] - 10:20, 12:8, 22:10, 28:8, 29:7, 31:21, 32:26, 33:19, 35:2, 35:4, 35:10, 39:19, 41:16, 42:3, 43:13, 53:14, 62:9, 62:19, 63:22, 72:10, 101:6, 119:3, 125:27, 139:20, 139:27, 140:28, 142:26, 144:26, 144:28, 147:4, 147:6, 148:2, 148:6, 148:29,</p> | <p>153:26</p> <p>heartened ^[1] - 3:22</p> <p>heavily ^[1] - 71:13</p> <p>held ^[14] - 19:23, 21:1, 30:7, 41:16, 53:26, 77:1, 86:15, 91:13, 93:25, 102:21, 125:8, 127:15, 134:27, 141:21</p> <p>help ^[1] - 79:18</p> <p>helpful ^[4] - 23:8, 48:12, 51:19, 131:21</p> <p>Hermer ^[2] - 7:21, 7:27</p> <p>High ^[5] - 43:23, 43:24, 103:8, 103:24, 146:22</p> <p>high ^[3] - 5:18, 116:19, 116:24</p> <p>highlighted ^[3] - 52:20, 99:19, 149:18</p> <p>highlighting ^[1] - 123:3</p> <p>highlights ^[1] - 98:16</p> <p>highly ^[2] - 88:1, 101:6</p> <p>himself ^[2] - 46:27, 91:14</p> <p>history ^[3] - 49:1, 88:2, 115:26</p> <p>Hoffman ^[1] - 68:22</p> <p>hold ^[11] - 35:1, 43:13, 63:17, 63:22, 74:4, 74:14, 90:22, 102:20, 107:22, 111:15, 139:13</p> <p>holding ^[5] - 54:15, 72:10, 77:28, 90:11, 129:25</p> <p>hole ^[1] - 137:16</p> <p>Home ^[8] - 10:4, 10:7, 16:7, 17:25, 18:7, 31:6, 37:5, 148:1</p> <p>hope ^[6] - 65:27, 103:2, 133:20, 133:27, 155:15, 155:23</p> <p>hoped ^[1] - 155:20</p> | <p>hopefully ^[3] - 68:16, 73:10, 152:11</p> <p>hopes ^[1] - 133:8</p> <p>Horner ^[2] - 43:4, 43:21</p> <p>hostile ^[1] - 41:24</p> <p>hour ^[1] - 46:13</p> <p>House ^[9] - 16:14, 16:26, 55:6, 79:2, 91:11, 96:4, 123:18, 124:21, 139:4</p> <p>huge ^[1] - 102:15</p> <p>human ^[2] - 144:13, 147:20</p> <p>Human ^[11] - 6:9, 29:11, 30:7, 87:16, 110:19, 130:2, 143:17, 143:23, 144:15, 148:28</p> <p>husband ^[1] - 143:27</p> <p>husband's ^[1] - 144:1</p> <p>hypothetical ^[1] - 155:6</p> <p>idea ^[2] - 52:13, 119:8</p> <p>identical ^[1] - 99:4</p> <p>identified ^[12] - 23:20, 27:19, 42:19, 45:12, 51:1, 51:5, 68:1, 91:3, 121:6, 132:10, 135:14, 138:21</p> <p>identifies ^[3] - 12:22, 56:3, 71:17</p> <p>identify ^[7] - 6:16, 6:26, 23:17, 32:23, 126:21, 126:26, 136:16</p> <p>identifying ^[1] - 63:6</p> <p>imagine ^[1] - 48:13</p> <p>immediate ^[1] - 149:11</p> <p>Immigration ^[7] - 10:1, 10:2, 10:11, 57:20, 87:11, 112:1, 153:11</p> | <p>immigration ^[2] - 10:4, 10:7</p> <p>immunity ^[1] - 14:28</p> <p>impact ^[7] - 6:5, 6:9, 23:23, 28:26, 29:10, 56:6, 66:5</p> <p>impartial ^[2] - 22:2, 39:5</p> <p>impartially ^[1] - 43:12</p> <p>implementatio ⁿ ^[1] - 30:22</p> <p>implication ^[4] - 30:14, 109:2, 153:17, 153:18</p> <p>implications ^[2] - 24:5, 106:23</p> <p>implicit ^[4] - 19:27, 58:2, 66:8, 86:28</p> <p>implicitly ^[1] - 90:15</p> <p>implied ^[4] - 89:6, 90:22, 93:16, 102:5</p> <p>implies ^[2] - 57:11, 116:27</p> <p>imply ^[2] - 24:16, 102:21</p> <p>importance ^[15] - 13:23, 14:19, 54:9, 56:5, 69:8, 70:18, 70:19, 81:29, 94:11, 97:2, 106:5, 108:18, 127:28, 151:18, 155:24</p> <p>important ^[63] - 16:29, 19:5, 22:20, 26:20, 34:3, 39:11, 40:6, 49:5, 49:7, 49:14, 49:17, 49:24, 50:2, 50:7, 54:19, 60:25, 62:9, 63:3, 63:21, 65:29, 67:2, 67:16, 67:22, 68:17, 68:20, 70:9, 71:2, 73:7, 73:27, 74:18, 81:5, 81:12, 84:9, 86:20, 88:12, 91:3, 93:27, 94:1, 94:4, 94:15, 104:25, 108:26, 109:11, 109:14, 109:28, 120:28, 121:9, 121:13,</p> | <p>124:7, 126:20, 126:24, 126:25, 128:27, 129:20, 151:10, 151:16, 151:17, 152:4, 152:9, 155:16, 155:18</p> <p>imposed ^[3] - 13:25, 59:8, 65:17</p> <p>impossible ^[1] - 70:28</p> <p>impression ^[4] - 49:11, 49:12, 49:13, 135:26</p> <p>inability ^[1] - 11:14</p> <p>inaccurate ^[1] - 107:6</p> <p>inch ^[1] - 157:9</p> <p>incidental ^[4] - 92:14, 93:6, 93:12, 93:24</p> <p>inclined ^[1] - 107:11</p> <p>include ^[7] - 11:25, 27:25, 33:1, 62:23, 126:8, 126:14, 131:12</p> <p>included ^[3] - 25:24, 148:29, 156:10</p> <p>includes ^[1] - 152:9</p> <p>including ^[7] - 29:15, 31:20, 42:2, 45:14, 79:6, 146:24, 152:1</p> <p>inclusion ^[1] - 14:7</p> <p>incompatible ^[3] - 29:14, 96:20, 119:1</p> <p>inconsistent ^[3] - 53:18, 57:8, 137:4</p> <p>incorporate ^[1] - 36:5</p> <p>incorporated ^[2] - 31:20, 147:22</p> <p>increase ^[1] - 41:5</p> <p>indeed ^[6] - 11:11, 23:8, 41:13, 43:28, 86:3, 123:28</p> <p>independence ^[5] - 22:9, 35:7, 139:14, 139:17,</p> | <p>148:23</p> <p>independent ^[15] - 4:11, 10:3, 21:19, 22:2, 33:23, 39:4, 41:19, 123:20, 124:25, 126:18, 136:24, 140:1, 146:28, 147:1, 155:27</p> <p>independently ^[1] - 33:15</p> <p>INDEX ^[1] - 158:1</p> <p>indicate ^[2] - 102:5, 130:15</p> <p>indicated ^[5] - 8:24, 11:8, 29:10, 37:13, 73:11</p> <p>indicates ^[5] - 64:26, 80:5, 82:11, 101:18, 101:19</p> <p>indicating ^[1] - 86:26</p> <p>indication ^[3] - 54:8, 82:9, 106:17</p> <p>indicative ^[2] - 14:5, 149:5</p> <p>individual ^[8] - 8:26, 55:9, 70:19, 74:9, 95:13, 97:15, 101:5, 129:15</p> <p>individual's ^[2] - 78:25, 101:4</p> <p>individuals ^[2] - 30:19, 112:10</p> <p>inequality ^[2] - 67:18, 129:6</p> <p>inevitable ^[1] - 153:2</p> <p>inevitably ^[1] - 42:15</p> <p>inferred ^[1] - 14:26</p> <p>influence ^[2] - 70:28, 71:9</p> <p>informants ^[1] - 93:10</p> <p>information ^[15] - 81:21, 81:25, 89:3, 89:21, 89:24, 93:10, 107:1, 128:15, 138:24, 141:3, 141:21, 141:25, 142:8, 142:13, 146:14</p> |
|--|--|---|---|--|---|

| | | | | | |
|---|--|---|--|--|--|
| <p>informative ^[1] - 51:19</p> <p>inherent ^[3] - 19:3, 112:21, 119:8</p> <p>initial ^[5] - 60:10, 61:26, 75:12, 75:16, 124:27</p> <p>injustice ^[6] - 68:25, 69:3, 69:4, 70:16, 70:23, 138:25</p> <p>inquiries ^[24] - 6:2, 19:12, 19:14, 23:18, 24:24, 27:12, 31:20, 32:10, 34:27, 41:15, 42:1, 73:6, 88:2, 88:3, 88:15, 106:14, 132:20, 133:5, 135:20, 136:25, 139:13, 142:24, 145:24, 145:28</p> <p>Inquiries ^[33] - 12:17, 14:13, 28:16, 32:2, 32:26, 33:6, 33:21, 34:6, 34:19, 47:13, 61:18, 61:21, 74:20, 89:2, 99:3, 100:6, 104:7, 104:15, 105:5, 111:23, 115:8, 115:11, 115:13, 115:19, 117:25, 118:2, 118:9, 118:10, 130:6, 132:24, 148:13, 151:29</p> <p>inquiry ^[66] - 3:1, 3:6, 4:20, 6:14, 8:2, 9:19, 13:5, 13:11, 17:4, 17:8, 17:12, 18:24, 19:10, 19:28, 20:6, 20:10, 21:8, 21:19, 22:28, 23:20, 23:26, 24:20, 24:27, 25:1, 25:3, 25:19, 28:6, 28:12, 29:20, 32:4, 34:15, 39:15, 41:14, 41:19, 41:22, 43:9, 43:11, 43:24,</p> | <p>45:22, 46:27, 53:25, 54:29, 60:23, 64:27, 69:24, 81:17, 81:24, 91:2, 101:3, 109:5, 122:27, 135:26, 135:27, 136:23, 137:1, 137:10, 138:19, 140:3, 140:4, 140:7, 140:9, 140:14, 141:1, 142:7</p> <p>INQUIRY ^[4] - 46:19, 83:21, 117:19, 157:17</p> <p>Inquiry ^[206] - 3:16, 3:21, 4:1, 4:9, 4:28, 6:25, 7:16, 11:19, 13:21, 13:23, 13:24, 17:4, 19:2, 19:19, 19:22, 20:15, 20:26, 21:11, 21:16, 21:20, 21:29, 22:2, 22:8, 22:15, 22:20, 22:29, 23:5, 23:7, 23:14, 24:3, 25:9, 25:13, 25:14, 26:11, 26:12, 26:13, 26:27, 27:9, 28:19, 28:20, 29:1, 29:2, 29:8, 29:24, 30:28, 31:3, 31:10, 31:14, 31:19, 32:21, 32:22, 33:5, 33:13, 33:14, 33:19, 33:22, 33:26, 34:5, 34:22, 34:23, 35:1, 35:6, 35:7, 35:10, 35:16, 35:25, 38:5, 38:17, 38:23, 39:4, 39:9, 39:10, 39:16, 39:18, 39:20, 39:23, 40:5, 40:15, 40:18, 40:23, 40:27, 41:4, 41:8, 41:11, 41:12, 41:18, 41:22, 42:7, 42:17, 42:20, 43:4, 43:27, 44:7, 44:9, 47:19, 47:23, 48:21, 48:24, 48:28,</p> | <p>49:25, 49:26, 50:2, 50:5, 50:9, 50:23, 53:23, 54:9, 54:11, 54:12, 61:3, 61:5, 61:6, 61:15, 61:24, 62:6, 62:12, 63:1, 63:20, 63:21, 65:5, 65:22, 65:24, 66:29, 67:3, 67:10, 68:15, 70:4, 71:14, 71:29, 72:26, 72:28, 72:29, 74:14, 79:27, 80:19, 81:18, 81:26, 82:5, 88:18, 90:8, 90:15, 97:17, 97:19, 97:26, 99:7, 99:25, 101:11, 101:23, 106:13, 106:19, 111:28, 115:9, 115:16, 115:22, 116:1, 116:9, 117:9, 117:13, 121:23, 121:27, 122:4, 133:8, 134:5, 134:6, 134:16, 135:5, 135:16, 135:18, 136:3, 137:12, 137:13, 137:18, 137:20, 138:22, 138:26, 139:6, 139:14, 139:17, 139:29, 140:12, 140:22, 140:23, 140:28, 141:16, 141:19, 142:1, 142:23, 143:21, 144:3, 144:19, 145:6, 146:25, 147:2, 147:26, 147:29, 148:10, 150:11, 150:23, 152:5, 152:16, 153:4, 154:23</p> <p>Inquiry's ^[2] - 27:24, 35:2</p> <p>inquiry's ^[1] - 144:16</p> <p>inquisitorial ^[16] - 20:9, 22:4, 33:24, 35:3, 39:6, 39:8, 39:14, 39:17, 39:24, 62:9, 62:12, 79:11, 82:3,</p> | <p>132:21, 132:24, 145:25</p> <p>insofar ^[1] - 26:2</p> <p>instanced ^[1] - 17:22</p> <p>instead ^[3] - 24:4, 35:18, 147:21</p> <p>instruct ^[2] - 71:11, 104:11</p> <p>instructed ^[4] - 28:29, 29:2, 38:28, 116:28</p> <p>instruction ^[3] - 16:25, 87:4, 122:17</p> <p>instructions ^[10] - 9:1, 11:10, 40:10, 45:6, 45:19, 68:10, 140:9, 142:5, 142:14</p> <p>instructive ^[1] - 9:19</p> <p>intelligence ^[7] - 60:25, 109:11, 109:12, 141:21, 142:10, 145:2, 151:2</p> <p>intend ^[1] - 17:10</p> <p>intended ^[8] - 14:16, 24:1, 33:9, 54:3, 59:15, 86:14, 117:1, 134:3</p> <p>intending ^[2] - 49:28, 63:8</p> <p>intention ^[3] - 28:18, 34:21, 35:24</p> <p>inter ^[1] - 30:20</p> <p>intercept ^[11] - 28:5, 34:7, 59:1, 59:17, 105:6, 105:11, 107:7, 107:17, 107:26, 108:29, 111:6</p> <p>intercepted ^[3] - 24:2, 24:6, 24:14</p> <p>interception ^[5] - 24:16, 24:18, 27:3, 28:5, 34:8</p> <p>interception-related ^[5] - 24:16, 24:18, 27:3, 28:5, 34:8</p> <p>interest ^[21] - 12:10, 14:10, 14:28, 39:27,</p> | <p>45:1, 65:10, 65:15, 72:29, 81:9, 121:12, 125:19, 125:20, 125:23, 126:13, 127:10, 133:14, 134:15, 136:10, 141:18</p> <p>interested ^[1] - 147:10</p> <p>interesting ^[1] - 144:7</p> <p>interests ^[51] - 3:9, 4:22, 4:29, 6:29, 8:25, 9:3, 9:9, 11:16, 12:23, 15:8, 15:16, 34:29, 36:19, 40:1, 44:11, 55:28, 64:27, 66:4, 66:6, 69:11, 76:23, 77:3, 77:8, 77:16, 121:8, 121:15, 122:9, 125:15, 126:7, 127:17, 127:23, 128:6, 128:7, 128:19, 129:14, 129:15, 129:29, 130:26, 130:28, 133:17, 133:23, 133:27, 134:14, 135:2, 137:7, 137:11, 138:4, 147:23, 149:28, 155:28</p> <p>internal ^[1] - 120:5</p> <p>internally ^[1] - 110:25</p> <p>interplay ^[1] - 23:27</p> <p>interpret ^[1] - 96:7</p> <p>interpretation ^[8] - 28:15, 34:18, 35:26, 51:17, 58:1, 110:19, 154:10, 154:11</p> <p>interpreted ^[4] - 56:29, 57:12, 57:13, 118:8</p> <p>interpreting ^[4] - 60:16, 100:10, 117:8, 131:5</p> <p>intervene ^[1] - 17:13</p> <p>introduced ^[3] - 9:29, 11:24, 133:4</p> | <p>introductory ^[1] - 113:4</p> <p>intuitively ^[1] - 68:26</p> <p>investigate ^[2] - 39:26, 137:24</p> <p>investigation ^[26] - 3:3, 22:3, 30:18, 30:21, 31:1, 31:17, 39:5, 40:2, 42:13, 47:25, 79:13, 119:24, 120:6, 120:26, 120:27, 123:22, 124:10, 124:25, 124:26, 125:2, 125:19, 129:25, 130:8, 137:14, 143:29, 145:16</p> <p>investigations ^[6] - 42:2, 73:7, 119:18, 119:19, 119:22, 120:1</p> <p>investigative ^[4] - 125:21, 145:18, 148:23, 149:7</p> <p>investigator ^[5] - 47:24, 123:21, 124:23, 136:24, 137:28</p> <p>Investigatory ^[7] - 6:6, 23:24, 58:12, 103:14, 103:28, 104:26, 115:7</p> <p>invited ^[2] - 4:17, 154:9</p> <p>involve ^[4] - 22:15, 34:27, 67:9, 69:24</p> <p>involved ^[22] - 5:7, 5:10, 10:7, 15:11, 17:26, 28:19, 33:18, 34:22, 35:25, 36:14, 49:18, 71:5, 71:13, 111:5, 121:7, 125:14, 126:2, 127:9, 136:1, 136:11, 136:12, 137:6</p> <p>involvement ^[11] - 22:18, 40:18, 40:21, 41:23, 119:5, 119:7, 121:25, 123:11, 124:11, 124:16, 130:17</p> |
|---|--|---|--|--|--|

| | | | | | |
|---|--|--|--|---|--|
| <p>involvement's [1] - 121:2</p> <p>involves [5] - 5:22, 22:2, 39:4, 49:6, 73:8</p> <p>involving [5] - 30:24, 45:17, 94:26, 119:3, 127:2</p> <p>IPA [9] - 23:28, 24:10, 24:22, 27:7, 28:4, 28:17, 34:6, 34:19, 42:19</p> <p>IPA [2] - 6:6, 23:24</p> <p>Ireland [10] - 7:16, 7:19, 7:20, 7:28, 13:16, 42:25, 47:6, 53:29, 57:1, 99:28</p> <p>Ireland's [1] - 115:5</p> <p>issue [62] - 4:3, 8:21, 14:18, 17:15, 19:5, 21:18, 28:23, 34:3, 40:7, 44:14, 48:21, 49:20, 50:16, 51:21, 60:19, 64:24, 65:29, 66:1, 67:23, 68:16, 69:17, 69:19, 70:18, 75:8, 75:20, 75:23, 76:7, 77:6, 83:29, 84:17, 84:20, 88:22, 96:25, 97:24, 99:22, 99:23, 100:22, 101:4, 101:22, 101:27, 102:24, 104:25, 117:6, 117:8, 122:5, 122:19, 123:1, 123:2, 124:15, 126:12, 127:15, 127:16, 128:2, 128:16, 130:19, 131:6, 146:10, 150:8, 153:13</p> <p>Issue [1] - 5:4</p> <p>issued [4] - 4:2, 4:9, 7:11, 139:5</p> <p>issues [24] - 4:19, 5:13, 5:18, 8:3, 14:6, 40:23, 42:26, 45:13,</p> | <p>50:24, 63:27, 67:1, 70:17, 71:27, 72:6, 73:26, 79:26, 85:10, 104:24, 108:9, 119:28, 121:27, 133:23, 149:24</p> <p>item [1] - 59:17</p> <p>itself [2] - 115:11, 129:23</p> <p>JL [8] - 47:21, 123:14, 123:15, 127:12, 127:18, 127:21, 127:26, 129:23</p> <p>jobs [1] - 67:26</p> <p>John [4] - 21:1, 44:22, 70:3, 91:6</p> <p>Jordan [1] - 121:6</p> <p>judge [14] - 15:2, 15:26, 17:21, 37:1, 43:18, 81:22, 105:27, 107:3, 107:12, 107:20, 107:21, 146:22, 154:16</p> <p>judge's [1] - 17:29</p> <p>judged [1] - 94:5</p> <p>judgement [2] - 156:17, 156:27</p> <p>judges [4] - 32:17, 93:22, 96:8, 98:11</p> <p>judgment [29] - 21:9, 43:4, 47:21, 55:6, 57:19, 61:29, 62:21, 66:21, 66:22, 66:28, 68:6, 71:18, 72:8, 75:7, 76:3, 77:20, 81:11, 84:9, 84:10, 84:12, 86:12, 86:21, 87:16, 95:28, 98:10, 119:17, 123:17, 123:28</p> <p>judicial [24] - 10:3, 16:17, 17:26, 18:9, 22:26, 28:29, 29:6, 43:2, 49:9, 49:10, 49:15, 64:1, 66:28, 68:29, 147:9, 150:29, 151:28, 152:1, 152:2,</p> | <p>152:25, 153:16, 153:25, 154:26, 157:5</p> <p>JULY [1] - 157:17</p> <p>July [1] - 7:23</p> <p>jump [1] - 102:17</p> <p>June [2] - 4:10, 14:1</p> <p>jurisdiction [1] - 30:12</p> <p>jurisprudence [3] - 31:14, 77:24, 77:26</p> <p>Justice [13] - 12:3, 21:23, 43:4, 43:21, 66:28, 74:25, 91:21, 103:23, 105:19, 112:28, 113:15, 123:15, 135:14</p> <p>justice [18] - 15:16, 36:19, 62:5, 62:22, 64:9, 64:15, 64:28, 65:8, 65:19, 68:26, 72:27, 76:24, 77:3, 77:8, 77:16, 87:20, 89:14, 129:26</p> <p>justification [8] - 56:18, 80:28, 82:20, 82:22, 83:10, 89:29, 112:9, 152:23</p> <p>justifications [1] - 83:14</p> <p>justified [5] - 41:6, 54:16, 54:21, 55:4, 55:20</p> <p>justly [1] - 85:12</p> <p>Keir [1] - 144:9</p> <p>key [16] - 18:16, 71:7, 76:4, 77:6, 80:12, 80:13, 80:27, 81:8, 98:20, 100:22, 121:19, 121:23, 126:17, 127:8, 150:14, 150:16</p> <p>killed [1] - 30:19</p> <p>killling [1] - 143:26</p> <p>kin [17] - 119:3, 119:8, 121:6, 121:25, 121:26, 122:8, 123:11, 123:27, 126:1,</p> | <p>126:5, 127:2, 127:8, 130:25, 133:3, 133:7, 134:19, 142:26</p> <p>kin's [1] - 127:23</p> <p>kind [3] - 37:8, 65:14, 65:19</p> <p>King's [1] - 46:5</p> <p>Kingdom [3] - 9:26, 147:17, 149:26</p> <p>knowing [1] - 134:21</p> <p>knowledge [4] - 29:3, 151:4, 151:13, 154:12</p> <p>known [2] - 107:1, 143:20</p> <p>knows [3] - 30:5, 81:22, 96:15</p> <p>Kovtun [1] - 145:8</p> <p>lack [4] - 3:21, 41:28, 67:19, 73:4</p> <p>lacked [1] - 65:6</p> <p>lacks [2] - 14:13, 33:6</p> <p>Lady [4] - 62:4, 62:21, 64:26, 66:26</p> <p>language [12] - 53:6, 68:22, 68:24, 77:4, 109:19, 112:7, 129:16, 130:1, 133:25, 134:13, 136:10, 136:11</p> <p>last [6] - 15:20, 36:25, 73:11, 76:11, 77:14, 83:8</p> <p>latter [1] - 27:22</p> <p>Law [1] - 44:22</p> <p>law [79] - 3:7, 5:28, 8:6, 8:10, 8:24, 10:15, 14:22, 17:13, 18:15, 19:4, 21:7, 29:19, 35:19, 38:25, 45:27, 46:29, 47:5, 48:2, 48:10, 50:25, 51:8, 52:28, 52:29, 55:5, 57:5, 60:29, 61:14, 61:16, 61:20, 61:23, 61:26, 61:27, 63:4,</p> | <p>63:10, 63:11, 63:24, 66:17, 70:11, 71:19, 71:21, 72:2, 73:15, 73:17, 74:17, 80:14, 85:13, 85:14, 92:24, 96:2, 96:3, 96:5, 96:9, 96:12, 96:24, 103:8, 103:27, 104:5, 108:18, 108:19, 117:25, 118:1, 118:16, 118:18, 118:19, 121:18, 121:29, 122:13, 125:11, 125:13, 126:19, 128:11, 134:4, 134:14, 154:10, 154:21, 154:23, 155:8</p> <p>lawful [2] - 87:5, 151:24</p> <p>lawfully [1] - 27:6</p> <p>lawfulness [1] - 94:8</p> <p>laws [1] - 30:22</p> <p>lawyer [5] - 35:13, 35:14, 61:7, 86:10, 86:15</p> <p>lawyer's [1] - 47:3</p> <p>lawyers [5] - 40:18, 67:12, 110:24, 144:13, 146:24</p> <p>lead [5] - 51:9, 64:12, 79:7, 95:15, 135:19</p> <p>leadership [1] - 120:6</p> <p>leads [3] - 101:14, 132:1, 134:25</p> <p>learnt [2] - 134:22, 134:27</p> <p>least [16] - 14:26, 16:23, 19:13, 33:18, 34:1, 39:11, 45:23, 68:19, 79:29, 91:5, 99:21, 139:23, 140:6, 143:7, 143:8, 157:2</p> <p>leave [4] - 3:16, 43:1, 64:7, 130:13</p> | <p>leaving [1] - 72:5</p> <p>led [9] - 14:7, 54:10, 63:14, 71:14, 74:2, 139:10, 142:26, 144:19, 144:20</p> <p>left [2] - 48:10, 138:25</p> <p>legal [59] - 3:16, 3:21, 4:1, 4:9, 9:23, 11:19, 13:21, 13:23, 17:4, 18:19, 22:25, 23:7, 25:1, 25:2, 27:9, 27:18, 28:20, 30:28, 31:11, 31:14, 31:19, 33:5, 33:14, 33:19, 33:22, 33:26, 34:5, 34:23, 35:15, 38:5, 39:9, 39:10, 40:5, 40:15, 40:18, 40:23, 40:27, 41:11, 42:17, 44:9, 45:9, 57:27, 66:10, 67:14, 68:11, 68:13, 70:27, 71:25, 72:1, 86:4, 86:5, 118:5, 140:16, 140:22, 144:17, 148:1, 152:27, 152:29</p> <p>legality [1] - 57:2</p> <p>legislation [26] - 5:24, 9:13, 12:5, 12:12, 14:4, 23:27, 29:29, 30:1, 51:2, 51:22, 51:23, 54:28, 55:3, 59:26, 76:1, 89:4, 89:11, 97:25, 98:17, 99:8, 115:13, 116:17, 116:21, 116:22, 118:8, 131:5</p> <p>legislative [2] - 88:13</p> <p>legitimate [25] - 81:9, 121:12, 122:9, 125:15, 125:19, 125:20, 125:23, 126:7, 126:13, 127:10, 127:16, 127:23,</p> |
|---|--|--|--|---|--|

| | | | | | |
|--|---|--|---|--|---|
| <p>128:5, 128:7, 129:14, 129:29, 130:26, 130:28, 133:14, 134:8, 134:14, 134:15, 136:9, 137:7, 137:17</p> <p>lengthy [3] - 71:5, 72:26, 85:19</p> <p>lens [1] - 136:28</p> <p>less [2] - 11:18, 45:8</p> <p>lessons [2] - 134:21, 134:27</p> <p>letter [1] - 7:22</p> <p>level [1] - 5:18</p> <p>Leveson [1] - 135:14</p> <p>Leveson's [1] - 66:28</p> <p>liberty [2] - 97:15, 99:21</p> <p>life [5] - 6:11, 30:6, 30:9, 30:23, 92:4</p> <p>light [5] - 67:23, 118:13, 120:16, 131:7, 133:29</p> <p>likely [12] - 42:14, 42:21, 64:11, 68:16, 69:4, 110:22, 122:6, 134:6, 141:1, 141:10, 155:17</p> <p>limb [1] - 143:25</p> <p>limit [1] - 82:6</p> <p>limitation [3] - 28:9, 34:12, 99:26</p> <p>limitations [5] - 50:4, 76:19, 82:6, 97:6, 113:16</p> <p>limited [9] - 11:14, 22:27, 35:5, 54:17, 69:28, 75:24, 110:5, 115:13, 149:19</p> <p>line [5] - 76:11, 84:8, 107:10, 138:19, 146:27</p> <p>lines [11] - 22:28, 72:19, 83:8, 87:9, 102:25, 114:26, 120:10, 123:5, 136:23, 140:6, 140:9</p> | <p>link [3] - 63:6, 70:16, 104:24</p> <p>linked [4] - 65:13, 88:22, 110:1, 140:12</p> <p>links [6] - 61:13, 78:11, 104:24, 111:22, 114:8, 116:6</p> <p>list [4] - 4:4, 12:1, 47:7, 108:23</p> <p>listening [2] - 72:14, 112:6</p> <p>litigant [2] - 138:9, 138:10</p> <p>litigation [5] - 71:13, 71:14, 113:23, 142:20, 153:28</p> <p>litigator [1] - 136:18</p> <p>Litvinenko [14] - 19:19, 19:20, 21:11, 32:21, 41:18, 43:19, 142:22, 143:2, 143:17, 143:18, 144:22, 145:6, 150:1</p> <p>Litvinenko's [1] - 144:17</p> <p>Litvinenkos [1] - 145:1</p> <p>lodged [1] - 4:6</p> <p>Logan [1] - 44:23</p> <p>logic [1] - 29:4</p> <p>look [15] - 64:7, 66:16, 78:22, 92:18, 99:2, 99:5, 108:27, 112:21, 113:13, 124:13, 124:17, 125:18, 130:24, 156:27, 156:28</p> <p>looked [7] - 117:24, 119:23, 119:26, 144:25, 145:10, 149:13, 156:9</p> <p>looking [19] - 55:22, 57:26, 58:20, 58:23, 58:24, 61:7, 66:29, 77:5, 77:17, 77:29, 80:9, 82:29, 103:13, 104:14, 113:14, 121:21,</p> | <p>122:4, 127:26, 156:20</p> <p>looks [8] - 64:21, 66:22, 69:3, 73:17, 92:21, 104:2, 112:19, 115:26</p> <p>Lord [82] - 7:21, 7:27, 14:28, 15:1, 21:23, 47:21, 66:28, 67:29, 68:18, 68:21, 68:22, 68:25, 69:14, 70:17, 70:22, 70:23, 71:6, 71:17, 72:3, 72:8, 72:11, 72:18, 73:29, 76:3, 76:11, 76:20, 77:21, 77:25, 82:18, 86:11, 86:12, 86:21, 86:26, 87:3, 87:9, 88:28, 89:7, 89:20, 89:26, 91:22, 92:17, 92:19, 92:29, 93:16, 94:12, 94:19, 95:1, 96:23, 96:28, 97:4, 98:9, 98:11, 98:12, 98:14, 98:15, 98:16, 106:12, 108:7, 108:15, 108:21, 114:8, 119:17, 119:21, 123:17, 123:20, 124:4, 124:9, 125:17, 127:25, 127:29, 132:15, 134:17, 135:14, 136:21, 137:27, 143:12, 155:4, 155:14, 156:5</p> <p>Lords [6] - 16:14, 16:26, 55:6, 79:3, 96:4, 123:18</p> <p>losing [1] - 67:26</p> <p>Lugovoi [1] - 145:8</p> <p>LUNCH [1] - 83:21</p> <p>lunch [1] - 83:28</p> <p>Mahon [2] - 64:26, 65:16</p> <p>maintaining [1] - 127:28</p> | <p>maintains [1] - 7:14</p> <p>major [1] - 138:8</p> <p>majority [2] - 89:26, 89:27</p> <p>maker [1] - 71:21</p> <p>Malik [1] - 17:17</p> <p>man [1] - 120:7</p> <p>management [1] - 45:28</p> <p>Manchester [11] - 17:17, 20:26, 21:16, 29:24, 32:21, 41:18, 70:3, 91:6, 135:23, 142:23, 143:2</p> <p>manner [3] - 85:9, 99:9, 134:25</p> <p>Marina [1] - 19:20</p> <p>marked [1] - 85:1</p> <p>markedly [1] - 37:21</p> <p>mater [1] - 10:25</p> <p>material [99] - 8:27, 9:5, 9:23, 11:9, 12:10, 22:26, 25:20, 25:23, 25:24, 28:5, 28:8, 28:13, 29:5, 33:27, 34:7, 34:10, 34:15, 41:16, 42:14, 42:15, 42:19, 45:5, 59:1, 59:17, 59:24, 59:29, 60:4, 60:6, 73:23, 74:10, 75:1, 75:27, 80:29, 81:4, 81:16, 81:25, 82:13, 82:21, 82:22, 83:11, 83:15, 86:3, 86:15, 86:19, 89:29, 95:9, 97:9, 98:1, 101:21, 102:7, 102:12, 103:9, 104:2, 104:8, 105:6, 105:11, 105:29, 107:7, 107:17, 107:22, 107:25, 107:26, 108:2, 108:29, 109:1, 109:4, 109:6, 110:9,</p> | <p>110:15, 110:16, 110:25, 110:27, 111:6, 111:12, 112:15, 113:7, 114:14, 115:21, 115:28, 116:1, 121:24, 124:27, 140:28, 141:5, 141:10, 141:14, 141:20, 147:16, 147:19, 147:27, 148:5, 151:3, 156:16, 156:22, 156:26, 157:1, 157:6, 157:11</p> <p>matter [28] - 3:6, 10:26, 21:7, 27:6, 29:4, 29:19, 36:8, 46:24, 50:24, 51:28, 53:10, 60:12, 75:26, 79:27, 80:2, 96:24, 97:24, 99:14, 101:14, 118:1, 124:6, 127:4, 130:8, 131:27, 132:26, 135:20, 137:24, 149:23</p> <p>matters [9] - 3:16, 50:20, 51:9, 55:27, 55:29, 56:3, 72:14, 99:25, 136:28</p> <p>McBride [1] - 44:24</p> <p>McBurney [2] - 44:22, 116:15</p> <p>mean [27] - 11:17, 38:7, 47:3, 52:4, 62:14, 62:17, 64:3, 65:26, 66:7, 78:6, 79:15, 107:20, 108:15, 113:23, 114:19, 114:23, 115:25, 118:12, 119:4, 125:18, 133:13, 137:9, 141:8, 141:24, 150:3, 155:15</p> <p>meaning [7] - 25:4, 35:20, 57:3, 57:13, 73:3, 110:5, 137:27</p> <p>meaningful [1] - 67:24</p> <p>meaningfully [2] - 23:4, 44:7</p> <p>means [13] -</p> | <p>45:6, 53:28, 57:25, 59:13, 64:17, 65:7, 66:10, 66:25, 71:20, 73:27, 99:10, 99:12, 132:22</p> <p>meant [2] - 109:18, 149:19</p> <p>measure [1] - 87:19</p> <p>mechanism [5] - 11:27, 12:22, 33:4, 81:3, 128:6</p> <p>mechanisms [2] - 14:11, 130:27</p> <p>meet [2] - 15:27, 37:2</p> <p>member [1] - 16:17</p> <p>members [8] - 39:20, 40:15, 133:3, 135:23, 136:5, 136:8, 146:5, 147:4</p> <p>memory [2] - 120:15, 149:12</p> <p>mention [1] - 27:13</p> <p>mentioned [3] - 67:21, 135:10, 136:20</p> <p>messy [1] - 8:19</p> <p>met [3] - 38:9, 116:25, 116:26</p> <p>method [1] - 139:19</p> <p>MI5 [2] - 111:13, 112:6</p> <p>middle [1] - 81:23</p> <p>might [44] - 20:4, 28:17, 33:7, 34:20, 35:23, 38:7, 46:14, 58:12, 58:16, 64:13, 69:28, 93:27, 94:1, 98:13, 98:14, 100:6, 100:16, 100:27, 102:4, 104:17, 107:4, 107:10, 107:11, 108:2, 112:10, 112:14, 112:15, 112:18, 115:21, 117:6, 126:8, 126:9, 133:17, 134:29, 135:19, 136:22, 136:29,</p> |
|--|---|--|---|--|---|

| | | | | | |
|--|---|---|---|--|---|
| 141:2, 144:12, 148:26, 149:8, 156:18 mind [3] - 20:9, 20:14, 79:8 mine [1] - 78:29 minimised [1] - 57:25 minimum [2] - 35:5, 94:3 minor [1] - 126:12 minute [2] - 96:6, 124:8 minutes [2] - 46:14, 117:17 Miss [1] - 37:13 missed [1] - 58:15 mitigate [7] - 90:1, 90:26, 97:11, 97:19, 102:22, 103:11, 104:9 mitigated [1] - 104:3 mitigates [3] - 55:15, 55:16, 89:22 mitigating [1] - 89:9 ML [1] - 20:17 model [2] - 49:10, 88:4 moment [21] - 7:18, 8:5, 23:16, 23:28, 35:29, 58:14, 63:19, 66:20, 67:21, 70:6, 79:15, 80:24, 85:3, 90:29, 121:21, 124:3, 124:6, 131:2, 132:16, 156:6 month [1] - 73:12 moreover [2] - 22:15, 28:15 morning [6] - 46:21, 46:22, 61:15, 90:7, 110:14, 132:17 most [9] - 80:16, 84:9, 85:9, 104:25, 104:26, 105:21, 110:21, 113:25, 120:28 move [3] - 28:26, 73:10, | 109:16 moved [1] - 83:2 MR [124] - 46:8, 46:11, 46:15, 46:22, 47:2, 48:5, 48:15, 48:18, 48:20, 49:23, 49:27, 58:7, 58:13, 58:24, 59:9, 60:9, 63:5, 64:4, 64:14, 64:19, 65:26, 70:7, 75:11, 75:15, 77:19, 78:4, 78:6, 78:28, 79:14, 79:17, 79:21, 82:4, 82:25, 83:1, 83:4, 83:7, 83:19, 83:23, 84:28, 85:2, 85:18, 85:25, 85:28, 91:4, 91:7, 91:16, 91:19, 91:24, 91:27, 92:1, 92:6, 93:18, 95:26, 96:13, 96:16, 97:4, 98:6, 98:29, 100:9, 100:19, 100:21, 102:2, 102:15, 106:12, 106:17, 106:22, 107:18, 108:7, 110:11, 112:7, 112:13, 113:28, 114:6, 117:22, 121:11, 123:20, 124:13, 125:5, 126:3, 126:10, 127:3, 127:6, 131:19, 131:23, 131:29, 132:5, 132:15, 133:12, 133:21, 135:18, 135:28, 137:3, 138:7, 139:22, 141:6, 141:24, 142:3, 142:12, 142:29, 143:12, 143:15, 144:4, 144:11, 149:10, 150:6, 150:27, 153:7, 153:9, 153:27, 154:1, 154:7, 154:15, 154:18, 154:25, 155:3, 155:14, 156:4, 156:7, 156:13, 156:17, 157:3, 157:15, 158:4, 158:5 | Murungaru [1] - 17:25 must [21] - 10:25, 11:21, 13:11, 30:1, 35:14, 38:2, 39:23, 52:27, 64:2, 76:24, 99:11, 99:13, 104:16, 121:7, 125:14, 129:15, 131:11, 136:10, 136:12, 146:4, 157:7 namely [5] - 8:26, 15:25, 68:26, 95:2, 95:19 names [2] - 143:19, 143:21 narrow [4] - 9:7, 11:11, 40:13, 101:2 narrower [1] - 111:2 narrowly [2] - 56:29, 57:12 national [7] - 12:21, 14:6, 14:8, 33:2, 146:13, 147:19, 147:21 natural [7] - 62:5, 62:22, 63:4, 64:9, 64:15, 64:28, 89:14 naturalised [1] - 143:19 naturally [1] - 99:11 nature [16] - 20:9, 29:17, 35:3, 39:8, 39:15, 39:24, 56:23, 103:22, 104:18, 144:29, 145:25, 147:26, 149:4, 149:6, 149:14, 153:6 necessarily [38] - 48:15, 49:2, 50:23, 53:18, 61:5, 61:6, 64:16, 69:26, 69:29, 72:21, 77:19, 88:8, 98:13, 100:15, 105:15, 108:8, 108:23, 109:11, 110:3, 111:9, 111:12, 111:14, 111:16, | 111:29, 112:8, 113:12, 113:28, 119:2, 127:1, 137:3, 137:4, 139:22, 140:5, 141:15, 143:1, 143:4, 155:20, 157:9 necessary [54] - 6:8, 15:6, 15:15, 18:25, 18:26, 20:6, 20:17, 21:15, 21:27, 23:8, 24:7, 26:17, 27:20, 34:28, 36:18, 37:20, 37:23, 38:15, 41:7, 44:27, 55:27, 56:21, 59:20, 60:3, 63:13, 77:28, 90:16, 95:16, 98:4, 98:5, 98:7, 99:14, 100:4, 100:7, 103:11, 105:20, 106:9, 107:13, 110:19, 112:26, 114:28, 114:29, 116:5, 116:9, 118:23, 121:10, 125:14, 127:9, 129:3, 129:29, 131:2, 136:12, 137:6, 139:20 necessitate [1] - 31:2 necessity [5] - 38:7, 38:9, 95:3, 100:13, 124:10 need [57] - 3:20, 12:9, 13:12, 14:1, 17:14, 32:6, 32:22, 36:8, 38:19, 41:2, 45:6, 45:27, 46:12, 48:6, 51:11, 52:21, 53:5, 56:17, 60:4, 62:14, 63:18, 66:16, 70:10, 72:6, 73:23, 75:1, 76:24, 77:2, 77:4, 78:19, 80:17, 88:15, 96:6, 99:25, 100:23, 104:21, 105:17, 107:24, 108:1, 108:11, 114:22, 115:21, 115:28, 117:12, 117:25, | 125:28, 127:14, 127:27, 129:25, 151:24, 151:25, 151:26, 156:18, 156:28, 157:7, 157:8 needed [13] - 47:20, 71:28, 82:10, 100:26, 100:27, 101:1, 114:16, 115:29, 121:8, 121:10, 124:21, 125:1, 156:27 needing [1] - 72:28 needs [8] - 46:10, 46:16, 54:11, 57:24, 60:16, 107:11, 114:14, 140:5 negligent [1] - 138:13 Netherlands [1] - 31:7 neutral [2] - 3:13, 133:25 never [10] - 15:20, 15:21, 36:24, 36:25, 77:13, 77:14, 78:22, 107:16, 119:4, 154:29 Newspapers [2] - 66:27, 135:13 next [27] - 9:13, 77:11, 78:12, 84:8, 85:28, 95:18, 119:3, 119:7, 121:6, 121:25, 121:26, 122:8, 123:11, 123:27, 126:1, 126:5, 127:2, 127:8, 127:23, 130:25, 133:3, 133:7, 134:19, 142:26, 147:1, 147:8, 147:9 next-of-kin [1] - 121:6 ninth [1] - 6:23 ninthly [1] - 38:22 NIQB [1] - 43:2 nobody [3] - 50:21, 65:26, 140:4 non [3] - 12:1, 120:23, 149:1 | non-compliance [1] - 120:23 non-exhaustive [1] - 12:1 non-state [1] - 149:1 none [4] - 57:27, 76:14, 76:22, 83:28 nonetheless [4] - 16:12, 16:27, 40:6, 43:24 normal [5] - 90:12, 107:21, 138:10, 140:23, 154:28 normally [1] - 153:17 Northern [11] - 7:16, 7:18, 7:19, 7:28, 13:16, 42:25, 47:6, 53:29, 57:1, 99:28, 115:5 notably [1] - 27:18 note [12] - 4:2, 4:3, 4:9, 4:10, 13:29, 14:4, 45:16, 46:13, 103:1, 105:13, 110:1, 147:24 noted [22] - 3:19, 44:19, 87:9, 88:3, 88:28, 96:9, 120:8, 120:16, 120:17, 144:26, 144:27, 145:5, 145:23, 145:24, 145:28, 146:1, 146:4, 146:9, 146:15, 147:1, 147:8, 147:9 notes [5] - 4:17, 31:19, 117:24, 126:28 noteworthy [1] - 40:3 nothing [17] - 13:26, 13:27, 50:25, 59:27, 81:22, 97:18, 100:12, 107:15, 116:29, 123:9, 125:12, 144:17, 150:22, 152:17, 153:29, 155:22 notice [3] - |
|--|---|---|---|--|---|

| | | | | | |
|--|---|--|---|--|--|
| <p>54:20, 135:13, 153:22</p> <p>Notice [5] - 13:26, 26:6, 32:28, 146:11, 148:6</p> <p>Notices [1] - 148:8</p> <p>notwithstanding [1] - 18:6</p> <p>novel [1] - 41:12</p> <p>nuanced [2] - 45:6, 91:10</p> <p>number [19] - 8:2, 16:4, 61:27, 71:4, 72:15, 83:3, 103:17, 105:9, 105:13, 110:6, 121:4, 123:19, 128:29, 132:2, 138:1, 139:26, 144:7, 144:27, 145:23</p> <p>numbers [1] - 84:27</p> <p>numerous [1] - 31:19</p> <p>obiter [1] - 43:22</p> <p>objected [1] - 144:15</p> <p>objection [1] - 89:8</p> <p>objective [3] - 130:5, 130:14, 146:28</p> <p>obligation [14] - 30:9, 31:17, 40:29, 52:17, 52:18, 52:25, 52:26, 61:4, 61:6, 63:18, 86:28, 96:3, 127:22, 143:28</p> <p>obligations [1] - 47:12</p> <p>observe [6] - 12:5, 14:13, 15:23, 31:29, 35:9, 39:2</p> <p>observed [3] - 11:16, 34:12, 40:26</p> <p>observes [6] - 3:15, 31:14, 33:6, 34:5, 38:5, 41:11</p> <p>obtained [3] - 24:15, 145:15, 146:13</p> <p>obvious [13] - 12:17, 17:5,</p> | <p>42:12, 64:15, 64:24, 79:5, 104:9, 104:16, 105:21, 112:9, 131:10, 141:15, 142:22</p> <p>obviously [45] - 17:2, 26:20, 47:25, 48:22, 48:26, 51:14, 52:10, 53:13, 54:14, 56:7, 60:19, 62:24, 65:2, 66:10, 68:14, 73:26, 74:13, 75:2, 77:11, 88:2, 90:10, 97:14, 99:3, 99:19, 99:23, 101:1, 101:3, 101:21, 107:21, 108:25, 110:4, 115:12, 118:2, 118:21, 121:11, 125:23, 128:12, 132:9, 139:26, 142:15, 149:15, 151:24, 154:8, 154:26, 157:3</p> <p>occasions [1] - 103:17</p> <p>occur [4] - 3:13, 24:19, 25:7, 109:18</p> <p>occurred [2] - 24:18, 149:8</p> <p>occurring [1] - 30:25</p> <p>October [2] - 19:22, 20:29</p> <p>odd [4] - 85:2, 111:19, 112:12, 117:4</p> <p>offer [1] - 39:22</p> <p>Office [2] - 7:12, 10:4</p> <p>officer [11] - 8:6, 8:10, 8:25, 10:15, 35:19, 38:25, 45:27, 46:29, 47:5, 48:2, 48:10</p> <p>official [1] - 30:18</p> <p>often [5] - 33:4, 109:5, 109:8, 109:10, 135:10</p> <p>Omagh [8] - 6:24, 7:15, 23:13, 24:3, 38:16, 42:7,</p> | <p>42:20, 43:26</p> <p>Ombudsman [1] - 13:16</p> <p>omission [1] - 108:17</p> <p>once [8] - 9:5, 11:8, 31:23, 35:25, 47:23, 60:4, 124:26, 146:18</p> <p>one [137] - 3:15, 5:6, 8:5, 8:19, 23:16, 23:28, 26:8, 26:22, 31:28, 38:6, 39:15, 42:17, 43:29, 45:1, 45:23, 46:24, 49:12, 54:14, 56:7, 56:28, 57:24, 57:25, 60:16, 61:14, 63:7, 64:20, 65:29, 66:3, 66:13, 67:5, 67:6, 67:11, 67:15, 69:3, 69:6, 69:7, 69:13, 69:15, 70:3, 70:11, 72:19, 73:15, 73:16, 73:17, 73:24, 75:22, 78:6, 78:7, 79:2, 80:17, 80:27, 81:8, 81:20, 82:8, 83:29, 89:10, 89:27, 91:20, 97:6, 97:17, 97:21, 98:8, 98:20, 99:16, 99:21, 100:6, 100:21, 100:24, 101:10, 102:16, 102:18, 107:9, 109:17, 109:28, 110:21, 111:2, 111:10, 111:28, 112:19, 114:8, 114:19, 114:21, 115:17, 115:25, 115:26, 116:24, 117:24, 117:29, 118:7, 118:17, 120:2, 120:25, 123:9, 124:1, 124:6, 126:14, 126:20, 126:21, 126:24, 129:27, 130:2, 130:28, 131:12, 132:6, 132:12, 132:17,</p> | <p>132:18, 133:13, 133:29, 134:9, 135:11, 136:8, 136:20, 136:21, 138:29, 139:22, 140:13, 143:7, 144:12, 149:27, 150:2, 150:12, 150:27, 151:10, 155:15, 155:18, 155:22, 156:11, 156:24</p> <p>one's [1] - 137:7</p> <p>ones [2] - 134:14, 138:18</p> <p>onwards [3] - 51:18, 119:22, 120:5</p> <p>open [25] - 3:26, 22:9, 22:11, 23:3, 35:4, 44:5, 44:8, 45:4, 45:9, 49:2, 81:11, 111:10, 139:26, 139:27, 147:3, 151:5, 151:12, 152:4, 152:9, 154:25, 156:16, 157:1, 157:5, 157:10</p> <p>open/closed [1] - 11:13</p> <p>opening [3] - 46:3, 73:11, 113:21</p> <p>operate [6] - 26:5, 45:24, 59:15, 95:23, 111:11, 155:6</p> <p>operated [1] - 96:14</p> <p>operates [5] - 33:14, 60:1, 143:10, 153:9, 153:12</p> <p>operation [3] - 27:24, 42:18, 143:9</p> <p>opinion [4] - 49:4, 89:7, 152:26, 154:17</p> <p>opportunities [2] - 79:6, 79:7</p> <p>opportunity [7] - 94:27, 95:15, 128:5, 135:6, 141:3, 142:4, 146:9</p> <p>opposed [2] - 4:7, 88:23</p> <p>oral [6] - 4:14,</p> | <p>72:10, 85:22, 94:26, 132:3, 148:4</p> <p>orally [1] - 45:16</p> <p>order [19] - 5:19, 43:23, 46:9, 59:26, 60:5, 60:21, 75:4, 75:11, 86:24, 95:13, 95:17, 100:4, 100:14, 108:28, 119:20, 131:8, 141:22, 145:22, 156:5</p> <p>Order [18] - 11:22, 13:26, 17:19, 26:5, 31:12, 32:27, 54:23, 55:1, 55:25, 59:1, 59:4, 59:5, 59:12, 59:19, 59:28, 59:29, 60:2, 146:10</p> <p>ordered [10] - 15:25, 24:27, 25:6, 25:12, 25:21, 26:3, 26:25, 27:3, 27:16, 36:29</p> <p>ordering [1] - 55:17</p> <p>ordinary [1] - 113:24</p> <p>original [2] - 143:21, 154:21</p> <p>originally [1] - 92:4</p> <p>Osborn [6] - 66:21, 67:21, 67:28, 72:9, 82:28</p> <p>others [1] - 13:14</p> <p>otherwise [7] - 13:28, 85:22, 89:10, 89:14, 89:23, 110:9, 118:29</p> <p>ought [5] - 8:16, 23:12, 95:12, 118:1, 130:13</p> <p>outcome [18] - 39:1, 43:11, 49:7, 56:11, 71:10, 73:2, 75:25, 95:1, 130:15, 133:9, 133:20, 133:27, 133:28, 134:7, 136:8, 138:11,</p> | <p>140:15, 150:5</p> <p>outlined [2] - 15:10, 36:13</p> <p>outlines [1] - 10:18</p> <p>outlining [1] - 45:18</p> <p>outset [1] - 46:2</p> <p>overall [2] - 14:4, 18:17</p> <p>overlap [3] - 33:20, 84:15, 99:12</p> <p>overlapping [1] - 133:24</p> <p>overnight [1] - 156:12</p> <p>override [2] - 61:17, 61:20</p> <p>overriding [2] - 15:28, 37:2</p> <p>overview [3] - 5:22, 7:8, 18:15</p> <p>Owen [3] - 19:23, 21:10, 43:18</p> <p>own [6] - 4:14, 32:19, 44:29, 45:28, 84:29, 140:1</p> <p>pace [1] - 22:21</p> <p>PAGE [1] - 158:2</p> <p>page [30] - 7:23, 47:22, 51:27, 58:22, 62:2, 62:22, 67:29, 75:7, 75:20, 76:2, 76:4, 76:11, 83:1, 84:11, 84:25, 101:26, 103:26, 105:1, 105:24, 116:18, 116:24, 119:15, 119:16, 121:5, 122:19, 123:16, 128:23, 129:23, 139:8</p> <p>Page [1] - 83:4</p> <p>panel [5] - 7:14, 7:16, 24:27, 24:28, 24:29</p> <p>Panel [2] - 85:8, 115:16</p> <p>paper [3] - 133:4, 133:19, 157:9</p> <p>para [26] - 47:22, 71:18, 72:7, 72:19, 80:22, 80:23, 82:16, 82:17, 82:18,</p> |
|--|---|--|---|--|--|

| | | | | | |
|--|---|---|---|---|---|
| 85:3, 86:11, 87:7, 87:15, 87:26, 88:27, 90:2, 110:2, 111:21, 112:22, 122:23, 122:24, 123:28 paragraph [95] - 10:27, 10:29, 11:1, 11:4, 15:1, 15:10, 20:12, 25:10, 25:29, 26:4, 26:22, 26:28, 27:13, 31:6, 31:7, 31:8, 36:12, 37:6, 51:18, 57:2, 58:5, 58:28, 59:7, 59:23, 59:27, 62:4, 66:26, 68:5, 68:21, 70:21, 72:11, 75:16, 75:17, 76:2, 76:5, 82:17, 82:24, 82:25, 82:26, 82:27, 84:27, 84:28, 85:6, 85:21, 85:28, 86:25, 86:27, 87:21, 89:28, 91:23, 92:10, 92:19, 92:26, 93:4, 93:15, 94:13, 94:17, 95:2, 105:24, 106:20, 106:25, 107:29, 108:6, 108:28, 109:27, 110:7, 110:18, 111:4, 111:16, 112:27, 113:5, 113:14, 113:29, 114:2, 115:5, 116:3, 120:3, 120:4, 120:10, 121:5, 122:20, 123:19, 124:17, 125:10, 129:24, 133:6, 145:12, 145:26, 146:20, 147:13, 148:14 Paragraph [1] - 82:25 paragraphs [10] - 24:22, 25:7, 27:11, 75:15, 106:14, 108:25, 113:6, 113:21, 113:26, 119:22 paramilitary [2] - 34:21, 35:24 | parent [1] - 103:10 Parliament [8] - 14:16, 17:10, 32:29, 33:9, 54:27, 57:9, 106:18, 117:1 Parliament's [3] - 14:5, 28:16, 34:18 parliamentary [1] - 28:18 Parole [13] - 16:21, 16:26, 53:20, 72:10, 85:7, 86:28, 88:26, 89:4, 91:26, 94:24, 95:29, 96:14, 99:5 part [21] - 9:8, 49:15, 50:11, 59:18, 65:3, 76:5, 96:10, 111:22, 113:9, 120:18, 120:20, 120:23, 120:26, 120:28, 121:20, 124:24, 125:8, 129:24, 139:13, 140:2, 152:18 Part [1] - 10:12 participant [1] - 155:7 Participant [21] - 4:23, 12:23, 23:20, 35:12, 35:18, 39:27, 39:28, 41:26, 45:7, 60:22, 65:1, 133:2, 133:11, 133:15, 135:11, 136:17, 136:29, 137:9, 140:8, 141:11, 147:11 participants [4] - 56:10, 140:29, 141:22, 154:20 Participants [65] - 3:19, 4:13, 4:18, 5:6, 5:14, 11:18, 11:20, 12:27, 14:14, 17:14, 18:24, 23:4, 23:9, 23:17, 28:28, 31:3, 33:15, 34:28, 39:9, 40:4, 40:17, 40:21, 40:24, 40:28, 42:5, 44:6, 44:21, | 44:28, 45:3, 45:5, 48:23, 53:15, 56:10, 56:19, 65:2, 65:23, 66:2, 66:9, 67:17, 67:27, 68:12, 69:23, 71:4, 71:9, 72:2, 73:8, 81:9, 116:14, 125:24, 132:7, 132:10, 132:29, 138:15, 139:28, 140:19, 140:20, 140:24, 141:3, 149:1, 151:14, 151:19, 152:10, 152:27, 153:29, 155:1 Participants' [1] - 8:20 participate [10] - 23:5, 44:7, 89:16, 101:5, 120:24, 123:6, 125:9, 140:24, 140:25, 142:28 participation [11] - 28:12, 34:15, 35:3, 57:14, 119:25, 123:2, 123:27, 125:12, 129:28, 130:12, 140:19 particular [45] - 6:10, 7:15, 8:3, 13:21, 20:9, 20:14, 23:28, 25:4, 39:1, 39:21, 40:23, 51:16, 53:19, 56:17, 59:3, 63:24, 70:21, 71:12, 82:5, 84:5, 86:22, 88:20, 89:28, 97:12, 98:16, 100:1, 101:13, 101:22, 102:11, 112:3, 114:4, 116:21, 118:9, 118:22, 118:23, 119:5, 119:7, 123:24, 135:2, 141:27, 146:27, 149:16, 150:8, 150:28, 154:9 particularly [21] - 29:12, 42:16, 43:14, 49:5, 50:4, 55:5, 56:4, 58:27, 61:4, 61:22, 68:20, 82:17, | 82:25, 83:7, 94:10, 99:27, 115:9, 124:7, 126:24, 129:19, 151:16 parties [18] - 11:27, 33:5, 67:13, 73:24, 110:22, 110:23, 122:11, 122:14, 128:29, 132:3, 132:4, 132:5, 132:9, 140:15, 147:10, 147:15, 150:4 parties' [1] - 14:10 partly [7] - 56:2, 66:24, 69:16, 77:20, 107:26, 110:23, 151:17 party [21] - 8:26, 8:29, 9:6, 9:9, 12:9, 26:14, 26:15, 26:21, 64:12, 70:27, 81:20, 97:9, 104:8, 111:2, 111:3, 111:4, 111:17, 132:12, 143:3, 146:26 party's [2] - 9:3, 12:10 passage [8] - 37:17, 64:21, 67:28, 80:22, 83:11, 122:23, 123:17, 134:18 passages [3] - 62:3, 84:11, 96:22 passed [2] - 92:8, 94:2 passing [1] - 96:9 past [4] - 41:15, 49:3, 49:15, 71:13 pausing [3] - 7:18, 23:16, 23:28 pays [1] - 68:27 pdf [3] - 83:3, 83:4, 119:16 penalties [1] - 65:16 people [20] - 67:25, 69:9, 73:4, 73:10, 110:6, 110:16, 110:25, | 111:5, 112:24, 113:24, 115:20, 115:29, 116:4, 134:27, 137:22, 140:7, 142:15, 142:16, 153:21 perception [2] - 67:2, 67:3 perfectly [4] - 69:24, 152:14, 155:21, 156:1 perform [2] - 100:8, 100:12 performed [4] - 33:12, 101:23, 126:23, 136:5 performing [4] - 26:17, 27:20, 116:4, 142:21 performs [2] - 33:22, 114:20 perhaps [16] - 34:22, 47:2, 52:22, 54:8, 59:2, 63:20, 67:22, 67:25, 78:8, 83:17, 91:9, 94:15, 112:17, 116:19, 120:28, 128:15 period [3] - 71:5, 92:9, 94:22 peripheral [1] - 144:8 permissible [2] - 18:12, 32:4 permissibly [1] - 29:7 permission [2] - 16:12, 16:18 permit [3] - 12:8, 14:17, 33:9 permits [5] - 10:15, 32:26, 54:15, 54:21, 90:11 permitted [5] - 8:26, 27:18, 54:23, 64:12, 106:8 permitting [1] - 53:14 person [21] - 10:26, 11:6, 24:29, 25:2, 26:7, 26:10, 26:14, 26:15, 26:17, 26:21, 26:25, 27:2, 27:5, 27:20, 29:16, 39:15, | 64:26, 72:15, 111:3, 146:13, 155:27 person's [2] - 35:13, 35:14 personal [1] - 69:25 persons [3] - 11:1, 68:27, 147:23 perspective [1] - 4:11 persuaded [1] - 20:20 pervert [1] - 65:18 Phillips [2] - 70:23, 71:6 picked [1] - 103:1 piece [3] - 54:27, 55:3, 59:16 PII [6] - 14:29, 75:21, 101:27, 102:13, 105:29, 107:16 place [14] - 53:15, 61:5, 89:16, 109:29, 110:12, 113:16, 126:6, 128:20, 129:8, 136:7, 142:9, 142:13, 142:24, 149:16 placed [2] - 62:11, 70:27 places [1] - 132:2 plain [1] - 3:24 plainly [2] - 25:22, 72:28 Planning [1] - 12:2 play [11] - 50:3, 50:13, 59:2, 59:12, 62:26, 81:13, 92:11, 120:12, 120:19, 134:2, 152:4 played [4] - 20:14, 49:13, 49:15, 152:5 plays [3] - 50:7, 133:1 plenty [2] - 118:16, 118:18 point [63] - 39:27, 46:25, 49:16, 49:29, 50:13, 54:26, |
|--|---|---|---|---|---|

| | | | | | |
|--|--|---|--|--|--|
| 57:22, 60:8, 60:11, 61:13, 61:20, 63:8, 63:9, 63:21, 65:7, 65:28, 67:5, 69:22, 70:2, 70:5, 73:27, 78:17, 80:8, 80:13, 80:16, 82:15, 83:12, 85:16, 94:3, 96:19, 98:14, 98:15, 101:8, 102:3, 106:12, 108:7, 108:10, 108:13, 109:16, 110:20, 113:17, 114:6, 114:8, 116:13, 123:10, 127:4, 127:6, 127:8, 127:13, 128:9, 129:19, 131:25, 133:18, 138:2, 139:23, 140:5, 141:5, 150:17, 151:9, 154:9, 154:10, 156:7 points [12] - 8:17, 56:7, 61:15, 73:22, 84:24, 95:26, 98:8, 115:3, 138:6, 140:17, 141:6 poisoned [2] - 145:7 police [2] - 119:23, 125:19 Police [1] - 13:16 PONI [3] - 13:16, 13:29, 17:9 PONI's [1] - 13:20 pose [2] - 6:13, 29:4 posing [1] - 5:19 position [25] - 7:22, 7:27, 8:4, 8:18, 13:29, 25:21, 42:21, 48:28, 60:10, 62:27, 62:29, 65:1, 67:18, 70:27, 88:3, 107:21, 108:16, 118:5, 122:16, 138:5, 140:24, 152:12, 152:24, 155:9, 155:19 positions [1] - | 135:3 possession [1] - 147:17 possibility [3] - 20:4, 88:6, 91:1 possible [17] - 20:3, 29:29, 35:5, 54:27, 60:21, 60:26, 67:4, 81:10, 84:26, 90:14, 128:20, 128:21, 129:15, 148:16, 148:26, 154:8, 154:11 possibly [3] - 65:21, 84:9, 110:18 potential [16] - 28:21, 34:24, 43:26, 55:22, 73:3, 73:5, 80:21, 82:18, 84:4, 84:5, 97:20, 102:10, 108:1, 108:11, 109:6, 109:24 potentially [44] - 39:11, 50:7, 56:8, 62:26, 68:8, 69:5, 70:9, 71:26, 72:2, 79:21, 79:22, 80:6, 80:27, 81:12, 81:14, 81:15, 84:12, 88:14, 88:17, 101:1, 102:7, 106:24, 107:23, 107:28, 109:22, 111:1, 112:25, 113:1, 115:26, 115:29, 119:1, 125:22, 126:25, 129:6, 132:19, 134:2, 139:28, 140:14, 141:13, 150:12, 151:3, 154:18, 155:3, 155:4 power [130] - 3:2, 3:10, 4:21, 4:24, 4:26, 5:9, 6:13, 6:19, 6:21, 8:1, 8:9, 8:11, 8:15, 9:17, 13:28, 14:26, 16:27, 17:3, 17:7, 17:20, 17:28, 18:6, 18:18, 18:25, 19:1, 19:3, 19:9, 19:26, 19:27, 20:19, 20:23, | 21:7, 21:9, 21:13, 21:24, 23:11, 23:12, 23:18, 23:25, 25:15, 31:27, 32:3, 32:4, 36:1, 36:2, 36:5, 36:6, 38:14, 38:24, 44:16, 45:25, 46:27, 46:28, 50:16, 50:18, 50:21, 50:29, 51:5, 51:10, 60:20, 61:10, 63:16, 63:22, 69:18, 70:1, 73:19, 73:23, 74:3, 74:4, 74:5, 74:6, 74:21, 76:6, 77:1, 78:10, 78:15, 78:18, 79:28, 80:4, 80:6, 85:15, 86:2, 86:4, 86:6, 86:8, 86:10, 86:18, 86:19, 86:24, 89:5, 89:18, 90:22, 90:25, 91:13, 92:5, 92:7, 92:20, 93:23, 96:25, 97:9, 98:1, 98:3, 99:6, 99:13, 99:16, 99:17, 100:1, 100:3, 100:6, 100:7, 100:20, 101:8, 101:12, 102:5, 102:12, 104:2, 104:7, 104:8, 104:14, 104:25, 109:21, 117:2, 121:22, 122:5, 122:6, 131:11, 131:12, 131:14 Powers [7] - 6:6, 23:24, 58:12, 103:14, 103:29, 104:26, 115:7 powers [11] - 43:12, 52:7, 52:14, 61:8, 73:21, 90:15, 92:25, 95:21, 98:18, 114:15, 117:9 practical [9] - 15:11, 24:4, 28:11, 34:14, 36:13, 42:26, 45:13, 59:15, 70:22 practicalities [4] | - 5:7, 5:10, 7:5, 45:11 practice [5] - 32:22, 45:3, 111:11, 135:20, 156:24 preceded [1] - 64:8 precedent [2] - 41:28, 88:9 precisely [1] - 95:2 prefers [1] - 68:23 premise [1] - 20:18 premised [2] - 58:27, 100:25 premises [1] - 42:24 prepared [4] - 4:11, 21:6, 32:11, 150:15 prescribed [1] - 45:18 prescriptive [2] - 88:16, 94:18 presence [2] - 55:18, 63:4 present [29] - 5:20, 8:27, 10:19, 27:15, 27:19, 54:24, 54:29, 62:15, 62:23, 62:28, 62:29, 66:18, 67:13, 68:11, 68:13, 69:5, 71:29, 74:12, 89:10, 89:15, 94:5, 113:25, 126:17, 128:3, 129:1, 138:4, 144:13, 148:1, 152:22 presentation [2] - 136:15, 138:3 presented [2] - 72:9, 88:26 preservation [1] - 63:11 preserves [2] - 61:23, 74:15 press [1] - 147:5 pressing [1] - 45:8 Preston [1] - 106:29 pretty [1] - 131:10 prevent [1] - | 118:25 prevented [1] - 60:22 prevents [2] - 50:25, 105:2 previous [6] - 31:19, 32:10, 41:14, 41:29, 63:28, 63:29 primarily [3] - 96:8, 121:21, 133:7 primary [9] - 29:29, 52:7, 52:17, 69:19, 96:1, 97:22, 117:8, 133:14, 139:23 principle [15] - 31:4, 57:2, 60:17, 60:20, 60:26, 61:9, 64:25, 78:9, 79:28, 88:29, 97:8, 104:15, 127:5, 145:11, 151:27 principles [7] - 51:4, 57:10, 62:5, 85:14, 90:12, 138:1, 154:28 prison [1] - 120:6 prisoner [14] - 86:3, 86:20, 88:22, 91:14, 92:4, 93:20, 94:2, 94:22, 95:7, 95:8, 96:29, 97:1, 98:23, 98:26 prisoner's [2] - 85:22, 86:8 private [13] - 119:25, 120:9, 120:17, 120:27, 120:29, 124:28, 124:29, 125:4, 125:7, 139:10, 139:14, 139:20, 142:17 privately [1] - 114:5 privilege [1] - 142:15 privileged [5] - 142:5, 142:6, 142:8, 142:12, 142:14 probe [1] - 39:18 problem [4] - 96:6, 131:14, | 152:18, 155:29 problems [5] - 37:25, 72:19, 76:14, 76:16, 76:22 procedural [6] - 42:20, 68:1, 75:26, 87:20, 143:28, 144:20 procedurally [1] - 8:18 procedure [62] - 10:11, 13:4, 13:10, 14:11, 19:27, 31:12, 41:3, 48:5, 48:9, 49:5, 49:8, 50:8, 50:11, 51:28, 52:7, 54:16, 55:13, 56:11, 57:8, 57:9, 57:11, 66:3, 66:6, 67:6, 67:8, 68:27, 69:27, 71:17, 72:21, 73:2, 74:5, 74:14, 74:28, 88:6, 90:11, 90:14, 90:23, 93:11, 93:12, 94:11, 94:26, 95:4, 95:10, 95:14, 95:18, 97:2, 102:6, 102:20, 104:18, 118:12, 121:7, 127:29, 128:4, 128:28, 131:12, 146:1, 147:22, 147:25, 148:13, 149:27, 151:17 procedures [4] - 32:3, 57:23, 79:6, 144:24 proceed [3] - 12:8, 32:11, 112:3 proceedings [105] - 9:24, 10:27, 13:24, 14:25, 16:2, 16:17, 16:25, 17:18, 17:27, 18:9, 19:2, 19:16, 22:27, 24:20, 26:2, 26:3, 26:4, 26:7, 26:14, 26:16, 26:18, 27:12, 27:21, 28:6, 28:19, 29:1, 29:6, 31:4, 34:22, 35:16, 35:25, |
|--|--|---|--|--|--|

| | | | | | |
|--|---|--|--|--|--|
| 38:2, 39:8, 39:25, 42:22, 43:3, 45:17, 45:18, 45:20, 52:9, 53:14, 62:6, 63:17, 70:27, 74:23, 74:24, 74:27, 75:21, 75:26, 75:28, 85:11, 91:2, 94:7, 97:10, 100:17, 101:5, 105:5, 105:18, 105:21, 105:23, 105:28, 106:8, 107:15, 109:4, 109:29, 110:2, 110:4, 110:5, 110:8, 110:15, 110:17, 110:21, 110:29, 111:15, 113:7, 113:10, 113:14, 113:19, 113:22, 114:3, 114:5, 119:9, 121:20, 121:26, 122:21, 122:27, 127:14, 128:21, 128:26, 130:27, 132:21, 135:6, 136:19, 139:13, 143:10, 145:17, 145:19, 146:7, 148:24, 149:26, 151:28, 152:1, 153:19, 155:8 proceedings' [1] - 152:26 proceeds [1] - 22:21 process [29] - 21:18, 22:4, 31:28, 35:9, 39:6, 39:7, 44:8, 49:18, 65:11, 67:11, 72:29, 73:1, 73:4, 73:7, 73:10, 77:27, 78:1, 78:26, 79:11, 97:3, 120:11, 134:20, 136:3, 144:20, 145:18, 148:23, 148:28, 149:6, 156:21 processes [4] - 6:3, 11:17, 19:18, 113:24 produce [1] - 154:16 Production [1] - | 17:19 prohibited [1] - 110:9 prohibiting [1] - 58:29 prohibition [6] - 24:19, 24:23, 24:25, 26:1, 26:29, 113:8 prohibits [2] - 24:10, 26:6 promote [1] - 72:2 proper [10] - 20:17, 26:18, 27:21, 114:16, 114:28, 115:1, 115:20, 116:5, 152:14, 152:16 properly [10] - 20:6, 40:1, 132:21, 135:12, 138:17, 138:24, 151:7, 151:21, 151:25, 151:26 propose [5] - 5:17, 6:15, 35:29, 46:2, 46:3 proposed [3] - 4:5, 9:25, 22:28 proposing [1] - 45:15 proposition [2] - 29:23, 58:9 prosecution [5] - 15:7, 83:9, 107:24, 108:4, 125:22 prosecution's [1] - 82:22 prosecutor [5] - 107:2, 107:4, 107:8, 107:14, 114:5 protect [8] - 30:9, 77:3, 127:9, 128:5, 128:6, 129:14, 138:5, 147:23 protected [3] - 3:10, 15:8, 128:19 protection [7] - 15:16, 36:19, 57:28, 63:10, 87:7, 87:13, 127:16 protects [2] - 6:10, 30:5 protocol [1] - | 88:18 protocols [3] - 10:23, 12:15, 45:28 provide [17] - 5:22, 12:12, 13:8, 13:18, 19:1, 24:22, 39:16, 50:27, 51:29, 59:24, 81:14, 83:13, 84:2, 95:23, 101:17, 118:4, 122:14 provided [9] - 11:29, 12:14, 12:28, 29:23, 81:2, 87:6, 89:3, 111:13, 115:15 provides [12] - 12:19, 13:1, 18:25, 27:14, 29:12, 29:27, 49:9, 54:6, 58:28, 59:11, 63:10, 93:5 providing [13] - 5:24, 5:28, 9:14, 14:22, 49:2, 59:22, 87:13, 87:19, 87:21, 126:5, 151:2, 153:14, 157:11 provision [28] - 12:22, 13:3, 14:24, 16:10, 27:22, 28:7, 30:10, 32:28, 33:1, 33:21, 34:9, 52:1, 54:15, 57:11, 85:4, 88:5, 92:18, 97:25, 98:17, 103:14, 105:27, 107:6, 109:28, 114:12, 115:4, 116:11, 118:11, 118:26 provisional [1] - 19:25 provisions [22] - 10:5, 11:25, 14:7, 14:14, 33:7, 35:22, 45:16, 53:19, 55:1, 58:22, 58:25, 61:21, 89:1, 91:20, 92:21, 112:29, 115:6, 115:14, 115:15, 115:23, 118:21, 152:1 | PSNI [6] - 51:16, 90:20, 111:15, 111:16, 112:4, 112:16 Public [1] - 139:4 public [84] - 3:1, 3:6, 4:20, 6:1, 6:14, 8:2, 9:18, 13:13, 13:23, 14:28, 17:4, 17:8, 17:12, 18:23, 19:2, 19:10, 19:11, 19:14, 23:17, 23:26, 24:20, 24:24, 27:12, 29:13, 29:15, 29:17, 29:20, 29:21, 31:2, 31:19, 32:7, 32:10, 34:27, 38:20, 39:15, 43:8, 43:10, 43:24, 46:26, 54:7, 54:9, 54:11, 55:28, 56:5, 56:6, 56:9, 67:2, 94:6, 101:3, 107:22, 119:3, 119:9, 122:22, 122:28, 123:22, 124:7, 124:10, 124:20, 124:29, 125:12, 127:1, 127:15, 127:28, 129:22, 129:26, 130:4, 130:8, 130:11, 130:14, 130:17, 130:18, 130:29, 132:19, 146:5, 146:11, 147:4, 147:5, 148:6, 148:9, 150:17, 151:18, 155:24 publication [1] - 148:8 publish [1] - 16:19 published [1] - 148:9 purely [1] - 92:24 purport [1] - 6:25 purpose [6] - 24:4, 26:16, 30:21, 38:17, 41:8, 97:22 purposes [11] - 49:26, 52:16, | 63:19, 66:22, 67:29, 68:2, 77:29, 94:24, 110:2, 119:6, 131:2 pursuant [3] - 10:28, 32:27, 146:9 pursue [1] - 107:11 put [24] - 8:19, 37:8, 52:23, 61:5, 70:6, 78:21, 80:11, 94:12, 97:1, 112:19, 112:27, 126:6, 127:19, 129:8, 132:13, 133:12, 139:25, 150:20, 150:22, 153:19, 153:22, 153:23, 153:24, 155:5 putting [6] - 48:21, 90:6, 112:18, 114:9, 114:19, 150:10 qualification [1] - 98:25 qualified [2] - 35:12, 62:24 quality [2] - 145:17, 148:22 Queen [1] - 57:21 questioned [2] - 61:16, 148:4 questioning [4] - 118:4, 121:16, 135:24, 151:15 questions [16] - 5:19, 15:2, 24:11, 35:17, 35:23, 45:21, 72:16, 105:3, 105:10, 120:24, 121:26, 135:7, 135:22, 137:10, 151:20, 151:21 quickly [1] - 102:29 quite [3] - 109:8, 109:10, 115:20 quotation [1] - 85:19 quote [1] - 21:2 quoted [1] - 125:16 rabbit [1] - 137:16 racial [1] - | 120:15 raise [1] - 121:27 raised [4] - 49:20, 49:21, 72:7, 128:16 raises [3] - 51:3, 73:26, 98:19 raising [1] - 137:11 Ramashai [1] - 31:7 Ramsahai [13] - 122:18, 122:20, 123:28, 124:14, 125:6, 127:5, 127:12, 127:18, 127:20 ran [1] - 119:21 range [8] - 53:25, 74:22, 88:14, 109:23, 111:27, 115:29, 119:18, 140:15 ranging [2] - 12:1, 60:17 rather [27] - 47:29, 50:11, 52:13, 53:5, 55:28, 58:8, 59:11, 68:4, 69:6, 71:19, 75:26, 85:14, 85:19, 101:29, 102:24, 105:4, 111:24, 111:25, 113:8, 118:11, 119:16, 120:19, 128:6, 132:14, 133:26, 136:28, 150:8 rational [1] - 151:26 Rawi [2] - 90:21, 102:3 Re [1] - 43:1 reach [1] - 152:16 reached [8] - 7:6, 58:17, 68:17, 73:20, 77:21, 96:4, 122:2, 134:26 reaching [2] - 65:5, 96:23 reaction [1] - 149:11 read [6] - 30:1, 30:10, 42:16, 58:2, 126:28, 137:27 |
|--|---|--|--|--|--|

| | | | | | |
|--|--|---|---|--|--|
| <p>reading ^[1] - 77:25</p> <p>ready ^[1] - 117:21</p> <p>real ^[6] - 65:10, 69:8, 71:7, 83:14, 126:13, 127:20</p> <p>realise ^[1] - 117:29</p> <p>realised ^[1] - 69:15</p> <p>reality ^[2] - 17:10, 72:27</p> <p>really ^[23] - 46:25, 47:27, 50:9, 50:13, 77:6, 77:25, 83:11, 90:2, 98:27, 99:15, 100:15, 108:26, 110:1, 110:20, 115:18, 117:8, 119:22, 119:28, 127:15, 127:20, 152:8, 155:23, 155:26</p> <p>reason ^[37] - 42:6, 43:7, 48:2, 48:26, 49:16, 49:29, 52:24, 54:26, 58:16, 58:19, 59:9, 67:11, 69:29, 74:6, 76:29, 80:8, 80:29, 81:13, 82:7, 82:16, 84:11, 86:17, 96:1, 102:25, 103:20, 107:18, 109:15, 113:11, 128:11, 128:14, 129:25, 133:22, 133:24, 135:21, 148:22, 156:22</p> <p>reasonable ^[1] - 146:5</p> <p>reasoning ^[4] - 32:24, 87:21, 96:21, 96:22</p> <p>reasons ^[16] - 14:9, 21:29, 32:23, 47:12, 47:16, 57:15, 67:15, 76:28, 84:14, 89:11, 123:9, 124:2, 126:14, 126:22, 126:24, 140:2</p> <p>receive ^[5] - 28:7, 34:10, 59:24, 60:6,</p> | <p>114:14</p> <p>received ^[5] - 4:7, 13:20, 27:29, 138:24, 147:3</p> <p>receiving ^[3] - 45:5, 60:23, 110:27</p> <p>recent ^[3] - 19:14, 61:29, 118:17</p> <p>recognise ^[19] - 19:10, 20:7, 25:26, 27:27, 39:29, 50:1, 63:22, 68:18, 70:10, 74:18, 82:5, 82:14, 97:6, 97:12, 99:26, 128:26, 132:1, 135:21, 139:12</p> <p>recognised ^[9] - 22:24, 35:14, 45:9, 79:1, 79:5, 103:9, 118:4, 128:17, 129:24</p> <p>recognises ^[7] - 55:12, 62:4, 62:7, 66:12, 79:3, 80:20, 151:29</p> <p>recognising ^[1] - 129:8</p> <p>recognition ^[5] - 14:5, 14:6, 63:14, 115:27, 140:18</p> <p>recommendati on ^[1] - 92:5</p> <p>reconvene ^[2] - 154:23, 157:14</p> <p>rectified ^[1] - 153:8</p> <p>redacted ^[1] - 148:7</p> <p>reduce ^[2] - 25:23, 87:22</p> <p>Reed ^[11] - 67:29, 68:18, 68:21, 68:25, 70:17, 70:22, 71:17, 72:3, 72:8, 72:11, 72:18</p> <p>refer ^[1] - 132:3</p> <p>reference ^[18] - 53:3, 53:6, 74:19, 90:21, 95:28, 105:20, 105:26, 106:1, 106:15, 106:26, 108:17, 109:5, 112:29, 115:6, 116:13, 116:15, 116:16,</p> | <p>118:3</p> <p>Reference ^[5] - 25:10, 55:26, 59:21, 60:4, 65:25</p> <p>referenced ^[2] - 27:11, 119:15</p> <p>references ^[2] - 52:21, 68:25</p> <p>referred ^[5] - 18:17, 36:12, 70:22, 148:6, 149:21</p> <p>referring ^[3] - 85:17, 132:8, 143:13</p> <p>refers ^[2] - 27:23, 59:7</p> <p>reflect ^[1] - 135:28</p> <p>reflected ^[6] - 47:25, 61:25, 87:25, 94:11, 97:2, 116:10</p> <p>reflects ^[4] - 52:28, 53:17, 88:19, 132:23</p> <p>refusal ^[3] - 16:18, 18:9, 47:15</p> <p>refused ^[1] - 20:21</p> <p>regard ^[17] - 13:12, 14:18, 21:10, 32:6, 36:7, 38:1, 38:11, 38:18, 40:3, 41:2, 52:21, 53:4, 53:6, 55:2, 55:27, 55:28, 73:15</p> <p>regarded ^[4] - 16:16, 43:25, 84:21, 118:15</p> <p>regarding ^[2] - 73:15, 148:3</p> <p>regime ^[1] - 45:22</p> <p>Regner ^[2] - 128:23, 129:7</p> <p>regulation ^[1] - 115:7</p> <p>Rehman ^[2] - 16:8, 16:15</p> <p>reinforce ^[1] - 139:15</p> <p>reinforces ^[1] - 11:13</p> <p>reject ^[1] - 136:24</p> <p>rejected ^[1] -</p> | <p>155:2</p> <p>related ^[7] - 24:2, 24:7, 24:16, 24:18, 27:3, 28:5, 34:8</p> <p>relates ^[2] - 27:4, 110:5</p> <p>relating ^[3] - 21:19, 41:19, 45:13</p> <p>relation ^[44] - 8:20, 24:3, 26:1, 42:18, 48:28, 49:21, 50:4, 52:7, 53:11, 56:17, 58:15, 62:19, 63:8, 64:20, 66:12, 66:23, 83:10, 88:3, 90:4, 102:11, 102:23, 103:7, 105:5, 105:11, 105:23, 106:14, 111:15, 112:5, 113:22, 116:23, 117:9, 118:6, 120:12, 121:19, 122:16, 128:23, 130:21, 131:26, 141:6, 141:14, 149:22, 150:21</p> <p>relationship ^[1] - 144:29</p> <p>relatively ^[3] - 48:22, 54:17, 101:2</p> <p>relatives ^[1] - 136:22</p> <p>release ^[1] - 95:13</p> <p>release.. ^[1] - 93:9</p> <p>released ^[5] - 92:4, 92:10, 93:20, 94:4, 97:1</p> <p>relevance ^[9] - 7:15, 56:2, 77:15, 77:23, 88:10, 108:3, 115:12, 146:15, 150:18</p> <p>relevant ^[45] - 4:27, 6:20, 6:27, 26:14, 26:15, 26:21, 36:2, 41:29, 43:27, 43:28, 44:3, 46:29, 51:23, 53:11, 54:8, 56:4, 58:20, 58:21, 58:25, 60:23,</p> | <p>62:3, 62:23, 67:28, 71:24, 76:7, 76:28, 80:17, 84:10, 91:20, 101:6, 101:19, 103:13, 103:15, 107:23, 111:2, 111:3, 111:17, 112:15, 115:23, 131:26, 151:3, 151:27, 152:20</p> <p>reliability ^[1] - 134:3</p> <p>reliable ^[2] - 133:29, 152:8</p> <p>reliance ^[3] - 82:7, 145:15, 149:16</p> <p>relied ^[12] - 16:22, 83:12, 99:27, 99:29, 102:4, 102:8, 106:13, 112:23, 116:22, 122:24, 123:16, 144:2</p> <p>reluctant ^[1] - 93:10</p> <p>rely ^[7] - 17:8, 95:10, 97:7, 128:22, 145:12, 146:19, 153:23</p> <p>relying ^[2] - 97:22, 144:23</p> <p>remain ^[1] - 5:13</p> <p>remarks ^[3] - 83:27, 113:21, 137:27</p> <p>remedy ^[1] - 154:27</p> <p>remember ^[6] - 99:7, 115:7, 127:25, 134:20, 149:12, 149:13</p> <p>repeals ^[1] - 116:29</p> <p>repeat ^[2] - 48:15, 50:9</p> <p>repeated ^[1] - 121:4</p> <p>repeatedly ^[1] - 45:7</p> <p>repetition ^[1] - 36:15</p> <p>replies ^[1] - 38:6</p> <p>report ^[5] - 120:14, 139:5, 147:26, 148:7, 148:10</p> <p>represent ^[21] -</p> | <p>4:22, 5:2, 5:6, 7:1, 8:25, 10:6, 11:16, 39:28, 44:12, 48:23, 65:2, 65:6, 66:2, 67:17, 67:27, 69:23, 71:4, 138:15, 140:8, 141:12, 152:28</p> <p>representation ^[7] - 10:13, 66:11, 94:26, 95:7, 140:6, 140:20, 140:25</p> <p>representative ^[8] - 11:2, 11:6, 22:25, 35:15, 45:9, 86:4, 86:5, 86:8</p> <p>representative s ^[5] - 10:21, 27:18, 91:15, 118:5, 140:16</p> <p>representative s' ^[1] - 152:10</p> <p>represented ^[11] - 12:11, 12:24, 44:22, 64:27, 65:3, 116:15, 139:28, 139:29, 140:15, 144:9</p> <p>representing ^[6] - 9:9, 11:27, 14:10, 26:15, 33:5, 111:3</p> <p>represents ^[2] - 46:6, 55:13</p> <p>reputation ^[1] - 64:23</p> <p>request ^[13] - 10:28, 11:4, 17:22, 17:29, 41:20, 42:11, 44:16, 44:18, 45:25, 45:26, 47:29, 48:3, 61:11</p> <p>requested ^[2] - 32:14, 44:20</p> <p>requests ^[1] - 135:7</p> <p>require ^[21] - 25:26, 27:28, 28:23, 32:18, 34:29, 35:27, 42:27, 59:3, 68:27, 70:12, 70:13, 76:24, 78:16, 101:16, 104:17, 119:3,</p> |
|--|--|---|---|--|--|

| | | | | | |
|---|---|---|--|---|--|
| 122:26, 127:1, 128:4, 131:15, 139:12 required [27] - 21:4, 29:23, 31:16, 31:18, 53:4, 53:9, 57:15, 59:26, 67:8, 71:28, 77:17, 78:13, 80:1, 80:5, 94:28, 95:29, 96:5, 101:14, 103:23, 104:11, 108:24, 116:28, 118:11, 118:21, 124:25, 131:8 requirement [12] - 15:28, 32:5, 36:7, 37:2, 38:2, 38:11, 38:18, 41:9, 53:11, 85:12, 116:27, 125:13 requirements [3] - 21:5, 62:8, 147:2 requires [14] - 30:13, 31:24, 34:16, 34:26, 44:29, 59:27, 67:3, 79:5, 79:9, 79:10, 84:1, 90:13, 90:17, 118:22 resentment [2] - 70:26, 71:6 reside [1] - 46:28 resort [3] - 15:21, 36:25, 77:14 respect [9] - 11:21, 16:8, 17:27, 18:9, 35:15, 68:27, 92:7, 94:16, 100:12 response [2] - 9:25, 9:29 responses [1] - 4:7 responsibility [3] - 30:26, 92:3, 155:27 responsible [2] - 143:26, 145:3 rest [1] - 140:22 restrict [2] - 74:10, 146:11 restricted [13] - | 12:20, 26:2, 26:4, 26:16, 55:17, 71:10, 109:29, 110:2, 110:8, 110:15, 110:21, 110:29, 143:10 restricting [1] - 147:20 Restriction [23] - 11:22, 13:25, 13:26, 26:5, 26:6, 31:11, 32:27, 54:22, 55:1, 55:25, 59:1, 59:4, 59:5, 59:12, 59:19, 59:28, 59:29, 60:2, 146:10, 146:11, 148:5, 148:8 restriction [10] - 53:11, 55:3, 55:8, 55:9, 55:13, 55:17, 55:19, 56:14, 59:2, 89:13 restrictions [7] - 13:25, 54:21, 54:22, 59:8, 61:17, 110:11, 110:12 restrictive [1] - 110:4 result [13] - 19:14, 30:19, 32:14, 40:2, 42:4, 56:25, 70:29, 90:1, 104:10, 107:5, 107:16, 145:15, 149:29 resultant [1] - 41:5 resulted [1] - 43:3 resulting [1] - 73:6 results [2] - 97:10, 97:20 RESUMED [3] - 46:19, 83:21, 117:19 retains [1] - 47:6 return [2] - 8:23, 46:8 returned [1] - 37:9 review [22] - 16:17, 17:27, 18:9, 22:27, 28:29, 29:6, 43:2, 49:9, 49:10, | 49:15, 64:1, 66:28, 147:9, 151:1, 151:28, 152:1, 152:2, 152:25, 153:16, 153:25, 154:27, 157:5 reviewed [1] - 14:4 revocation [1] - 17:27 rightly [2] - 115:8, 120:15 Rights [11] - 6:9, 29:11, 30:7, 87:16, 110:20, 130:2, 143:18, 143:23, 144:15, 148:28 rights [28] - 30:3, 30:12, 55:9, 57:4, 57:23, 61:23, 62:18, 62:22, 62:23, 64:28, 66:11, 68:28, 74:8, 74:10, 78:25, 79:12, 82:12, 94:4, 94:10, 94:16, 98:23, 123:27, 128:12, 135:2, 135:29, 144:13, 147:20 rigorous [1] - 22:11 rise [1] - 130:18 risk [6] - 36:15, 42:12, 56:13, 67:25, 67:26, 146:12 RLR [3] - 35:15, 35:16, 35:20 road [1] - 65:8 Robert [8] - 19:23, 20:12, 21:10, 43:18, 144:24, 144:28, 145:23, 146:20 Roberts [31] - 16:21, 17:2, 53:21, 55:6, 55:11, 55:12, 73:29, 84:9, 84:10, 84:12, 84:18, 84:27, 88:7, 88:22, 89:27, 90:28, 91:2, 92:8, 94:2, 96:18, 97:27, 99:12, 99:26, | 100:1, 100:3, 101:17, 101:18, 101:19, 114:9, 114:11, 114:24 robust [3] - 43:10, 65:11, 148:28 Roche [1] - 44:24 Rodger [9] - 47:21, 89:26, 92:17, 92:19, 98:12, 123:17, 123:20, 124:4, 124:9 Rodger's [2] - 136:21, 137:27 role [41] - 4:3, 5:21, 5:22, 7:8, 7:11, 8:23, 9:10, 20:14, 22:14, 49:14, 50:2, 50:4, 50:7, 50:12, 70:8, 71:29, 81:5, 81:12, 88:24, 88:26, 92:11, 96:17, 97:17, 97:18, 97:19, 120:12, 121:14, 134:2, 134:11, 136:16, 136:18, 138:9, 138:21, 150:10, 150:14, 150:16, 151:5, 152:4, 152:8 roles [1] - 80:27 round [3] - 111:20, 155:5, 155:6 route [3] - 13:18, 98:21, 108:11 rule [12] - 3:25, 10:15, 10:18, 10:23, 20:3, 58:29, 71:19, 72:2, 85:13, 85:17, 86:14, 128:2 Rule [10] - 11:13, 35:10, 35:11, 44:8, 85:6, 85:20, 86:1, 92:20, 135:1, 135:4 ruled [1] - 108:12 rules [11] - 12:6, 12:7, 12:12, 13:3, 88:4, 88:5, 88:10, 103:22, 103:24, | 105:20, 118:20 Rules [22] - 10:12, 12:17, 25:4, 35:11, 35:20, 35:26, 50:27, 52:2, 52:4, 52:10, 54:1, 66:12, 85:7, 85:29, 89:4, 117:13, 118:2, 118:24, 140:19, 146:16 ruling [3] - 18:11, 21:9, 21:10 run [2] - 9:7, 40:14 Russia [5] - 57:21, 143:16, 149:15, 149:19, 156:8 Russian [5] - 143:24, 143:27, 144:15, 144:18, 145:3 safe [2] - 93:8, 107:15 safeguard [12] - 12:21, 34:28, 121:8, 122:9, 125:15, 126:7, 129:29, 130:26, 130:28, 136:13, 137:6, 155:17 safeguarded [3] - 57:6, 127:23, 129:16 safeguarding [6] - 30:23, 69:11, 121:15, 137:5, 137:11, 149:28 safeguards [4] - 128:20, 129:8, 147:23, 148:18 safety [1] - 94:5 sanction [1] - 16:1 sanctioned [1] - 18:5 SASO [1] - 7:12 satellite [1] - 153:28 satisfaction [1] - 134:21 satisfied [5] - 15:27, 37:1, 130:14, 147:2, 150:5 satisfy [1] - 93:4 Saunders [3] - | 21:1, 70:3, 91:6 save [4] - 9:6, 23:20, 40:13, 45:16 saw [1] - 29:5 scene [1] - 5:17 scepticism [2] - 48:27, 49:21 Schedule [19] - 17:19, 24:22, 25:29, 26:23, 27:11, 58:24, 59:23, 91:21, 92:11, 92:26, 93:5, 105:4, 105:7, 105:9, 105:14, 105:24, 105:26, 108:8, 113:20 scheme [11] - 53:19, 53:21, 54:3, 60:15, 84:17, 88:13, 104:6, 130:6 scope [1] - 108:5 scrutinised [2] - 41:23, 147:21 scrutiny [2] - 31:24, 124:7 second [21] - 4:26, 5:24, 32:26, 39:13, 40:6, 61:13, 71:16, 71:19, 74:1, 78:11, 80:8, 81:28, 94:7, 116:13, 116:24, 148:20, 149:4, 151:9, 151:16, 152:4 secondary [3] - 24:14, 52:23, 118:7 secondly [14] - 9:13, 56:12, 63:17, 77:5, 84:18, 97:15, 99:16, 99:24, 105:23, 109:27, 140:12, 143:5, 143:27, 146:23 Secretary [18] - 7:27, 7:29, 10:7, 16:7, 17:25, 18:7, 31:5, 37:5, 37:16, 38:3, 53:29, 56:29, 95:9, 96:17, 99:28, 115:4, 123:15, |
|---|---|---|--|---|--|

| | | | | | |
|--|---|---|--|--|--|
| 148:1 section [3] - 10:5, 13:4, 51:26 Section [91] - 4:20, 12:18, 12:19, 12:29, 13:8, 13:17, 13:22, 14:16, 17:9, 17:11, 18:25, 18:29, 24:10, 24:19, 24:23, 24:24, 25:20, 25:24, 25:29, 26:29, 27:7, 28:13, 29:5, 29:12, 29:15, 29:27, 31:12, 32:2, 32:12, 33:8, 34:16, 36:4, 41:1, 47:26, 51:24, 53:12, 53:13, 53:17, 53:28, 54:6, 54:14, 56:28, 57:6, 58:1, 58:4, 58:6, 59:8, 59:13, 59:25, 60:6, 60:17, 60:21, 61:8, 61:22, 62:7, 62:25, 63:9, 74:13, 74:14, 77:4, 99:10, 100:5, 100:11, 105:1, 106:1, 106:4, 109:1, 109:6, 110:3, 110:10, 110:16, 111:7, 111:14, 111:25, 111:26, 112:21, 113:6, 114:15, 116:7, 118:15, 118:22, 119:1, 129:3, 146:10 secure [4] - 15:16, 30:21, 36:19, 146:5 Security [9] - 12:3, 16:18, 74:25, 103:23, 105:19, 107:1, 112:28, 113:15, 145:1 security [18] - 10:8, 12:21, 14:6, 14:8, 33:2, 33:16, 33:17, 47:7, 56:25, 69:26, 87:18, 110:24, 110:26, 128:15, | 129:3, 146:13, 147:19 see [56] - 8:27, 29:7, 31:6, 31:8, 61:1, 68:5, 76:1, 76:4, 76:11, 76:20, 80:21, 80:23, 81:25, 81:29, 84:25, 85:25, 86:1, 86:2, 86:4, 86:12, 86:25, 87:7, 88:27, 91:9, 91:17, 91:22, 92:10, 92:19, 93:22, 94:17, 94:18, 98:27, 100:3, 105:25, 105:26, 106:2, 106:3, 113:2, 114:16, 116:17, 119:16, 119:23, 120:3, 120:9, 120:25, 122:3, 122:23, 123:3, 123:4, 131:6, 131:13, 137:14, 146:6, 152:17, 156:22 seeing [2] - 40:11, 40:13 seek [4] - 8:20, 12:27, 48:16, 134:9 seeking [6] - 65:8, 66:3, 81:20, 96:19, 138:15, 138:16 seeks [1] - 81:15 seem [3] - 6:26, 100:15, 111:19 sees [2] - 69:7, 115:26 Select [2] - 139:4, 139:18 self [1] - 29:22 self-evident [1] - 29:22 senior [1] - 32:17 sense [52] - 9:1, 49:12, 63:6, 63:7, 65:29, 66:3, 66:14, 67:5, 68:25, 69:3, 69:4, 70:11, 70:15, 70:23, 71:6, 73:16, 75:22, 75:24, 78:6, 80:17, 82:8, | 83:29, 95:8, 97:6, 97:21, 98:14, 100:21, 100:24, 101:10, 102:18, 105:15, 108:1, 109:17, 109:28, 113:13, 114:8, 115:17, 118:7, 132:6, 132:18, 132:22, 132:24, 133:13, 138:25, 142:14, 150:2, 150:27, 151:10, 152:29, 155:18, 155:23, 156:24 senses [1] - 50:10 sensitive [9] - 10:8, 12:9, 22:26, 33:2, 41:16, 115:21, 115:28, 116:1 sensitivity [1] - 115:28 sentence [1] - 77:11 Sentences [1] - 91:29 separately [1] - 56:18 sequential [1] - 15:1 series [1] - 45:13 serve [1] - 139:15 serves [1] - 120:15 Service [2] - 16:18, 145:1 service [1] - 10:24 Services [1] - 107:1 services [1] - 142:10 serving [1] - 120:6 session [2] - 97:5, 139:5 Session [1] - 62:1 set [13] - 5:17, 12:15, 26:22, 37:7, 54:18, 79:26, 91:22, 91:25, 120:4, 121:3, 135:2, 139:7, 147:25 sets [4] - 82:18, | 85:3, 105:9, 116:18 setting [1] - 5:18 seven [1] - 83:8 seventh [4] - 6:13, 20:29, 36:1, 43:1 seventhly [1] - 31:26 several [3] - 33:16, 33:17, 41:15 shall [2] - 46:8, 92:12 shared [1] - 156:23 sharing [1] - 156:26 Shayler [1] - 16:14 sheds [1] - 67:23 shelf [1] - 78:22 short [1] - 46:4 shortcut [1] - 156:24 shorthand [1] - 132:6 show [1] - 103:28 shown [3] - 42:1, 76:24, 76:25 SIAC [4] - 10:3, 10:13, 16:9, 48:9 sides [1] - 68:15 sifting [3] - 156:21, 156:22, 156:26 sight [1] - 147:19 significance [5] - 13:27, 31:23, 75:22, 84:13, 149:20 significant [8] - 22:19, 42:14, 55:13, 73:25, 104:26, 108:21, 126:13, 139:26 significantly [2] - 68:28, 120:17 similar [8] - 11:26, 14:11, 33:4, 38:8, 88:25, 97:28, 136:18 similarity [1] - 84:16 similarly [2] - 102:23, 108:15 | simple [5] - 11:8, 48:25, 118:7, 132:26, 153:22 simplified [2] - 72:21, 157:10 simply [7] - 3:15, 93:3, 121:16, 123:10, 124:9, 127:13, 140:25 simultaneous [1] - 146:6 single [1] - 124:24 sit [1] - 135:3 sits [1] - 81:22 sitting [2] - 32:17, 83:18 situation [18] - 8:18, 28:17, 34:20, 64:3, 69:25, 81:19, 84:14, 87:12, 88:7, 97:13, 97:29, 101:26, 106:26, 106:28, 106:29, 107:19, 107:29 situations [2] - 18:12, 88:15 six [2] - 83:8, 128:24 sixth [2] - 35:9, 42:10 sixthly [2] - 6:8, 29:10 size [1] - 87:8 Skeini [1] - 30:6 skipped [1] - 55:23 slightly [6] - 68:24, 85:2, 111:19, 112:12, 117:4, 131:6 solicitor [6] - 25:3, 25:13, 26:12, 35:6, 39:19, 147:29 Solicitor [2] - 7:21, 7:26 Solicitors [5] - 44:22, 44:23, 44:24 solicitors [3] - 33:17, 33:29, 40:19 solution [1] - 130:7 someone [14] - | 47:9, 57:28, 69:10, 69:25, 71:29, 82:12, 94:2, 108:2, 112:16, 114:14, 114:22, 120:2, 138:13, 142:16 sometimes [2] - 139:12, 154:8 somewhat [1] - 144:8 sorry [14] - 75:11, 75:12, 75:15, 78:4, 82:28, 82:29, 83:3, 91:24, 113:11, 121:11, 124:8, 132:5, 144:4 Sorry [1] - 82:28 sort [18] - 25:6, 47:2, 58:14, 63:4, 63:7, 67:23, 80:8, 83:27, 88:24, 102:20, 104:23, 104:24, 129:20, 132:18, 138:3, 138:20, 141:1, 151:16 sought [1] - 149:15 sound [3] - 42:6, 132:14, 134:29 sounds [2] - 135:1, 136:18 source [2] - 52:7, 109:12 sources [1] - 151:2 Southey [11] - 46:5, 46:21, 58:8, 75:10, 83:6, 84:26, 106:11, 117:21, 124:8, 143:6, 156:3 SOUTHEY [120] - 46:22, 47:2, 48:5, 48:15, 48:18, 48:20, 49:23, 49:27, 58:7, 58:13, 58:24, 59:9, 60:9, 63:5, 64:4, 64:14, 64:19, 65:26, 70:7, 75:11, 75:15, 77:19, 78:4, 78:6, 78:28, 79:14, 79:17, 79:21, 82:4, 82:25, 83:1, 83:4, |
|--|---|---|--|--|--|

| | | | | | |
|---|--|---|---|---|--|
| 83:7, 83:19, 83:23, 84:28, 85:2, 85:18, 85:25, 85:28, 91:4, 91:7, 91:16, 91:19, 91:24, 91:27, 92:1, 92:6, 93:18, 95:26, 96:13, 96:16, 97:4, 98:6, 98:29, 100:9, 100:19, 100:21, 102:2, 102:15, 106:12, 106:17, 106:22, 107:18, 108:7, 110:11, 112:7, 112:13, 113:28, 114:6, 117:22, 121:11, 123:20, 124:13, 125:5, 126:3, 126:10, 127:3, 127:6, 131:19, 131:23, 131:29, 132:5, 132:15, 133:12, 133:21, 135:18, 135:28, 137:3, 138:7, 139:22, 141:6, 141:24, 142:3, 142:12, 142:29, 143:12, 143:15, 144:4, 144:11, 149:10, 150:6, 150:27, 153:7, 153:9, 153:27, 154:1, 154:7, 154:15, 154:18, 154:25, 155:3, 155:14, 156:4, 156:7, 156:13, 156:17, 157:3, 157:15, 158:5 southey [1] - 46:23 Special [354] - 3:5, 3:11, 3:20, 3:26, 3:29, 4:2, 4:3, 4:10, 4:21, 5:1, 5:4, 5:5, 5:21, 5:25, 5:29, 6:3, 6:14, 6:23, 6:24, 6:29, 7:9, 7:11, 7:12, 7:14, 8:1, 8:5, 8:12, 8:15, 8:23, 8:28, 8:29, 9:5, 9:8, 9:10, 9:14, 9:18, 9:24, 9:29, 10:2, 10:5, 10:11, 10:15, 10:18, | 10:23, 10:25, 11:9, 11:15, 11:17, 11:26, 12:13, 12:28, 13:19, 13:28, 14:11, 14:17, 14:23, 14:25, 15:12, 15:26, 16:2, 16:11, 16:25, 17:3, 17:8, 17:12, 17:20, 17:28, 18:5, 18:12, 18:18, 19:1, 19:9, 19:13, 19:15, 19:21, 19:26, 20:5, 20:16, 20:19, 20:28, 21:8, 21:14, 21:15, 21:21, 21:25, 21:28, 22:13, 22:18, 22:23, 23:11, 23:19, 23:25, 24:5, 25:15, 25:18, 25:22, 27:10, 27:14, 27:15, 27:25, 28:7, 28:10, 28:18, 28:28, 29:5, 31:15, 31:22, 31:27, 32:13, 32:29, 33:4, 33:10, 33:13, 33:21, 33:28, 34:1, 34:9, 34:13, 34:21, 35:1, 35:17, 35:22, 35:24, 36:5, 36:14, 37:10, 38:10, 38:14, 38:16, 38:23, 38:27, 39:13, 39:22, 39:25, 40:10, 40:14, 40:21, 40:28, 41:7, 41:12, 41:13, 41:20, 41:25, 42:4, 42:10, 42:16, 42:24, 43:22, 43:26, 44:11, 44:17, 44:18, 44:20, 44:27, 44:29, 45:2, 45:4, 45:8, 45:14, 45:17, 45:18, 45:22, 45:29, 46:28, 47:7, 47:13, 47:15, 48:25, 49:13, | 49:14, 49:17, 50:6, 50:10, 50:12, 50:17, 50:22, 50:26, 50:28, 51:1, 51:6, 51:10, 55:7, 55:14, 55:18, 56:8, 56:19, 56:22, 56:24, 57:14, 57:20, 57:29, 58:3, 60:18, 61:3, 61:11, 62:25, 62:27, 63:12, 63:15, 64:5, 66:18, 67:7, 67:9, 67:16, 68:8, 69:6, 69:7, 70:5, 70:8, 71:11, 71:12, 73:15, 73:19, 73:21, 74:1, 74:3, 74:7, 74:20, 74:21, 75:21, 75:23, 76:9, 76:17, 76:18, 76:20, 77:7, 78:14, 79:28, 80:1, 80:4, 80:9, 80:18, 80:25, 80:27, 81:1, 81:13, 82:11, 82:12, 82:19, 83:13, 84:5, 84:6, 87:4, 87:6, 87:10, 87:13, 87:22, 87:29, 88:5, 88:19, 88:23, 89:5, 89:8, 89:17, 89:19, 89:22, 90:1, 90:17, 90:18, 91:2, 92:25, 93:29, 95:19, 96:25, 97:11, 99:14, 100:16, 100:18, 100:23, 100:26, 101:13, 101:16, 101:18, 101:20, 102:11, 102:21, 103:4, 103:10, 103:15, 103:16, 103:26, 104:11, 104:17, 105:16, 106:2, 106:3, 106:5, 106:7, 106:15, 106:18, 106:21, 106:24, 108:5, 108:11, 108:19, 108:24, 109:21, 109:22, 111:29, 114:11, | 114:26, 114:28, 115:17, 116:27, 117:3, 117:7, 117:10, 117:27, 118:3, 118:6, 119:6, 119:8, 119:11, 121:14, 121:22, 122:7, 122:17, 126:8, 126:14, 126:16, 126:25, 126:26, 129:10, 131:1, 131:8, 131:16, 135:12, 136:17, 138:22, 141:8, 141:9, 141:27, 142:3, 142:27, 144:6, 149:2, 151:5, 153:1, 153:10, 153:12, 153:23, 153:24, 153:27, 154:2, 155:18, 156:14, 156:23, 156:26, 157:4 special [8] - 15:5, 15:15, 36:18, 37:19, 37:23, 37:29, 43:14, 76:23 specially [4] - 9:22, 22:3, 39:5, 93:11 specially- appointed [2] - 9:22, 39:5 specific [4] - 16:3, 79:3, 86:19, 110:4 specifically [5] - 9:20, 10:12, 39:26, 59:7, 69:10 specified [4] - 54:17, 54:23, 110:7, 110:17 specify [1] - 124:19 spectrum [1] - 11:25 speed [1] - 156:5 spend [1] - 72:14 SPF [1] - 145:9 spot [1] - 140:5 square [1] - 135:1 squarely [1] - 135:4 | staff [3] - 27:23, 112:26, 112:29 stage [25] - 7:5, 46:4, 46:9, 48:22, 48:29, 65:28, 65:29, 66:1, 66:4, 66:15, 69:17, 69:18, 69:20, 78:17, 83:17, 84:21, 90:25, 100:24, 101:9, 115:22, 117:16, 125:21, 128:3, 143:2 stages [2] - 120:29, 128:4 stake [1] - 94:12 stand [1] - 154:21 standard [1] - 149:18 standpoint [2] - 33:24, 146:28 Starmer [1] - 144:9 start [6] - 46:23, 48:20, 76:4, 82:8, 87:20, 153:19 started [6] - 71:3, 97:5, 108:16, 125:26, 126:29, 127:7 starting [5] - 63:21, 73:27, 84:11, 127:4, 127:6 starts [8] - 51:27, 67:28, 68:22, 75:7, 85:21, 91:10, 102:19, 104:1 state [5] - 11:28, 41:24, 49:29, 107:5, 149:1 State [47] - 7:28, 7:29, 16:7, 17:25, 18:7, 30:20, 30:24, 31:5, 37:5, 37:17, 38:3, 49:2, 49:6, 49:22, 49:25, 49:26, 50:8, 50:9, 50:12, 53:29, 56:29, 60:24, 60:27, 67:13, 80:28, 81:15, 95:9, 96:17, 99:28, 110:23, 115:4, 121:24, 122:11, 122:14, 128:17, | 128:19, 128:29, 129:14, 132:9, 143:24, 143:27, 144:15, 145:3, 152:21, 155:7 State's [3] - 30:10, 48:28, 82:20 statement [1] - 64:25 stating [2] - 10:24, 15:12 status [2] - 66:9, 147:11 statute [3] - 12:7, 88:27, 109:19 statutes [6] - 9:19, 11:25, 11:28, 12:1, 33:2, 51:17 statutory [48] - 3:1, 3:6, 4:20, 8:2, 9:18, 14:24, 16:3, 16:10, 16:24, 17:3, 17:8, 17:12, 18:6, 18:13, 18:20, 19:2, 19:11, 23:26, 24:20, 24:24, 27:12, 28:6, 29:20, 32:10, 39:15, 41:14, 41:15, 42:1, 45:16, 45:22, 51:12, 51:14, 60:14, 61:17, 74:28, 77:2, 82:10, 84:17, 85:4, 87:27, 98:3, 99:4, 103:6, 103:7, 114:9, 115:26, 130:6 stenographer [2] - 46:10, 46:15 step [4] - 15:6, 73:28, 118:23, 118:25 steps [10] - 47:19, 98:4, 107:9, 114:13, 118:23, 124:22, 126:5, 128:18, 146:4 still [16] - 22:28, 23:4, 57:9, 60:10, 68:14, 69:17, 77:27, 82:8, 82:28, 105:18, |
|---|--|---|---|---|--|

| | | |
|--|--|---|
| 107:27, 107:29, 125:9, 129:16, 149:23, 153:29 stop [1] - 124:26 straightforward d [2] - 91:9, 113:13 Strasbourg [2] - 77:23, 77:26 stressing [1] - 124:22 strict [1] - 38:6 strictly [1] - 45:18 striking [1] - 27:9 stronger [1] - 133:12 strongly [1] - 101:8 struck [1] - 69:13 structure [17] - 12:6, 12:19, 54:20, 55:2, 77:20, 79:26, 89:11, 90:9, 97:28, 97:29, 99:3, 99:4, 99:6, 104:1, 104:29, 111:23, 132:23 struggle [1] - 81:29 struggled [1] - 131:6 Sturgess [1] - 41:22 sub [12] - 58:5, 79:14, 82:17, 82:26, 82:27, 108:28, 110:7, 111:21, 112:22, 113:14, 116:3, 121:5 sub-para [2] - 111:21, 112:22 sub-paragraph [9] - 58:5, 82:17, 82:26, 82:27, 108:28, 110:7, 113:14, 116:3, 121:5 Subject [1] - 13:3 subject [14] - 13:25, 27:5, 30:28, 32:4, 35:11, 36:6, 51:29, 52:17, 105:3, 105:6, 110:18, 118:26, 135:6, 148:5 subjects [1] - 4:4 submission [70] - 13:21, 29:3, 50:6, 51:22, 52:4, 52:6, 52:13, 52:15, 53:7, 55:4, 56:2, 57:17, 57:25, 58:13, 61:1, 61:8, 61:10, 62:10, 63:5, 66:7, 71:2, 72:24, 73:28, 76:27, 77:6, 78:8, 78:29, 80:3, 80:25, 81:12, 88:29, 90:24, 95:27, 96:2, 96:8, 98:9, 99:11, 99:13, 101:12, 102:9, 102:17, 108:8, 108:17, 108:22, 109:14, 109:15, 111:20, 111:21, 115:10, 115:16, 118:6, 118:13, 121:3, 122:5, 122:12, 123:1, 124:9, 127:12, 128:1, 128:8, 130:3, 130:21, 131:7, 131:10, 134:1, 137:9, 138:8, 140:18, 152:6, 152:8 SUBMISSION [3] - 48:18, 158:4, 158:5 submissions [43] - 4:15, 7:24, 10:19, 11:29, 13:17, 13:19, 13:20, 14:20, 17:2, 17:15, 27:29, 42:6, 45:12, 45:20, 47:29, 48:13, 51:16, 51:19, 51:20, 56:16, 57:1, 57:18, 62:11, 66:14, 73:11, 75:9, 80:11, 80:25, 83:24, 87:25, 108:2, 115:5, 131:4, 132:2, 132:3, 133:1, 134:4, 137:5, 137:22, 148:2, 149:22, 151:22, 154:9 submit [69] - 9:17, 17:13, 18:15, 51:20, 52:14, 52:23, 52:27, 53:17, 53:28, 54:2, 54:7, 54:18, 55:6, 55:12, 55:19, 56:23, 56:28, 57:4, 57:27, 59:10, 59:14, 61:25, 62:6, 62:26, 62:28, 63:12, 67:1, 67:16, 68:2, 68:8, 69:4, 70:15, 73:17, 77:24, 78:7, 78:10, 78:14, 79:21, 80:5, 80:12, 81:9, 84:15, 88:14, 89:11, 90:4, 98:12, 99:9, 101:11, 104:5, 104:6, 104:15, 107:28, 109:3, 111:25, 116:2, 116:6, 116:20, 117:5, 118:14, 121:15, 126:23, 128:9, 129:27, 130:11, 131:3, 132:22, 133:22, 136:7, 140:2 submits [1] - 43:7 submitted [4] - 33:8, 67:7, 111:25, 144:17 subordinate [1] - 30:1 subsection [14] - 51:27, 52:14, 52:15, 52:21, 54:18, 54:19, 54:20, 55:23, 55:29, 56:2, 56:17, 56:20, 60:11, 112:21 subsequent [1] - 115:12 subsequently [2] - 4:9, 143:22 Substances [1] - 12:2 substantial [5] - 23:2, 44:4, 87:19, 142:25, 148:29 | substantive [2] - 75:25, 143:25 substantively [1] - 102:8 subsumed [1] - 27:20 succeed [1] - 37:27 successfully [1] - 31:21 suffice [1] - 45:2 sufficient [1] - 66:7 sufficiently [1] - 43:10 suggest [24] - 14:1, 14:15, 16:29, 19:4, 23:26, 24:17, 25:23, 27:22, 28:17, 32:22, 33:7, 34:2, 34:20, 35:23, 38:13, 40:8, 42:27, 44:28, 49:28, 51:9, 65:27, 79:15, 106:20, 136:23 suggested [9] - 13:17, 17:1, 18:24, 19:3, 37:13, 37:22, 61:18, 131:17, 140:7 suggesting [5] - 49:27, 49:28, 88:7, 138:7, 138:9 suggestion [4] - 18:27, 18:29, 27:27, 82:10 suggestions [1] - 136:25 suggests [8] - 14:16, 33:19, 38:9, 55:24, 56:20, 77:20, 125:13, 138:20 suitable [1] - 85:9 summarise [2] - 57:2, 108:22 summarised [1] - 61:29 summary [2] - 99:8, 121:15 supervisory [1] - 138:20 supplement [2] - 52:10, 118:20 | supplementary [1] - 103:1 support [5] - 12:27, 21:28, 31:15, 31:18, 122:15 Support [1] - 7:12 supported [2] - 39:19, 52:14 supports [2] - 66:23, 89:12 suppose [7] - 59:16, 101:2, 110:8, 121:22, 121:23, 144:8, 157:7 Supreme [2] - 101:29, 102:8 surely [1] - 141:17 surface [1] - 8:3 surprise [1] - 143:14 surprising [8] - 61:9, 74:29, 101:7, 106:4, 106:7, 108:10, 109:7, 109:17 survivor [4] - 28:28, 44:21, 44:28, 45:3 survivors [2] - 3:9, 16:22 susceptible [1] - 147:9 suspect [1] - 139:1 system [6] - 9:21, 9:25, 82:3, 95:23, 130:4, 130:13 tab [16] - 47:22, 51:27, 58:21, 62:2, 75:6, 75:20, 84:10, 101:25, 103:26, 105:2, 116:18, 119:15, 122:19, 123:16, 128:24, 129:24 tainting [1] - 47:9 talks [1] - 134:20 tariff [2] - 92:8, 94:22 task [1] - 114:21 team [45] - 3:17, 3:21, 3:23, 4:2, 4:9, 11:19, 13:21, 13:23, 17:4, 23:7, 27:9, 28:20, 30:28, 31:11, 31:14, 31:19, 33:6, 33:14, 33:15, 33:19, 33:22, 33:26, 34:5, 34:23, 38:5, 39:10, 39:11, 39:20, 40:5, 40:15, 40:18, 40:23, 40:27, 41:11, 42:17, 44:9, 45:2, 140:4, 140:22, 144:17, 144:23, 146:24, 148:1, 156:19 teams [1] - 44:21 techniques [1] - 87:18 Ted [1] - 120:7 ten [1] - 117:17 tend [1] - 130:15 tends [1] - 24:17 tenth [2] - 6:29, 44:11 term [1] - 94:3 termed [1] - 26:2 terms [35] - 11:8, 11:21, 25:3, 37:11, 48:25, 51:22, 51:23, 59:15, 59:22, 59:23, 68:24, 70:10, 92:24, 99:7, 101:20, 102:10, 108:24, 111:26, 112:23, 116:6, 116:7, 117:6, 124:7, 127:29, 129:20, 130:19, 132:26, 133:25, 133:27, 141:7, 143:28, 147:27, 150:16, 150:20, 151:15 Terms [5] - 25:10, 55:26, 59:21, 60:3, 65:25 terribly [3] - 64:16, 82:1, 135:3 territory [1] - 136:7 Terrorism [1] - 17:19 test [24] - 22:8, 37:10, 37:13, 37:28, 38:6, 38:8, |
|--|--|---|

| | | | | | |
|--|---|--|--|---|---|
| 76:8, 77:5, 78:12, 93:4, 99:17, 102:23, 116:23, 116:25, 121:2, 121:5, 125:16, 130:22, 131:3, 131:18, 135:12, 141:23, 141:26, 145:22 tested [6] - 14:1, 15:7, 49:6, 50:12, 138:17, 138:24 testing [9] - 50:3, 50:8, 83:9, 83:14, 101:20, 135:14, 141:26, 141:28, 150:20 tests [2] - 80:11, 80:12 thanking [1] - 48:20 THE [5] - 46:19, 83:21, 117:19, 119:16, 157:17 the.. [1] - 150:2 themselves [1] - 148:8 THEN [1] - 157:17 there'd [1] - 119:18 there'll [1] - 152:22 therefore [4] - 40:20, 93:26, 95:16, 147:24 they've [8] - 65:8, 71:10, 112:9, 137:29, 150:28, 150:29, 151:1, 155:10 third [5] - 5:28, 21:18, 33:12, 40:10, 80:16 thirdly [1] - 14:22 thirds [2] - 85:5, 86:27 thorough [1] - 73:8 thoroughness [1] - 145:19 threat [1] - 94:5 three [11] - 4:18, 5:13, 19:13, 19:18, 23:21, 63:29, 68:2, 79:22, 98:28, 128:23 threshold [1] - | 116:19 throughout [1] - 90:29 thrust [1] - 12:26 today [2] - 60:8, 132:2 today's [1] - 60:12 together [2] - 142:7, 156:3 took [7] - 96:22, 125:9, 132:16, 142:9, 142:13, 143:22, 148:12 top [1] - 116:24 topic [4] - 19:8, 36:1, 45:11, 137:12 touch [4] - 72:5, 117:25, 123:10, 131:28 touched [6] - 58:5, 70:2, 73:16, 126:15, 133:5, 150:9 touching [1] - 131:27 towards [2] - 101:9, 146:26 traditional [1] - 9:1 transactions [1] - 92:14 transcribers [1] - 112:25 translates [1] - 95:24 transmission [1] - 146:7 transparency [2] - 147:2, 148:24 Treasury [2] - 7:21, 7:26 treated [1] - 70:20 trial [12] - 15:17, 15:26, 36:20, 36:29, 78:2, 78:5, 78:24, 79:5, 81:8, 106:9, 119:27, 128:13 trials [1] - 14:29 tribunal [3] - 10:3, 54:7, 63:16 tribunals [1] - 88:4 triggered [1] - 29:1 triggering [1] - 92:18 | true [3] - 52:20, 95:27, 147:15 trumps [1] - 118:26 trust [2] - 139:15, 139:17 truth [6] - 3:27, 22:5, 39:7, 132:25, 142:8, 145:26 try [2] - 133:25, 142:7 trying [5] - 50:14, 65:28, 79:18, 138:14, 155:12 TUESDAY [1] - 157:17 turn [12] - 9:13, 14:22, 23:23, 28:20, 31:26, 38:22, 38:27, 50:16, 51:24, 91:17, 100:22, 118:29 turning [6] - 51:15, 54:19, 74:17, 101:25, 109:27, 123:14 turns [1] - 154:20 two [36] - 32:10, 47:16, 51:9, 56:3, 60:14, 63:15, 64:19, 68:15, 68:19, 73:22, 76:28, 79:14, 81:24, 84:14, 84:24, 85:5, 86:27, 93:22, 94:3, 98:11, 99:15, 99:21, 102:16, 108:26, 110:1, 115:3, 120:1, 122:13, 122:15, 133:23, 139:23, 140:2, 141:6, 148:14, 148:26 two-thirds [1] - 86:27 twofold [1] - 91:12 type [2] - 87:8, 112:2 types [3] - 16:2, 113:23, 124:20 typical [1] - 47:2 typically [3] - 12:8, 33:1, 33:12 | typing [1] - 46:13 UK [2] - 9:29, 149:17 UKHL [5] - 14:27, 16:14, 16:21, 31:6, 36:11 ultimate [1] - 136:8 ultimately [12] - 28:2, 47:4, 48:10, 50:3, 53:8, 53:22, 117:5, 117:7, 118:26, 130:21, 140:16, 156:17 ultra [1] - 118:13 unable [2] - 120:11, 123:6 unbalanced [1] - 67:11 unclear [1] - 17:5 uncommon [1] - 48:7 under [34] - 4:20, 10:29, 12:7, 12:18, 13:4, 17:19, 19:3, 20:10, 20:15, 25:4, 26:3, 26:5, 30:9, 30:11, 30:25, 35:10, 41:1, 47:12, 59:19, 60:2, 66:11, 92:15, 92:26, 93:17, 96:14, 108:6, 111:15, 113:15, 120:6, 128:13, 129:2, 143:21, 145:9, 148:16 underlying [1] - 66:25 undermine [6] - 57:3, 73:3, 82:9, 115:17, 127:21, 134:6 understood [3] - 29:3, 68:26, 90:10 undertake [2] - 98:4, 100:5 undertakes [1] - 80:28 undertaking [2] - 93:17, 93:28 undoubtedly [2] - 90:25, 98:1 unfair [12] - | 107:6, 111:20, 112:4, 112:8, 112:11, 112:12, 112:13, 112:14, 112:17, 112:18, 118:12 unfairness [8] - 90:1, 97:10, 97:12, 97:20, 102:22, 103:11, 104:3, 104:10 unhappy [2] - 149:29, 152:23 unheard [1] - 153:21 unique [3] - 41:13, 44:29, 113:2 United [3] - 9:26, 147:17, 149:26 universally [1] - 113:29 unlawful [3] - 29:13, 47:14, 155:22 unlawfully [1] - 143:26 unless [7] - 15:26, 36:29, 85:22, 95:13, 113:10, 113:25, 126:16 unlike [1] - 40:14 unlikely [2] - 155:15, 155:16 unnecessary [11] - 13:12, 22:15, 32:6, 36:8, 38:19, 41:2, 52:22, 53:4, 53:5, 53:7, 140:26 unobjectionabl e [1] - 125:8 unqualified [1] - 52:25 unrestricted [1] - 147:5 unsurprisingly [5] - 52:1, 52:22, 62:6, 63:20, 116:19 UNTIL [1] - 157:17 unusual [2] - 88:1, 101:3 up [8] - 48:3, 65:5, 85:1, 91:26, 103:1, 120:10, | 133:26, 156:5 upheld [2] - 144:1, 155:2 useful [2] - 23:26, 136:26 uses [1] - 68:25 utilised [1] - 41:14 utility [2] - 11:18, 25:23 valiantly [1] - 46:13 value [14] - 40:20, 71:16, 71:19, 80:21, 80:25, 81:1, 82:19, 84:4, 84:6, 101:20, 102:10, 109:22, 137:17, 149:8 values [2] - 66:17, 68:19 varies [1] - 135:26 various [7] - 15:10, 36:13, 66:11, 80:11, 145:5, 146:15 version [3] - 84:29, 85:2, 85:18 very-well [1] - 79:5 vetted [3] - 33:16, 33:17, 40:15 victim [1] - 121:7 view [15] - 19:26, 21:24, 21:27, 32:11, 32:19, 37:7, 37:28, 39:27, 49:16, 65:7, 79:20, 86:13, 93:16, 96:28, 149:13 viewed [1] - 78:26 viewing [1] - 136:28 views [2] - 5:18, 44:26 violent [1] - 122:27 vires [1] - 118:13 visa [1] - 17:28 viz [1] - 37:25 Volume [2] - |
|--|---|--|--|---|---|

| | |
|---|--|
| 62:2, 84:10 volume ^[1] - 42:13 Wales ^[3] - 7:13, 7:15, 7:21 walks ^[1] - 73:1 wall ^[1] - 137:19 WAS ^[1] - 157:17 watching ^[1] - 5:20 ways ^[3] - 26:22, 129:27, 157:10 website ^[1] - 148:10 weight ^[2] - 62:10, 115:13 welcome ^[2] - 13:20, 14:19 whereas ^[2] - 39:25, 92:4 whereby ^[1] - 73:1 whilst ^[1] - 95:21 who'd ^[1] - 94:2 whole ^[2] - 80:29, 142:15 wholly ^[1] - 20:8 wide ^[6] - 32:12, 43:12, 53:25, 60:16, 74:22, 88:14 wider ^[2] - 109:23, 115:29 willing ^[1] - 16:1 Wise ^[3] - 62:4, 64:26, 66:26 Wise's ^[1] - 62:21 wish ^[3] - 8:9, 59:18, 67:14 withheld ^[5] - 9:23, 75:27, 86:20, 103:10, 107:27 withhold ^[13] - 75:1, 81:16, 81:20, 86:3, 86:5, 86:10, 91:14, 92:21, 97:9, 98:1, 102:12, 104:2, 104:8 withholding ^[10] - 80:29, 81:4, 82:21, 82:22, 83:11, 83:15, 89:3, 89:21, 89:24, 89:29 witness ^[2] - | 151:21, 151:22 witnesses ^[11] - 10:20, 13:13, 32:7, 38:20, 94:27, 95:15, 121:17, 124:28, 147:4, 148:3, 151:15 WLR ^[2] - 16:8, 57:22 wonder ^[1] - 148:26 wondered ^[3] - 46:23, 58:10, 58:14 wondering ^[3] - 47:27, 78:20, 113:18 Woolf ^[11] - 73:29, 86:11, 86:12, 86:26, 87:3, 87:9, 88:28, 89:20, 94:12, 96:23, 98:11 Woolf's ^[4] - 86:21, 89:7, 93:16, 96:28 word ^[1] - 52:27 wording ^[1] - 114:25 words ^[7] - 30:16, 57:3, 76:27, 113:5, 114:24, 143:25, 144:21 world ^[1] - 140:13 worrying ^[1] - 66:14 worth ^[1] - 124:22 wrapped ^[1] - 133:26 writing ^[2] - 16:4, 44:14 written ^[6] - 11:29, 13:17, 45:12, 48:13, 75:9, 132:2 year ^[3] - 4:1, 7:23, 37:27 years ^[3] - 37:26, 69:10, 146:22 |
|---|--|