

Southport Inquiry

Mr Stephen Herron
Director of Public Prosecutions
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast
BT1 3JR

18 September 2025

Dear Mr Herron

Southport Inquiry – Request for DPP Undertaking

I was appointed on 7 April 2025 by the Home Secretary under the Inquiries Act 2005 to chair a public inquiry into the Southport attack. The Inquiry's Terms of Reference are at Annex A. The Inquiry will be in two Phases. The purpose of Phase 1 is to:

- Establish a definitive account of the events leading up to the Southport attack and the attack itself, including an overall timeline of Axel Rudakubana's history and interactions with various state systems including criminal justice, education, social care and healthcare. The account of the attack will include the facts and circumstances of each individual death to reflect the purposes of section 5(1) of the Coroners and Justice Act 2009. The Inquiry will consider the accounts of all those directly impacted by the attack.
- Review the decision-making and information-sharing by local services and agencies which interacted with Axel Rudakubana prior to the attack to examine whether there were opportunities to manage the risk he posed to the public, making any required recommendations for improvements.

Phase 2 of the Inquiry, which will commence in early 2026, will be informed by the findings and recommendations in Phase 1, and is expected to consider the adequacy of multi-agency systems to address the risk posed by young people whose fixation or obsession with, and desire to commit, acts of extreme violence presents a significant risk to public safety.

In order to fulfil the Terms of Reference for Phase 1 of the Inquiry, I will need to obtain evidence from a large number of persons and in due course hear or read the evidence of a variety of witnesses. This will include analysing the perpetrator, Axel Rudakubana's (AR) history and his dealings with all of the relevant agencies; identifying the decisions that were made or not made, how information was shared

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and extent to which the risk he posed was addressed, along with any missed opportunities to prevent what occurred. This will be necessarily wide ranging. It will encompass the criminal justice system response to early offending, relevant events during his education, his engagement with social and health care, his relationship with his family, how he was able to obtain the weapons that he was found in possession of, and much else besides. For the Inquiry to fully uncover the truth, it is essential that all relevant documents are disclosed and that witnesses provide complete and honest evidence.

The request for an undertaking

The Inquiry is operating at pace and within very challenging timescales imposed by the Terms of Reference. Having opened on 8 July 2025 and heard a day of impact evidence from the families of children injured in the attack, I adjourned over the summer for the Inquiry to work on the process of reviewing material provided, obtaining statements and disclosure to core participants. I resumed hearing commemorative portrait evidence and impact evidence from victims and their families in the week of 8 September and will begin the substantive evidence hearings from 22 September

In order to complete my report to the Home Secretary in accordance with the timetable within the Terms of Reference, I am intending to conclude the Phase 1 evidence in the first week of November and thereafter to run a time-limited warning letter process under the Inquiry Rules 2006 and draft the report and any recommendations to present for publication in January 2026.

No witness, or any person likely to be called as a witness, has yet given an indication that they are likely to invoke the privilege against self-incrimination. However, I am very mindful of three factors.

- First, witnesses are not obliged to give advanced notice of their intention to invoke the privilege so I can take little comfort from the absence any such positive indication to date.
- Second, for the reasons I have set out further below, it is my assessment that there are potential witnesses who may foreseeably seek to invoke the privilege. The risk of the privilege being invoked is therefore not insubstantial.
- Third, the challenging nature of the timetable means that I cannot responsibly take a 'wait and see' approach and only contact you if a witness in fact invokes the privilege. The inevitable delay this would cause would derail the already tight hearings timescales. That in turn would render impossible the delivery of the Phase 1 Report to the timetable which the Home Secretary has required.

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For these reasons, I sought an undertaking from the Attorney General for England and Wales, the Rt Hon Lord Hermer KC, to provide an undertaking in the following terms to all those who are called to give evidence during Phase 1:

1. No evidence a person may give before the Inquiry will be used in evidence against that person in any criminal proceedings or for the purpose of deciding whether to bring such proceedings save as provided in paragraph 2 herein. "Evidence" includes oral evidence, any written statement made by that person preparatory to giving evidence to the Southport Inquiry or during the course of his or her testimony to the Southport Inquiry, or any document or information produced to the Southport Inquiry solely by that person.
2. Paragraph 1 does not apply to:
 - i. A prosecution where he or she is charged with having given false evidence in the course of this Inquiry or having conspired with or procured others to do so, or
 - ii. Proceedings where he or she is charged with any offence under section 35 of the Inquiries Act 2005 or having conspired with or procured others to commit such an offence.
3. Where any such evidence is provided to the Inquiry by a person, it is further undertaken that, as against that person, no criminal proceedings shall be brought (or continued) in reliance on evidence which is itself the product of an investigation commenced as a result of the provision by that person of that evidence.

That undertaking was provided by Lord Hermer on 17 September 2025.

It has very recently come to my attention that a witness from whom the Inquiry will seek written and oral evidence is based in Northern Ireland, and consequently, I write to seek your undertaking in the same terms.

Witnesses and potential offences

The scope of the Terms of Reference, in covering both the attack itself and the events in the perpetrator's history that led up to it, are, rightly, very broad. As I set out in my 'minded to' note of 23 July, attached at Annex B, the Terms of Reference require some detailed fact finding as to matters within the knowledge of individuals and organisations and questioning about these matters may be very likely to engage the privilege against self-incrimination in the absence of an undertaking.

Specific to the conduct of the witness based in Northern Ireland, is that the Inquiry's evidence will extend to the examination of the sale of knives and bladed articles

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under section 141A of the Criminal Justice Act 1988 and Part 3 of the Offensive Weapons Act 2019. This will include the companies from whom the perpetrator bought or attempted to buy knives, machetes and a crossbow.

Merseyside Police investigated AR including a search of his home, and found a number of weapons there which had been ordered online. Amongst the weapons found were knives and machetes.

The Inquiry has been made aware by a UK based company, Hunting&Knives that one such machete was purchased from Huntingandknives.co.uk and delivered by Evri, on behalf of Whistl UK Ltd, to AR in October 2023. This order appears to have been shipped on or around 24 October 2023 by Evri.

Whistl UK Ltd have provided a statement to the Inquiry in which they state that *“We have checked our systems, and the parcel tracking number shows that the parcel was sent by Ruach Music Ltd (“Ruach Music”) which is a company incorporated in Northern Ireland under company number NI623194 with its registered address at 10 Nicholsons Road, Kilkeel, Newry BT34 4JN. Our contact there is Stephen Henderson who is also a director and shareholder of Ruach Music. Ruach Music are an online retailer selling items related to guitars such as stands, pedalboards, and guitar accessories (www.ruach-music.com). However, what was unknown to us at the time, but we have learned since receiving the Inquiry’s information request, is that there is also another business located at that site which is run by Mr Henderson. This company is called SJ Henderson Fulfilment Limited (company number NI660195) which is in the business of providing outsourced storage, pick, pack and distribution of goods for businesses (www.sjhfulfilment.com).”*

The resulting Rule 9 request that has been sent to Ruach Music and Stephen Henderson is attached at Annex C.

Although the identities of those whom it will be necessary to call and the lines of questioning that will need to be followed are not yet settled, it is readily foreseeable that witnesses who are based in Northern Ireland may be advised to invoke the privilege against self-incrimination and would do so successfully on material matters. As set out above, this would seriously hinder and disrupt the progress of the Inquiry.

The position of the core participants

All but one of the core participants who expressed a view in relation to seeking an undertaking from the Attorney General were either neutral or supportive of whether the undertaking should be sought in the terms proposed in the ‘minded to’ note.

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Legal representatives for the bereaved families do not support the inclusion of derivative use protections within the undertaking. They accept that direct use of a witness' evidence should be prohibited in criminal proceedings, but they submit that the undertaking should not preclude the use of such evidence to initiate or support investigations, subject to appropriate legal safeguards.

The scope and terms of the undertaking

The undertaking I am asking you to give would grant protection to a witness in Northern Ireland from any evidence given to the Inquiry being used (a) against him in any criminal proceedings; (b) in deciding whether to bring a prosecution; and (c) to commence further investigation which itself produces evidence relied on in criminal proceedings.

In relation to the derivative undertaking, there is no live investigation that could be hampered by a derivative undertaking in the Inquiry and none of the core participant police forces, including Merseyside police, Lancashire constabulary and Counter-Terrorism Police Northwest, have raised any concerns.

It is my considered view that, absent an express prohibition on derivative use within the undertaking, witnesses would still be able to claim that answering some questions would risk self-incrimination. In consequence, including the derivative use provisions will prevent witnesses being able to invoke the privilege and refuse to answer relevant questions.

In the circumstances of this Inquiry, I do not consider it appropriate to seek an undertaking that is any wider than is necessary. I therefore do not seek, whether from you or others, any undertakings in relation to disciplinary offences or similar.

Timing

As I have indicated, the Inquiry is moving at pace. I would be most grateful to have a response ahead of the scheduled evidence on the topic of purchase of weapons beginning in the week of 29 September.

The Inquiry team and I will be pleased to assist with anything further you may require.

Yours sincerely

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A handwritten signature in black ink that reads "Adrian Fulford". The signature is written in a cursive style with a large initial 'A'.

Sir Adrian Fulford
Chair of the Southport Inquiry