

Ruling Number 2 on Anonymity

1. This ruling follows on from my ruling of 5 June 2026 in which I granted anonymity to four retired police officers who are potential witnesses in this Inquiry. At paragraph 1 of the ruling, I explained what anonymity means. The submissions in support of anonymity in relation to those officers focussed on the two distinct questions of whether Article 2 ECHR required the State to take operational measures to protect their lives, and, if so, what any such measures should be. A two-stage consideration was therefore under discussion. Stage 1, is there a real and immediate risk to life and stage 2, what steps might proportionately be taken to avoid that risk.
2. On behalf of each retired officer, it was contended that the Article 2 operational duty was engaged. The nature of the police duties carried out by each officer were set out. Two had been senior members of the RUC Special Branch, the other two each had a history of involvement in the investigation of terrorist cases. In the case of each of the four officers I was provided with information concerning various threats to which they had been subjected and the measures which they had implemented to safeguard their personal security. On the basis that the operational duty was engaged – the stage 1 consideration – it was contended that the minimum appropriate step to take was to grant anonymity.
3. The way in which the submissions in relation to those officers had been focussed brought into question whether an application for anonymity by any other retired police officer witness would require that officer to demonstrate a similar policing history, or be able to vouch similar experiences in relation to threats and security measures, in order to be successful.
4. In order to determine this question, I held a further hearing on 20 July 2026 and received written submissions in advance from those Core Participants who wished to contribute.
5. The correct approach to identifying whether the Article 2 operational duty is engaged was set out at paragraph 64 of my 5 June ruling. It is drawn from the judgment of Lord Justice Girvan in *Re C's Application for Judicial Review* ([2012] NICA 47 at paragraph 43). This was the test applied by Keegan J (as she then was) in giving her ruling in *The*

Ballymurphy Inquests ([2021] NICoroner 6 at paragraph 21). The question to be determined is whether the evidence establishes a real risk to the lives of serving or former police officer witnesses, should their identities be disclosed, that is neither fanciful nor trivial and which will be present if anonymity is not granted.

6. The general evidence as to the risk faced by serving or former police officers in Northern Ireland, when viewed as a group, or as a particular category, comes from the open-source material discussed at paragraphs 21 and 51 of my 5 June ruling.
7. That material did not identify risk as being associated with any particular policing duty, nor did it demonstrate a link between risk and previous threats. The starkest example of the general nature of the risk faced can be seen in the reference to the claim of responsibility by “The New IRA” set out in paragraph 51. That made it plain that the intention had been to deliberately and indiscriminately kill any police officer that became caught up in the explosion.
8. The open-source evidence covered a period between 2009 and April 2026. As noted in my previous ruling, further car bomb attacks against Police Stations were mounted after the date of the hearing at which the open-source evidence was canvassed. The campaign of violence did not of course only commence in 2009. Nevertheless, looking to the open-source material drawn from that period is in itself sufficient to satisfy me, on an objective basis, that there has been an ongoing and persistent campaign intended to inflict murderous violence on serving and retired members of the police force in Northern Ireland over a period of approximately sixteen years. In other words, that evidence demonstrates the presence of a generic risk to life that is objectively verified and which is neither fanciful nor trivial. That same evidence demonstrates that the risk is present and continuing, in other words it is immediate. It is notable that even since the hearing on 20 July a further car bomb was intercepted that press reports indicate was intended to target a PSNI police station¹.
9. A second source of evidence applies to former police officers. It is set out in the sectoral threat assessment prepared by the Joint Terrorism Threat Analysis Centre (“JTAC”). The detailed aspects of that assessment are set out at paragraph 22 of my 5 June ruling. For present purposes the following points may be isolated:
 - i Dissident Republicans remain the drivers of the Northern Ireland Related Terrorist (NIRT) threat in Northern Ireland,

¹ <https://www.bbc.co.uk/news/articles/cpq82dg0y3qo>

- ii The overarching NIRT threat level in Northern Ireland is “substantial”; an attack is likely,
 - iii Dissident Republicans highly likely view former RUC and PSNI witnesses at the Inquiry as legitimate targets for attack,
 - iv 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,
 - v 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,
 - vi 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.
10. The open-source material goes to support and validate the conclusions set out in the JTAC assessment. That assessment identifies, on an objective basis, the circumstances in which there is a realistic possibility of an increase from the general base level of threat facing former officers. Those circumstances are not related to having held any particular police duty or profile. Nor are they connected to any prior perception of individual risk. That possibility of increase arises out of the disclosure of the former officer’s identity into the public domain which would occur if they are required to give evidence before the Inquiry, either in person or by statement, or if their identity was revealed in disclosed documentation. As Keegan J observed in giving her ruling in the *Ballymurphy Inquests* mentioned above, the wording of such assessments is unavoidably couched in terms of possibility rather than certainty or even probability.
11. The evidence from the JTAC assessment satisfies me that there is an objective basis for concluding that there would be a material increase in the level of risk faced by any retired officer who is required to give evidence, or who is identified in disclosed documentation. The risk which is faced at a generic level by all former police officers will be increased and crystallised in the case of an individual former officer by identifying him or her as a witness in the Inquiry. The Article 2 duty to take operational steps will therefore, in principle, be met in the case of

any former police officer asked to give evidence before the Inquiry, either personally at a hearing, or by providing a statement, or who is identified in disclosed documentation.

12. This view appears to me to be consistent with what was said by Lord Justice Girvan at paragraph 43 of his judgement in *Re C's Application*:

“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. *The requirement to give evidence imposed on officers involved in this inquest will, according to the evidence, increase a present threat possibly significantly* depending on the nature of the evidence and other unknown contingencies arising out of the inquest.”

13. As I would understand it, the “present threat” which Lord Justice Girvan mentioned in the italicised part of the quote is not something which was informed by the individual circumstances of the officers in that case. It was the threat which arose from the background circumstances pertaining to police officers in Northern Ireland to which he had already drawn attention. What was important was that the level of that present threat would be increased as a consequence of the requirement to give evidence. The fact that it might increase significantly for some appears to have been a comment recognising that giving evidence might carry a greater risk for some than others. It was not a method of defining what would be necessary before the Article 2 test could be met.
14. To conclude that the operational duty is engaged, or that the first stage has been passed is not, of course, the end of the matter. It has been said on a number of occasions that where Article 2 is engaged then anonymity is the minimum protection which should be afforded (*The Coagh Inquest Ruling* ([2022] NICoroner 7 at paragraph 16), *The Jordan Inquest Ruling* ([2016] NICoroner1 at paragraph 106)).
15. In the hearings before me, all have accepted that anonymity should at least be the normal outcome where Article 2 is engaged in respect of a former police officer. However, it is equally apparent, and accepted, that where the Article 2 operational duty is present the requirement imposed on the State is a flexible one. The measures which require to be taken are fact sensitive and must be proportionate.

16. The impact of these considerations can be identified by taking, as an example, the position of the now retired Chief Constable of the RUC who was in place at the time of the bombing. Taken at face value, the JTAC assessment would apply as much to him as it would to any other retired officer. However, to suggest that such a well-known figure should be granted anonymity would be absurd and would constitute a step towards bringing the proceedings into disrepute.
17. The answer, in the first place, it seems to me, is to adopt the approach taken by Scofield J in *The Springhill Inquest Ruling (Number 6)* ([2024] NICoroner 9 at paragraph 39). That approach is to treat anonymity as the minimum measure to be adopted where Article 2 is engaged, unless for the particular applicant concerned it can be said that anonymity has been decisively lost. Whether this is the case or not will require an individual assessment of the applicant's personal circumstances and policing history on a case-by-case basis.
18. There could be no universal definition of how anonymity would come to be decisively lost. However, Scofield J's observations at paragraph 44 of *The Springhill Ruling* provide a good starting place. There he explained that it would be inappropriate to grant anonymity if to do so would bring the procedure into disrepute, or where there has been recent and widespread publication of a witness's name in connection with the very proceedings in respect of which anonymity is sought. Another way of approaching the matter might be, as Mr Southey suggested, to consider whether what has happened in the past means that anonymity will have little or no effect. It may be that there is in fact little if any difference between these two approaches.
19. Absent a decisive loss of anonymity, it may also be the case that exceptional circumstances, or circumstances relating to the individual applicant, might result in an application for anonymity being refused, even where the Article 2 operational duty was engaged.
20. The final matter for consideration concerns what has been called the precautionary approach. I agree with Mr Southey that this approach, as discussed by Stephens J in *Re Jordan* ([2014] NIQB 11 at paragraph 118), falls to be taken into account at the second stage of the Article 2 consideration. In other words, it may be taken into account in determining what would constitute a proportionate response to a real and immediate risk to life.
21. It should be emphasised that this ruling does not constitute a decision on the grant or refusal of anonymity for any individual witness.

Its purpose is to give guidance on the application of the law to the circumstances of retired police officers who are required to provide evidence to the Inquiry, either in person or by statement, or who are otherwise identified in disclosed documentation. It remains the case that each application must be individually lodged and considered. Any application must be lodged as soon as possible after the need for it is recognised. No former officer will be redacted from materials disclosed to Core Participants in the absence of an application. This is why it is imperative that applications are made swiftly so that materials held by the Inquiry can be reviewed and, as necessary, ciphered on a provisional basis pending consideration of the application. Where it is contended that the first stage of the Article 2 assessment is met there will nevertheless be a duty on the relevant authority presenting the application to make it clear that they have given consideration to whether there are good reasons for departing from the normal consequence. This will require consideration being given to the public profile of the applicant witness and a willingness to be guided by a duty of candour.

22. In light of the close consideration I have now given in my rulings to the legal principles that apply to considering such anonymity applications, it may be possible to consider applications from former police officers on the papers, with an opportunity for all Core Participants to provide written submissions before a decision is taken. As a minimum, any application must continue to include an OPEN application that is capable of disclosure to all Core Participants and the media to set out the context of the application and as much information as possible about the individual, including whether their identity as a police officer is publicly known. Each application should also be supported by a CLOSED application, with a personal statement from the applicant with any further information that will assist my consideration of the application.

23. In conclusion, and by way of emphasis, I repeat what was said at the paragraph 80 of my first ruling. Applications for anonymity are not concerned with questions of screening or other special measures. Should any such issues arise in connection with the evidence of any witness, a separate application will require to be presented.

Rt. Hon. Lord Turnbull
Inquiry Chairman
28 August 2026