

Core Participants Ruling 11

1. The Inquiry has received an application for designation as core participant from a person to whom I shall refer as 'Jane'. I set out at paragraphs 1 – 17 of my first Core Participants ruling of 21 October 2015 the principles that apply to applications for designation under rule 5 of the Inquiry Rules 2006 and the approach that I would take to applications made. I need not repeat what I then said. Jane has requested that she remain anonymous pending an application for a restriction order under section 19 of the Inquiries Act 2005 and I shall grant that request.
2. Unusually, for reasons that will become clear, Jane's application has been made by two separate solicitors on her behalf.
3. Mike Schwarz of Bindmans LLP makes an application founded upon Jane's participation in a protest at the Department of Transport in December 2007, her arrest and her subsequent prosecution leading to a bind-over to keep the peace by the magistrates' court. The significance of her position rests in the alleged involvement of an undercover police officer in the demonstration and the arrest and prosecution of that officer. What is unknown to the applicant is the disposal of the proceedings against the officer. It is alleged that no disclosure was made to the defence of the involvement of the undercover officer in the protest at the time of the hearings before the magistrates.
4. In paragraph 51 of my ruling of 21 October 2015, for reasons given in paragraphs 61 and 62, I granted core participant status to RTD (in **Category [I] Miscarriage of justice**) on identical grounds. While it does not follow that I must make identical decisions in respect of all those with a similar interest in the Inquiry, because the exercise of the power under rule 5 of the Inquiry Rules 2006 is discretionary, I consider it appropriate to designate Jane a core participant in the present case. Of particular interest to the Inquiry are the questions (i) whether an undercover officer was involved in the protest, (ii) if so, what was the role of the officer, if any, in the organisation of the protest and in the protest itself, (iii) whether the true identity of the officer was revealed to the magistrates' court, (iv) what became of the proceedings against the officer and (v) if it be the case, the reason why no disclosure of the officer's involvement was made to the legal representatives of the officer's co-defendants.

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5. An application has also been made by Harriet Wistrich of Birnberg Peirce and Partners. Jane was a political and environmental activist. She asserts that for a prolonged period she was a close friend of Mark Kennedy who, unknown to her, was a police officer acting undercover. They shared accommodation together with others in the period 2003 – 2005 and later she lodged at his house. In 2008 he initiated a sexual relationship that reverted to friendship in 2009.
6. At paragraph 46 of my ruling of 21 October 2015, for reasons given at paragraphs 48 and 49, I have previously designated as core participants (in **Category [H] Individuals in relationships with undercover officers**) several women, represented by Ms Wistrich, who assert that they were deceived into sexual relationships by undercover police officers and who had brought civil proceedings against the officers' employers on those grounds. In my view, Jane satisfies the criteria for designation under rule 5 (2)(a) and (b) of the Inquiry Rules 2006 for this reason also.
7. This is a very late application for designation as core participant. Mr Schwarz explains that Jane had not until recently made the connection between her participation in the protest at the Department of Transport and the work of the Inquiry; secondly, she has been in two minds as to whether to make disclosure to the Inquiry of her relationship with Mark Kennedy. As to the latter, I accept that revelation can be an anxious and difficult personal decision. I do not consider that the lateness of the application undermines its merits. Furthermore, lateness does not affect the efficient management of the Inquiry because the application raises issues already under consideration.
8. I shall designate Jane a core participant under rule 5 of the Inquiries Rules 2006.
9. Applications have been made for the designation of recognised legal representatives and costs awards that I shall consider in separate rulings.

6 September 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry