

**IN THE UNDERCOVER POLICING INQUIRY**

**IN THE MATTER OF AN APPLICATION FOR A RESTRICTION ORDER**

**BY:**

**'Jane'**

**Core Participant**

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**APPLICATION FOR A RESTRICTION ORDER**

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1. This is an application for a Restriction Order (**RO**) under section 19 of the Public Inquiries Act 2005 ("**the 2005 Act**") in relation to 'Jane'. The application is made following the Chairman's decision to grant 'Jane's' request for designation as a Core Participant (CP) on 6 September 2016.
2. 'Jane' has been granted CP status on the basis of her close friendship and sexual relationship with Mark Kennedy, who is now known to have been an undercover police officer employed by the Metropolitan Police who posed as an activist. She seeks an RO to ensure that she is not publicly identified. In order to achieve this she seeks a prohibition on publication of any details which might tend to identify her, and the use of an alternative name in connection with any evidence which she gives or which relates to her. The terms of the RO being sought is are annexed to this Application.
3. 'Jane' submits that there are strong arguments and evidence to justify an RO being made under section 19(3)(a) and (b) of the 2005 Act. These arguments are set out further in the witness statement of Harriet Wistrich attached. In summary:

- (1) The actions of the police officer whose conduct is the subject of this Inquiry has violated 'Jane's' privacy in an egregious manner. Publication of her evidence or the evidence of others which identifies her in the course of describing that invasion of privacy would significantly exacerbate the interference with her rights under Article 8 ECHR, particularly given the high level of media interest.
  - (2) Jane has a young child (and [REDACTED] step children) who would be adversely affected by publicity which identifies her in relation to this issue.
  - (3) It is 'Jane's' case that sexual offences were committed against her. Section 1 of the Sexual Offences (Amendment) Act 1992 prohibits publication in these circumstances.
  - (4) Publication of 'Jane's' identity is unnecessary in order to achieve any of the aims of the Inquiry.
4. For all these reasons, 'Jane' requests the Chairman to grant the ROs sought.
  5. 'Jane' understands that by para 9 of the 27 January Ruling the Chairman has invited applications for ROs conferring anonymity. 'Jane' makes clear that she may be seeking further ROs at the appropriate stage in relation to the way in which she gives her evidence and also in relation to any medical and documentary evidence which she makes available to the UCPI.

17 October 2016

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**Core Participant**

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**STATEMENT OF HARRIET WISTRICH**

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Name: Harriet Wistrich  
Address: Birnberg Peirce & Partners  
14 Inverness Street  
London NW1 7HJ  
Age: Over 21

1. I make this statement in support of an application on behalf of the above core participant (CP) in support of her application for a Restriction Order (RO) under the provisions of 19(3)(a) and (b) of the Inquiries Act 2005. I am a solicitor employed by Birnberg Peirce and Partners and one of the CP's Recognised Legal Representatives.
2. 'Jane' has been designated as a Core Participant on account of her long-term friendship and intimate sexual relationship with an undercover police officer, Mark Kennedy..
3. The exposure of Mark Kennedy as an undercover officer has impacted on 'Jane' significantly. In particular she has ongoing difficulty forming new friendships and developing relationships of trust with new people she meets, particularly within the context of political organizing. This abuse of trust has thus had a chilling effect on her participation in political activity related to causes she cares about . She is concerned that these impacts would be exacerbated if she were to be exposed through the Inquiry process, for example by the possibility that

someone she meets could be a journalist posing as a new acquaintance. Additionally, she has a young son and is also a step mother to 3 other children who would all be adversely affected if she were exposed.

4. Clearly, as set out in the application for anonymity, there is a strong argument as to the CP's right to protection of their privacy under Article 8 ECHR. Equally, there is an arguable right to anonymity under the provisions of the Sexual Offences (Amendment) Act 1992, by virtue of 'Jane' being a victim of sexual offences. Finally publication of her identity is not necessary to achieve any of the aims of the public inquiry.

I believe the facts stated in this Witness Statement are true.

**Signed:**  .....

**Dated:** 17/10/16 .....