

## IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

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### GISTED SUMMARY OF GROUNDS FOR APPLICATION OF EN40

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1. EN40 submits that his/her article 2, 3 and 8 rights will be infringed if his/her real or covert identities are disclosed by the Inquiry. Principally, EN40 asserts that there is a risk to his/her life and EN40's family's lives if his/her identity is not protected by the Inquiry.
2. EN40 describes his/her secondment to the NPOIU and the nature of his/her deployments.
3. EN40 details a specific risk to the revelation of his/her identity.
4. EN40 provides a detailed description of his/her post-NPOIU deployments and the substantial and numerous risks that emanate from them should EN40's identity be revealed.
5. EN40 states that, in addition to the clear, substantial and immediate risks to his/her life and the lives of EN40's family if his/her covert or real names are disclosed, there are substantial risks to the lives of other undercover officers and members of the public.
6. EN40 refers to a current deployment and the requirement that a risk assessor analyse fully the risks to him/her and the undercover officer deployed should his/her real or covert identities be revealed.
7. EN40 states that there is a compelling rationale for the protection of his/her real and covert identities.
8. EN40 refers to risks of his/her real identity being discovered if the Inquiry reveal his/her covert identity and the ensuing article 2 infringement that would arise.
9. EN40 refers to a real and immediate risk to his/her life and those of his/her family if EN40's real or covert identities are disclosed. EN40 states that the risks are irrefutable.

10. EN40 is also deeply concerned about the risks to the undercover officers associated with the deployments and highlights the risk posed to members of the public if his/her identity is revealed.
11. EN40's statement refers to two further operations which need to be analysed carefully in order to assess risk.
12. EN40 refers to the interference with his/her family's Article 3 rights due to potential threats to their lives and the probability of serious physical attack, an attack on his/her home and cyber-attacks.
13. EN40 submits that the risk to him/her and his/her family's lives and their article 3 rights are so high that there is no need to go on to consider their article 8 rights. If the Inquiry disagrees with this then EN40's application describes the hugely detrimental impact that disclosure of his/her real or covert identities would have on his/her private and family life which extend to his/her partner and children. They would need to be placed in witness protection and would always be at risk of serious retribution from the individuals and groups referenced in the application.
14. EN40 submits that he/she would have not engaged in undercover work if he/she believed that there was a prospect that his/her identity could be disclosed.
15. If EN40's real or covert identities are disclosed, EN40 would no longer be able to participate in undercover work. This would have a significant impact on his/her career and EN40's article 8 rights. EN40 would have to be removed immediately from his/her current deployment as would any other undercover officer connected to the operation.
16. EN40's statement provides a cogent and unquestionable rationale for the protection of his/her covert and real identities. There are clear risks to EN40's article 2 right to life and to his/her family's article 2 rights if EN40 is not fully protected by this Inquiry. Secondary to this, there would be a disproportionate and unacceptable interference with EN40's and his/her family's article 3 and 8 rights if EN40's real or covert identities are disclosed.
17. EN40 reserves the right to provide an additional statement following receipt of the expert risk assessor report and relevant documentation. EN40 submits however that his/her statement of grounds for a Restriction Order is so compelling that a determination in

his/her favour should be made by the Inquiry without the need for a risk assessor's report.

**7 July 2017**