

THE INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

RESTRICTION ORDER

This Restriction Order is made pursuant to section 19(1) and (2)(b) of the Inquiries Act 2005 (“the Act”), read with section 19(3) of the Act.

Any breach of this Order, failure to comply with it or threat to do so, can be certified to the High Court or Court of Session under section 36 of the Act, and the Court will deal with it as though the breach had occurred in proceedings before that Court.

PENAL NOTICE

The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.

IT IS ORDERED THAT:

1. This Order applies to the CLOSED hearings, relating to IIA Witness evidence due to commence in Autumn 2024 (‘IIA Witness Closed hearings’). This Order is made on 27 September 2024, and remains in force indefinitely unless varied or revoked.
2. The Chair may vary or revoke this Order by making a further order at any point.

3. Any breach of this Order, failure to comply or threat to do so, by any means whatsoever, shall be notified in writing to the Solicitor to the Inquiry ("STI") immediately upon identification of the breach or other issue.
4. This Order restricts attendance at the IIA Witness Closed hearings. Attendance at the IIA Witness Closed hearings is restricted to members of the Inquiry Team and to those individuals identified by the Ministry of Defence and Royal Military Police Core Participants as having a need to attend the hearing, or part of it, subject in each case to the approval of the Chair and each individual holding an appropriate level of security clearance.
5. This Order prohibits by restriction communication of any detail about the timing of or venue for IIA Witness Closed hearings referred to in paragraph 4 by any individual, save for within and between members of the Inquiry Team, members of the Ministry of Defence and Royal Military Police Core Participant teams, and those requested and permitted to attend the hearing, or notified of the details of it for that purpose including any relevant IIA witness (in respect of the date(s) of their attendance only).
6. This Order prohibits by restriction publication or dissemination of any evidence provided at the IIA Witness Closed hearings referred to in paragraph 4, and any subsequent record of that. This evidence must not be shared or discussed outside of the Inquiry Team, the Ministry of Defence and Royal Military Police Core Participant teams, or those requested and permitted to attend the hearing. For the avoidance of doubt, the evidence of one witness must not be shared or discussed with any other witness, without the prior permission of the Inquiry. The Chair will consider in due course whether any evidence provided at the IIA Witness Closed hearings may be gisted.
7. This Order prohibits by restriction publication or dissemination of the identity of each of the IIA witnesses giving evidence at the IIA witness hearings, or any information which might lead to their identification. Subject to paragraph 7(a) those witnesses have been ciphered with an IIA nominal. This restriction order is to be understood as follows:

- a. Initially, and unless the identity of the witness is openly shared by the Inquiry, the witness's identity is restricted from all Core Participants and the Public.
 - b. The Chair may then determine that the identity of a witness that is restricted may be shared with one or more 'identified individuals' within the State Core Participant teams in order to facilitate their engagement with the Inquiry. In this instance, agreement in writing will be provided to the relevant Core Participant(s). This order prohibits further dissemination of the witness's identity by any identified individual pending any further steps taken by the Chair under paragraphs 7(c) and 7(d) below.
 - c. The Chair may then determine that the identity of the witness may be shared with one or more additional 'identified individuals' within the wider Core Participant teams in order to facilitate their engagement with the Inquiry. In this instance, agreement in writing will be provided to the relevant Core Participant(s). In this instance, this order prohibits further dissemination of the witness's identity by any of these identified individual pending any further steps taken by the Chair under paragraph 7(d) below.
 - d. The Chair may determine, at any stage, that the restriction over the witness's identity is to be lifted. In this event, the Inquiry will publish the name of the witness on its website. In this instance, this restriction order remains in force until the Inquiry publishes the identity of the witness on its website.
8. This Order shall not prevent the Inquiry from (i) providing a gist of the evidence given at the IIA Witness Closed hearings to Core Participants and / or publishing the same on its website in due course; or (ii) publishing on its website a redacted version of the IIA Witness hearing bundles in due course.
9. For the avoidance of doubt, a redacted and / or gisted version of the IIA Witness hearing bundles are being provided to Core Participants in advance of the relevant hearing and are subject to confidentiality undertakings. The Core Participants shall be required to keep such material confidential until such

material is published on the Inquiry's website or the Inquiry otherwise notifies Core Participants in writing that the same is no longer confidential.

10. This Order prohibits by restriction publication or dissemination of all material that has been redacted from the redacted IIA Witness hearing bundles including the identities of other individuals who are current or former members of UKSF or worked with UKSF, a third-party entity, and other material considered necessary to be restricted.
11. Where material relating to the IIA Witness Closed hearings is published on the Inquiry's website, this Order shall cease to apply to such material as has been published by the Inquiry, but only in respect of and to the extent that information has been published by the Inquiry. The restriction at paragraph 10 continues to apply.
12. For the avoidance of doubt where documents published by the Inquiry have been redacted and a gist or cipher has been placed over the redacted material in that document, the Inquiry is restricting from publication or dissemination the underlying information.

Rt. Honourable Lord Justice Haddon-Cave
Chair

Dated 27 September 2024