

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 Demonstrations Squad, and those connected with these squads

Ruling 21

1. I make the following rulings in the cases specified in the table below.

Nominal	Ruling
HN21	I will not revisit the order already made.
HN80	The restriction order over the real name will not be revoked.
HN106	The restriction order over the real name will not be revoked.
HN294	The restriction order over the real name will not be revoked.
HN303	The restriction order over the real name will not be revoked.

Reasons

2. In the cases of HN80, HN106, HN294 and HN303, the reasons for the ruling are those set out in ['Minded to' note 15](#) and briefly supplemented below.
3. The essence of the submissions made on behalf of non-state core participants can be summarised in two propositions: I should have, but did not, give proper weight to the need for “open justice”; objective evidence, such as that which would be provided by a psychiatric report, was required to support family concerns about intrusion into their private lives before they could counterbalance the need for “open justice”.
4. The most important aspect of the “open justice” principle is that, where possible, evidence about the deployment of undercover officers should be given publicly and by reference to their cover names. In the cases of HN80, HN106 and HN303 this was done. In the case of HN80 it prompted a useful correction of his written evidence by Lindsey German that he had not attended the 1981 “Right to Work” march and a description by her of his participation in the march and its organisation. In the case of HN303, it enabled Elizabeth Leicester to express the considered opinion that a report on the Workers Revolutionary Party written in part by HN294 must also have been based on intelligence gathered by HN303. No evidence was forthcoming from any non-state source about HN106.
5. The important evidence given about HN294 concerned his discharge of his managerial role in the Special Demonstration Squad. This required that surviving undercover officers and managers should know who he was and so be able to give evidence about it. They were told what his real name was and some were able to do so. It did not require that his real name was made public.

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6. I am satisfied that the restriction orders over the real names of these officers did not prevent informed evidence being given about them by those who are able to do so. The purposes served by the principle of “open justice” were fulfilled.
7. There is a further factor of general application which should be taken into account. In the case of three officers, the restriction orders were made on their application while they were alive. Similar restriction orders were made on the application of a number of elderly former undercover officers who have given valuable live evidence. I am satisfied that one of the reasons that they did so was that they trusted the Inquiry to have proper regard for their welfare and for that of their families. For the Inquiry to breach that trust by revoking orders made in the case of officers who have now died against the opposition of their families would discourage living officers, in particular those of a certain age, from providing evidence of potential value. Experience thus far has demonstrated that former undercover officers and their managers who have provided evidence willingly are of greater value to the Inquiry in enabling it to get to the truth about the Special Demonstration Squad during their service than those who may have provided evidence reluctantly or at risk of compulsion.
8. I do not accept the suggestion that family concerns should not be taken into account or, if taken into account at all, should be treated as of little or no weight unless supported by an up-to-date risk assessment or psychiatric report. I have accepted that the concerns are genuine and, as such, they should be taken into account under section 19 of the Inquiries Act 2005 and Article 8 of the European Convention on Human Rights. Further, the human and financial resources of the Inquiry are not unlimited. Nor are those of the public bodies who provide legal support for the surviving families. Both are better devoted to the continued investigation of undercover policing than to revisiting restriction orders made in respect of deceased participants in the Special Demonstration Squad.
9. The Inquiry has taken all the steps which it reasonably can to trace the woman with whom HN21 had a sexual relationship, without success. If the step proposed on behalf of the non-state core participants – publication of the cover name of HN21 – were to be taken on the off chance that might prompt an as yet unknown person to reveal her whereabouts, up-to-date psychiatric evidence would have to be obtained about the impact of doing so on him; and concerns about the impact of doing so might have a significant and adverse effect on his health and welfare. He has provided closed evidence of some value which has in part been disclosed or made the subject of a gist. It would not be fair to him for the order under which he gave that evidence to be revisited without good cause.

27 September 2022

Sir John Mitting
Chairman, Undercover Policing Inquiry