

## SIR CHRISTOPHER PITCHFORD – UNDERCOVER POLICING INQUIRY

### APPLICATION FOR ANONYMITY UNDER S.19 INQUIRIES ACT 2005

**Name of Core Participant:** TBS

#### **Legal Representation Details**

Bindmans LLP

236 Gray's Inn Road

London WC1X 8HB

Contact: Jules Carey Phone: 020 7833 4433 email: [j.carey@bindmans.com](mailto:j.carey@bindmans.com)

#### **Restriction Order Sought**

The applicant seeks from the chair a restriction order granting anonymity; and specifically to restrict the publication of the applicant's identity such that the applicant can participate in the inquiry anonymously. A full restriction order is sought without restriction of time so that that the protection lasts indefinitely.

Additional applications may be made during the course of the inquiry relating to the disclosure and publication of materials, redactions and the withholding of material.

#### **Basis for Restriction Orders sought:**

The factual background to this application is set out in the applicant's application for Core Participant status, and is therefore not repeated here. In order to assist the Chair in determining this application the statutory grounds for making a restriction order are set out below, and so far as possible, the specific subsections and ground within a subsection is referred to:

##### s.19(3)(a) Community Obligations

##### Article 8 and 10 ECHR

The applicant was born as a consequence of their mother, Jacqui, unknowingly entering into an intimate, sexual relationship with an undercover police officer, Robert Lambert. The applicant will be giving personal information and detail that stems back to their childhood and family life dynamic, including the psychological impact on them.

The applicant wishes to assist the inquiry and provide evidence of a sensitive and private nature without fear of negative consequences for their family life, or private life including professional life as protected by Article 8 ECHR. There are no Article 8(2) reasons that could be asserted as a necessary or proportionate limitation on this right.

##### s.17 Inquiries Act The Statutory Duty of Fairness

Without anonymity there would be a risk that witnesses who have suffered harm as a consequence of being fathered by an undercover police officer during a undercover policing operation would not come forward which would have a consequence of restricting the work of the inquiry.

s.19(3)(a) Rule of Law including the common law duty of fairness and duty of confidentiality

Common Law Duty of Fairness

(The grounds referred to under the Statutory Duty of Fairness is also relied on here).

Duty of Confidence

The applicant wishes to give evidence which is of a highly sensitive nature both in terms of events that took place, early childhood memories/trauma and the impact on them, including psychological damage. Information that concerns an applicant's medical history would give rise to a reasonable expectation of privacy. It is not accepted there is any public interest in such information being provided without anonymity.

s.19(3)(b) Conducive to the inquiry fulfilling its terms of reference and/or necessary in the public interest with reference in particular to matters mentioned in s.19(4)

The applicant has not identified grounds which are not both in the public interest and conducive to the inquiry fulfilling its terms of reference.

19(4)(b) any risk of harm or damage that could be avoided or reduced by any such restriction:

The applicant has suffered significant psychiatric injuries, if their identity was exposed by the public inquiry this would cause great distress and further damage.

19(4)(d)(i) the extent to which not imposing any particular restriction would be likely to cause delay or to impair the efficiency or effectiveness of the inquiry.

If the applicant was not granted anonymity they would seriously consider not participating in the inquiry, the applicant has a unique experience and can offer valuable evidence which assists the inquiry regarding the use of undercover police and the sexual relationships they entered into, particularly with regard to the long term consequences of such conduct. The applicant's evidence would clearly assist in the inquiry fulfilling its terms of reference, as outlined in their application to be a core participant and his participation in the inquiry is in the public interest.

Furthermore anonymity is required in order to encourage other victims of undercover policing to come forwards and provide evidence. There is a risk that if anonymity is not granted to applicants such as this, further witnesses and potential core participants may not come forwards if they know anonymity will not be granted for those who fear public exposure to their family life and negative consequences for their careers. It is in the public interest for as many individuals in the applicant's position to feel able to give evidence to the inquiry.

The applicant requests advance notice if the inquiry decides not to order anonymity on the basis of this application so as to enable the applicant to consider and submit an application to withdraw from the inquiry before the applicant's name and details are made public.

The inquiry team is invited to contact the applicant's RLR if clarification or further information is required before this application is determined by the Chair.