

**IN THE MATTER OF THE INQUIRIES ACT 2005**  
**AND IN THE MATTER OF THE INQUIRY RULES 2006**

**THE UNDERCOVER POLICING INQUIRY**

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**OPEN APPLICATION ON BEHALF OF N10 [BOB  
LAMBERT]<sup>1</sup> FOR RESTRICTION ORDERS**

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**Introduction**

1. N10 was an undercover police officer attached to the MPS SDS. N10 applies to the Inquiry Chairman for restriction orders in the terms set out in the attached draft order.
2. In support of *his/her* closed application is (i) an objective risk assessment prepared by DI X of the MPS, [REDACTED]; and (ii) a short statement prepared by N10 setting out relevant personal information, including N10's 'subjective' fears should there be further intrusion into his family life. Both documents are *gisted* and attached in support of this individual open application.
3. This individual open application organises the information contained in both the above documents so as to fit the rubric of the generic open application, and makes limited submissions on the basis of that information, applying the relevant legal test. It is not intended as a skeleton argument.

**Background**

4. The history of N10's deployment is set out at ¶ 1 to ¶ 4 of the risk assessment. N10 spent five years undercover but later returned to the Unit as a Detective Inspector.

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<sup>1</sup> This application for restriction orders is made on behalf of Bob Lambert, who does not apply for anonymity. The cipher given to him in the provisional anonymity order of 21 October 2015 is retained in this document and in the supporting evidence and draft order for continuity reasons alone.

Whilst undercover, he was tasked to infiltrate various groups [REDACTED]  
[REDACTED]. [¶ 4.6 of the risk assessment].<sup>2</sup>

5. N10 is one of two officers who has been officially confirmed by the MPS as being an undercover police officer as a result of the judgment in the case of *DIL and others v Commissioner of Police of the Metropolis* [2014] EWHC 2184. N10's cover identity was exposed by activists in 2011 which led to his real identity and photographs of him (both whilst undercover and current day) being widely reported.
6. N10 does not seek an order for anonymity. He does however submit that the restriction orders he applies for are required for the reasons set out in the open and closed applications.
7. To state his position shortly, N10 and his family have already been the subject of extensive scrutiny and abuse by activists, anti-UCO campaigners and others. Details of this are contained in the risk assessment at ¶ 5 and in his own statement. N10 seeks the restriction orders to limit any further targeting of him and his family, and particularly, to avoid the disclosure of personal information that may lead to his home address being discovered.
8. N10 fathered a son whilst undercover in 1985. When N10's true identity was disclosed, he was reconciled with his son and is attempting to forge a relationship with him. N10 is particularly concerned as to the impact of any further intrusion upon that relationship.  
[REDACTED]  
[REDACTED].
9. N10 is already subject to a considerable level of risk flowing from his current level of exposure. The risk assessment clearly sets out at ¶ 6 those current risks, the concerted efforts that are already being made to discover more information about N10, and the particular threat assessment based on the groups and individuals he reported on.

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<sup>2</sup> The paragraph references in this document are to the paragraph numbers in the supporting material attached to the closed application.

10. Moreover, to allow further personal information to be disclosed would increase the risk that information that is currently not in the public domain would be revealed which might in turn increase the risks to others, including those who provided cover or support to N10 and conceivably, other undercover officers whose deployments have not been discussed in public forums.

11. By way of example, one of the areas which the Inquiry will want to explore is the meeting which N10 facilitated between Richard Walton and N81. This meeting took place at N10's then home address. Whilst it may / may not be relevant that the meeting took place at his home address, we would seek a restriction on the actual address [REDACTED] being disclosed. Such information, if disclosed, could be used by resourceful activists or others to discover other information about N10 [REDACTED]

#### **N10's application for restriction orders under section 19(3)(a) of the 2005 Act**

##### *Convention Rights*

12. N10 relies on those parts of the open application that set out the basis upon which this individual open application is made. In short, N10 submits that the Chairman to the Inquiry is required by section 19(3)(a) of the 2005 Act to give effect to N10's ECHR rights.

##### *Article 2*

13. N10 does not submit that at the time of making this application there is a sufficient, objectively justified basis for finding that there is a real and immediate risk to his life so as to engage Article 2. Nonetheless, given what is described in the risk assessment (at ¶ 6.6), namely an increase in the risk of physical assault to N10 [REDACTED] from low to medium, it is respectfully submitted that this issue should be kept under careful review.

### *Article 3*

14. N10 submits that on the basis of the risk assessment (specifically ¶ 6.9-6.14), there is an objectively well-founded basis for concluding that there is a real and immediate risk to N10 and his family of physical harm. The existence of that risk is demonstrated by the following factors:

- (1) The long history of some of the infiltrated groups including ALF and London Greenpeace of conducting campaigns of violence and intimidation. This includes violence towards alleged infiltrators.
- (2) N10 provided the intelligence which led to Andrew Clarke and Geoff Sheppard being caught in the act of constructing incendiary devices which were said to have been intended to cause criminal damage to department stores which sold furs. Both men were subsequently convicted. They allege that N10 had been involved as a bomber in an earlier incendiary attack on Debenhams. N10, as part of Operation Herne, has been extensively interviewed about this and many other issues. Clarke and Sheppard are currently appealing their convictions.
- (3) The “figure-head” role which N10 has assumed given his work for SDS both as an undercover officer and, later, as a supervisor has made him a target for many of the activists or anti-UCO campaigners.
- (4) The fact that he fathered a child with a woman he met whilst undercover, and had a number of sexual relationships during the course of his deployment, has already made him a target for those that consider him a ‘rapist’ (see N10’s personal statement).
- (5) Upon leaving SDS, N10 established the Muslim Contact Unit (MCU) within the MPS which worked with Islamic communities to prevent the recruitment of young Muslim men by violent extremists. Given the current risk of terrorist action against police officers being rated as ‘severe’ and the perception that may be held that N10 used the MCU to spy on Muslims (an allegation which has been raised online), there is considerable concern that N10 may be a target for extremist action.

## Article 8

15. There cannot realistically be any doubt that Article 8 is engaged in N10's case. Refusal of the restriction orders and the subsequent disclosure of N10's personal details which may lead to discovery of his home address would result in further interference with his Article 8 rights beyond that already suffered.
16. The risk of action being directed against N10 likely to interfere with private and family life is assessed in the individual risk assessment as high ¶6.15 and ¶6.20. The effect that this interference may have on his relationship with his son is particularly important to N10.
17. The risk assessment identifies the risk to N10 of suffering psychological harm as high ¶ 6.21.
18. Although properly a matter for legal submission in due course, N10 would submit that there is no necessity for the serious and inevitable further interference in his private life – in other words, it is not necessary for N10 to disclose further personal information in public. The “requisite necessity” is not established for the purposes of Article 8.2 in inquisitorial as opposed to adversarial proceedings where the Article 6 rights of others are at issue: see Counsel's Note to the Inquiry ¶ 68 quoting from the judgment of Lord Justice Girvan in *Re A and others' Application for Judicial Review (Nelson Witnesses)* [2009] NICA 6 at ¶ 33]. N10 would submit that the interference would not be proportionate in circumstances where the material could be redacted or questioning limited to prevent material of this type being elicited.

## *Common law/section 17 of the 2005 Act*

19. Additionally, N10 contends that the common law principles of fairness require the Chairman to the Inquiry to grant the application for restriction orders made, in accordance with section 17 and 19(3)(a) of the 2005 Act.
20. To avoid repetition, N10 relies on those parts of his individual open application as set out above, and in the generic open application that are relevant to the Chairman's

assessment of whether, as N10 submits, fairness requires that the restriction orders he applies for are made. In particular, N10 relies on the MPS risk assessment which he submits establish an objectively well-founded basis that there would be a medium risk of physical retribution should his personal address be disclosed.

21. Additionally, N10 relies on the assurances he was given by supervising officers that his anonymity would be protected. The MPS Risk Assessment Briefing Note refers to the nature of these assurances at ¶ 1.5 to ¶ 1.7; the individual risk assessment for N10 refers to the assurances given to N10 and other SDS officers at ¶ 4.4-4.5. Whilst the MPS have now publicly acknowledged that N10 was an undercover police officer, N10 invites the Chairman to the Inquiry not to ignore the effect of such assurances completely. N10 feels that those assurances should be afforded appropriate recognition in the exercise in deciding where the balance of fairness lies.

#### **N10's application for restriction orders under section 19(3)(b) of the 2005 Act**

##### *Risk of harm or damage*

22. In support of this head of application, N10 pleads and relies on those matters, the risk assessment and personal statement set out at ¶ 14- ¶18 of this document.

##### *Conditions of confidentiality*

23. In support of this head of application, N10 pleads and relies on those matters and supporting material set out at ¶ 21 of this document.
24. Additionally, N10 adopts the submissions made by the MPS in their submissions to the Inquiry on restriction orders set out at ¶ V.32 to ¶ V.39.

#### **Conclusion**

25. N10 respectfully submits that should the restriction orders he applies for be refused there will be an increase in the real and immediate risk of harm to him and his family;

that there will be further unjustified and disproportionate interference with his private life and the private life of his family. Further, the balance of fairness demands that he be afforded the protections asked for.

**SLATER & GORDON LLP**

11 March 2016