

UNDERCOVER POLICING INQUIRY

In the matter of sections 19(3) and 20 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 Demonstrations Squad

'Minded to' note 14 and Ruling 14

1. I revoke or am minded to make or refuse to make, and in the case of HN48 do make, restriction orders under sections 19 (3) and 20 of the Inquiries Act 2005 in the cases specified in the table below.

Nominal	Position
HN16	I revoke the order restricting publication of the real name.
HN48	I make a final ruling that neither the real nor cover name will be published.
HN344	The real name cannot be published.

Reasons

HN16 – Real name had been restricted but this order is now revoked.

2. On 10 and 25 October 2018, I designated “Ellie” and “Sara” as core participants on the basis that HN16 had admitted conducting a sexual relationship with each of them in his cover name while deployed. They are entitled to be told his real name and there is no longer any good reason why it should be redacted from contemporaneous documents in which he is named, whether as author or subject. In those circumstances, there is no good reason for the maintenance of the restriction order which I did make in respect of his real name. The real name was communicated to the “Ellie” and “Sara” by the Inquiry on 31 October 2018.

HN48 - Application for restriction over real and cover name. Neither the real nor cover name can be published.

3. The duties which HN 48 has performed since his/her departure from the SDS have given rise to a real risk of physical harm to him/her and others. The risks remain. Publication of the real or cover name would increase those risks and would not be in the public interest. Although publication of the cover name might prompt the giving of information or evidence which would assist the Inquiry to fulfil its terms of reference, the benefit to be gained from doing so is outweighed by the harm to the public interest and interference with his/her right to respect for

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an aspect of the right to private life – his/her physical integrity – under Article 8 ECHR, which publication of either would cause.

4. I make a ruling rather than reaching a provisional ‘minded to’ position because the public interest in this case requires the reason for granting the restriction order to be protected, thus open versions of the application and supporting documents could not provide non-state core participants with information to permit them to make relevant submissions. I have already taken into account, in making my decision, the principal purpose which might be served by publication of the cover name.
5. These reasons are explained and supplemented in a closed note.

HN344 - Application for restriction over real name. The real name cannot be published.

6. Since “minded to” note 8 was published on 26 April 2018, confirmatory evidence of the deployment of HN 344 has been provided to the Inquiry. An investigation of his deployment is now possible. It remains possible, if unlikely, that one or more members of the public may provide evidence to the Inquiry about his deployment, following publication of his cover name, even though none have done so yet. The Inquiry can do no more to obtain evidence about his deployment than it has done. Publication of the real name of HN 344 would not serve to further the interest of the Inquiry in fulfilling its terms of reference. If Article 8 ECHR applies to HN 344, which it may not do because he lives abroad, the unquantifiable interference which it would cause with his right to respect for private life would not be justified under Article 8 (2). Even if it does not, no good purpose would be served by publishing it.

Sir John Mitting

Chairman, Undercover Policing Inquiry

21 February 2019