

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

GISTED SUMMARY OF GROUNDS FOR APPLICATION OF EN41

1. EN41 seeks a Restriction Order in his/her covert and real identities. The statement provides a comprehensive account of the article 2 and 3 risks to his/her and his/her partner's lives if EN41's real identity is capable of being disclosed or is disclosed by the Inquiry. Compelling arguments are also provided in support of EN41's contention that there would be a wholly unjustified interference with their families' article 8 rights.
2. EN41 is concerned at the potential for his/her real identity to be disclosed if EN41's covert identity is disclosed.
3. EN41 continues to be deployed as an undercover and cover officer.
4. EN41's application provides a detailed account of the real risks to life from members of the organised crime groups that have been infiltrated. Substantial risks to life also arise to other undercover officers. EN41 is concerned about the potential for violent retribution.
5. EN41's application also makes it clear that there are article 2 risks arising from current deployments to him/her and other operatives. The deployments would also have to cease immediately if EN41's identity is compromised.
6. EN41's article 3 rights and those of his/her partner will be infringed if EN41's real or covert identities are disclosed. The application refers to EN41's genuine concerns about retribution from individuals whom he/she was deployed against throughout EN41's policing career.
7. EN41 is distressed at the prospect of his/her identity being released and worried about the impact that this would have on his/her relationship with his/her partner and career.
8. EN41 states that he/she and his/her partner would have to move in to witness protection if EN41's identity is revealed. The article 2 and 3 risks from the organised

crime infiltrations are too great to remain in their home. EN41 does not believe that they would ever be safe and asserts that this would be far too great an interference with their lives.

9. EN41 would no longer be deployed as an undercover or cover officer and this would have a hugely detrimental impact on EN41's career. EN41's partner's career would also be significantly impacted if he/she was required to relocate; with obvious financial consequences. They would also no longer be able to live close to their families. EN41's statement describes the impact on the health of his/her parents of the revelation of EN41's identity and the consequences if it is revealed; including having to leave them to enter into witness protection. EN41's partner would also have to leave family and friends if they are required to relocate. Their article 8 rights would be unjustifiably and significantly impacted.
10. EN41 has placed himself/herself at great risk with the expectation that his/her identity would never be disclosed or be capable of being disclosed due to assurances provided and the nature of the work.
11. EN41's roles as a cover officer will need to be assessed carefully in order to determine the extent of risk to other undercover officers for whom EN41 acted as a cover officer.
12. EN41 asserts that there are cogent and extensive grounds for his/her application for anonymity in his/her covert and real identities. EN41 reiterates that there are real and immediate risks to life in addition to a serious infringement of article 3 and 8 rights if EN41's identity is disclosed. EN41 respectfully requests an early determination of his/her application given his/her significant concerns about disclosure and the fact that he/she is currently actively deployed in an undercover role.

26 July 2017