

# UNDERCOVER POLICING INQUIRY

## 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 dated 31 October 2016 for a restriction order in respect of the real name of a person herein described as 'EN1', who was an undercover officer seconded to the National Public Order Intelligence Unit and deployed under the cover name 'Marco Jacobs';
- a supplementary application dated 21 March 2018 for a restriction order in respect of the real name of EN1;
- a witness statement by EN1 dated 15 February 2016 and an undated supplementary witness statement by EN1;
- risk assessments in relation to EN1 dated 3 March 2016 and 5 March 2018;
- medical reports in relation to EN1 dated 19 July 2016, 11 December 2018 and 30 July 2019; and
- other closed documentation.

AND UPON the Chairman being satisfied, for the reasons given in his 'Minded to' note dated 2 May 2018, Closed Note dated 26 March 2018, Ruling dated 30 October 2018 and Further Closed Note dated 6 September 2019 that the interest in protecting rights under Article 8 of the European Convention on Human Rights falls in favour of an order restricting:

## UNDERCOVER POLICING INQUIRY

- the publication of EN1's real identity; and
- the disclosure of EN1'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 EN1's real identity (including any description or image capable of identifying EN1).
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 EN1'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 EN1's legal representatives;
  - b. Disclosure to current officers, employees of, or workers for any law enforcement agency or state body to whom disclosure of EN1's real identity is required during the course of their work and in order to fulfil the terms of their duties;
  - c. Disclosure by or with the consent of the Inquiry to current or former officers, employees of, or workers for any law enforcement agency or state body to whom disclosure of EN1'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 EN1 which arose out of their employment

## UNDERCOVER POLICING INQUIRY

- by that organisation (for example, a person who managed or supervised EN1); 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 EN1 (for example, a person who was or who is believed to have been the author or a recipient of such a document).
- d. Disclosure to the legal advisers to any person described at (b) or (c) 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 EN1 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. 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, for the avoidance of doubt other than as the Chairman may direct.



Sir John Mitting  
Chairman, Undercover Policing Inquiry  
30 March 2021