INQUIRY INTO THE DEATH OF DAWN STURGESS

CTI CLOSED NOTE ON HMG AND OPERATION VERBASCO RESTRICTION ORDER APPLICATIONS

Introduction

1. This Note relates to the restriction order applications concerning the disclosure of names that have been made by HMG and Operation Verbasco. Both applications are dated 31 May 2022.

2. Although as a matter of expediency and caution this Note has been drafted and served in CLOSED, CTI anticipate that all of its contents, as well as many of the responses to the queries that it raises, will be capable of OPEN disclosure. See further paragraphs 8-9 below.

Requests for clarification

3. HMG application:
   a. The application seeks to protect the names of specified categories of 'HMG staff'. Whilst the ambit of the categories is explained (see e.g. paragraph 2 of the OPEN application), the scope of the overarching term 'HMG staff' is not. Please provide a comprehensive explanation of the content and limits of this group. Does it, for example, cover (a) local government employees; (b) employees of executive / arm's length agencies of government departments; (c) members of the armed forces / reserves?

   b. The reference to 'contractors and experts' at paragraph 2 of the OPEN application is very general. Please provide further explanation and/or examples of the types of individuals that are intended to be caught.

   c. The application expressly excludes SCS staff *"not officially publicly linked to the 2018 events"*. What is the intended import of the word *"officially"*? Is it intended that the names of SCS staff who have been "unofficially" linked to those events will be caught by the order regardless of the nature and extent of that linkage?

d. There is no similar exclusion for staff below SCS level. Is it intended that their names will be caught by the order even if their names have been (officially or unofficially) publicly linked to the events of 2018?

e. Has HMG made enquiries to determine which of its staff (SCS and below) who were involved in the events of 2018 have been publicly linked to those events, both officially and unofficially? Please provide a list.

4. At paragraph 5 of the Operation Verbasco submissions document, the ambit of the Operation Verbasco application is defined as *"the names of all CTP staff, save for those who have been avowed by CTP, to be ciphered throughout the course of the Inquiry."* In a similar vein to the HMG requests above, please provide the following clarifications:

   a. How is the category of 'CTP staff' to be ascertained? Presumably it is intended to encompass both police officers and civilian staff. Does it cover all MPS and/or TVP officers and staff engaged in the case? Does it include officers or staff from forces other than MPS / TVP? What about former officers or staff (i.e. those who were engaged by CTP and involved in the material investigations but who are no longer so)?

   b. Is it intended that the order will catch the names of CTP officers or staff who have been publicly linked with the 2018 events but who have not been 'avowed by CTP'? If so, please explain and justify.

   c. Has Operation Verbasco made enquiries to determine which of the CTP officers or staff who were involved in the events of 2018 have been publicly linked to those events - both avowed and unavowed? Please provide a list.

   d. In relation to paragraph 28(b) of the Operation Verbasco application, please confirm that, if the application is successful, Operation Verbasco will serve on ILT both OPEN versions of the documents with redactions / ciphers applied and CLOSED versions without redactions, the latter to be held securely by ILT and available for use in CLOSED hearings as appropriate.

Requests for further evidence / submissions

5. An important contextual consideration is the security / vulnerability of information stored on the Relativity system. We are aware that extensive consideration has been given to this matter, but very little is said about it in either of the risk assessments. We would be grateful if further

information and analysis could be provided in this regard [redacted] We anticipate that the bulk of this material will be provided in CLOSED, but we do also ask that this issue be addressed in summary form in OPEN (see paragraph 7a below).

6. Whilst the applications that have been received are understandably focused on 'HMG staff' and 'CTP staff', the breadth and gravity of the damage assessments that have been provided in support of the applications will require the Chair to consider whether other individuals who are outside the scope of these applications ought to be protected by having their names redacted. Consideration of this issue is made more complicated by the fact that it will (presumably) not be possible to share the CLOSED damage assessments with most or perhaps any of these individuals. We consider that the Chair would therefore be grateful for further evidence / submissions from HMG and Operation Verbasco (either separately or jointly) providing their assessment as to whether the risks that they have identified might or should lead to the redaction from the documents of the names of others involved in the events of 2018 – including, for example, (a) local government employees; (b) healthcare workers; (c) emergency service employees, including police officers who are not 'CTP staff'; and (d) lay witnesses to the events.

Opening up requests

7. Either separately or jointly, please provide as full as possible an OPEN response to each of the following questions:
   a. The OPEN risk assessments describe the assessed risk posed by Russia to UK interests in background / generic terms. What assessment, if any, has been made as to the likelihood that Russian agencies will pay particular interest to these proceedings and/or target those whose names appear on documents disclosed in the course of the proceedings?

   b. Would the risks that have prompted these applications be adequately met by disclosing the sensitive names to Core Participants on the Relativity system on the strict undertaking that those names would not (without further order) either be mentioned in the course of public hearings or published on the Inquiry website? If not, please explain why not, giving full reasons.

   c. In the alternative, would the risks that have prompted these applications be adequately met by providing Core Participants (and/or their legal representatives) with numbered

sets of hard copy documents showing the names, with further more particular undertakings given as to how those documents are to be held and used (kept securely, no copies made, etc)? If not, please explain why not, giving full reasons.

d. In the further alternative, would the risks that have prompted these applications be adequately met by allowing Core Participants (and/or their legal representatives) to inspect hard copy documents showing the names at an appropriate location, if necessary with further conditions such as a prohibition on taking notes and/or communicating the content of the documents? If not, please explain why not, giving full reasons.

Responding to this Note

8. We ask for responses to this document in two stages.

9. First, we will wish to inform CPs in OPEN, to the extent that it is possible, that we have raised these queries. It seems to us that (with the possible exception of paragraph 5), the contents of all of this Note could in fact be disclosed in OPEN. If that is not agreed, we would ask to be informed (initially on OPEN channels) as soon as possible and at the latest by close of play on Friday 17 June.

10. Second, regarding substantive requests to the queries raised:
    a. we anticipate that the substantive responses will in the main be in OPEN form and, to that extent we ask that the response is conveyed on OPEN channels;
    b. any CLOSED response should be delivered to the secure location;
    c. we would be grateful to receive responses by close of play on Friday 17 June, but would ask that responses are received at the latest by close of play on Friday 24 June.

10 June 2022

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