

IN THE MATTER OF THE PUBLIC INQUIRY INTO UNDERCOVER POLICING

APPLICATION FOR A RESTRICTION ORDER (ANONYMITY) IN RESPECT OF HN21's REAL NAME AND COVER NAME SUBMITTED ON BEHALF OF THE DL TEAM

1. This document uses the following abbreviations: DL (the Designated Lawyers team), IA (Inquiries Act) and SDS (the Special Demonstration Squad).
2. This application should be read together with the open application submitted by the CL team in respect of real name restriction. The DL team support that application.
3. The DL apply for a restriction order over the real and cover identity of HN21 to last indefinitely in the usual terms.
4. The legal basis for the application is s.19(3)(a) IA read with Articles 2, 3, and 8; s.17(3) IA and s.19(3)(b) IA read together with s.19(4)(b)-(d) IA. The applicable legal principles have been comprehensively set out in the Principles Ruling of 3 May 2016. Regard has also been had to the restriction order in respect of Cairo and the Minded to note dated 25 October 2016 in respect of Jaipur and Karachi.
5. This application is supplemented by evidence not to be disseminated beyond the Chairman and the Inquiry Team namely a closed Risk Assessment dated 9 November 2017, a Closed Schedule, an Impact Statement from HN21 and a report from Dr Busuttil dated 27 March 2017. That evidence is also relevant to the Inquiry's consideration of real name protection.

Reasons

Section 17

6. Application of the statutory and common law principles of fairness require that the real and cover identities of HN21 are not disclosed. The considerations which apply are highlighted below in relation to s.19(3)(a) and / or 19(3)(b) and s.19(4).

Section 19(3)(a) and Article 3 and 8

7. A restriction order protecting HN21's real and cover identity is required in order for the Inquiry to meet its duty under the Human Rights Act 1998 not to act in a way which is incompatible with a Convention Right. The Convention Rights in issue are Article 3 and Article 8.
8. In light of the contents of the medical report there is an objectively verified immediate risk of serious harm to HN21's mental health of a type and severity to engage Article

3 (alternatively article 8) if HN21's real or cover name were disclosed. See Closed Schedule and Medical Report (Section 4).

9. HN21 holds a subjective fear that disclosure of his/her real or cover identity would result in a disproportionate interference with his/her right to private and family life and that of his/her family (in particular of his partner). See in particular Impact Statement §24-34.

Section 19(3)(b) and section 19(4)

10. Paragraphs 9-14 of the CL's application are repeated and such matters apply to the disclosure of his/her cover identity.

Designated Lawyers

31 January 2018