

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

GISTED SUMMARY OF GROUNDS FOR APPLICATION OF EN48

1. EN48 submits that there are clear and immediate risks to EN48's life and his/her family's lives if his/her covert or real identities are revealed. There are also risks to the article 2 rights of others deployed with EN48. The grounds for the application for a Restriction Order are based, primarily, on EN48's article 2, 3 and 8 rights.
2. EN48's application explains the targeted groups of his/her NPOIU secondment and the risk of retribution from those against whom EN48 was deployed and others affiliated to them.
3. EN48 describes his/her post-NPOIU deployments and provides a compelling account of the substantial and immediate risks occasioned by his/her undercover deployments in the serious and organised crime world. These risks extend equally to those deployed with EN48.
4. Revelation of EN48's covert identity would place EN48 and his/her family's article 2 rights at substantial and immediate risk. EN48's statement sets out the substance of the deployments with the NPOIU and with the home force and provides compelling evidence of the nature and extent of the real risks to EN48 and his/her family from a diverse range of individuals.
5. EN48 is concerned at the potential for his/her real identity to be revealed if EN48's covert identity is disclosed. This also places others at risk.
6. EN48 submits that there are also clear and substantial risks to his/her article 3 rights and those of his/her family. In addition to retribution from those involved in organised crime, EN48 has significant concerns relating to his/her secondment in the NPOIU.
7. EN48's application details his/her family and the serious negative impact that disclosure of EN48's identity will have on them. Their article 2, 3 and 8 rights are all at risk through disclosure of EN48's covert or real identities.

8. EN48 was appointed as a Level 1 source handling officer for higher level sources. High profile informants who provided intelligence on drugs offences, terrorism, firearms and kidnapping were handled by EN48. If EN48 was seen with any of those informants there is a risk to them if his/her identity is revealed.
9. Within his/her statement EN48 has identified risk where he/she is able to do so. However, EN48 has not been provided with any documentation and is reliant on memory. There may be others who pose a risk to EN48's article 2, 3 and 8 rights. There may be a risk to others who have introduced EN48 into the infiltrated groups. There will also be risks to other undercover operatives who were deployed with EN48 and there is also the mosaic effect which must be considered.
10. EN48 would not have undertaken covert work if he/she considered that there was any prospect of his/her identity being revealed.
11. Other than complete anonymity, EN48 does not consider that there are any measures that could be taken that would adequately protect EN48 and his/her family. There is a clear risk that EN48's life would be taken and this risk extends to EN48's family. There are also obvious and significant risks of interference with their article 3 and 8 rights.
12. EN48 is obtaining a report from an expert risk assessor but he/she submits that there are hugely compelling reasons as to why EN48's covert and real identities must not be disclosed and respectfully invites the Inquiry to reach an early determination.

18 July 2017