

IN THE MATTER OF THE INQUIRIES ACT 2005

AND IN THE MATTER OF THE INQUIRY RULES 2006

THE UNDERCOVER POLICING INQUIRY

**[OPEN] SUPPLEMENTAL APPLICATION ON BEHALF OF N104 [CARLO NERI]
FOR RESTRICTION ORDERS**

Introduction

1. The Inquiry has been provided with the following documents in support of the restriction order applications made by N104 in 2016: (i) Closed and Open applications drafted by S&G LLP dated 14 March 2016; (ii) MPS risk assessment dated 1 March 2016; (iii) personal statement of N104 dated 18 February 2016; (iv) draft order; (v) a second, revised restriction order application dated 25 July 2016 in light of the representations made in the S&G LLP letter of 24 May 2016; (vi) a short addendum statement from N104; (vii) a statement from [REDACTED]; (viii) a statement from [REDACTED]; (ix) a medical report dated 20 June 2016.
2. This document is intended to supplement the existing application for restriction orders in light of two additional documents which are filed in support of N104's existing application for restriction orders: (i) the risk assessment prepared by Kevin Shanahan dated 26 May 2017; (ii) the psychiatric report prepared by Professor G C Fox dated 8 March 2017.
3. This document organises the information contained in the two documents mentioned above and makes limited submissions on the basis of that information. It is not intended as a skeleton argument.

4. N104 maintains his application for the restriction orders sought in his original revised closed and open applications dated 25 July 2016.

Article 8 – interference with private and family life

5. As will be apparent from all the material submitted in support of N104’s restriction order application, his primary concern is [REDACTED]. The latest risk assessment reinforces the likelihood of this outcome should N104’s true identity be revealed or ‘officially confirmed’ by the Inquiry. The risk assessment score for interference with family and private life is high, and may even be very high.
6. N104 decided to revise his original restriction order application to permit his cover identity to be officially confirmed. That has had certain consequences for him personally that are described in the new risk assessment. All that he asks for is that no further harm is caused [REDACTED] by reason of the disclosure of his true identity, for the reasons already set out at length in his application.

Article 3 - risk of psychological harm

7. This topic is touched upon in latest risk assessment, as N104 has a relatively long and well documented history [REDACTED] associated with his undercover deployment. Dr Busuttil was instructed to opine on the impact of disclosure of his true identity on N104. His opinion is a cause for concern, and is consistent with the observations of the risk assessor at ¶ 16.1.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Given N104's medical history, coupled with the up to date evidence of the harm that would be caused to N104 were the protections sought not granted, it is submitted that the public interest balance falls overwhelmingly in favour of granting the limited restriction orders applied for.

Conclusion

9. N104's application for the measures sought in the draft order is maintained by the most recent material provided to the Inquiry.

SLATER & GORDON LLP

21st July 2017