

IN THE MATTER OF AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO UNDERCOVER POLICING

‘GRD’ OPEN ANONYMITY APPLICATION

Application for restriction order – ‘GRD’ - (‘the applicant’)

GRD [...] applies for a restriction order.

The applicant seeks 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
- The duty of confidentiality
- Within s19(4), the following sub-paras - (a), (b), (d)(i)

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

The basis of the application is the impact of a loss of anonymity on the applicant’s employment, current and prospective.

The root of the applicant’s application for anonymity is the source of the applicant’s employment – the impact on the applicant’s current work and reputation with the police and others were the applicant’s distant involvement in campaigning and current engagement with the Inquiry known to the police.

The applicant is self-employed and is regularly contracted, as a freelancer, to provide the following services -

- event and festival site manager
- health and safety advisor / consultant
- exhibition floor manager
- production manager

[...].

The applicant is conscious that [...] anyone carrying out a simple google search could identify the applicant as a core participant in the Inquiry, and the nature of the applicant's past activities, were the applicant not be accorded anonymity. [...]

Generally, the applicant is concerned that the applicant's involvement in the events which have given rise to the grant of CP status and the applicant's engagement in the Inquiry might be misunderstood by outsiders. They might query why the applicant attracted the close attention of undercover police officers and draw the wrong conclusions about the applicant's engagement with a high level public inquiry. Outsiders to the Inquiry [...] might (wrongly) speculate, that the applicant's behaviour – both protest and personal life – was such that it somehow merited the close attention of undercover police activity. They might (wrongly) infer that the applicant is an extremist, in views and actions. They might also (wrongly) infer from the applicant's engagement with the Inquiry that the applicant is overly litigious.

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 case 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.

The applicant is one of several people in the events which have led the applicant to be a core participant. Most of the truth about what happened during these events can be obtained, by the Inquiry, from other core participants who are identified and may be willing and able to play an active

and open role in the Inquiry. Indeed the applicant believes that some of those core participants can contribute more than the applicant can to many aspects of those events.

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 being deprived of anonymity.

The applicant was the victim of inappropriate undercover policing. 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 be 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 or should the detail of the grounds for this application be made known to other participants, the Inquiry or the public. If the Inquiry were minded not to grant anonymity the applicant would wish to know this in advance so that the applicant might review how to respond in order to protect the applicant's interests. 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.