

## IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

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### GISTED WITNESS STATEMENT OF EN40

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1. I am EN40 and I make this statement in connection with my application for a Restriction Order under section 19 of the Inquiries Act 2005. I understand that the Inquiry has been provided with my real name and I am therefore utilising the cipher that the Inquiry provided to me in order to protect my anonymity.
2. I have prepared this statement without access to any documentation held by the Inquiry or Operation Elter and, consequently, I am relying on my recollection of events from many years ago. I reserve the right to provide a supplementary statement once I have been provided with relevant documentation and a risk assessment. This statement is true to the best of my recollection and belief.
3. **Gist:** EN40 describes his/her policing career prior to being seconded to the NPOIU, how EN40 came to join the NPOIU, his/ her training and his/her cover officer.
4. **Gist:** EN40 describes his/her deployments whilst seconded to the NPOIU.
5. **Gist:** EN40 provides details of his/her undercover identity.
6. **Gist:** EN40 provides details of his/her covert name.
7. **Gist:** EN40 describes his/her legend-building and deployments.
8. **Gist:** EN40 describes concerns about his/her welfare following the conclusion of his/her secondment with the NPOIU.

#### **Post-NPOIU Deployments**

9. **Gist:** EN40 details his/her post-NPOIU undercover deployments in drugs, firearms and homicide investigations. EN40 describes a number of extremely violent targets.

10. **Gist:** EN40 refers to the fact that he/she is currently undercover and the risk to him/her and another undercover officer if his/her identity is revealed.

## **Article 2**

11. I am certain that there are real, immediate and substantial risks to me and my family's lives if my real or covert names are disclosed or if information is disclosed that could result in my identification.
12. I have provided information about my deployments in order to assist a risk assessor to analyse the risks to me and my family as a consequence of disclosure of my real or cover identities. I am extremely concerned that if many of the individuals whom I infiltrated whilst working for the NPOIU were to discover my cover or real identities then I would be subjected to violence.
13. **Gist:** EN40 lists known individuals who pose a risk to his/her article 2 rights and those of his/her family.
14. **Gist:** EN40 details concerns about the prospect of linking real and covert identities.
15. **Gist:** EN40 refers to post NPOIU deployments and the real and immediate risk to him/her and his/her family if EN40's identity is revealed.
16. **Gist:** EN40 describes the risks to an undercover officer deployed with him/her and other undercover officers. EN40 also refers to members of the public who may be at risk if EN40's identity is revealed.
17. **Gist:** EN40 describes other deployments which place him/her at risk of interference with his/her article 2 rights if EN40's identity is not protected.
18. **Gist:** EN40 refers to individuals who would target him/her and his/her family due to the risks that disclosure of EN40's covert identity would reveal his/her real identity.
19. The appointed risk assessor will need to report comprehensively on the risk to me, my family, other undercover officers and members of the public.

### Article 3

20. In addition to the risks posed to my and my family's Article 2 rights, there are clear risks to our Article 3 rights. We are at a serious risk of retribution from a number of individuals if my real or cover identities are disclosed. **Gist:** EN40 describes the potential for serious physical attack, criminal damage to his/her home and cyber-attacks; aswell as damage to EN40's reputation. EN40 states that violent individuals would not hesitate to take action that would subject him/her and his/her family to an appalling interference with their private and family lives.

### Article 8

21. **Gist:** EN40 describes his/her family life and the substantial negative impact that revelation of his/her identity would have on EN40's family.
22. I do not consider that we would be able to remain in our own home if my identity is disclosed. We would need to be placed in witness protection and, in any event, this measure would not provide me and my family with any real security. We would always be at risk of serious retribution from the individuals and groups referenced above. The impact on me and my family's lives would be intolerable and unjustified.

### Assurances

23. Although I cannot recall whether I received an oral or written guarantee that my real or cover identities would not be disclosed, it is self-evident that I would have not engaged in undercover work if I thought for one moment that my identity could be disclosed and that I and my family would be placed at this level of risk. The work that I undertook for the NPOIU was to provide intelligence; not evidence. We were never in any doubt that the security and safety of undercover officers was paramount and that an operation would have been terminated if there was a risk that we would have been discovered. The NPOIU took every possible precaution to protect our identities from being revealed. **Gist:** EN40 reiterates concerns about the evidence provided to the Inquiry that could expose him/her to a substantial and unacceptable risk.

**Conclusion**

- 24. I have not engaged in any of the illegitimate activities that the Inquiry was formed to investigate. I did not engage in intimate sexual liaisons with any individual and I behaved with integrity and professionalism at all times. **Gist:** EN40 describes oversight of a deployment and receiving a Commendation. EN40 reiterates the severe repercussions for his/her article 2, 3 and 8 rights and those of his/her family. EN40 states that he/she would no longer be able to continue as an undercover officer.
  
- 25. I have prepared this statement without access to any documentation or a risk assessor's report. I reserve the right to provide a supplementary statement once these documents are provided. I invite the Inquiry to make a prompt decision on whether my application for a restriction order is granted. The prospect of my identity being disclosed is placing a heavy burden on me and causes me substantial concern. The ramifications of disclosure are life-changing for me and my family and the uncertainty of knowing whether my identity will be disclosed is causing immense anxiety.
  
- 26. I respectfully request that my application for a restriction order providing anonymity for my real and covert identities is granted.

**STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

SIGNED .....  
**EN40**

DATED **19 June 2017**.....