

UNDERCOVER POLICING INQUIRY

In the matter of section 19 (3) of the Inquiries act 2005

On the application of HN 104 for a Restriction Order in respect of his real name

HN 104

1. Determination of this application will be adjourned to 31 March 2018 to permit discussions to take place between the legal representatives of HN 104's first wife and those of the non-state core participants and of the traditional media.

Reasons

2. The cover name of HN 104, Carlo Neri, was published by the Inquiry in January 2017.
3. He was deployed against various groups between 2000 and 2006. The groups contained some individuals with a propensity for violence, but they do not now pose a real risk to his safety. His exposure and the need for him to account publicly for his actions has caused and will cause harm to his mental health. It will give rise to a significant interference with the right to respect for private and family life of his current, long-term, partner. These considerations would not cause me to make a restriction order in respect of his real name.
4. He has given a number of different and inconsistent accounts of his relationships with women during his deployment and has been less than frank about them. Ms Kaufmann QC told me, and I have no reason to doubt, that the women who are core participants know his true identity. The traditional media do so as well. So too do non-traditional researchers. Any of them could publish his real name on the basis of information already held by them. Yet they have not done so. The reason was stated by the BBC and by those who maintain the Powerbase website on 19 January 2016: in the case of the BBC, it is "to protect his family"; in the case of Powerbase, it is because "it would immediately lead to the identification of his family which includes teenage children". This restraint is commendable.
5. The application for a restriction order in respect of his real name is supported by his former wife. I have heard representations, at a closed hearing, from both, separately and jointly. The basis of the application is the same: publication of his real name and the publicity which would inevitably accompany evidence given by and about him in his real name would cause grave harm to them. They share his surname. They would readily be identified as his children by those who know them, in particular by fellow students.

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6. Both of his two children by his former wife know about his role as an undercover police officer. Each has made a statement about the circumstances in which they learnt about it and the impact which it had on them. They are a detailed, unquestionably truthful, account of both. Neither statement will be published. What I can say in this public document about them must therefore be taken on trust. No parent would wish to put a child through the experience which each of them endured. The impact of disclosure, which occurred on separate occasions and in different circumstances, was seriously disturbing to their young minds. In addition, I was told by counsel for his former wife about a particular incident involving one of the children, which I did not require to be evidenced by a witness statement from her, because I accept the truth of her account. It demonstrated starkly the depth of the emotional impact of the revelations on that child.
7. Both she and the children foresee the effects that the publicity which will inevitably be given to their father's actions, if attributed to him in his own name, will have on them. They will be the subject of unwelcome attention now and in the next few years at school or college and on social media. It is not unlikely that it will have an impact on their mental health. On any view, the impact on them, during their formative years will be adverse.
8. My purpose in postponing making a decision on the application for a restriction order is to permit discussions to occur between representatives for the interested parties to see if there is a means which can be agreed between them of avoiding harm to the children. If there is, I will make whatever order is required to achieve that end. One possible option, which has been used by other inquiries, would be to require HN 104 to give evidence publicly and in his real name, so that those with whom he had interacted when deployed could see and hear him, but to impose an order restricting publication of the real name outside the hearing room. If that were to be done, I would impose a restriction order in respect of his real name before the hearing, so that no published document would contain it.
9. I request that the parties to the discussions which I propose should notify me of their outcome on or immediately after 31 March 2018.

20 December 2017

Sir John Mitting
Chairman, Undercover Policing Inquiry