

UNDERCOVER POLICING INQUIRY

In the matter of section 19 (3) of the Inquiries Act 2005.

Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstration Squad

'Minded to' note 3

Applications

1. The Inquiry has considered applications received in respect of 12 further individual officers. I am minded to make or to refuse to make restriction orders under section 19 (3) of the Inquiries Act 2005 in the cases specified in the table below.

Nominal	Position
HN 9	<i>Further information sought before Minded To decision can be made.</i>
HN 13	The real name cannot be published
HN 61	No application made
HN66	<i>Full application delayed. Minded To decision cannot yet be reached.</i>
HN 109	Neither the real nor cover name can be published
HN 296	The real name cannot be published
HN 304	The real name cannot be published
HN 339	The real name cannot be published
HN 340	The real name cannot be published
HN 354	The real name cannot be published
HN 356/124	The real name cannot be published
HN 819	No application made

Reasons

HN 13

2. HN 13 is deceased. It is believed that he was deployed against one group which no longer exists – the Communist Party of England (Marxist- Leninist) between 1974 and 1978 (The identity of the group may not be correct). In 1978, he was twice prosecuted for public order offences in his cover name, acquitted once and convicted once. That apart, there is no known allegation of misconduct against him. He is survived by his widow, now in her early 70s. She has been seriously ill, but is now in good health. She says, and I accept, that her husband told her that he was assured of lifelong confidentiality and would not have become an undercover police officer otherwise. She wishes that her husband's memory and she and the children of the family should be left in peace and that a restriction order should be made in respect of both HN 13's real and cover name. The risk assessor has concluded that there appears to be a sterile corridor between real and cover name. The risk of injury to, or harassment of,

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her should it be breached is nil or negligible. There is, therefore, no good reason why HN 13's cover name should not be published. Publishing it may serve a purpose: to prompt former members of the group against which he was deployed to provide information about his deployment. Publishing his real name would serve no such purpose and is not necessary to permit the terms of reference of the Inquiry to be fulfilled. There would be some interference with the right of HN 13's widow to respect for her private life and no justification for the interference under article 8 (2) ECHR. In those circumstances, only the cover name will be published.

HN 109

3. The reasons for the decision which I am minded to make are set out in a closed note. They cannot be made public.

HN 296

4. HN 296 is in his late 60s. He was deployed against one left wing group between 1975 and 1978. There is no known allegation of misconduct against him. He does not live in the United Kingdom. He is willing to cooperate with the Inquiry and his cover name will be published. Publication of his cover name is all that is required to prompt evidence from members of the group against which he was deployed and/or other members of the public. Publication of his real name is not necessary to permit the terms of reference of the Inquiry to be fulfilled. It would interfere with his right to respect for his private and family life and would not be justified under article 8 (2) ECHR.

HN 304

5. HN 304 infiltrated a number of non-violent groups between 1976 and 1979. His deployment appears to have been unremarkable. There is no known allegation of misconduct against him. In the unlikely event that any member of the public can give evidence about his deployment they may be prompted to do so by publication of his cover name. Publication of his real name would not serve that end and is not necessary to permit the Inquiry to fulfil its terms of reference. The interference, to which it would give rise, with his right to respect for private and family life would not be justified under article 8 (2) ECHR. His cover name will be published.

HN 339

6. HN 339 is in his early 70s. He is still economically active. He was deployed against two groups which no longer exist between 1970 and 1974. Apart from one incident of no relevance to the Inquiry, there is no known allegation of misconduct against him. In the unlikely event that any member of the public can be prompted to give evidence about his deployment publication of his cover name would serve that purpose. Publication of his real name would not and is not necessary to permit the Inquiry to fulfil its terms of reference. The interference, to which it would give rise, with his right to respect for private and family life would not be justified under article 8 (2) ECHR. His cover name will be published.

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HN 340

7. HN 340 is a widower in his 70s. He was deployed against one group between 1969 and 1972 and reported on others. There is no known allegation of misconduct against him. In the unlikely event that any member of any of the groups or any other member of the public can be prompted to give evidence about his deployment, publication of his cover name will serve that purpose. Publication of his real name will not and is not necessary to permit the Inquiry to fulfil its terms of reference. It would interfere with his right to respect for his private life and would not be justified under article 8 (2) ECHR.

HN 354

8. HN 354 is in his 60s. He is a married man with adult children. He infiltrated one group between 1976 and 1979. His deployment appears to have been unremarkable. He has voluntarily admitted two fleeting sexual encounters with different female activists during his deployment before his marriage. Publication of his cover name, which will occur, may prompt them and/or other members of the group to provide evidence about his deployment. Publication of his real name would not do so and is not necessary to permit the Inquiry to fulfil its terms of reference. It would interfere with his right to respect for private and family life and with that of his family and would not, on the basis of facts currently known, be justified under article 8 (2) ECHR.

HN 356/124

9. The same officer was allocated two numbers by Operation Herne. He is now deceased. He was deployed against one group – the Socialist Workers Party – between 1977 and 1981. There is no known allegation of misconduct against him. As far as is known, his deployment was unremarkable, except that during it a demonstration occurred on 23 April 1979 (in which members of the Socialist Workers Party participated) during the course of which Blair Peach sustained a fatal injury. Publication of his cover name, which will occur, should permit any such former member and/or other member of the public to provide information about his deployment. Publication of his real name is not necessary to achieve that end or otherwise to fulfil the terms of reference of the Inquiry. He is survived by a frail elderly widow. She wishes that a restriction order is made in respect of both his real and cover name, but has not made any formal application to that effect. I am satisfied that there is no real reason to believe that publication of his cover name would lead to identification of his real name and so decline to make a restriction order in respect of the cover name. Nevertheless, I am satisfied that the publication of his real name would interfere with her right to respect for her private life and that such interference would not be justified under article 8 (2) ECHR.

15 January 2018

Sir John Mitting

Chairman, Undercover Policing Inquiry