

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 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 CLOSED hearing, relating to Monica Grenfell's evidence due to be heard in Autumn 2024 ('Monica Grenfell Closed hearing'). Monica Grenfell is an IIA Witness. Attendance at the Monica Grenfell Closed hearing 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 the Monica Grenfell Closed hearing 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.
6. This Order prohibits by restriction publication or dissemination of any evidence provided at the Monica Grenfell Closed hearing 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 prior permission of the Inquiry. The Chair will consider in due course whether any evidence provided at the Monica Grenfell Closed hearing may be gisted.
7. This Order prohibits by restriction publication or dissemination of the identity of Monica Grenfell as a person who has provided evidence (whether written or oral) to the Inquiry, or any information which might lead to her identification until such time as the Inquiry confirms on its website that Monica Grenfell has provided evidence to the Inquiry, which shall not, in any event be until after she has finished giving evidence.

8. This Order shall not prevent the Inquiry from (i) providing details of the witness' identity to Core Participants; (ii) providing a gist of the evidence given at the Monica Grenfell Closed hearing to Core Participants and / or publishing the same on its website in due course; or (iii) publishing on its website a redacted version of the Monica Grenfell gisted statement and exhibits in due course.
9. For the avoidance of doubt, a gisted version of the Monica Grenfell hearing bundle is being provided to Core Participants, along with confirmation of her identity, and is subject to confidentiality undertakings and 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 Monica Grenfell hearing bundle, including the identities of other individuals who are current or former members of UKSF or worked with UKSF and other material considered necessary to be restricted.
11. Where material relating to the Monica Grenfell Closed hearing 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. 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.

Lord Justice Haddon-Cave
Chair

Dated 27 September 2024