

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

### **INTO UNDERCOVER POLICING**

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#### **'MWS' AND 'MSS' OPEN ANONYMITY APPLICATION**

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##### Application for restriction order – 'MWS' and 'MSS' ('the applicants')

MWS and MSS apply for restriction orders.

The applicants seek anonymity throughout the Inquiry.

They rely on both s19(3)(a) and (b).

The principal provisions they rely on are:

- Article 2 of the ECHR
- 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 applicants refer to the Chair's ruling on the applicants' application for core participant status.

The basis of the application is the rights and interests of the applicants and the Menson family, which may be at greater risk if the applicants were to be more visible and identifiable.

[...] Michael Menson, a vulnerable black man, was killed by racists. Those found guilty of his murder have presumably been released from custody. The police did not act promptly or effectively to investigate his murder. The initial police investigations were defective and indicated an inability and unwillingness to investigate Michael Menson's murder [...]. There are other violent racists unconnected with the perpetrators of Michael's murder.

So far as the Inquiry is concerned the applicants fear for their own and the Menson family's safety [...].

Without anonymity, the applicants would be fairly identifiable [...].

The applicants are concerned that anyone who might wish [...] harm might [...] more easily identify and locate them, if the applicants are not granted continued anonymity.

[...].

The applicants recognise and are grateful that, in relation to financial assessment, the Inquiry has recognised that they [...] are serving a public interest by seeking and being accorded core participant status. They want to know more about the involvement of undercover police in their justice campaign; but not at any price.

The applicants have always been and remain equivocal about whether to be part of the Inquiry process. They may withdraw if they are not granted anonymity. Indeed, the applicants would wish to be informed in advance and have the opportunity to withdraw if the Inquiry decides not to grant anonymity. The applicants are grateful, in this respect, for the Inquiry's indications

in its undated letter to their solicitors, received on 4th March 2016.

The applicants are anxious to stress to the Inquiry that they do not say this through any wish to place pressure on the Inquiry. These observations are simply a respectful expression of how they feel about their continued role in the Inquiry [...].

It is submitted that the Inquiry – and the degree to which it might dispel public disquiet about undercover policing – would be diminished if the applicants were to withdraw. Their continued engagement in the Inquiry is important for the Inquiry's credibility and weight. It may also be relevant to the willingness of others, in a similar position to the applicants, to engage with the Inquiry.

It is relevant that the applicants are victims of undercover policing. On current information this, their standing as individuals affected by undercover policing, appears to be more significant than any role they might play as witnesses or in the provision of evidence to the Inquiry. There appears to be little or no need for the applicants' identity to be known to other participants or to the public. This is not a case where the credibility of a party or contributor may be diminished by being anonymous. Nor does it appear to be a case where the Inquiry generally or other participants might be hampered in discovering the truth by the applicants' continued anonymity.

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

[...].