

**IN THE MATTER OF AN INQUIRY UNDER THE INQUIRIES ACT 2005**

**INTO UNDERCOVER POLICING**

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**‘RTD’ OPEN ANONYMITY APPLICATION**

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Application for restriction order – ‘RTD’ (‘the applicant’)

RTD applies for a restriction order .

The applicant seek anonymity throughout the Inquiry.

The applicant relies on both s19(3)(a) and (b).

The principal provisions the applicant relies on are:

- Article 8 of the ECHR
- Article 10 of the ECHR
- The Inquiry’s common law duty of fairness
- Within s19(4), the following sub-paras - (a), (b), (d)(i)

The applicant refers to the Chair’s ruling on the Applicant’s application for core participant status.

The basis of the application is the impact on the applicant’s employment of public knowledge of the applicant’s identity, involvement with undercover policing and involvement in the Inquiry.

The applicant’s principal concern is that it is not helpful to the applicant’s employment for the applicant’s involvement in the Inquiry and the events which led to the applicant being involved in it, to be known widely.

In particular the applicant is concerned that the applicant’s current employers or future employers might, if the applicant does not remain anonymous, readily identify that the applicant was involved in political protests, that the applicant attracted the close attention of undercover police officer(s) and that the applicant’s interaction with undercover police officer(s) was such that the applicant is now involved as a core participant in a high profile public inquiry.

An employer might (wrongly) speculate about these known facts and conclude, in addition, that the applicant’s behaviour – both protest and personal life – was such that it somehow merited the close attention of undercover police activity. It might be (wrongly) inferred that the applicant was an

extremist, in views and actions. It might also (wrongly) be inferred that the applicant is litigious or vengeful.

The applicant relies on the following wider points too.

The applicant is a core participant by virtue of being a victim of undercover policing. The Inquiry has recognised, in its costs ruling, that there is a public interest in the applicant being involved. There is no reason, therefore, why the applicant should be prejudiced, or potentially prejudiced, by the applicant's involvement in the Inquiry. Indeed, it would be unfair for the applicant to suffer (potential) prejudice.

On the information currently known or believed by the applicant, there is little or no need for the applicant's identity to be known to other participants or to the public. Given the relatively limited degree to which the applicant appears able to contribute to the Inquiry by giving evidence, the applicant's is not a case where the credibility of an important witness and the Inquiry's ability to uncover the full truth might be hampered by the applicant being accorded anonymity.

To the extent that the Inquiry and its pursuit of the truth benefit from the applicant's engagement with the Inquiry – eg in the provision of evidence, statements or testimony – the Inquiry would be diminished were the applicant to be put off engaging further with the Inquiry by not having the benefit of anonymity. This may be a particularly relevant factor in this applicant's case, as it appears that the applicant is the only defendant in the criminal proceedings which followed the relevant demonstration who has been accorded core participant status and the applicant's appears to be the only case of a demonstration / prosecution where this particular undercover police officer is alleged to have been involved in such events.

The applicant was the victim of inappropriate undercover policing. An undercover police officer appears to have been involved in and active in a protest. That officer seems to have been arrested and part of a prosecution, along with other protesters. The applicant – and other victims / potential witnesses and participants – may be put off being actively engaged in the Inquiry should it be known that a non-state non-police core participant's identity has been made public against their wishes.

It is implicit in what is said above that the applicant may withdraw from participation in the Inquiry should the applicant's request for anonymity be declined. If the Inquiry were minded not to grant anonymity the applicant would wish to know this in advance of the applicant's name being made public, so that the applicant might consider withdrawing from the Inquiry in the hope that this would prevent the applicant's name and personal details being made public at all. The applicant is grateful, in this respect, for the Inquiry's indications in its undated letter to the applicant's solicitors, received on 4th March 2016.

The applicant may be content to make further representations should the Inquiry have any questions about this application and asks the Inquiry to indicate if there is anything further the Inquiry needs to know before making a decision on this application.