

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

**INTO UNDERCOVER POLICING**

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**‘AN’ OPEN ANONYMITY APPLICATION**

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Application for restriction order – ‘AN’ ('the applicant')

AN 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 Inquiry's duty of confidence

Within s19(4), the following sub-paras - (a), (b), (d)(i)

The basis of the application is the applicant's ill health and the impact on the applicant were the applicant not to be accorded anonymity.

As to the facts and assertions relied on, the applicant refers to the Chair's ruling on the Applicant's application for core participant status.

The applicant's principal ground for seeking anonymity is the applicant's health [...].

The applicant is concerned about the likely impact on the applicant's health were the applicant's name to be made public and for others, both within the Inquiry and in the applicant's life generally, to be aware that the applicant was part of the Inquiry. The applicant [...] is known to many of the other non-state non-police core participants [...].

The applicant's ill health began soon after the criminal proceedings, which are the basis of the applicant's involvement in the Inquiry, concluded. The applicant notes that the trial would not have taken place had the police and prosecuting authorities properly handled, from the outset, the deployment of an undercover police officer in the protest community and the criminal proceedings.

[...].

After the applicant's trial, the applicant ignored the symptoms for a while. [...]. However the applicant's illness caught up with the applicant, and got worse.

[....].

The applicant is concerned about the impact of the applicant's name and the applicant's involvement in the Inquiry (and the applicant's past involvement in the protest, criminal proceedings and the attentions of an undercover police officer) being brought up again. The applicant is very conscious that, during the time of the applicant's criminal trial, when the applicant was a named defendant, the applicant attracted some attention both from people the applicant knew and people the applicant did not know [...].

The applicant is concerned that the same may happen during the Inquiry. The applicant is anxious, generally, to avoid scrutiny and pressure. [....].

The applicant fears that the applicant's health may deteriorate as a result.

[....].

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 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.

The applicant is one of several people who are core participants by virtue of the Ratcliffe case. The truth about what happened during that case can be obtained, by the Inquiry, from other core participants who are identified and may be willing and able to play an active role in the Inquiry. Indeed the applicant believes that some of those core participants can contribute far more than the applicant can.

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 losing anonymity.

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 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 be made public against their wishes.

The applicant wishes for some of the information given to the Inquiry about the reasons for the applicant's request for anonymity to be kept confidential. The applicant submits that none of this information is directly relevant to the subject matter of the Inquiry.

It is implicit in what is said above that the applicant may withdraw from participation in the Inquiry should the applicant's request for continued 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, including in relation to some of the contents of this application, 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 may be willing to make further representations should the Inquiry have any questions about this application and ask the Inquiry to indicate if there is anything further the Inquiry needs to know before making a decision on this application.