

## IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

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### SUBMISSIONS ON BEHALF OF THE NON-POLICE, NON-STATE CORE PARTICIPANTS ('NPSCPs') IN RELATION TO 'MINDED TO' NOTE 16 IN RESPECT OF AN APPLICATION FOR A RESTRICTION ORDER OVER THE REAL NAME OF HN273

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1. These submissions are in response to the Chair's 'Minded to' note 16 of 28 February 2023 ('Minded to' note 16') indicating that the Chair is minded to grant a restriction order in respect of the publication of HN273's real name.
2. The NPSCPs understand that *"HN273 joined the Metropolitan Police Service Special Projects Team in 2008 after the closure of the Special Demonstration Squad ('SDS') and was the author of the "SDS closing report" dated 25 June 2009. The report was based on documents then contained in the SDS safe and made recommendations for the future conduct of undercover operations."*
3. The NPSCPs note that medical report from Professor Fox is dated 31 August 2021. It records that HN273 suffers from mixed anxiety, depression, and post-traumatic stress disorder and that there is a risk of deterioration to HN273's physical and mental health and serious harm, if he were to give evidence in his real name. A risk assessment dated 28 June 2018 found the likelihood of physical attack as low and unlikely and this remains unchanged in the addendum risk assessment dated 23 March 2021. Both the risk assessments and medical report are now somewhat out of date.
4. The NPSCPs emphasise the importance of the principles of open justice in the context of this Public Inquiry and request that consideration is given to keeping this Restriction Order under review by reference to up-to-date assessments.
5. It is recognised in the 'Minded to' note 16 that the SDS closing report ('the Report') authored by HN273 *"is of at least historical interest and is relevant to the Inquiry's terms of reference"*. The NPSCPs agree. The NPSCPs also suggest that the

documents contained in the SDS safe - on which the report was based - also fall into the same category. The NPSCPs have very recently been provided with a heavily redacted copy of the Report, a 'Contextual Position Paper' and 'Briefing Note' relating to the closure of the SDS to Commander of SO15 SMT (3 December 2012). These were obtained by The Guardian journalist Rob Evans following a Freedom of Information Request in October 2013.

6. These documents were received after the filing of the NPSCPs' closing submissions for the T1 interim report. However, it is clear from the limited sections that are unredacted that the redacted sections are likely to contain information of central relevance to this Inquiry's terms of reference. There are clearly sections within the Report dealing with, for example, corporate risk, security and inspection, financing, lessons learnt and recommendations. The NPSCPs also note the unredacted comment at page 56 that, *'There is no doubt that the SDS operation was perceived as the 'Jewell in the SB crown' and the level of support afforded by the top echelons of the MPS was reflected by the number of visits made to their 'off site' premises by senior officers; In 1982/3 the Commissioner, Deputy Commissioner, two AC's, two DAC's and their own Commissioner visited them' (sic)*. These are all matters that are no doubt under consideration by the Chair in preparation for the interim report.
7. A reference to a redacted copy of the Report being provided to The Guardian is contained in HN273's witness statement to the Inquiry dated 9 November 2021. The NPSCPs do not know whether the Inquiry has access to an unredacted version of the Report and, separately, the contents of the SDS safe. The NPSCPs would like to make very short submissions on the content of these documents, to assist the Chair in the preparation of the interim report. The NPSCPs therefore ask the Inquiry to confirm whether these documents have been obtained. If they have not been obtained, the NPSCPs request that the Inquiry acquires and discloses these documents as a matter of urgency (with redactions limited only to ensure compliance with existing Restriction Orders).

**Kirsten Heaven  
Garden Court Chambers  
24 March 2023**