

ON APPEAL FROM MR JUSTICE NICOL

BEFORE LORD JUSTICE GROSS
MR JUSTICE SIMON
MR JUSTICE BURNETT

12 June 2014

- (1) GUARDIAN NEWS AND MEDIA LTD
(2) TIMES NEWSPAPERS LTD
(3) ASSOCIATED NEWSPAPERS LTD
(4) BBC
(5) BSkyB LTD
(6) EXPRESS NEWSPAPERS
(7) INDEPENDENT PRINT LTD
(8) ITN
(9) MIRROR GROUP NEWSPAPERS LTD
(10) NEWS GROUP NEWSPAPERS LTD
(11) TELEGRAPH MEDIA GROUP
(12) PRESS ASSOCIATION

Appellants

-and-

- (1) EROL INCEDAL
(2) MOUNIR RARMOUL-BOUHADJAR

Defendants

ORDER

UPON reading the Appellants' Application for Permission to Appeal under section 159 of the Criminal Justice Act 1988 filed on 20 May 2014 and the evidence in support

AND UPON the Court sitting in public, in private and *ex parte*

AND UPON hearing counsel for the Appellants, for the Crown, for AB and for CD

IT IS ORDERED THAT:

1. Leave to appeal is granted.
2. The appeal is allowed to the extent set out below.

3. The Orders of Nicol J dated 19 May 2014 are varied or discharged as follows.

Private hearing

4. The core of the trial shall be held in private, save as set out at paragraphs 5 and 6 below. The parts of the trial to be held in public are:
 - a. Swearing in of the jury
 - b. Reading the charges to the jury.
 - c. At least a part of the Judge's introductory remarks to the jury.
 - d. At least a part of the Prosecution opening.
 - e. The verdicts.
 - f. If any conviction(s) result, sentencing (subject to any further argument before the Judge as to the need for a confidential annex).
5. Up to ten accredited journalists (defined as journalists who hold a valid press card, including but not limited to a card issued by the National Union of Journalists, the Newspaper Publishers Association, the UK Press Card Authority Ltd, the Press Association and / or the BBC), reporting on behalf of any of the Appellants, may attend those parts of the trial held in private (save as set out at paragraph 6 below), subject to the following conditions:
 - a. The accredited journalists may attend those parts of the trial held in private on terms (which form part of this order) that they do not disclose anything they learn in the course of the private parts of the trial until review of this Order at the conclusion of the trial and any further Order of the trial judge..
 - b. The accredited journalists may make notes of the parts of the trial held in private but such notes shall be removed at the end of each private session and stored securely by the Crown. They shall be returned to the accredited journalists at the start of each private session. At the end of the trial the notes will be stored securely by the Crown until further order of the trial judge.
 - c. For the avoidance of doubt any notes kept by the accredited journalists of parts of the trial held in public shall not be removed from their possession.
 - d. Save for making notes by hand no other means of recording shall be used by the accredited journalists and neither may the journalists concerned

communicate from within the courtroom with anyone outside during the private parts of the trial.

- e. A transcript of the public and private proceedings (excluding the matters set out at paragraph 6 below) shall be available for review by any of the accredited journalists at the conclusion of the trial. For the avoidance of doubt, those parts of the trial which are held in private and from which the accredited journalists are excluded will be recorded, but the transcript will not be made available for review by any of the accredited journalists at the conclusion of the trial.
- f. Any disagreement about which accredited journalists should be permitted to attend the private parts of the trial:
 - (i) Is to be resolved by the Appellants amongst themselves;
 - (ii) Failing such resolution, the dispute should be referred by way of short written submissions to this Court and will be dealt with on paper by any judge of the present constitution.

- 6. The accredited journalists may not attend any part of the trial held in private which is concerned with the specific matters referred to in the Court's *ex parte* judgment and which are set out in the Confidential Annex to this Order ("**the Confidential Annex**").

Identification of the Defendants

- 7. The Defendants shall be identified in connection with these proceedings.

Reporting restrictions

- 8. There shall be no restriction on reporting of matters stated in open court on the hearing of this appeal.
- 9. The Order of Nicol J of 19 May 2014 made under section 4(2) of the Contempt of Court Act 1981, postponing reporting of matters stated in open court on 19 May 2014, is discharged. For the avoidance of doubt, the hearing was a preparatory hearing and is therefore subject to reporting restrictions contained in section 37 of the Criminal Procedure and Investigations Act 1996.

Review

10. The Orders set out above shall be subject to ongoing review by the Crown and the Court and shall in particular be reviewed at the conclusion of the trial.

11. No order as to costs.