

IN THE INDEPENDENT INVESTIGATION
INTO CHILD SEXUAL ABUSE (“IICSA”)

And specifically:

THE INVESTIGATION INTO INSTITUTIONAL
RESPONSES TO ALLEGATIONS OF CHILD
SEXUAL ABUSE INVOLVING THE LATE
LORD JANNER OF BRAUNSTONE Q.C.
 (“The Lord Janner Investigation”)

SUBMISSIONS ON BEHALF OF
MICHAEL CREEDON (“MC”)
A CORE PARTICIPANT

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Introduction

1. These submissions are made, on behalf of MC, for the purposes of the preliminary hearing that is scheduled to take place on 24 September 2019 ("the Preliminary Hearing").
2. On 30 August 2019 the Solicitor to the Inquiry ("STI") produced a note for the Preliminary Hearing. This note set out details of the work that had been undertaken by the Inquiry and opined that - due to the length of the investigation conducted by the Independent Office for Police Conduct ("IOPC") and the subsequent referral to the Crown Prosecution Service ("CPS") - the listed public hearing into the Lord Janner Investigation would

need to be postponed for the CPS to make a decision as to whether a criminal prosecution of any individual should take place. Counsel to the Inquiry (“CTI”) produced a note dated 2 September 2019 indicating their view that the public hearing should be adjourned until a provisional date in October 2020 and that a further preliminary hearing should be held at the earliest date, following the CPS decision as to whether any individual should be charged with a criminal offence and, in any event, no later than 20 February 2020.

3. Counsel for the IOPC have provided written submissions indicating that there has been a referral of a single individual to the CPS for consideration as to whether a criminal prosecution should be brought in relation to a single allegation. The submissions conclude by stating that “*given the nature of the referral it is hoped that the CPS will be able to make a swift decision.*” For the avoidance of doubt and speculation; MC has been formally notified by the IOPC that he is not considered a suspect, for the purposes of criminal proceedings or police disciplinary conduct, such that no referral to the CPS has been made for him.

Submissions

4. On behalf of MC we make no submission in relation to the proposal that the public hearing be adjourned. However, given the length of time that the investigations conducted by the Inquiry and IOPC have already taken, in order to reassure all CPs and the public more generally, it is imperative

that progress is made in this matter and that it is made quickly.

5. On the basis of the information provided in the note produced by Counsel for the IOPC, it appears that, if the CPS have not already made a decision as to whether the one individual should be charged, such a decision is capable of being made extremely quickly, allowing a further preliminary review to take place February 2020. We would suggest that in order to provide a greater degree of focus on this matter the date of the proposed further preliminary hearing should be brought forward to a date in late January 2020, by which time there is every indication that a CPS charging decision will have been made.

6. Given the length of time that the investigations have already take, it is, in our submission, necessary for all involved to proceed on the assumption that the public hearings will take place in October 2020 and to do everything they can to achieve this. We are aware that a large volume of material has been disclosed to the Inquiry. In our submission the process of disclosing relevant material to CPs should begin immediately after the September Preliminary Hearing. This will allow CPs to prepare fully and meaningfully for future preliminary hearings and for the public hearing itself and will ensure that there can be no further delays. Such disclosure, if managed properly, need not prejudice any future criminal trial.

7. In the Hillsborough inquests and the inquests into the deaths at the

Manchester Arena, STI disclosed large volumes of material to interested persons well in advance of the inquests, whilst criminal investigations were being conducted (in the case of Hillsborough) and after criminal proceedings for multiple counts of murder had been commenced (in the case of the Manchester Arena inquests). In both of those cases, as with the present case, IPs had signed confidentiality undertakings and these, together with a managed approach to disclosure, were considered sufficient to mitigate any risk of prejudicing the criminal proceedings.

8. We would respectfully suggest that the Lord Janner Investigation strand is not remotely on the scale or level of sensitivity of either the Hillsborough or the Manchester bomb case. Further, the great majority of the documentary material must be capable of disclosure to CPs forthwith, without the danger of any prejudice to the criminal investigation, even if charges are brought by the CPS in due course.

Conclusion

9. We therefore agree with the proposed directions produced by CTI save that in our submission the date of the further hearing should be scheduled in January 2019 and the Chair should indicate that CTI and STI will begin the process of disclosure of documents to CPs immediately after the hearing on 24 September 2019.

16th September 2019

Christopher Daw Q.C.

Austin Welch