

IN THE UNDERCOVER POLICING INQUIRY

IN THE MATTER OF AN APPLICATION FOR A RESTRICTION ORDER

BY:

- (1) 'Lisa'
- (2) 'Rosa'
- (3) 'Alison'
- (4) 'Ruth'
- (5) 'Naomi'
- (6) 'Andrea'
- (7) 'Monica'

Core Participants

APPLICATION FOR A RESTRICTION ORDER

1. This is an application for Restriction Orders (ROs) under section 19 of the Public Inquiries Act 2005 ("the 2005 Act") in relation to the seven Core Participants (CPs) listed above. The application is made to comply with paragraph 9(4) of the Chairman's Ruling dated 27 January 2016 (the "27 January Ruling") under which CPs seeking ROs conferring anonymity must make their applications by 19 February 2016.
2. CP1-7, all of whom have been granted CP status on the basis of sexual relationships which they had with men who are known to be or believed to be undercover police officers employed by the Metropolitan Police and posing as activists, seek ROs to ensure that they are not publicly identified. In order to achieve this they seek a prohibition on publication of any details which might tend to identify them, and the use of alternative names in connection with any evidence which they give or which relates to them. The terms of the ROs they seek are annexed to this Application.

3. Five of the seven CPs (CP1-5) are the subject of extant anonymity orders in High Court proceedings relating to the subject-matter of this Inquiry, namely sexual relationships they had with undercover officers. Those orders, and the evidence submitted to obtain them, are annexed to this Application.
4. CP1-5 rely on the same arguments and evidence in support of these Applications for ROs. It is their case that these arguments and evidence similarly justify ROs being made under section 19(3)(a) and (b) of the 2005 Act. In summary:
 - (1) The actions of the police officers whose conduct is the subject of this Inquiry have violated CP1-5's privacy in an egregious manner. Publication of their evidence or the evidence of others which identifies them in the course of describing that invasion of privacy would significantly exacerbate the interference with their rights under Article 8 ECHR, particularly given the high level of media interest.
 - (2) Publication in these circumstances would risk further harm to their mental health.
 - (3) CPs 2, 3 and 5 have young children who would be adversely affected by publicity which identifies their mothers in relation to this issue.
 - (4) It is CP1-5's case that sexual offences were committed against them. Section 1 of the Sexual Offences (Amendment) Act 1992 prohibits publication in these circumstances.
 - (5) Publication of CP1-5's identities is unnecessary in order to achieve any of the aims of the Inquiry.
5. Further, a refusal to grant ROs to CP1-5 for the purposes of the Undercover Policing Inquiry (UCPI) would seriously undermine the orders made by the High Court so that they would have little or no effect, as it would be possible for the media and general public to ascertain the true identities of the claimants from the material published by the UCPI.
6. CP6-7 are in the course of initiating legal proceedings against the Metropolitan Police. They are thus not yet the beneficiaries of anonymity orders, although they intend to apply for them, if proceedings are issued. They seek ROs on the same basis as CP1-5 above, as explained in the statement of Harriet Wistrich attached. That statement makes clear that in addition to the matters set out above:
 - (1) CP6 also has young children who would be adversely affected by publicity.

- (2) CP6's relationships with her clients, and thus her work, would suffer from publicity in relation to this issue.
 - (3) Both CP 6 and CP 7 have been assessed for psychological damage relevant to the civil proceedings and both have been provisionally diagnosed with conditions which might make them vulnerable to harm if their privacy is not protected. Further evidence of this can be provided if required in due course on a restricted basis
7. For all these reasons, and those explained in the statement of Harriet Wistrich, CP1-7 request the Chairman to grant the ROs sought.
 8. CP1-7 understand that by para 9 of the 27 January Ruling the Chairman has invited applications for ROs conferring anonymity. CP1-7 make clear that they, together with CPs Helen Steel, Kate Wilson and Belinda Harvey who have waived their anonymity in the High Court proceedings and are thus not seeking ROs on this basis, may be seeking further ROs at the appropriate stage in relation to the way in which they give their evidence and also in relation to any medical and documentary evidence which they make available to the UCPI.

**CHARLOTTE KILROY
DOUGHTY STREET CHAMBERS
19 FEBRUARY 2016**

ANNEX: TERMS OF THE RESTRICTION ORDER

IT IS ORDERED THAT:

1. There be substituted for all purposes in this Inquiry in place of references to CP1-7 by name, and whether orally or in writing, references to the following ciphers:
 - 1) 'Lisa'
 - 2) 'Rosa'
 - 3) 'Alison'
 - 4) 'Ruth'
 - 5) 'Naomi'
 - 6) 'Andrea'
 - 7) 'Monica'

2. To the extent necessary to protect CP1-7's identity any other references, including images whether artistic or photographic, whether to persons or to places or to occupation or otherwise be restricted or adjusted appropriately with leave to the parties to apply as to the manner of such adjustment.

3. So far as any document to which anyone might have access does not comply with 1 or 2 above, CP1-7's solicitor has leave to file with the UCPI copies of any such document adjusted to comply therewith. Such copies are to be treated for all purposes as being in substitution for the relevant originals and the originals are to be retained by the UCPI in a sealed envelope marked 'Not to be opened without the leave of the Chairman'.

4. No report in connection with the Inquiry proceedings shall reveal CP1-7's real name or contain any information which would tend to lead to the identification of CP1-7.

5. Neither the name nor the address nor any still or moving picture of CP1-7 or any other information which might identify CP1-7 shall be published in England and Wales in a written publication available to the public or be included in a programme for reception in England and Wales if it would tend to reveal that they had had sexual and/or other relationships with the undercover police officers whose conduct is the subject of this Inquiry.