

## PENAL NOTICE

**IF ANY PERSON DISOBEYS THIS ORDER, THE MATTER MAY BE CERTIFIED TO THE HIGH COURT WHICH MAY HOLD THAT PERSON TO BE IN CONTEMPT OF THE INQUIRY AND THAT PERSON MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

**ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO BREACH THE TERMS OF THIS ORDER MAY ALSO AFTER CERTIFICATION TO THE HIGH COURT BE HELD TO BE IN CONTEMPT OF THE INQUIRY AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED**

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## RESTRICTION ORDER UNDER SECTION 19 OF THE INQUIRIES ACT 2005

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UPON the Chairman having considered:

- an application made by Slater and Gordon dated 25 July 2016 for a restriction order in respect of HN104;
- a supplementary application made by Slater and Gordon dated 21 July 2017 for a restriction order in respect of a person herein described as '**HN104**' and cover name 'Carlo Neri';
- an application made by the Metropolitan Police Service (Commissioner's Lawyers) dated 30 June 2017 for a restriction order in respect of HN104;
- risk assessments in relation to HN104 dated 1 March 2016 and 26 May 2017;
- a medical report relating to HN104 dated 8 March 2017;
- three impact statements by HN104 dated 18 February 2016 and two dated 1 November 2016;
- a statement by the partner of HN104 dated 28 July 2016;
- a statement by a relative of HN104 dated 2 November 2016; and
- submissions made by the Non-Police, Non-State Core Participants dated 5 October 2017;

## UNDERCOVER POLICING INQUIRY

AND UPON the Chairman having heard oral submissions by Counsel for HN104 at a closed hearing and from Counsel for family members at a private hearing and Counsel for the Non-Police, Non-State Core Participants at an open hearing;

AND UPON the Chairman being satisfied, for the reasons given in his 'Minded to' notes dated 3 August 2017 and 23 October 2017, and his Ruling dated 7 August 2018, that fairness and the weight of public interest including the interest in protecting rights under Article 8 of the European Convention on Human Rights fall in favour of an order restricting:

- the publication of HN104's real identity; and
- the disclosure of HN104's real identity beyond that which is necessary to ensure the fulfilment of the Inquiry's terms of reference in accordance with paragraph 4 below;

AND UPON the Chairman considering his power to make a restriction order under section 19(2)(b) of the Inquiries Act 2005 read with section 19(3) thereof;

IT IS ORDERED THAT until further order

1. This order binds all persons and groups of persons (whether acting by themselves or by their servants or agents or in any other way) including bodies corporate and organisations (whether public or private), police forces and other law enforcement and government bodies and agencies and all companies (whether acting by their directors or officers, servants, agents, or in any other way).
2. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which discloses HN104's real identity (including any description or image capable of identifying HN104).
3. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which has the effect of disclosing HN104's real identity, or contributing to such disclosure, and which the person responsible for the disclosure or publication knows or suspects will have that effect.
4. This order does not prohibit:
  - a. Disclosure to HN104's legal representatives;
  - b. Disclosure to the Commissioner of Police of the Metropolis ('the Commissioner');
  - c. Disclosure to current employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN104's real identity is

## UNDERCOVER POLICING INQUIRY

- required during the course of their employment and in order to fulfil the terms of their employment;
- d. Disclosure by or with the consent of the Inquiry to current or former employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN104's real identity is required for one of the following purposes:
    - i. To enable that person to provide evidence to the Inquiry about their contact with or knowledge of HN104 which arose out of their employment by that organisation (for example, a person who managed or supervised HN104); or
    - ii. To enable that person to provide evidence to the Inquiry pertaining to the contents of a document which reveals the real identity of HN104 (for example, a person who was or who is believed to have been the author or a recipient of such a document).
  - e. Disclosure to the legal advisers to any person described at (b), (c) or (d) above, whose names will be notified in writing to the Inquiry in advance of any disclosure being made.
5. For the avoidance of doubt, any person to whom disclosure of the real identity of HN104 is made in accordance with paragraph 4 above remains subject to the prohibitions at paragraphs 2 and 3 in relation to any onward disclosure or publication, save insofar as, and only to the extent that, such disclosure is made to another person or persons identified within paragraph 4 or to members of the Inquiry team.
  6. Any person affected by any of the restrictions set out in paragraphs 2 and/or 3 above may apply to the Chairman to vary this order.
  7. For the avoidance of doubt, this order does not bind the Inquiry team, which shall take its own measures to ensure that information the subject of this order is not disclosed in such a way as to undermine its intended effect.



Sir John Mitting  
Chairman, Undercover Policing Inquiry

7 August 2018