

**OPENING STATEMENT FOR TRANCHE ONE PHASE TWO (T1P2)  
ON BEHALF OF  
THE CO-OPERATING GROUP OF NPSCPS**

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**A. INTRODUCTION**

1. This opening statement is made on behalf of all the co-operating non-state, non-police core participants ('NPSCPs'). It supplements the statements that have been made directly on behalf of individuals and groups by their instructed lawyers and the first opening statement made by the NPSCPs at the start of the evidence in Tranche 1 Phase 1 ('T1P1').<sup>1</sup>
2. At the outset, the NPSCPs welcome the disclosure thus far provided even though it was limited and late. The NPSCPs remain concerned that those unable to attend the venue without putting themselves or others at risk, are prevented from seeing live screening of the undercover officers ('UCO') evidence. The NPSCPs reiterate their concern that a proper investigation and interpretation of the evidence, in a way that ensures justice is done, requires the NPSCPs to be able to see as well as hear the evidence. However, the NPSCPs recognise the provision of an audio feed as a gesture and a small step towards improving the opportunities for participation and engagement by the NPSCPs during the current difficulties. It is hoped that the provision of a live audio feed can continue into the next Phase alongside a visual feed.
3. It is right to note that the disclosure process has not been without difficulties and the NPSCPs do still have a number of concerns. These are dealt with in the second half of this published opening statement. This opening statement will begin by considering what is

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<sup>1</sup> <https://www.ucpi.org.uk/publications/opening-statement-from-npsc-group/>

revealed in the disclosure for Tranche 1 Phase 2 ('T1P2') and to draw attention to some of the fundamental questions that the NPSCPs feel the Inquiry must now answer.<sup>2</sup>

4. As the Inquiry moves into Phase 2, the period 1973 – 1982, it will continue to focus on the activities of UCOs of the Special Demonstration Squad ('SDS').<sup>3</sup> What the NPSCPs have found in the disclosure will be both shocking and revealing to the general public. It is shocking, because it shows quite how far the tentacles of the secret state had spread even by the 1970s and how many individuals and groups exercising their right to participate in campaigning activities were being routinely targeted and spied upon. Revealing, because what the overwhelming majority of the documents confirm is what the NPSCPs have always asserted, which is that undercover policing in this era was without doubt political policing.
  
5. What will become clear from the evidence, the NPSCPs say, is the way in which this practice of political policing, as first conceived by DCI Conrad Dixon, became embedded during this period. This resulted in widespread and illegitimate infiltration of groups and individuals, perceived to be largely on the political left wing. It is now that we see the abhorrent practices such as the targeting of justice campaigns and defence campaigns, reporting on lawyers, and even advice from a solicitor protected by Legal Professional Privilege ('LPP'). We see UCOs engaging in criminality and potential miscarriages of justice. There is use of photographic surveillance and early spotter cards, widespread and indiscriminate data collection - often at the behest or request of the Security Service ('SyS')/MI5 - and extensive surveillance on young people, teachers, and students. Unions were being targeted, as were mainstream political parties, and we find police apparently using their intelligence to block the careers of activists. There is the use by UCOs of deceased childrens' identities and UCOs forming intimate and sexual relationships with women who were spied upon. Last, but certainly not least, the disclosure begins to reveal the deep collaboration between the SyS/MI5 and the Metropolitan Police Special Branch ('MPSB') and SDS.
  
6. The controversial police practice first introduced by DCI Conrad Dixon in 1968, which became known as the 'oblique approach', was fully operational by the SDS by the early 1970s. The attempt to minimise the approach with an anodyne tag should not obscure what we see in the documents. This approach was unashamedly described by Dixon himself as the

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<sup>2</sup> This opening statement refers to some limited material not yet published by the Inquiry. A similar approach was taken in the first opening statement of the Designated Lawyers in T1P1. It is understood that the Inquiry has already granted permission for this approach

<sup>3</sup> SDS referred to for ease (in place of SOS)

infiltration of “*relatively innocuous organisation(s)*” as a way of developing cover and allegedly gaining access to more significant organisations.<sup>4</sup> In other words, it was a practice that led to large numbers of individuals and groups suddenly becoming fair game for routine spying by the SDS with their data frequently being copied to ‘Box 500’. As the Inquiry will recall, this is the reference that we see stamped or written on many documents to indicate that reporting had been sent to the SyS/MI5.

7. There are many examples of the impact of the oblique approach. To name a couple in Tranche 1, the Inquiry heard about the targeting and widespread reporting on the Women’s Liberation Movement over a two-year period, including reporting on a child’s Christmas party and jumble sales.<sup>5</sup> In Phase 2, the Inquiry will hear about the infiltration of the youth wing of the Liberal Party, which was specifically targeted by the UCO HN298 ‘Michael Scott’, to gain access to the CP Peter Hain.<sup>6</sup> By its own admission, in the SDS annual report for 1972, “*most of the current team of officers have been through several organisations which has not only established their identity firmly but has increased coverage of the extremist field*”. The NPSCPs suggest that in fact the cynical targeting of so called ‘innocuous organisations’ as a means of providing cover to UCOs is direct evidence of the contempt for civil society displayed by the MPSB and SDS. This should not be characterised as accidental or collateral intrusion.
8. The Designated Lawyer Officer CP Group (‘the DL CPs’), in their first opening statement for T1P1, placed great emphasis on the content of the Metropolitan Police Commissioner’s (‘MPS’) annual reports, as well as the SDS annual reports, to highlight the increasing need for public order policing in the 1970s. The MPS Commissioner’s annual reports have not been disclosed to the NPSCPs. In any event, the content of annual reports in general must be treated with great caution by this Inquiry. Annual reports (including those prepared in relation to the SDS), were documents designed to ensure a continuation of funding to the MPS and MPSB from the Home Office.
9. In terms of the accuracy and honesty of the SDS annual reports, the Operation Herne 3 report exposed the extent to which the SDS were insulated from internal scrutiny by MPS

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<sup>4</sup> SDS annual report for 1972, MPS-0728970, para 17

<sup>5</sup> HN348, Day 13, 18 November 2020

<sup>6</sup> MPS-0746258/20

Executive Leadership.<sup>7</sup> This finding calls into question the reliability of those SDS annual reports which suggest otherwise.<sup>8</sup> Another example includes Victor Gilbert, the Deputy Assistant Commissioner of the MPS from 1972 - 1977. He is recorded in a document from 1972 as disclosing that the MPS Commissioner was concerned about possible embarrassment arising out of the activities of the SDS. Victor Gilbert felt that the SDS “*survived almost from day to day*”.<sup>9</sup> Again, this concern is not reflected in the 1972 or 1973 annual reports. However, of interest, the Home Office did make clear to the MPS Commissioner in 1970 that, were the existence of the SDS to become widely known, it could be a source of “*acute embarrassment*” to the Home Secretary.<sup>10</sup>

10. The SDS annual reports also do not reflect the sentiments expressed in an apparent admission of Chief Inspector HN294, who was in charge of the SDS, in January 1973. He is reported by SyS/MI5 as having commented that, when infiltrating the International Marxist Group and International Socialists the SDS, “*often found that when they had penetrated a branch which they thought would be more interesting, they were disappointed*”.<sup>11</sup> Similar views are echoed in many of the UCOs’ witness statements in respect of the targeted groups in this T1P1. UCOs frequently realised at an early stage that so-called extremist groups did not have the ability or intention to be truly ‘subversive’ or ‘extremist’.
11. It is significant, the NPSCPs suggest, that what is conspicuously absent from the disclosure, including in the annual reports, are regular and thorough risk and threat assessments which fully set out and consider any alleged risk to the public and the state from both public disorder and subversion. How could the MPSB/SDS be satisfied that their targeting of hundreds of members of the public and ‘innocuous organisations’ was legitimate and justified? We simply cannot find these assessments in the disclosure.
12. We get an insight into the SyS/MI5’s understanding of risk and threat, in the context of subversion in the early 1970s, from the witness statement of Witness Z. The statement is provided on behalf of the SyS/MI5. At paragraph 56 it is stated that:

*“...Counter- subversion, whilst a main priority for the Security Service through 1968-1983, was just one priority alongside others, including counter-espionage, protective*

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<sup>7</sup> Report 3: Special Demonstration Squad: Mentions of Sensitive Campaigns, July 2014, para 1.14

<sup>8</sup> MPS-0728973/1&18, MPS-0728971/1, MPS-0728970/7, MPS-0730906/1 & 3 & 6

<sup>9</sup> UCPI0000031258/2

<sup>10</sup> MPS – 0724130/3

<sup>11</sup> UCPI0000030069/1

*security, and counter-terrorism. It appears from the 1972 Guide that the Security Service did not consider that subversive organisations posed a particularly high threat, and the pressure to investigate these organisations often came from the Prime Minister and Whitehall”.*<sup>12</sup>

13. The NPSCPs note, in what appears to be an admission by Witness Z, that the targeting of subversive organisations was, at this time, often politically directed from the highest levels and not based on any ‘particularly high threat’ posed to society by the infiltrated groups. The NPSCPs ask why it is that such an assessment is not reflected in any other official reporting or in the corresponding SDS annual reports? The NPSCPs urge the Inquiry to take this evidence on board and to make sure that it leaves no stone unturned in its investigation of political influence on undercover policing operations.

14. On the theme of threat assessments, paragraph 57 of the Statement of Witness Z goes on to state as follows:

*“I am unable to comment on the 1984 Guide to Subversion, save to observe that I understand that it provided, at the time, a reference point for the Security Service in respect of every organisation that was suspected of some involvement in subversive activity. The Guide does not contain assessments of the threats the organisations posed and it appears simply to have been a point of reference, providing basic information about the relevant groups”.*

15. It is telling, the NPSCPs suggest, that an important document such as the SyS/MI5 1984 Guide to Subversion did not contain any assessment of the threat posed by the groups under consideration. This is a document which in all likelihood advocated the targeting of and spying on many of the groups involved in this Public Inquiry. The 1984 Guide does not appear to have been disclosed to the NPSCPs and we question why this is the case? Whether or not there was an adequate process of risk and threat assessment underpinning decision making on targeting by the SDS will clearly need to be explored by the Inquiry, including in Tranche 6.

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<sup>12</sup> UCPI0000034308. Is Witness Z in fact referring to the 1972 Paper, “Subversion in the UK”, UCPI0000034279 which appears to be only partially disclosed to this Inquiry? This is referred to as the 1972 Report at para 52 of the witness statement for Witness Z, as compared with the 1972 Guide at para 56

16. What is also absent from the annual reports for Phases 1 & 2 is an explanation for the sheer volume of reporting that is either not accurate or genuine and/or is misattributed to the wrong UCO. This is a consistent theme throughout the UCOs' evidence for this Tranche. Many reports have been linked to UCOs where that UCO is adamant that the reporting was not produced by them. This was normally because the UCO claims they either did not infiltrate the group in question, or the time period does not match the dates of their deployment. The Chair will recall the evidence given in T1P1 from HN326, where he stated at [229] of his witness statement, that he assumes that when there were quieter periods for SDS UCOs, intelligence reports were put in their names in order to justify their continued deployment. He did not resile from this when he gave oral evidence. We urge the Inquiry to unearth the reasons for these apparent discrepancies in reporting.
17. Moving on to other common themes in T1P2. We see the alarming continuation of reporting on lawyers and material potentially subject to LPP, often provided in the context of defence and justice campaigns and involving alleged police misconduct. For example, in 1971, HN347 'Alex Sloan' reports on the justice campaign arising from the death of Stephen McCarthy, a nineteen-year-old who died in 1971, a number of days after being allegedly assaulted by police in the course of an arrest. The reporting included reference to legal advice contemplated against a senior police officer.<sup>13</sup> This is an early example of reporting on a justice campaign.<sup>14</sup> The same UCO also reports on a visit to a female asylum seeker detained in Holloway prison and awaiting her appeal from the Home Office.<sup>15</sup> Why was this of interest to the MPSB, we ask? The NPSCPs assert that such reporting can only be seen as a gross and unjustifiable invasion of privacy by the state. The Inquiry will need to consider whether UCOs were specifically tasked or permitted to breach LPP, whether there was any guidance on LPP, and what, if any, sanctions were taken against an UCO who did breach LPP? In addition, what use was made of the 'intelligence' secured from such breaches?
18. We also see increased policing interest in justice campaigns and campaigners. The following groups and individuals are just a selection of some of the names we have found in the disclosure. They are included here either because they have MPSB Registry Files or their name simply appears in the T1P2 disclosure. They include: the Shrewsbury Two Defence Committee; the Roach Family Support Committee; Stoke Newington and Hackney Defence

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<sup>13</sup> MPS-0739487

<sup>14</sup> HN343 from T1P1 reported on the Stoke Newington 4 and Shrewsbury 24 Justice Campaigns in December 1973

<sup>15</sup> MPS-0739319/2

Campaign; Persons Unknown Defence Campaign; Murray Defence Campaign; Deptford Action Massacre Committee;<sup>16</sup> Friends of Blair Peach Committee; Celia Stubbs, partner of Blair Peach and a CP in this Inquiry; Graham Smith, a CP; Justice for David Ewin Campaign July 1995; and Deborah Coles Director of INQUEST - a group set up to monitor deaths in police custody and campaign on behalf of bereaved families.<sup>17</sup> Many of these groups' meetings were directly targeted. See, for example, the private meeting of the Free Desmond Trotter Campaign, where standard campaigning activity such as fundraising, awareness raising, and a demonstration were all reported on.<sup>18</sup>

19. Another theme that we see emerging during T1P2 is that the children of activists and groups comprised of young activists become subject to direct reporting and targeting by UCOs. For example, we see a report signed off by a Chief Inspector and Chief Superintendent and sent to Box 500/ MI5 consisting of references to an individual's brother and wife and the fact that *'the couple have a mongol child'*.<sup>19</sup>
20. The Inquiry will hear, in particular, from HN126 'Paul Gray' who reported on many young activists and teachers. Child campaigners were reported on for simply attending demonstrations. One girl was targeted because *"she is an active member of the Harlesden Branch of the SWP, took part in Right to Work March in London in February 1981. Although still a schoolgirl she took part in the unemployed march in an unsuccessful attempt to attract other children from her school to attend... [redaction] is the eldest daughter of SWP stalwart [redaction]. [redaction] and still lives at home with her parents and younger sister"*. There is then a partially redacted photograph presumably taken of the girl during the march.<sup>20</sup> We can see that this report and the girl's picture were then sent to the SyS/MI5 - 'Box 500'. The NPSCPs question how by any standards, including those of the 1980s, any person could consider that such a gross invasion of privacy and family was legitimate and justified?
21. A particular focus for HN126 'Paul Gray' was a group called School Kids Against the Nazis ('SKAN'). For example, he reported on a fourteen-year-old boy because he had come to notice by attending a meeting of the NW London District of the SWP and was a member of SKAN. The UCO provided this child's year of birth, height, details of other personal

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<sup>16</sup> UCPI000006579

<sup>17</sup> MPS-0742216 (the entry for Deborah Coles' Registry File reference has been redacted)

<sup>18</sup> UCPI0000007024

<sup>19</sup> UCPI0000011086

<sup>20</sup> UCPI0000017991

characteristics and attached a photograph of the boy to his report – all of which was copied again to Box 500.<sup>21</sup> Another child organiser in SKAN and member of the SWP was reported on and photographed when he took part in an Anti-Nazi demonstration.<sup>22</sup>

22. There are many more examples of HN126's reporting on children, particularly those who were involved in SKAN. These former child campaigners are not here in T1P2 to have their voices heard. We do not know if the Inquiry has attempted to contact the founders of SKAN. Consequently, we think it is important for the Inquiry to hear directly from some of the SKAN children themselves. Here are the Hackney School Kids Against the Nazis from 1978.

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<https://hackneyhistory.wordpress.com/2020/12/21/hackney-school-kids-against-the-nazis-1978/>

23. As already noted, the names of many of the groups that were spied upon have had their names redacted – in other words they have been deleted from the documents so that we cannot know who they are. However, what is now becoming evident is the extent to which groups were being monitored and/or of interest to the MPSB and SDS during the 1970s and early 1980s. The following are a very small selection of groups of interest to MPSB, with Registry Files. This information has been taken from SDS reporting.<sup>23</sup>

- a. Christian Aid;
- b. Fellowship Party – No Violence No Racism Say Yes to Fellowship;
- c. Mainstream political parties such as the Hornsey Labour Party, Tottenham Labour Party, Dulwich Labour Party Young Socialists, St Pancras South Labour Party, Harlow Labour Party, Erith and Crayford Labour Party, Southgate Labour Party, Norwood Labour party, Vauxhall Labour party, Epping Labour Party, Orpington Young Liberals;
- d. Various Trade Councils (Southwark, Lewisham & Deptford, Hackney, Haringey, Croydon);
- e. Amalgamed Union of Engineering Workers London North District;
- f. TGWU Legal Workers Branch;
- g. Defend the Health Service ASTMS Central London Medical Branch;

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<sup>21</sup> UCPI0000021266/1

<sup>22</sup> UCPI0000011275/1

<sup>23</sup> MPS-0733367

- h. Lewisham Humanists;
- i. National Union of Students;
- j. National Union of School Students;
- k. National Union of Teachers.

24. Women's groups continued to be reported on during this period, including: Women's Voice, Greenham Common Women's Support Group, Spare Rib Collective, Women in Ireland, Women Workers League, Brixton Black Women's Group. By the early 1980s, we see that SyS/MI5 are also taking an interest in women's groups and appear to be seeking information from the SDS on groups including, the Greenham Common Women Support Group, Lambeth Women for Peace at the Melting Pot Foundation, Women for Life on Earth, Women versus Cruise.<sup>24</sup>
25. We see reporting on an unnamed woman, including her photograph, simply because she had resigned from the SWP but maintained an interest in Women's Voice and the Anti-Nazi League. Of note, the photograph was taken by an UCO at the funeral of Blair Peach.<sup>25</sup> A particularly invasive, deeply offensive, and unjustified report on a woman can be found in a report attributed to HN106 'Barry Tompkins', which records a female activist having an abortion with speculation in the reporting about the 'putative father'.<sup>26</sup> Once again, the NPSCPs query how any person could ever consider that such a gross invasion of privacy was legitimate and justified?
26. We do not know if there have been any attempts by the Inquiry to contact these groups or individuals. We have asked but not been told. However, when considering this list – which represents a mere fraction of the targeted groups and individuals revealed in the latest disclosure – the NPSCPs reflect on what could possibly justify such widespread undercover policing? As the DL CPs pointed out in their first opening statement to T1P1, political neutrality meant avoiding any more or less favourable treatment of particular groups and that this is what the police are required to do.<sup>27</sup>

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<sup>24</sup> UCPI0000028728

<sup>25</sup> UCPI0000013539

<sup>26</sup> UCPI0000018782/1

<sup>27</sup> DL opening statement T1P1, para 5.3.10

27. However, what is evident from the documents from this period of time is that this is not what happened. The simple fact is that the MPSB and the SyS/MI5 targeted hundreds of individuals and groups perceived to be on the left wing. They appeared, however, to be less interested in the obvious threats posed by the rise of the far right and the National Front ('NF') and their desire to provoke conflict at demonstrations, engage in violent criminality and create fear in communities. The SDS, in their annual reports, year after year, stated that the far right was simply not of interest and did not warrant coverage.<sup>28</sup> The NF was first reported as having been infiltrated by the SDS in the 1975 annual report. However, this was not on the official instructions of SDS management but rather action taken by an UCO of the SDS, in his cover identity, after being tasked to infiltrate the NF by the Workers Revolutionary Party. This led inadvertently to the discovery by the SDS of the so called more hard-line fascists, the League<sup>29</sup> of St. George, a group which the SDS noted as one that *"could well pose future public order problems"*.<sup>30</sup>

28. During the 1970s, why were the far right not infiltrated and reported on by the SDS in the way that left wing groups were? The DL CPs suggest in their first opening statement that the NF tended to cooperate with MPSB in connection with demonstrations and marches.<sup>31</sup> Any such evidence needs to be seen by the Inquiry and the NPSCPs, if it exists, to ensure there is a complete picture. If the material is to be considered in closed proceedings, there should be a gisting of the evidence. The NPSCPs look for reassurance that the Inquiry is requiring disclosure of this evidence. The Inquiry will also want to consider whether the explanation given above is credible. The NF were actively engaged in instigating public disorder and involved in violent and criminal acts against members of the public during the 1970s. The attention paid to the NF by the SDS during this period appears to be in stark contrast to the extreme lengths they went to when it came to targeting left wing groups. By way of an example, HN353 'Gary Roberts', who mainly infiltrated the International Marxist Group ('IMG'), became a student at Thames Polytechnic, studied for a degree BA political economy in a cover identity, and attended classes for 4 days a week for a number of years. He became vice president of the local NUS and attended the national conference. This was all apparently paid for by the MPSB.

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<sup>28</sup> SDS annual report 1969, 7 November 1969, para 5 - MPS-0728973; SDS annual report 1972, 14 February 1973, para 7 - MPS-0728970; SDS annual report 1973, 6 March 1974, paras 2 & 10 - MPS-0728975

<sup>29</sup> Erroneously referred to in the 1975 SDS annual report as the 'Legion' of St. George, MPS-0730099/2

<sup>30</sup> MPS-0730099/2

<sup>31</sup> Para 5.5.7

29. Other important issues can be found in the disclosure in T1P2.

30. Racist attitudes are evident, see for example, the following reporting on the events at Lewisham on 13 August 1977:

*“Young blacks, the vast majority of whom have little time for the ultra-left, turned out at Lewisham with the sole intention of attacking the police. It must be realised that the hatred of these people for authority has no bounds and the most insignificant of incidents involving them could spark off major public disorder”.*<sup>32</sup>

31. Despite being told by the DL CPs in their first opening statement that, *“SDS personnel did not infiltrate or target...trade unions and were not involved in trade union ‘blacklisting’”*<sup>33</sup> we discover in the statement of UCO 299/342 ‘David Hughes’ that he joined the Transport and General Workers’ Union in his cover identity and would go along to *“big meetings”* but they would also be covered by *“an ordinary Special Branch officer”*.<sup>34</sup> This ties in with the SyS/MI5 document from 7 December 1972, which references MPSB embarrassment in relation to an earlier ruling from Assistant Commissioner Colin Woods, that the MPSB should not run agents in trade unions. This was because [“Special Branch was already collecting intelligence in this area” – redacted wording].<sup>35</sup> A SyS/MI5 note for 9 June 1983 refers to the vetting of a female member of the SWP and that, *“it was likely that her employment with [a government body - redacted] would be terminated. We agreed that as she had been an active member and it was a big branch there was no danger to the SDS source even if she attributed her dismissal to her SWP membership”*.<sup>36</sup> This would appear to be an example of blacklisting.

## **B. SECURITY SERVICE / MI5**

32. As part of T1P2 there has been disclosure from the SyS/MI5, accompanied by the statement from Witness Z who, as mentioned earlier, is a senior manager within the SyS/MI5 covert human intelligence operations. After many decades of secrecy and obfuscation about the role of the secret state/ MI5 in political policing, this disclosure is welcomed. However, more

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<sup>32</sup> MPS-0732886/4

<sup>33</sup> Para 8.1.1

<sup>34</sup> MPS-0745773/37, paras 174 - 175

<sup>35</sup> UCPI0000031256/2

<sup>36</sup> UCPI0000029219/1

disclosure is required. It is clear that there was deep collaboration between the SyS/MI5 and the MPSB/SDS. The latest disclosure barely touches the surface. A few examples include, the SDS at times pursued the interests and agenda of the SyS/MI5,<sup>37</sup> the SyS/MI5 funded MPSB agents,<sup>38</sup> the SDS displayed a willingness to infiltrate a group recognised as posing no threat to law and order in response to SyS/MI5 interests and to develop SDS cover.<sup>39</sup> The MPSB also appeared to monitor unions of interest to the SyS/MI5, in contravention of direct orders from SDS senior command.<sup>40</sup> The SDS may have talent spotted for the SyS/MI5, and complied with many SyS/MI5 requests to data mine infiltrated groups (membership lists, photos, bank account details, and phone numbers were provided).<sup>41</sup>

33. This Inquiry is tasked with investigating the motivation and justification for undercover policing. The DL CPs - representing many of the SDS UCOs – suggest on the one hand that the SDS were “*neither a servant or agent of MI5*”, but on the other hand that the MPSB/SDS could not, “*realistically have challenged or gainsaid the latter’s assessment of national security matters*”. The DL CPs also seek to justify SDS actions by reference to the secrecy currently being afforded to the SyS/MI5 when they state that, “*the degree of ongoing secrecy about MI5 operations in the same broad operational area demonstrates that the work of the SDS was more important and potentially more dangerous than many would like to acknowledge*”.<sup>42</sup>

34. In order for the Inquiry to properly understand the motivation and justification for undercover policing, as specified under its Terms of Reference, and whether the above assertions made on behalf of the SDS have any basis in fact, the Inquiry must answer a number of questions:

- a. was undercover policing taking place either at the request of the SyS/MI5 and /or in order to serve the requirements of the SyS/MI5?; if yes
- b. was it or should it have been the responsibility of the MPSB/SDS to take steps to understand the assessments by the SyS/MI5, so as to satisfy itself that any such targeting requests from the SyS/MI5 were legitimate and justified?;

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<sup>37</sup> UCPI0000028799/1 – see reference to targeting of NUS/CND

<sup>38</sup> UCPI0000031258/2

<sup>39</sup> UCPI0000028835

<sup>40</sup> UCPI0000031256/2

<sup>41</sup> UCPI0000030049, UCPI0000027532, UCPI0000028772 (for example)

<sup>42</sup> DL first opening statement, paras 7.2.12(1) & 7.2.12 (2) - (3)

- c. where did responsibility lie for assessing what constituted an 'extremist' or a 'subversive' group?

35. The NPSCPs note that some assistance is provided by the 1967 *Responsibilities of Special Branch*,<sup>43</sup> 1970 *Home Office Terms of Reference for Special Branch*<sup>44</sup> and the 1984 *Home Office Guidelines on the Work of a Special Branch*.<sup>45</sup> However, these documents do not provide complete answers to the questions posed above. The NPSCPs understand from these documents that the Home Office required the MPSB to acquire information on subversives, at the request of and to support the SyS/MI5. This appears to be separate to any intelligence gathering in relation to public disorder. In other words, the MPSB's remit was not limited just to organisations and individuals which they considered may pose a threat to public order. The definition of subversion is stressed in the 1970 and 1984 documents. However, clearer guidance is only given to MPSB/SDS in the 1984 document. This included, for example, MPSB/SDS being directed to exercise great caution and seeking advice from SyS/MI5 before targeting alleged subversives. The NPSCPs want the Inquiry to consider whether the guidance and terms of reference on: (i) undercover policing of 'subversives'; and (ii) the relationship between MPSB/SDS and SyS/MI5 and joint working were adequate and fit for purpose and whether they were complied with.

36. The NPSCPs can see in the disclosure that all the NSPCPs of concern to this Public Inquiry in T1P2 appear to be of interest to SyS/MI5. Given the close working relationship between the SyS/MI5 and MPSB/SDS, the NPSCPs ask for full disclosure of all documents held on them by SyS/MI5.

### **C. PROCEDURAL ISSUES**

37. On behalf of the NPSCPs, the following procedural issues are raised in relation to disclosure, restriction and redaction of evidence, and the managing of the evidence. In this published statement, the issues to be raised are set out in full but will be summarised in the oral statement.

### **Disclosure**

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<sup>43</sup> UCPI0000030040

<sup>44</sup> UCPI0000004459/2

<sup>45</sup> UCPI0000004584

38. There were significant problems ensuring appropriate and timely disclosure of documents prior to the T1P1 hearings. The bundle was made available to an extremely limited and overly narrow number of individuals deemed to have a “direct interest”. Disclosure happened shortly before the hearings commenced, leading to an intolerable burden on those representing CPs and the NPSCPs, who had inadequate preparation time. Thousands of pages of documents were being considered alongside the drafting of Rule 10 questions. This was in the context of the state having had access to the relevant disclosure for decades. The significant unfairness and imbalance that arose, as a consequence, cannot be underestimated. This does not represent an approach consistent with fairness and genuine equality of arms between CPs.
39. During the course of the hearings further issues arose. Worryingly, it became clear that the Inquiry had not investigated a significant witness and obvious lines of enquiry, that the Rule 10 process for proposing questions did not work well, and that there were major failings in the rolling transcript. These factors left the NPSCPs feeling unable to properly participate and, at times, excluded from the hearings, which reinforced their impression that the Inquiry does not consider that it has anything to learn from the non-state perspective.
40. Disclosure in the run up to T1P2 has not significantly improved. The NPSCPs acknowledge the impact that the pandemic has had on these proceedings. It was indicated that the Inquiry would do its best to disclose the T1P2 bundle by 1 March 2021. Unfortunately, this did not happen. At the date of initial disclosure on 5 March 2021, significant numbers of documents referred to in the index for various UCOs were missing. Statements and documents from UCOs were then disclosed piecemeal. For example, as at 6 April 2020, there had been no disclosure of statements or documents for 4 CPs and 3 UCOs, and the page count on OPUS was 5,226. The initial indication was that there would be 10,000 pages of material for T1P2. Disclosure was still outstanding at the date of finalising this opening statement. The consequence of this approach is that it creates an intolerable burden and simply reinforces the inherent unfairness and inequality embedded in the Inquiry. The NPSCPs, as stated above, recognise the impact of the pandemic on the disclosure process but are concerned that the real cause of the delay is the overly secretive stance of the police and other state bodies. The NPSCPs urge these bodies to reconsider their approach to where the public interest lies and specifically to reconsider the balance between state secrecy and

justice for those who were spied on. We very much hope that, moving forward, the timing of disclosure can be significantly improved.

### **Approach to disclosure**

41. We reiterate that the vast majority of the NPSCPs have, to date, been denied access to all the documents that relate directly to them. The NPSCPs will be prevented by the absence of audio-visual live streaming from seeing the evidence that is being given. Following receipt of Counsel to the Inquiry's Addendum Disclosure Note Regarding Tranche 1 (the 'Disclosure Note'),<sup>46</sup> the NPSCPs remain profoundly concerned by the Inquiry's approach to disclosure. The problem with the Inquiry's investigative approach, as outlined in the NPSCP's first opening statement, is the Inquiry's request for specific documents, or documents relevant to a specific issue or UCO, rather than considering all the material relevant. This is exacerbated by the refusal, so far, to obtain full disclosure of all NSPCPs' Personal Files / Registry Files, or any other file, compiled in relation to a CP and to then disclose such files to that CP.
  
42. It is of concern in the latest Disclosure Note that, as part of its requests for disclosure from the SyS/ MI5, the Inquiry Team do not appear to have requested in their entirety every Organisation File, Subject File, and Personal File created for every CP up to 1974. Rather they have relied on the SyS/MI5 to provide evidence from these files, as deemed relevant to a particular named UCO. The only exception appears to be for Category H CPs, whose Personal Files were obtained for T1P2. It is understood that there has been no disclosure of these files to any CP.
  
43. This is an inconsistent approach to obtaining CPs' Personal Files, which is strongly opposed. This Inquiry is tasked with investigating the motivation and justification for undercover policing. The Inquiry must therefore ascertain the extent to which undercover policing was taking place at the request of the SyS/MI5 and whether this was justified. Those recognised as CPs in this Inquiry and in T1P1 and T1P2 all appear to be of interest to SyS/MI5. Consequently, consideration and disclosure of all CPs' Personal Files (and Organisation / Subject Files) held by SyS/MI5 should take place, to allow the Inquiry to properly consider motivation and justification.

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<sup>46</sup> CTI Addendum Disclosure Note Regards Tranche 1 (and original first version of this Disclosure Note), 25 March 2021

44. Further, the Inquiry appears to have accepted the assertion by the SyS/MI5 that SDS reporting was filed differently after 1974 in a SDS Liaison File. As a result, the Inquiry has not considered it necessary to continue to request and review Organisation Files and Subject Files held by the SyS/MI5 from 1975 onwards (although evidence was requested from the SyS/MI5 of an UCO's dedicated Personal File). Again, it is a fundamental flaw in the Inquiry's approach to place over reliance on the state to be open and transparent in relation to disclosure. The Inquiry must request, review, and disclose all Organisation Files and Subject Files held by the SyS/ MI5 after 1974, to the extent that they relate to a designated CP.
45. Further, the NPSCPs once again object to the approach taken in relation to searching MPS Registry Files, which is in effect a dip test approach, involving the consideration of files held for some CPs.<sup>47</sup> All CP Registry Files should all be obtained and disclosed. Similarly, any additional Personal Files and bulk files pertaining to CPs and the organisations with which they were associated are clearly relevant and should also be disclosed.

#### **Restricting public access**

46. The NPSCPs are what the name says, core participants, awarded that status in part to enable effective participation in this Inquiry and to assist the Inquiry in meeting its Terms of Reference. We maintain that all CPs have a 'direct interest' in the documentation relevant to this Inquiry. The NPSCPs again wish to reiterate their deep concern over the Chair's approach to disclosure, which is only to those CPs deemed to have a 'direct interest' in a particular Tranche. 'Direct Interest' is defined extremely narrowly as "where an individual is providing evidence to the Inquiry within the Tranche or is named within the open material".<sup>48</sup> The consequence of the above narrow definition means that it is impossible for all other NPSCPs to suggest relevant questions for UCOs. The result is that those representing the NPSCPs must attempt to pre-empt and identify issues that could arise for other CPs without a 'direct interest' where they are not directly instructed by that CP and where a restriction order applies and prevents disclosure.
47. Whilst we do note that all CPs in Categories F and H have been given access to the T1P2 bundle, it is important to reiterate that the personal history of all other NSPCPs cannot be

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<sup>47</sup> See para 15 – 17 of CTI Addendum Disclosure Note. The NPSCPs has previously received correspondence from the Inquiry Legal Team ('ILT') indicating that the Inquiry has only requested and received *limited extracts* from selected Registry Files (as opposed to a whole Registry File as suggested in CTI Addendum Disclosure Note Regards Tranche 1, 25 March 2021 (and original first version of this Disclosure Note)) - letter from ILT, "Tranche 1 and moving forward", dated 20 April 2020

<sup>48</sup> STI's letter dated 29 January 2020

understood in isolation and should not be divorced from the wider context. This is particularly so where some deployments straddle time periods and where groups are infiltrated between two Tranches. Later CPs will have valuable insights into traits, tactics, and techniques developed at an earlier time. The NPSCPs urges the Chair to widen the definition of 'direct interest' and ensure much wider access to non-state core participants in later Phases and Tranches.

48. The extent of those affected by undercover policing during the T1P2 period is becoming clearer in the latest disclosure. The numbers significantly exceed those with designated CP status. Despite this, the Inquiry's procedural decisions appear to be designed to continue to frustrate the identification and notification of subjects of undercover policing – either by the Inquiry themselves or indeed by those subjected to undercover policing.
49. The fundamental problems remain: the failure to proactively encourage members of the public to come forward by, for example, publishing a list of all groups spied upon; the non-publication of photographs of each UCO as they appeared while undercover; and not proactively and thoroughly attempting to contact all significant non-state civilians revealed in the disclosure.

### **Photographs**

50. On photographs, the NPSCPs continue to request that the Inquiry takes more proactive steps to obtain and publish clear contemporaneous photos of UCOs to facilitate non-state witnesses in giving relevant evidence to the Inquiry. If photographs of UCOs in their undercover identities cannot be located, an alternative photograph of the UCO should be provided from police files, from as close in time as possible to the UCO deployment. We urge the Inquiry to, where necessary, investigate obtaining photographs from obvious sources going beyond the disclosure including, for example, personal photographs, passport photographs, custody records for arrested UCOs, other work-related photographs, and demonstration footage. The NPSCPs request that these photographs be published next to the name of an UCO on the Inquiry's website.

### **Non-state witnesses**

51. As regards contacting non-state witnesses, those representing the NPSCPs recognise that the Inquiry was considering finalising a *pro forma* letter (although a final copy has not been seen) that can be sent to non-state witnesses and victims of undercover policing who appear in the disclosure. However, it is not clear how many of the multitude of individuals who

feature in the T1P2 disclosure have been contacted by the Inquiry, given the Chair's indication that it was impossible and overly burdensome for the Inquiry to trace or contact more than the odd few individuals.<sup>49</sup> Rather, the onus appears to remain on existing CPs to try to establish the position and approach the Inquiry about contacting groups or individuals. This approach is clearly unworkable and inappropriate, not least because most CPs do not have access to the current disclosure. Those representing the NPSCPs are extremely concerned that there are many individuals and groups identified within the disclosure who have been subjected to police spying and face accusations, inaccurate reporting, and abuse of their trust. Many of these people will be prevented from playing any role in this Public Inquiry.

### **Redaction and restriction**

52. The Inquiry continues to refuse to un-redact and release the names of all groups that have been spied upon. Why is it doing this, we ask? A consequence, in the T1P2 disclosure, there is a worrying level of redaction of certain listed groups in the SDS annual reports and other important documents, such as lists of targeted groups that were being provided by the SDS to SyS/MI5 as part of the collaboration on targeting.<sup>50</sup> The NPSCPs repeat the submission that the names of all groups reported on by UCOs should be disclosed in full. This will enable the true scale and nature of the SDS operations to be seen and will enable RLRs to take targeted instructions from those NPSCPs and civilians with the most relevant information to give and for submissions to be made. It is not accepted, in the vast majority of cases, that disclosure of the fact that a particular group was reported on would lead to revelation of a cover name, let alone revelation of a real name. Further, it is noted that even in relation to the UCOs whose cover names have now been disclosed, a full list of the groups they reported on has not been disclosed. There cannot be any proper justification for this. It is submitted that all of the groups that an UCO reported on should be disclosed wherever possible and, at the very least, where a cover name is not restricted.
53. The restriction of cover names remains of significant concern to the NPSCPs. This is an issue that will become more prominent as the Inquiry enters later Tranches, particularly in relation to the National Public Order Intelligence Unit ('NPOIU'). The NPSCPs contend that the approach to restriction orders in this context must be reconsidered.

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<sup>49</sup> Chairman's ruling on Data Protection and Privacy, 11 April 2019

<sup>50</sup> UCPI0000030896, Note entitled 'Organisations currently penetrated by SDS' signed by CI Kneale, 30 August 1974

### Closed hearings

54. The NPSCPs remain concerned about the practice of closed hearings and the lack of transparency as to how such hearings may work. These concerns are raised publicly in this opening statement, as it is understood that hearings relevant to this Tranche are likely to take place in the summer of 2021. The principle of open justice and the factors underpinning it apply just as much in the context of a public inquiry as in litigation.<sup>51</sup> See also Laws LJ citing the chairman of the Public Inquiry into the police shooting of Azelle Rodney. In the context of a public inquiry into alleged police misconduct it is legitimate to place a “premium on achieving as public an Inquiry as possible, ‘so that at the least to counter or neutralise the obvious alternative surmise, namely a sustained ‘cover up’ ”.<sup>52</sup> It is the departure from open hearings that must be strictly justified. This is also reflected in the starting point of openness under section 18 Inquiries Act 2005. The NPSCPs strongly reiterate that there should only be a departure from open justice if the evidence is so sensitive that such a departure is strictly and exceptionally necessary. Where parts of the evidence are not sensitive, that evidence should be heard in public given that such evidence is itself protected by a 10-minute delay in publishing, in order to prevent any inadvertent breach.
55. The Inquiry has disclosed an UCO gist document summarising the evidence of 7 UCO who it is proposing will give evidence in closed proceedings.<sup>53</sup> The gist document summarises the UCOs’ evidence by theme and not by UCO or by time period. Ms Williams QC, in her opening statement on behalf of Category F – the relatives of deceased children whose identities were used by UCOs - has addressed the redaction of information concerning the methodologies relied upon, prior to 1974, to create fictitious identities. She also outlined the details surrounding how UCOs, from 1974, set about appropriating the identities of dead children, to assist with the creation of their cover identities.
56. Ms Kaufmann QC, in her opening statement on behalf of Category H CPs - individuals in relationships with UCOs - has addressed the redaction of information relevant to issues relating to knowledge of or participation in relationships by UCOs.

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<sup>51</sup> *Kennedy v Charity Commission* [2015] AC 455

<sup>52</sup> *R (E) v Chairman of the Inquiry into the Death of Azelle Rodney* [2012] EWHC 563 (Admin), para 26

<sup>53</sup> We understand that an 8th UCO - HN125 – is also to be heard in closed proceedings. HN125’s real and cover name anonymity was granted on 28 March 2018

57. More generally, it is impossible for the NPSCPs to properly engage with the evidence and, for example, pose meaningful questions to these UCOs. In the Restriction Order process, a number of these UCOs were considered suitable by the Chair for open proceedings with Special Measures and some were also considered to be low risk. It would appear that at least one of the UCOs appeared in True Spies whilst another *may* have appeared.<sup>54</sup> Categories F, H and the wider NPSCPs are concerned that these redactions have been made without sufficient justification and without account being taken of harm to the public interest. The net result is that is the input from the NPSCPs has been severely curtailed.
58. There needs to be full transparency in relation to precisely why the evidence of these UCOs will be subject to closed proceedings and how such proceedings will work, particularly as the Inquiry moves to later Tranches and commences hearing from UCOs who were in the NPOIU, many of whom have full anonymity. Certainly, the NPSCPs can see no real justification for allowing closed proceedings for any UCO who has already appeared on television talking about undercover policing.
59. It is of significant concern that a Protocol on the procedure for closed hearings has yet to be published. This must be done so as a matter of urgency. The NPSCPs refer the Chair to their written submissions for the procedural hearing on 26 January 2021 and the approach advocated by the NPSCPs.<sup>55</sup>

### **Managing the evidence**

60. It is of real concern that, for T1P2, out of a list of 18 UCOs on the witness list who are alive for T1P2, the Inquiry will only hear oral evidence from 8. We note that there are UCOs who are not being called to give live evidence either because the Chair has directed that they are not required (HN299/342, HN301, HN351) or because they are unwell (HN303, HN106, HN155, and HN80). HN353, HN344, and HN296 are not being called as they are outside the jurisdiction.

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<sup>54</sup> HN21 is "Geoff" in True Spies, HN41 - Chair indicated that "open evidence could be provided" [Ruling 5 and Minded to Note 25 January 2018], HN109 - Chair stated "the public need to hear" his evidence [Minded to Note 15 January 2018], HN241 - low risk [Minded to Note 14 November 2017], HN302 may be in True Spies, HN355 - very low risk [Ruling 30 July 2018, Minded to Note 26 April 2018]

<sup>55</sup> [https://www.ucpi.org.uk/wp-content/uploads/2021/01/20210122-Submission\\_Kellys.pdf](https://www.ucpi.org.uk/wp-content/uploads/2021/01/20210122-Submission_Kellys.pdf)

61. It is understood that the Inquiry obtained witness evidence from HN353 'Gary Roberts' while he was in the UK, in 2019. However, he is currently out of jurisdiction and maintains he is unable to return to the UK and so it is understood that the Chairman has agreed to excuse him from giving oral evidence to the Inquiry. As such, his evidence will now be summarised by CTI. This is an unsatisfactory state of affairs. HN353 'Gary Roberts' was present at the demonstration in 1974 in Red Lion Square when Kevin Gately was fatally wounded and he was present and potentially reported on at the demonstration in Lewisham in 1977. His reports appear to be missing. In the age of remote working, there does not appear to be any reason why HN353 'Gary Roberts' cannot give evidence remotely. A number of CPs are outside of the jurisdiction and plan to give evidence. This is a significant missed opportunity to hear from this UCO on his reporting, what this UCO witnessed, and how this many have impacted on his deployments. In order to increase public confidence and trust in this Inquiry, it will be important for the Inquiry to investigate matters such as missing reports in order to understand the extent to which the police may have sought to cover up their involvement in certain prominent incidents.
62. HN299/342 'David Hughes' is not being called. There are important questions that he needs to be asked about the tactics he used to develop his legend and his reporting on the Claimants' Union, the majority of which is missing from the bundle, without explanation. Further, this UCO was reporting on the IMG but any mention or reports on the Red Lion Square demonstration are missing (which is an emerging theme with all the relevant UCOs in Tranche).
63. HN301 'Bob Stubbs' was at Red Lion Square when Kevin Gately was killed. At the hearing on 26 January 2021, the paucity of CP evidence in relation to this event was noted. HN301 'Bob Stubbs' was punched in the face by a police officer at Red Lion Square. This UCO's witness statement is extremely limited on this event. It is of concern that this UCO's reporting does not include reporting and intelligence leading up to the events at Red Lion Square, the events on the day itself, and the debriefing and reporting following the event, including the impact on undercover policing. These are important matters on which the NPSCPs wish to submit questions.
64. HN106 'Barry Tompkins', who is not being called for reasons of ill health, may have engaged in at least one inappropriate sexual relationship with a woman during his time undercover.

Whilst it is noted that for some UCOs a gist of the medical evidence is provided about their ill-health, this is not always the case. No evidence has been provided in relation to HN106's state of ill-health. The NPSCPs urge the Chair to adopt a much more transparent approach to the disclosure of medical evidence relied upon, where a witness is not being called for reasons of ill-health. The NPSCPs should, at the very least, be informed that an application has been made to excuse the witness giving evidence and be provided with a gist of the medical evidence in each case of ill-health. This is so that the NPSCPs can understand whether the state of ill-health is short term, as was the case with HN45, or more permanent. In some circumstances, it may be necessary to disclose redacted medical evidence to enable effective participation from a CP in understanding whether they can challenge the medical evidence. This is entirely permissible in a public inquiry, as is evident from the recent Ruling in the Manchester Arena Inquiry, where redacted medical evidence was disclosed.<sup>56</sup> Further, whilst it might be accepted by CPs that an UCO is too unwell to be called, there may be further measures which can be taken to obtain more information from the UCO, for example, by supplementary written questions being provided and the UCO responding in a further witness statement, rather than simply closing off further exploration of the UCO's evidence.

### **Audio – visual live streaming**

65. It is of great disappointment to the NPSCPs that the request for audio-visual streaming was not acceded to by the Chair and that he remains wedded to restriction orders considered many years ago, providing anonymity to UCOs prior to the COVID 19 pandemic. Whilst the NPSCPs acknowledge that an audio feed has been provided, they do note that a decision to provide an audio feed fails to place any weight on the fundamental importance of CPs being able to see as well as hear a witness give evidence. The NPSCPs hope that the Inquiry will, in time, come to understand this.
  
66. We note the decision of the Chair was to provide audio streaming, geo-fenced, within England and Wales. The NPSCPs had understood that individual requests from CPs outside England and Wales would be considered on an individual basis. It is therefore of great concern that the Chair recently refused all such requests from CPs outside the jurisdiction. This decision is not just wholly inconsistent with the Chair's stated desire to ensure CP

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<sup>56</sup> Ruling on the application to prevent disclosure to Core Participants of redacted medical reports on Abdalraouf Abdallah, 23 February 2021- <https://files.manchesterarenainquiry.org.uk/live/uploads/2021/02/23143135/Ruling-on-application-to-prevent-disclosure-to-CPs-of-redacted-medical-reports-on-Abdalraouf-Abdallah.pdf>

participation in the Inquiry, but also has significant implications for personal freedom. In one case, there is a concern that a permanent relocation by a CP to Scotland may now need to be delayed. The NPSCPs urge the Chair to reconsider providing audio streaming to individual CPs who are located outside England and Wales to ensure those CPs can meaningfully participate in the Inquiry.

## **Conclusion**

67. This Public Inquiry must be committed to establishing the truth about why it was that large sections of the left and social justice campaigns were subjected to widescale and sustained police spying and interference. It is clear from what has already been revealed that there was widespread and systematic contempt for the rights of many perceived by the SDS or SyS/MI5 to be on the left of the political spectrum. The undercover policing of these groups and individuals was clearly not in accordance with their common law rights or their rights enshrined in Articles 8, 9, 10 and 11 of the European Convention on Human Rights 1950. The UK Government cannot claim to have been unaware of either.
68. In light of the clear disregard for these rights over a sustained period of time, any assurances by the SDS and SyS/MI5 should not be taken at face value. It is therefore of paramount importance that the Inquiry provides the disclosure set out in this opening statement to all NPSCPs to enable those spied upon to have the opportunity to correct false information and advise the Inquiry of other significant breaches. The full extent of all the human rights abuses that have been committed must be examined not least so that lessons can be learnt to prevent such actions happening again. This is the whole purpose of this Inquiry.
69. The sheer scale of the spying operation, the volume of people and groups spied upon, the apparent lack of accountability, the exaggeration of risk, and the obvious imbalance in targeting by the SDS between the left and the right all suggests, in the submission of the NPSCPs, that undercover policing during this Tranche was from its inception, unjustified and illegitimate. It was an unlawful enterprise conducted for political purposes and motivated by a desire to protect the establishment rather than the wider public interest.
70. The NPSCPs urge the Inquiry to investigate all the questions that are raised in this opening statement and reiterate the demands that were made in the opening statement for T1P1. To this end they urge the Inquiry to:

- a. Facilitate proper core participant and public access to the proceedings, if necessary, by audio visual live-streaming;
- b. Ensure equality of arms between all CPs, including through legal representation;
- c. Enable non-state core participants to participate meaningfully and effectively, including by giving them disclosure of their Personal Files and disclosure in advance, with reasonable time to prepare so that they can assist the Inquiry with themes and questions;
- d. Publish the full list of groups spied on;
- e. Publish photographs, as well as cover names, of UCOs, so that members of the public can know if they were affected and make all efforts to contact significant non-state witnesses;
- f. Ensure fuller disclosure is obtained from the SyS/MI5; and
- g. Expand the panel to include diversity of experience, perspectives, and expertise as soon as reasonably practicable.

**Kirsten Heaven**  
**Garden Court Chambers**

**14 April 2021**  
**Amended 15 April 2021**