

IN THE COURT OF APPEAL, CIVIL DIVISION  
ON APPEAL FROM THE HIGH COURT OF JUSTICE, FAMILY DIVISION  
Mr Justice Williams [2024] EWHC 3330 (Fam)

BETWEEN:

(1) LOUISE TICKLE  
(2) HANNAH SUMMERS

Appellants

– and –

(1) THE BBC  
(2) PA MEDIA  
(3) ASSOCIATED NEWSPAPERS LIMITED  
(4) TIMES MEDIA LIMITED  
(5) GUARDIAN NEWS AND MEDIA LIMITED  
(6) TELEGRAPH MEDIA GROUP HOLDINGS LIMITED  
(7) NEW GROUP NEWSPAPERS LIMITED  
(8) INDEPENDENT TELEVISION NEWS LIMITED  
(9) REACH PLC  
(10) SURREY COUNTY COUNCIL  
(11) OLGA SHARIF  
(12) URFAN SHARIF  
(13) BEINASH BATOOL  
(14 – 19) U, V, W, X, Y and Z (CHILDREN) (through their Children’s Guardian)

Respondents

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**NOTE ON BEHALF OF THE THREE JUDGES AFFECTED BY THE REPORTING  
RETRIBUTIONS ORDER MADE BY WILLIAMS J**

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1. On 9 December 2024, Williams J made a reporting restrictions order (“**the Order**”), which, by §15(g), prevented the media reporting the names of three judges who had been involved in the historical family proceedings that related to Sara Sharif (and to her siblings, “U” and “Z”), who was later brutally murdered by her father and stepmother. William J’s reasons for making this order are set out in a detailed judgment handed down on 20 December 2024: [2024] EWHC 3330 (Fam).
2. Two journalists, Louise Tickle and Hannah Summers, have been granted permission to appeal this part of the Order by the Master of the Rolls, Sir Geoffrey Vos, in a decision made on 19 December 2024. In granting permission to appeal, the Master of the Rolls

stated that “*the appeal raises questions that are of considerable public importance and it is in the public interest that the Court of Appeal considers them*”. The appeal has been expedited, and is listed to be heard on 14 and 15 January 2025.

3. King LJ directed that the individual judges concerned be contacted to obtain their views (if they wish to express any) about “*either the original order...or as to the proper disposal of the appeal*”.<sup>1</sup> This Note sets out the response of the three individual judges whose names the media are prevented from reporting under the Order and who are directly affected by the outcome of the appeal (“**the Judges**”).
4. At the outset, the Judges wish to convey their profound shock, horror and sadness about what happened to Sara Sharif.
5. The Judges also agree that this appeal raises questions that are of considerable public importance, including: (i) whether a restriction on reporting the name of a Judge can ever be permissible on article 8 grounds; (ii) if it can, what is the applicable test and/or the correct approach to deciding whether to make such an order; and (iii) the application of that test to the facts of the present case.
6. However, as the Judges understand it from the material they have seen, none of the parties to the appeal intends to make submissions in defence of Williams J’s Order or reasoning. In the circumstances, these difficult issues of public importance may well fall to be decided without the Court hearing full – or indeed any significant – argument.
7. The Judges have seen a letter from the Council of His Majesty’s Circuit Judges, which appears to have been sent on 2 January 2025, and a letter from the Council of His Majesty’s Circuit Judges and the Association of His Majesty’s District Judges, which appears to have been sent on 7 January 2025. The Judges respectfully endorse the content of those letters, including the suggestion that the Court considers whether to appoint an advocate to the court who can assist the Court to understand the arguments and ensure that all relevant authorities are considered. This would appear to be a case which falls within the scope of paragraph 3 of Practice Direction 3F to the Civil Procedure Rules.

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<sup>1</sup> This was communicated in an email sent by a Court of Appeal lawyer on 20 December 2024.

8. The Judges appreciate that the Court indicated, on 6 January 2025, that it did not think “*that at this stage it is necessary to seek the assistance of the AG*”. This appears to have been premised on the Judges themselves making “*general and case specific submissions to the court*”.
9. Intending no disrespect to the Court, the Judges themselves do not consider that they are in a position to provide general or case-specific submissions on the difficult questions raised by this appeal. There are various reasons for this, including: (a) constitutional and ethical convention about individual judges engaging in debate relating to the exercise of their judicial functions<sup>2</sup>, (b) the fact that the Judges do not have access to a range of existing evidential material concerning the risks – including risks of physical and psychological harm – to judges and their families which arise from this sort of situation (to which some reference is made in both Williams J’s judgment and the letters referred to in paragraph 7 above), (c) the fact that their engagement might increase these risks, and (d) the fact that the appeal raises issues which are liable to have a wider impact which affects the judiciary as a whole, whose interests the Judges are not in a position to represent.
10. In the circumstances, the Judges would respectfully invite the Court to reconsider whether it would be appropriate to invite the Attorney General to appoint an advocate to the court in this case.
11. Bearing in mind what has been set out above, the Judges would wish only to add the following.
12. None of the Judges sought anonymity or were involved in the proceedings below. However, each of them has serious concerns about the risks which would arise if they were now identified, particularly in the prevailing circumstances, including the content and often inflammatory nature of public and media commentary arising from the

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<sup>2</sup> Further, the Grand Chamber of the European Court of Human Rights has stated in *Morice v France* (Application no. 29369/10, judgment 23 April 2015) that judges who have been criticised are subject to a duty of discretion that precludes them from replying (§128).

intense scrutiny which has followed from Williams J's judgment.<sup>3</sup> It is important to underline that those concerns relate not only to their own personal wellbeing but also to their family members and others close to them, whose interests the Court may consider should also be taken into account.

13. In the circumstances, the judges referred to as "CJ/1" and "CJ/2" in the Appellants' skeleton argument consider that it would be right for their identities to remain protected. Judges CJ/1 and CJ/2 both only made protective orders (an emergency protection order and an interim care order respectively) and had no other involvement in the proceedings. Both are now retired.
14. The judge referred to as "CJ/3" in the Appellants' skeleton argument is a sitting judge and is not able to adduce evidence in this case and does not feel it appropriate to express a position on whether their identity should or should not remain protected.
15. All of the Judges consider that a proper and thorough assessment of the risks should be undertaken before any decision is made and that, if the decision is made to make their identities public, further assessments should be made of what (if any) protective measures should be taken before that decision is implemented. Some preliminary steps have been taken by the Ministry of Justice and the Head of Security at the CFO Directorate at His Majesty's Courts and Tribunals Service has expressed the following view:

*"The judges do not have secure digital footprints and the ease at which the residential address details of the judges can be accessed by anybody utilising the internet, creates very significant security/safety vulnerabilities. If there is a campaign, including potential 'hate' messages targeting these judges, their personal safety and the personal safety of their family could be very severely affected.*

*We are awaiting a police risk assessment to get the police view of the likely threat/risk, but clearly these security vulnerabilities highlight a very serious potential safety issue, if the judges' names are disclosed."*

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<sup>3</sup> It is noted that §26 of the judgment of Williams J, which is not the subject of an appeal, states that *'the decision reached [by CJ/3] at the time on the evidence available was one which to me seems entirely predictable and inevitable'*.

16. The Judges would be grateful if the Court would give them advance notice of any decision to make their names public and consider allowing time for any protective measures to be considered and implemented before the decision takes effect.

**MATHEW PURCHASE KC**

**SIAN REEVES**

**9 January 2025**