OMAGH
BOMBING INQUIRY

Ruling on Applications for Anonymity

Background and purpose

1. On 9 July 2025, the Inquiry published its Anonymity Protocol. That document explained that "anonymity" meant the protection of a person's identity, or anything which may tend to identify them, from disclosure to those who are (a) designated as Core Participants and/or (b) the wider public.

2. The Anonymity Protocol recognised that section 18 of the Inquiries Act 2005 ("the Act") required the Chair to take reasonable steps to ensure that the public could attend, or see and hear, a simultaneous transmission of the proceedings and see or obtain a record of the evidence and documents produced to the Inquiry. In this context, the Anonymity Protocol explained that, as a general rule, the Inquiry will disclose to Core Participants those witness statements and documents it considers relevant prior to the Inquiry's public hearings. It also explained that documents used in the Inquiry's public hearings, or otherwise referred to as evidence, will also be published on the Inquiry's website. However, it also recognised that section 19 of the Act provided that restrictions may be imposed on the disclosure or publication of evidence given or produced to the Inquiry. The Protocol therefore set out a process through which applications for an Anonymity Restriction Order, under section 19 of the Act, could be made and determined.

3. This ruling concerns such applications made in relation to four former members of the Police Service of Northern Ireland (or its predecessor the Royal Ulster Constabulary) who are identified in documents disclosed to the Inquiry and who may be called to give evidence.

4. A Note on Anonymity Applications was issued by the Inquiry Legal Team ("ILT") on 23 January 2026. That Note set out a process which invited Core Participants to file a document listing all anonymity applications which they had in mind seeking, along with a representative selection of applications. The intention behind this process was that the representative applications might be capable of leading to a ruling which determined issues of principle and fact which were common across a cohort of applications, and which might provide guidance for the resolution of most other applications made on behalf of that Core Participant. In support of these representative applications Core Participants were required to provide:

i Written submissions explaining why anonymity should be granted,
ii A damage or risk assessment prepared and/or approved by a suitably senior individual and verified by a statement of truth, and
iii Witness evidence from the person whose anonymity is sought.

Applicants were given the opportunity of lodging both open and closed applications.

The applications

5. This ruling will focus on the four applications made by PSNI on behalf of the potential witnesses who were identified as Officers 1, 2, 3 and 5. A table summarising the basis of anonymity applications in relation to fifteen officers in total was also lodged. It was understood that applications for anonymity were likely to be presented on behalf of these and other former officers in due course. The working assumption on which the current applications were based was that each of the four former officers will be required to give evidence in due course.

6. That approach, as set out in the submissions on behalf of PSNI, reflects a sensible basis upon which to address the issue, since even if not led as witnesses, the information provided to the Inquiry by and about the former officers might well still feature in the evidence led before the Inquiry and will be disclosed to Core Participants. In either circumstance, absent anonymity, their identities would not be protected in the manner contemplated in the Anonymity Protocol.

7. Each of Officers 1, 2 and 3 sought an order that their identity should be anonymised in any documents disclosed to Core Participants and in any evidence which they were called to give before the Inquiry or in any document published by the Inquiry. Officer 5 sought an order that his identity should be anonymised in evidence given by him to the Inquiry and in any document published by the Inquiry, but was content for his identity to be revealed in any documents disclosed by the Inquiry to Core Participants. The summary table of other officers seeking anonymity likewise set out a variation in the relative extent of anonymity to be sought by different officers.

Officer 1

8. Officer 1 has been retired for almost 25 years. He served for approximately 32 years in the Special Branch of the Royal Ulster Constabulary. At the time of his retirement, he held the rank of Detective Chief Superintendent and was the Regional Head of Special Branch, South Region. He held this post at the time of the Omagh

bombing. In addition to the general threats and risk to life experienced as a police officer in Northern Ireland, he identified a direct and serious threat to his life which had resulted in him having to implement enhanced and significant protection measures, which have remained in place continuously until the present day. He described always having kept a low profile and avoiding any form of social contact outside family and a close group of friends. Officer 1 stated that he had always been granted anonymity when giving evidence on previous occasions and that, to the best of his knowledge, members of the intelligence services who have served in Northern Ireland have always been granted anonymity in past Inquiries and Inquests.

Officer 2

9. Officer 2 retired more than 20 years ago. He served for approximately 30 years in the Special Branch of the Royal Ulster Constabulary and the Police Service of Northern Ireland. At the time of his retirement, he held the rank of Detective Chief Superintendent and was the Regional Head of Special Branch, North Region. His region included both the Irish border and the town of Omagh. Officer 2 stated that as a consequence of his role within the police force, he had been a target for Republican terrorists during the period of "the Troubles". He remained so after the Good Friday/Belfast Agreement when Dissident Republicans emerged. He was wounded in the line of duty in the early 1970s. He explained that from the 1970s onwards he has taken daily precautions to safeguard himself and his family. Like his colleague Officer 1, this officer had always been granted anonymity when giving evidence previously and understood that members of the intelligence services in Northern Ireland had always been granted anonymity in past Inquiries and Inquests.

Officer 3

10. Officer 3 retired more than 15 years ago. He served for almost 30 years before retiring with the rank of Detective Sergeant. He explained that most of his career had been spent investigating serious and terrorist crime and that he had been attached to the Regional Crime Squad, Southern Region. The nature of his police work brought him into close contact with terrorist suspects on many occasions and he reported frequently being subjected to veiled threats. Since retiring he had been the subject of a specific threat, as a consequence of which he required to implement enhanced and significant security measures. Officer 3 stated that only his family and closest friends are aware of his former role as a detective investigating terrorist crime and he has adopted a practice of not disclosing his former occupation since his retirement.

Officer 5

11. Officer 5 retired more than 15 years ago, after serving for 27 years. For around 20 of those years, he served as a detective officer in the Criminal Investigation Division and as a Detective Sergeant in the Major Crime Division. The nature of his police work brought him into close contact with terrorist suspects on many occasions. He has been the subject of direct threats and attacks on a number of occasions. He has required to be evacuated from his home and was later served with a further threat notice by his employers. Since retiring he has been the subject of a further threat from a republican terrorist group. This officer also mentioned the careful approach which he has taken in relation to his personal security, both throughout his career and into retirement. Since retiring he has obtained employment with a different law enforcement agency and has consistently sought to maintain a low profile and has avoided any discussion concerning his previous or current role.

12. Each of the former officers mentioned their concern that dissident republican terrorists had targeted other retired officers. All were concerned about the impact upon them and their family members if their identities were to be made known publicly.

The Legal Context

13. The importance of open justice in the context of the Inquiry's proceedings has been recognised on a number of occasions. It was acknowledged at paragraphs 17 to 19 of the ILT Note on Anonymity Applications. It was set out in detail at paragraph 7 of the preceding ILT Note on Closed Material Restriction Orders, dated 14 January 2026. The application of the principle of open justice means that witnesses ought to be identified by name when they give evidence and where they feature in documentary evidence submitted to the Inquiry. In this fashion, they should be known to both Core Participants and to the wider public.

14. The open justice principle does not, however, stand alone. It has to be seen alongside the duty to take steps to protect a witness which may arise where Article 2 ECHR rights are engaged, or where a duty of fairness requires it. In either of these circumstances, the steps which can occur include anonymising the name of the witness.

Article 2 ECHR

15. As is well understood, one of the components of the positive duty to protect life enshrined in Article 2, is an operational duty which requires the state, in well-defined circumstances, to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of others. As explained by the Strasbourg court in the case of *Osman v United Kingdom*, there will be a breach of that positive obligation where:

> "The authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identifiable individual or individuals from the criminal acts of the third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk."

16. It is now well settled that a real risk is one that is objectively verified and an immediate risk is one that is present and continuing (*Re Officer L* [2007] UKHL 36 at paragraph 20). An objectively verified risk which is neither fanciful nor trivial will constitute a real risk and an immediate risk is one that will be present if a particular course of action is not taken (*Re C's Application for Judicial Review* [2012] NICA 47, Lord Justice Girvan at paragraph 43).

17. The present applications concern circumstances in which I am required to make a prospective analysis of the situation, in order to determine whether preventative operational measures are called for in light of the selection of each of the individual retired officers as a potential witness in the Inquiry. That requires me to consider whether any consequences would flow for the individual witness and, if so, what they would be.

The duty to act with fairness

18. Quite separately from ECHR considerations, the Inquiry has a duty to act fairly towards any person whom it intends to call to give evidence (or who is identified in disclosed documentation). This duty, which exists at common law, is reflected in the terms of section 17(3) of the Inquiries Act. In this context, consideration of issues other than the risk to life are relevant, although an allegation of unfairness may in fact involve a risk to the life of a witness. In this regard, subjective fear as to risk can be taken account of, even if such fears are not well founded.

19. Whether acting with fairness would require me to give effect to an application seeking anonymity would depend on the outcome of a balancing exercise which took into account factors such as:

i The effect on the Inquiry's ability to arrive at the truth if I refused or granted the application,
ii The effect on the public's ability to follow and understand the evidence if I refused or granted the application,
iii The effect on the public's perception of the impartiality of the Inquiry,
iv The seriousness of any identified fear on the part of the witness and its impact on him,
v The reason for any such fear,
vi The likely effect of granting anonymity in removing that fear,
vii The public interest in maximising police resources.

Submissions in support of anonymity

20. Appearing as counsel for PSNI, Mr Henry KC presented oral submissions in support of the four applications. His overarching contention was that the open-source material which he tendered, as taken along with the threat assessment tendered, demonstrated that the concerns expressed by the individual officers were well founded. His submission was that the combined material relied upon in the open hearing was sufficient to demonstrate that Article 2 was engaged in respect of each former officer.

Open-source material

21. The first limb of this submission involved a review of the open-source materials, drawing attention to media and other reports of attacks by Dissident Republicans such as:

i The murder of constable Stephen Carroll in 2009,
ii The car bomb attack on officer Peadar Heffron in 2010 resulting in the loss of his leg and other injuries,
iii The murder of officer Ronan Kerr in a car bomb attack in 2011,
iv The murder by shooting of prison officer David Black in 2012,
v The prosecution of Colin Duffy, Henry Fitzsimmons and Alex McCrory on charges relating to a gun attack and attempted murder of police officers in December 2013,
vi The prosecution of Peter Granaghan on a charge of attempting to murder a police officer by placing a bomb under his car in 2019,
vii The conviction in 2024 of Samuel McCaughey for recording details of vehicles parked in Lurgan Police Station in May 2020 as information likely to be of use to a person committing or preparing an act of terrorism,
viii The shots fired at Enniskillen Police Station in March 2021,
ix The placement of a crude bomb under the car of a police officer in April 2021,

x The shots fired at police officers in Londonderry in August 2022,
xi The shooting of Detective Chief Inspector John Caldwell in February 2023,
xii The threat to relatives of police officers issued in March 2023,
xiii The appearance of the names of Mr Caldwell and a serving officer on a bonfire with gun sight images beside them in August 2025,
xiv The conviction in July 2025 of Damian Duffy and Shea Reynolds on charges of targeting a retired police officer by placing a wildlife camera in his garden.

Threat assessment

22. The threat assessment relied upon was prepared by the Joint Terrorism Analysis Centre ("JTAC"), the sub-unit within MI5 which has, since 2024, been responsible for preparing intelligence threat assessments relating to Northern Ireland. Two types of assessment can be provided, a sectoral threat assessment on a category of persons and an individualised threat assessment. The threat assessment provided in the open materials is a sectoral assessment provided to the Inquiry in relation to the threat from Dissident Republican groups to former officers who may be called to give evidence. Mr Henry therefore submitted that it should be seen as providing a baseline threat assessment for all former officers. The relevant features as set out in the threat assessment were said to be:

i The Dissident Republican campaign reached its peak in 2010 when Dissident Republicans were responsible for 40 attempted or successful attacks in that year,
ii Since then there has been a general downward trajectory in the number of attacks committed,
iii Dissident Republicans remain the drivers of the Northern Ireland Related Terrorist ("NIRT") threat in Northern Ireland,
iv The overarching NIRT threat level in Northern Ireland is "substantial"; an attack is likely,
v Dissident Republicans have never conducted an attack against a witness at an Inquiry or Inquest in Northern Ireland,
vi Dissident Republicans highly likely view former RUC and PSNI witnesses at the Inquiry as legitimate targets for attack,
vii Dissident Republicans have proven that when they are able to successfully identify an individual and obtain sufficient targeting information, such as home address, vehicle details or pattern of life, they possess the capability to successfully translate this into an attack,
viii If a witness who is a former member of the RUC or PSNI has their identity made available in the public domain this will likely increase Dissident Republican intent and capability to target that individual,

ix Should any former RUC or PSNI witness give evidence without anonymity there is a realistic possibility that the NIRT threat to those individuals will increase.

23. Having drawn attention to these aspects of the evidence, Mr Henry submitted that it was important to take account of the considerations which had weighed with the judges in the decision of the Northern Ireland Court of Appeal in the case of *Re C's Application for leave to apply for Judicial Review*. He contended that the analysis conducted by the Court had made it clear that applications for anonymity were likely to succeed as a result of the security situation in Northern Ireland and the particular risk faced by serving and former members of the security forces. This was not because the law was different in Northern Ireland as compared to the rest of the United Kingdom, but because the factual context in which it fell to be applied was different. The decisions of the judges in that case had illustrated the importance of understanding that context.

24. Mr Henry also relied upon what had been said by Mr Justice Stephens *in Re Jordan* [2014] NIQB 11 at paragraph 118, about the reasons for taking a precautionary approach, and by Mr Justice Humphreys in "*The Coagh Inquest Ruling"* [2022] NICoroner 7 at paragraph 16, to the effect that where Article 2 is engaged anonymity is the minimum level of protection to be afforded.

25. Relying on the evidence as outlined, and the case law identified, he submitted that the Article 2 test was met in respect of each of the four former officers. He contended that the evidence demonstrated the presence of a risk which was real, in the sense of being neither fanciful nor trivial, and which was present and continuing, and therefore immediate. He submitted that: (a) an attack was likely, (b) an attack would be lethal if successful, (c) police officers were the likely targets, and (d) the refusal of anonymity would materially increase the risk of such an attack to the individual required to give evidence.

26. Mr Henry contended that the straightforward and proportionate way to address these risks was to grant anonymity. This had commonly been done in previous Legacy Inquests and the grant of anonymity had been successful in mitigating security risks in those proceedings. This was the context in which to understand the statement that Dissident Republicans have never conducted an attack against a witness at an Inquiry or Inquest in Northern Ireland.

The family Core Participants represented by Fox Law

27. Mr Southey KC conducted a detailed and critical analysis of the material relied upon by PSNI and the submissions presented in support of anonymity. He had two overarching contentions. First, the security situation in Northern Ireland could be seen to have improved over the years. The distinction previously drawn between the circumstances in Northern Ireland and the rest of the United Kingdom had been reducing with time. There had never been an attack on a police officer in his capacity as a witness. The open-source material, bar one incident, all related to attacks on serving rather than retired officers. All of this meant that there would be no increase in the risk to a former police officer in giving evidence openly. Put another way, no risk to any of the officers would be created by giving evidence in the ordinary fashion. Accordingly, the applications should be refused.

28. The second overarching submission was this. Each of the applications should be refused. The material disclosed and relied upon was insufficient to vouch that Article 2 was engaged in respect of any of the officers, or that fairness required any steps to be taken. He sought to advance this submission by focussing on the application made by Officer 1, the former Regional Head of Special Branch. The implication which I took from this being that if anonymity was not vouched in his case, it would likely not be vouched in the cases of the other officers.

29. There were said to be deficiencies in the content of his statement, some of which could be said to be seen in the statements from the other former officers. For example, it was said that Officer 1's statement did not disclose whether he had given evidence in the past without any restrictions on his identity, or whether there had been any public reporting of his role. There needed to be full disclosure of the extent to which the officer's role was known to Dissident Republicans rather than the general public. In the absence of such information it could not be ascertained whether any risk to his life would be increased by giving evidence openly.

30. This proposition was developed in a different direction by drawing attention to the content of Officer 1's statement, in which he explained that he had experienced direct threats to his life during the course of his career, resulting in him having to take significant protective measures which continued to the present day. In Mr Southey's submission, the appropriate way to characterise this witness's statement was to say that he was already at risk anyway. Giving evidence openly would not cause any increase in the level of risk to which he was exposed. Separately, the risk assessment relied on was inadequate, it took no account of the extent to which matters may

already be in the public domain. Any policy which PSNI had on the naming or protection of officers had not been made available. In all of these circumstances, it could not be said that Article 2 would be engaged.

31. Moving away from a full-blown rejection of risk to the potential witnesses being associated with giving evidence, Mr Southey came to focus on a different proposition. Even if Article 2 was engaged in respect of any of the former officers as a consequence of being identified as a witness, disclosure of their identities should be made to the Core Participants and their lawyers.

32. This proposition began with the terms of section 19 of the Inquiries Act. That section, whilst permitting restrictions on disclosure or publication, made it clear that each individual restriction contemplated had to be justified. Accordingly, when considering anonymity, it would be necessary to consider the position of three different groups:

i The general public, which will potentially include Dissident Republicans,
ii The Core Participants, and
iii The lawyers for the Core Participants.

33. The consequence of this interpretation, on Mr Southey's analysis, was that even assuming Article 2 would be engaged in disclosure of a witness's identity to the first group, the question had to be framed separately for each of the remaining groups. Therefore, the next question which fell to be determined was whether there was evidence of a real and immediate risk to life from disclosure of identity to the Core Participants. Core Participants had all signed the confidentiality undertakings as required by paragraph 23 of the Inquiry's Protocol on Documents. There was no reason to believe that Core Participants would breach those undertakings, or that they would pass on any information about witnesses to Dissident Republicans.

34. No risk would flow from providing information about identities to the Core Participants. This proposition was underlined by the fact that Officer 5, and some of those within the summary list, whilst seeking anonymity from the public, were content for their identities to be made known to the Core Participants. The reality was that Article 2 would not be engaged by disclosure of identities to the Core Participants, as doing so would have no impact on any risk to any of the witnesses concerned. The suggestion of there being any risk associated with disclosure of identities to Core Participants would properly be described as fanciful. Mr Southey acknowledged that: "of course there is always the possibility

that something will go wrong". His position was that there is always that possibility in normal life.

35. The final group in respect of which risk might require to be considered was the lawyers representing the Core Participants. Even if disclosure to the clients was prevented, there was no reason why their lawyers should not be informed of the identity of the witnesses. Whilst far from ideal, this would be better than no disclosure and would assist in the representation of the Core Participants. Lawyers are regulated and have an ethical code. Unauthorised disclosure by a lawyer would be particularly unlikely. Case law recognised that confidentiality rings, allowing disclosure to lawyers only, could be operated – *NMC Heath PLC (In Administration) v Ernst & Young LLP* [2025] EWHC 1048 (Comm).

36. Allied to these submissions was the proposition that were Article 2 to be engaged in respect of any individual witness, a balancing exercise required to be undertaken in order to determine whether anonymity was the appropriate operational measure to implement. The benefit of including the name of the witness needed be included in that balance. Factors such as the significance of the identity of the witness to the issues before the Inquiry would matter. If a witness was potentially open to criticism, or if there were other particularly pressing reasons for his name to be made public, such considerations would weigh against the need to anonymise. Accordingly, Mr Southey suggested that I should "push back" against the view that the only, or minimum response should be the making of an anonymity order.

The family Core Participants represented by PA Duffy & Co

37. Written submissions were lodged on behalf of this group of Core Participants and oral submissions were presented by Mr Toal KC. The written submissions set out, at some length, the approach which it was contended I should take.

38. I understood the thrust of the written submissions to be that I should refuse the applications made. In addition to adopting the Fox Law written submissions (which were to that effect), the written submissions focussed on the absence of particularised threat assessments detailing and dealing with each officer's individual level of risk. That led to the submission set out at paragraph 23 that:

> "… a blanket threat assessment with individual statements, in our view, is not sufficient to meet the '*high bar*' required for such a derogation from open justice."

39. I understood the emphasised reference to "*high bar*" to be a link back to what was set out at paragraph 12 of the written submissions, where Lord Carswell's statement from his judgment in the case of in *Re Officer L* was quoted to the effect that:

> "The criterion is one that is not readily satisfied and in other words, the threshold is high."

40. Despite the weight which I was invited to place on this proposition of needing to pass a high bar, and the reliance in this regard on Lord Carswell's statement, the written submissions made no mention of what Lord Hope of Craighead had said about this in *Van Colle v Chief Constable of the Hertfordshire Police* [2009] 1 AC 225 at paragraph 66, or what was said by each of Lord Chief Justice Morgan and Lord Justice Girvan in *Re C's application*.

41. The judicial statements just mentioned make it plain that it is not correct to think of an application for anonymity requiring to pass some high bar, or to reach some evidential threshold, in order to be granted. The correct approach is to determine whether Article 2 is engaged in the way set out below. Thereafter the question is what step, if any, should be taken.

42. The PA Duffy written submissions also made reference to the confidentiality undertakings signed by the Core Participants whom they represented. Again, the point being made was to the effect that these ought to be sufficient to manage any risk arising.

43. In oral submissions Mr Toal took a different approach. He recognised that the officers who had provided personal statements had put forward cogent reasons why their identities should be withheld from the public, the Core Participants and their lawyers. However, he submitted that there was a protocol which applied to Inquests in Northern Ireland which should be applied to the Inquiry as well. That protocol, he suggested, could be identified in what was said by Lord Chief Justice Morgan at paragraph 4 of *Re C's application.* It was to the effect that individualised risk assessments relating to each officer should be provided.

44. Since it would, in Mr Toal's submission, be desirable to have such assessments, his position was that I should delay making a decision and to call for such assessments to be provided. However, if I was not minded to do so, he accepted that on the evidence led I should grant anonymity as sought and did not oppose the grant of the applications.

Discussion

45. Should an obligation to anonymise the name of a witness arise as a consequence of the Article 2 duty to implement an operational measure, my power to do so is to be found in section 19 of the Inquiries Act. That section provides as follows:

> **19 Restrictions on public access etc**
>
> (1) Restrictions may, in accordance with this section, be imposed on—
>
> (a) attendance at an inquiry, or at any particular part of an inquiry;
>
> (b) disclosure or publication of any evidence or documents given, produced or provided to an inquiry.
>
> (2) Restrictions may be imposed in either or both of the following ways—
>
> (a) by being specified in a notice (a "restriction notice") given by the Minister to the chairman at any time before the end of the inquiry;
>
> (b) by being specified in an order (a "restriction order") made by the chairman during the course of the inquiry.
>
> (3) A restriction notice or restriction order must specify only such restrictions—
>
> (a) as are required by any statutory provision, assimilated enforceable obligation or rule of law, or
>
> (b) as the Minister or chairman considers to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in subsection (4).
>
> (4) Those matters are—
>
> (a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
>
> (b) any risk of harm or damage that could be avoided or reduced by any such restriction;
>
> (c) any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the inquiry;
>
> (d) the extent to which not imposing any particular restriction would be likely—
>
> i. to cause delay or to impair the efficiency or effectiveness of the inquiry, or

ii. otherwise to result in additional cost (whether to public funds or to witnesses or others).

(5) In subsection (4)(b) "harm or damage" includes in particular—
(a) death or injury;
(b) damage to national security or international relations;
(c) damage to the economic interests of the United Kingdom or of any part of the United Kingdom;
(d) damage caused by disclosure of commercially sensitive information.

46. As was set out in the ILT Note, if a restriction such as anonymity is "required" as a consequence of Article 2 being engaged in respect of a particular witness, the power to make that restriction is exercised under section 19(3)(a). In that instance the restriction would be one required by rule of law. The consequences of acting under section 19(3)(a) or (b) are different. The obligation to have regard to the matters set out in section 19(4) of the Act only arises when utilising the power to make a restriction order given by section 19(3)(b).

The Northern Ireland context

47. It is plain that, historically, police officers in Northern Ireland have been at very real risk from the acts of terrorist groups. The comments to this effect made by Lord Carswell in the opening paragraph of his opinion in *Re Officer L,* are mirrored at paragraph 6.4 of the Operation Kenova Interim Report, published in March 2024, where it is noted that:

> "During the course of the conflict, 302 RUC officers were killed and over 10,000 injured, with 300 left severely disabled."

48. The consequence of this background for police officers in Northern Ireland was set out most powerfully by Lord Justice Girvan in delivering his judgment in *Re C's application,* at paragraph [43], where he explained that:

> "In the context of Northern Ireland which has been subjected to decades of homicidal attacks on individuals by organised terrorists the threat to life has been real, though for the bulk of the population it is not a threat directed at them individually so that for most the risk is not present and continuing in the sense of immediate to them. For some, such as members of the police force, the level of threat has been and continues to be at a much higher level and it is much more immediate. It cannot be considered as anything close to fanciful and it is significant."

49. Those observations, made in 2012, illuminate the extent to which the historical threat to the lives of police officers was still viewed as being real and immediate, some fourteen years after the Belfast/Good Friday Agreement. Ten years later, in September 2022, when Mr Justice Humphreys gave his ruling on anonymity in relation to *The Coagh Inquest*, he was satisfied that the threat posed to retired police officer witnesses from Dissident Republicans remained sufficient to engage Article 2. In January 2024, Mr Justice Huddleston proceeded upon the view that the risk to former police officers remained both subjectively and objectively something that was real and not fanciful – *Doherty & Fleming Inquest* 2024 NICoroner 1 at para [3](b).

50. In the time that has passed since Lord Justice Girvan's remarks it is no doubt correct, as Mr Southey suggested, that there has been a general downward trajectory in the number of attacks on police officers. That much is confirmed by the JTAC threat assessment provided. As a consequence, he was also no doubt correct to say that the distinction between Northern Ireland and the rest of the United Kingdom is reducing with time. However, the reality of that distinction should not be lost sight of. The fact that it may be reducing, of itself, says nothing about the extent to which the context in the two jurisdictions remains starkly different. Whilst there have been tragic events in which police officers in other parts of the United Kingdom have been killed in the line of duty, there is simply no history of prolonged and determined targeting of police officers by organised groups such as has been seen in Northern Ireland.

51. As it happens, three further events of significance came to be widely reported after the conclusion of the hearing on these applications. First, on 31 March 2026, the BBC news website reported that a delivery driver was threatened with a gun by two masked men, one of whom placed a crude but viable improvised explosive device into the boot of his car and ordered him to drive the vehicle to Lurgan Police Station. Dissident republican groups were thought to be behind the attempted attack. Second, on Saturday 26 April, a car bomb exploded outside Dunmurry Police Station, Belfast. On 28 April the Irish News reported that the Dissident Republican group: "The New IRA", claimed responsibility for the attack. In addition to doing so, the group stated that its intention had been to kill police officers as they attempted to leave the building. The third event was, that in that same news article, it was reported that the group had also stated that it intended to target the homes of PSNI officers.

52. Viewing the identified open-source material in the manner set out above satisfies me that this material vouches the existence of an ongoing and persistent campaign intended to inflict murderous violence

against members of the police force in Northern Ireland over a period of some sixteen years or so, with examples being identified right up until April 2026. Police officers in the rest of the United Kingdom have simply never had to face anything of a comparable nature in the same time frame.

53. Further information of relevance to the applications made on behalf of Officers 1 and 2 arises from the statement provided by the current Head of the Intelligence Branch. He explained that PSNI do not publicly disclose the identities of officers or former officers who work or have worked in covert or intelligence functions. Officers working in these roles take significant additional risks in the course of their roles and often do not disclose the nature of their police work to their family. They have access to covert identity documents and anonymity processes whilst in service. Such officers are of particular interest to organised criminals and violent terrorists.

Is Article 2 engaged in relation to the individual applications?

54. I intend to focus on the questions of whether Article 2 is engaged in relation to any or each of the four applications and, if so, whether anonymity should be granted. I intend to do so on the basis of the information placed before me in the open hearing alone. I will take no account of any of the evidence or submissions presented during the subsequent closed session as the open evidence and submissions allows me to reach conclusions which are not undermined by the closed proceedings. Article 2, rather than common law fairness, was the principal focus of the debate before me. I agree with Mr Henry that there is no particular importance to be attached to the order in which either is considered. He contended that consideration of Article 2 will arise in all applications by serving and former members of the security forces. If Article 2 is engaged, then fairness considerations may fall away.

55. What I have outlined in the preceding paragraphs sets the background context of risk to police officers in which it is necessary to consider the individual applications made.

56. I do not consider that it is necessary to continue the present applications to obtain further information. I would understand the Protocol mentioned by Mr Toal to be the Witness Protocol for Legacy Inquests, issued by the Presiding Coroner for Northern Ireland on 6 October 2020. That Protocol has a section concerning applications for anonymity. If I am correct, then this cannot have been the Protocol to which Lord Chief Justice Morgan was referring in 2012, but nothing turns on that. The passage which Mr Toal had in mind is, I assume, to be found at paragraph 64 of the Protocol where it is said that:

> "Where the Coroner is informed that a witness intends to seek anonymity and/or screening ('A&S') during the inquest, the Coroner will direct PSNI and the Security Service to each provide an objective threat assessment in respect of the applying witness."

57. Although grateful for any guidance which may be discerned, I am of course not bound by Coronial procedure. In any event, as the introductory sentence to this section of the Presiding Coroner's Witness Protocol makes clear, the Coroner may adopt alternative processes as he/she sees fit. I also have the impression that matters may have moved on since 2020. The statement from the PSNI Head of Intelligence mentioned above explained that a Service Level Agreement on the provision of intelligence threat assessments related to Northern Ireland was entered into between JTAC and PSNI in October 2007. It explained that after various developments, JTAC assumed responsibility for such threat assessments in 2024. At paragraph 13 of that statement the following is set out:

> "Where an officer held a role where they had regular contact with members of the public in their role as a police officer such as in frontline reactive or neighbourhood policing or an investigative roles where they interacted with the public or gave evidence in open court in relation to their role the currently available sectoral assessment is appropriate for those officers, unless there is specific current intelligence which indicates a threat to them."

I also note that in at least one recent inquest a Coroner ruling on anonymity applications has proceeded upon standard form assessments without individual assessments for each witness (*Springhill Inquest Ruling Number 6* by Mr Justice Scoffield 2024 NICoroner 9).

58. It is also worth understanding what the court identified as the mistake which had been made by the Coroner in *Re C's application*. The Coroner was held to have taken the wrong approach to the Article 2 test. His error, as I understand it, had been to take note of the level of risk assessed by way of security service category for each witness and then to ask himself whether a risk of that level was sufficient to engage Article 2. I am not satisfied that there would be any purpose in my obtaining the same sort of assessments for each witness other than to then engage in the same sort of evaluative exercise as had been disapproved of in *Re C's application*. For the purposes of this ruling, I

am content to proceed on the basis of the JTAC sectoral assessment lodged in the open proceedings.

59. The question of how the general background context of risk to police officers impacts on individuals selected as witnesses can be assessed by considering how such a risk would manifest itself. Police officers who give evidence in legal proceedings would ordinarily do so openly and with their names being given and published. They might also be photographed by media organisations as they attended or left the venue.

60. Naming a particular officer, along with a description of their role and their age, would provide the necessary foundation upon which research could be undertaken in an attempt to ingather such information as would be required to identify how to mount an attack against that person. The ability to connect an image with information about identity would add to such an opportunity. As Mr Henry pointed out, the open-source material vouched examples of terrorists in Northern Ireland seeking to obtain images of officers whom they wish to target. The opportunities for finding information about individuals through researching the Internet have increased substantially over recent decades. The ease of use of the Internet and the development of AI tools has meant that the numbers of those with sufficient awareness and proficiency to do so has increased exponentially. As Mr Justice Scoffield observed in his ruling mentioned above, the naming of a witness will make it much easier for that individual to be traced, particularly where, as is often the case these days for most members of society, they or their family have an online presence.

61. This understanding of the consequences for an individual officer of his or her identity being revealed is reflected in the terms of the JTAC threat assessment. No doubt for the sort of reasons just set out, the assessment is that if a former officer has their identity made available in the public domain this will likely increase Dissident Republican intent and capability to target that individual. It then follows, as the assessment states, that giving evidence without anonymity (one way in which identity would be placed in the public domain) leads to a realistic possibility that the NIRT threat to that individual will increase. Put another way, this evidence supports the conclusion that there would be a material increase in the level of risk faced by a former officer if his or her identity were to be placed into the public domain.

62. For the purposes of assessing risk, no valid distinction falls to be made between serving and retired police officers, save that additional issues of vulnerability are likely to be present in the case of retired

officers. There are good reasons to proceed upon the general view that there are aspects of age and of the fact of retirement which go to vouch that retired officers are more likely to be vulnerable than serving officers. Some of these were articulated by Mr Justice Deeney in the first instance decision of *Re C's application* [2012] NIQB 62 at paragraphs 51 and 73.

Officers 1 and 2

63. The role which Special Branch officers performed in gathering intelligence would likely make such senior officers, retired or serving, a highly attractive target for Dissident Republicans, as explained in the statement from the current Head of the PSNI Intelligence Branch. That view lies behind the policy of not publishing or publicly disclosing the names of officers or former officers who have worked in intelligence functions.

64. The correct test to apply in order to determine whether Article 2 is engaged can be identified in the judgment of Lord Justice Girvan in *Re C's application* at paragraph 43, as applied by Ms Justice Keegan (as she then was) in giving her Ruling in the *Ballymurphy Inquests* [2021] NICoroner 6 at paragraph 21. It is to ask whether the evidence before me establishes a real risk to the lives of these officers, should their identities be disclosed as witnesses, that is neither fanciful nor trivial and which will be present if anonymity is not granted. The answer in relation to these two officers is that it does so clearly.

65. In reaching this conclusion I have not overlooked Mr Southey's submission that witnesses such as Officer 1 should be viewed as being at risk anyway, because they had previously been known to and targeted by terrorists, and that Article 2 would therefore not be engaged.

66. In my view, this is a most unconvincing contention. First of all, it takes no account of the protective steps taken by or for such officers after the previous targeting attempts, such as being re-housed or the implementation of strict security protocols. But more pertinently, it seems to me to be self-evident that the effect of the publicity associated with the Inquiry will be to remind Dissident Republicans of any such witness's previous role and to bring him to the attention of those who may not previously have known of him, or who may have joined the ranks of Dissident Republicans in more recent years. Such a renewed interest would then foster the opportunity of carrying out the sort of sophisticated internet research which would not have been possible in the past and by those who have acquired the skills to do so in modern times. I am satisfied that Article 2 is engaged in the case of each of Officers 1 and 2.

Officers 3 and 5

67. Applying the same test as outlined above, I am equally satisfied that Article 2 is engaged in the case of these two officers. They each have a history of involvement in the investigation of terrorist cases and have been the subject of various threats from those terrorist suspects whom they have had dealings with and from others, to the extent that each have required to take enhanced and significant steps to protect their own security and that of their families. As with their colleagues Officers 1 and 2, each of Officers 3 and 5 harbour genuine fears for their own safety and that of their families should their identities be revealed to members of the public.

68. In considering what would constitute a proportionate response in the circumstances of these four applicants, I have taken account of what was said by Mr Justice Stephens in *Re Jordan* about what taking a precautionary approach involves. The reasoning which he sets out is compelling. I am entirely satisfied that it would be appropriate for me to take such an approach. Mr Southey urged me to exercise caution before accepting the proposition that anonymity should be seen as the minimum step to take if the precautionary approach was to be followed. He submitted that there might be circumstances where the need to identify the witness tilted the balance decisively against anonymity. Nevertheless, he was happy to proceed upon the view that where Article 2 was engaged in respect of a police officer witness the normal response would be an order for anonymity.

69. Mr Southey may well be correct in what he said about particular circumstances being capable of influencing an individual decision on anonymity. However, no circumstances of the sort postulated were identified in relation to the sample witnesses. The minimum, or normal, step of anonymisation is appropriate. The fact that any of these witnesses may have given evidence previously, in, for example, criminal prosecutions, does not alter this conclusion. Each has been retired for many years, each has made an effort to keep his policing duties private and none has a public profile. I shall make an order granting anonymity in relation to each of Officers 1, 2, 3 and 5. In these circumstances fairness considerations in respect of these officers fall away. Had it been necessary to rely on an assessment of fairness, I would have held that each was entitled to anonymity on fairness grounds in any event.

The extent of anonymity afforded

70. Where a witness is granted anonymity in other forms of legal proceedings, he or she would ordinarily be referred to by some form of cypher, both in any documents referring to them and when they gave

evidence. Their actual identity would not be made known to any of the other participants in the case, at any stage. Mr Southey's contention is that in this Inquiry, even if Article 2 is engaged by virtue of an assumption that the relevant officer will be called as a witness, a different outcome should ensue. The identities of any anonymised witnesses should be made known to the Core Participants and their lawyers, failing which only their lawyers. As mentioned above, the essence of this submission was the contention that since section 19(3)(a) of the Inquiries Act allowed the imposition of "only such restrictions as are required by … rule of law…", it was necessary separately to test whether Article 2 would be engaged by disclosure of the witness's identity to Core Participants or by disclosure to the legal representatives.

71. Witnesses may be granted anonymity for a number of different reasons. In most situations the underlying purpose will be to provide a degree of personal protection to the witness by preventing their identity from being disseminated. In the present context, the purpose is to avoid the identity of the relevant witness coming to the knowledge of Dissident Republicans. The consequence of this happening is a risk to the life of the witness concerned. This highlights the importance of the protective measure applied. This being the relevant context, I do not agree with Mr Southey that there requires to be three incremental assessments of whether Article 2 would or would not be engaged. If Article 2 is engaged as a consequence of the assumption that the relevant officer is to be called as a witness, the precautionary approach discussed above suggests that anonymity should be granted. There is no reason to then go on and assess again whether that award of anonymity is capable of being dissected and reduced or departed from in part. The thinking behind the precautionary approach militates against any such step, as does a further examination of the consequences of adopting Mr Southey's suggested approach.

72. It is of course correct to note that the family and survivor Core Participants have signed the Inquiry's confidentiality undertakings. These general undertakings are to maintain the confidentiality of documents disclosed to them until such time as the document is made public by the Inquiry. Core Participants also have access to material which is covered by an Operationally Sensitive Material Restriction Order. Such material contains information which, if published, could be capable of assisting those who would wish to carry out future terrorist attacks or other criminal activity. An example would be a document containing information that explains techniques or methods available to law enforcement agencies to disrupt the activities of those engaged in terrorist or other criminal activities.

73. Core Participants have access to operationally sensitive material disclosed to the Inquiry as a reflection of the commitment to openness which has frequently been stated. However, being informed of the identity of a particular witness whose life would be in danger if that information came to be disseminated, is knowledge of an entirely different order from that covered by the Operationally Sensitive Material Restriction Order. There is nothing in the available operationally sensitive material which would engage the Article 2 rights of any particular individual.

74. It is the revelation of the witness's identity which increases the level of risk faced. There is, of course, no suggestion that any of the family and survivor Core Participants would ever pass on the name of a witness to Dissident Republicans. The point is, that once the information as to identity is disclosed to any group, the witness, and for that matter the state, loses control over that information. There are 113 individuals designated as family and survivor Core Participants. The precautionary approach outlined above involves recognising that information may accidentally or inadvertently be revealed and, that if that happens even once, the relevant information may then cascade through unknown avenues in ways which are impossible to predict or control. It should also be remembered that an apparently insignificant comment may be capable of being used as the basis for further research, or may be added to knowledge already held so as to bring a hazy picture into clearer view. This was the concern voiced by Mr Henry during his submissions. As he put it, mistakes can be made in any environment and might be more likely to be made if individuals are not in the habit of operating in an environment when personal information is routinely handled with security in mind. I did not infer any form of criticism in what Mr Henry set out. He was simply stating the very real dangers which had attended the lives of some as a consequence of their public service as police officers. The reality of those concerns, and the genuine nature of the fears harboured, will be only too clear to those who have themselves been the victims of terrorist atrocities.

75. So, it is not a question of whether Core Participants can be trusted, it is a question of what proportionate measure should be taken to provide effective protection. Mr Southey's observation that "there is always the possibility that something will go wrong", goes to show the benefit of taking the precautionary approach. Whilst he was right to say that there is always that possibility in normal life, I am concerned with circumstances in which the consequence of a witness complying with his public duty to assist the Inquiry might be to put his life in danger. That is not comparable with normal life. As Mr Henry correctly observed, when the potential consequence of something going wrong is death it is impossible to correct that.

76. I do not gain any assistance from the case of *NMC Heath PLC (In Administration) v Ernst & Young LLP*. The use of a confidentiality ring has been roundly rejected as a method of extending the awareness of material covered by Public Interest Immunity in both litigation and Inquiries Act proceedings – *Competition Markets Authority v Concordia International* [2018] EWCA Civ 1881, *Dawn Sturgess Inquiry Ruling* 19 August 2022 and the *Afghan Inquiry Ruling* 21 August 2023. These cases concerned Public Interest Immunity arising as a consequence of national security considerations. The deficiencies of a confidentiality ring arrangement as set out in those decisions included the risk of inadvertent disclosure, even from entirely innocent conduct. The reasoning applies just as powerfully to the circumstances with which I am concerned.

77. As set against these views, it was pointed out that Officer 5 (and others mentioned within the summary of other applications) sought anonymity from the public only and was content for family and survivor Core Participants to be aware of his identity. This describes a personal choice in relation to risk management which has been taken by this officer. It also reflects the flexible nature of the positive obligation under Article 2. The measures which it is reasonable to take are fact sensitive and I do not consider that it would be reasonable to treat Article 2 as requiring the Inquiry to impose anonymity on a person who resists its imposition, having decided this on an informed basis. The fact that a particular individual is prepared to voluntarily accept a particular situation and any risks which may go with it has no impact on the question of what is an appropriate level of protection for any of the other witnesses within the sample cohort.

78. It is not for me to dictate what steps Officer 5, or others, must take in protecting their own security, any more than I could insist on an officer being given anonymity if he or she was intent on giving evidence openly, or speaking to the press outside of the Inquiry in his or her real name. Nor could I prevent a witness from giving his name in the course of testifying, even if he became at risk by doing so. The fact that a particular officer is content to accept a particular level of risk does not cause me to come to a different view as to what is a proportionate level of protection to implement in relation to others for whom Article 2 is engaged.

Further guidance

79. As mentioned at paragraph 4 above, part of the intention conveyed in the ILT Note on Anonymity Applications had been that a consideration of representative applications might identify issues of

principle and fact which were common across a cohort of applications, and thus provide guidance for the resolution of future applications. As matters have turned out, and I intend no criticism in this, the four applications tendered do not really have that effect. Two relate to former senior Special Branch officers for whom particular concerns arise, as described in the statement from the Head of the Intelligence Branch. Putting these two aside, I am left with two officers who had virtually indistinguishable policing histories and similar exposure to direct terrorist threats, in reality one sample type. The question which arises, and which I do not think has been adequately addressed, is whether any other applicants seeking anonymity would have to demonstrate similar professional histories to this sample type, or be able to vouch similar experiences in relation to threats, in order to succeed. It seems to me that this question is best considered in a focussed manner at a fresh hearing in light of my ruling in respect of the present applications.

The ruling

80. Accordingly, my ruling is that an order shall be made in respect of Officers 1, 2 and 3, the effect of which is that the identity of each officer should be anonymised in any documents disclosed to Core Participants or published on the Inquiry's website. They shall also be anonymised if called to give oral evidence. In respect of Officer 5, an order shall be made the effect of which is that his identity should be anonymised in any document published on the Inquiry's website and if called to give evidence. As recognised in the submissions presented, this ruling does not concern itself with the separate question of screening, or special measures more generally. If that should arise in respect of any particular witness a separate application will require to be presented.

Rt. Hon. Lord Turnbull
Inquiry Chairman
5 June 2026