

EN43 – GISTED SUMMARY OF GROUNDS OF APPLICATION

1. EN43 applies for a Restriction Order under section 19 of the Inquiries Act 2005 in the following terms:

Other than to the Chairman and the Inquiry Team, that there should be no direct or indirect disclosure of EN43's true identity or any of his/her pseudonym(s) (save (i) where those have been used in proceedings in open court and (ii) where the disclosure of the pseudonym(s) used in open court would not now, by relation back to either his/her evidence or documents relating to his/her service and evidence, enable his/her true identity or other pseudonym(s) to be identified). Such direct or indirect disclosure to include:-

- (i) Disclosure of his/her description and image; and*
- (ii) Disclosure of any material, either evidence given by him/her or documents relating to him/her which might enable his/her true identity or non-disclosed pseudonyms to be identified by relation to other material disclosed in the course of the Inquiry or by relation to material already in the public domain.*

2. The application outlines EN43's career as a police officer.
3. Prior to being seconded to the National Public Order Intelligence Unit, EN43 had an undercover career over a period of many years and was deployed by different police bodies in both criminal and non-criminal fields. For many years, EN43 operated as a test purchase officer before completing the advanced undercover course. In a number of test purchase operations, EN43's role and pseudonym were disclosed for the purposes of court proceedings but EN43's true identity was protected.
4. EN43 was seconded to the National Public Order Intelligence Unit in the last years of its existence. The application sets out an overview of the work done by EN43 during that secondment.
5. Having left the National Public Order Intelligence Unit, EN43 carried out dangerous covert work. EN43 is currently employed by a provincial police force in a covert role.
6. The application sets out the grounds on which the application for a restriction order is made in relation to the need to avoid or reduce a risk of harm to serving and former police officer and the need to avoid or reduce a risk of damage to effective policing. They include the following:
 - a. The operations in which EN43 was deployed prior to secondment to the National Public Order Intelligence Unit involved serious criminals and crimes. A considerable number of the criminals have had access to firearms. In cases where there have been arrests and convictions there may be continuing hostility towards EN43 such that disclosure of his/her real identity might put EN43 at risk.
 - b. There would be serious threats to third parties and wider operations were EN43's identity (pseudonym or real) to be made known.
7. The application sets out the grounds on which the application for a restriction order is made on the basis of personal matters. i.e. fairness to EN43 as required by section 17(3) of the

Inquiries Act 2005 and rights under article 8 of the European Convention on Human Rights. They include the following:

- a. EN43 has served as an undercover police officer for all of his/her service. EN43 continues to perform an undercover/covert role, which EN43 would wish to continue to perform. Identifying EN43 or his/her pseudonym(s) would render this impossible.
 - b. The impact on EN43's partner.
8. It is submitted that for the above reasons the protection of EN43's true identity and EN43's pseudonym(s) would be conducive to the Inquiry fulfilling its terms of reference and be necessary in the public interest under section 19(3)(b) of the Inquiries Act 2005 by enabling full and frank evidence to be obtained from EN43 about matters pertinent to the Inquiry without imperilling EN43, EN43's partner and others.

ENDS