

UNDERCOVER POLICING INQUIRY

Note in respect of the applications for restriction orders in respect of 'Cairo', 'Jaipur' and 'Karachi': Ruling dated 19 July 2016

This note has been provided to assist in understanding the Chairman's [Ruling on the applications for restriction orders in respect of 'Cairo', 'Jaipur' and 'Karachi'](#), issued on 27 July 2016. It does not form part of the reasons for the Ruling. The full Ruling is the only authoritative document. The Ruling is a public document and is available on the Inquiry's website.

Introduction

1. This Ruling concerns three applications for restriction orders that would confer anonymity in respect of 'Cairo', 'Jaipur' and 'Karachi'. Restriction orders are determined in line with the legal principles set out in the Chairman's [Ruling of 3 May 2016](#). The Inquiry is in receipt of 10 applications for restriction orders for anonymity from officers represented by Slater and Gordon solicitors. These applications can only be determined once a decision has been made on the restriction order applications of Cairo, Jaipur and Karachi, as explained in the Chairman's directions dated [27 May 2016](#). In short, Cairo, Jaipur and Karachi have all provided evidence in support of the anonymity applications of other police officers. It is therefore necessary to decide whether these three officers should be anonymous, and how much of their evidence in support of other officers' anonymity applications can be made public, before proceeding further.

'Cairo'

2. A copy of the application in respect of Cairo is available on the Inquiry's website, [here](#).
3. Cairo is a senior police officer with the Metropolitan Police Service, qualified to speak on matters of confidentiality between undercover officers and their employers, operational methods, pressures placed on the protection of identities, the risks arising from exposure of identities and the impact of exposure on the recruitment of undercover officers. Cairo is the author of a witness statement on this topic (dated 12 February 2016, currently held by the Inquiry in a closed version). Cairo has also been previously associated with an undercover name.
4. The Chairman has reviewed detailed evidence in respect of the risks to Cairo and others should Cairo's real identity become associated with Cairo's undercover name. The evidence that the Chairman has seen is such that he has no doubt that Cairo's life would be at risk, and that others would be at risk of death or serious injury should Cairo's real identity be associated with Cairo's undercover name.

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5. Whilst the Chairman has directed that Cairo's *identity* must not be revealed, this does not necessarily mean that all of the evidence relating to Cairo must remain closed to the public. The Chairman has directed that counsel for the Metropolitan Police Service and counsel to the Inquiry should agree which parts of Cairo's evidence in support of other officers' anonymity applications may be disclosed. If it is not possible for agreement to be reached, the Chairman will decide which parts of the evidence are to be disclosed. An open version of Cairo's statement and exhibits with appropriate redactions will be published on the Inquiry website in due course.
6. The Chairman considers that granting a restriction order to protect Cairo's identity is the best way of helping the Inquiry get to the truth. The restriction order will enable more of Cairo's evidence to be made public than would otherwise be the case.

'Jaipur' and 'Karachi'

7. Jaipur and Karachi are serving officers with the Metropolitan Police Service and are responsible for authoring two reports – Jaipur authored "Risk Assessment Briefing Note", and Jaipur and Karachi authored "The 'Mosaic Effect' and the potential risk to others". The applications for anonymity in respect of Jaipur and Karachi do not rely on evidence that, if exposed, would place Jaipur and Karachi at risk of serious harm. The Chairman considers that core participants should be given an opportunity to comment on evidence in respect of Jaipur and Karachi's applications for anonymity once that evidence is publicly available (that is, once any redactions have been made).
8. In the ruling, the Chairman directs the Inquiry counsel team and counsel for the Metropolitan Police to prepare the documents provided in evidence to make them suitable for wider disclosure. He has also committed to invite submissions from the non-state, non-police core participants on whether or not restriction orders in respect of the anonymity of Jaipur and Karachi should be made.

Questions and Answers

Q: How are applications for restriction orders determined?

A: Restriction orders are made where the Chairman is satisfied an application for an order meets the tests set out in [section 19 of the Inquiries Act 2005](#) .

Q: Why are restriction orders for anonymity needed?

A: As part of their role in public protection, some officers may undertake a single role or multiple roles. Some undercover roles may put officers at a present and ongoing serious risk of injury, or in extreme cases, death. Restriction Orders may be necessary in some circumstances to prevent exposure of an undercover officer's identity. The full detail of the approach the Chairman is taking in respect of restriction orders is detailed in his [Ruling of 3 May 2016](#) .

Q How many applications for restriction orders have there been?

A: To date there are 10 police and 24 non-police, non-state applications (not including the applications in respect of Cairo, Jaipur and Karachi, as detailed in the Ruling of 19 July 2016).

Q: How has the Chairman reached his decision?

A: The [Ruling of 3 May 2016](#) sets out the legal principles and provides a full explanation of the Chairman's decision making process. In short, when weighing up and balancing competing interests on public interest grounds the Chairman has:

- (1) identified the public interest in non-disclosure;
- (2) assessed the risk and level of harm to the public interest that would follow disclosure of the information concerned;
- (3) identified the public interest in disclosure;
- (4) assessed the risk and level of harm to the public interest that would follow non-disclosure of the information.
- (5) made in respect of the information a fact sensitive assessment of the position at which the public interest balance should rest.

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Q: What evidence has the Chairman seen?

A: The Metropolitan Police Service has submitted evidence in respect of Cairo, Jaipur and Karachi's applications for anonymity. In respect of Cairo, the evidence provided is extremely sensitive in nature and cannot be put into the public domain without giving rise to a risk of death or serious injury.

Q: Why has the restriction order been granted for Cairo?

A: The Inquiry cannot give detailed reasons, other than to say that the Chairman has undertaken a balancing exercise to weigh the competing public interests raised by the application. In undertaking the balancing exercise the Chairman has concluded that there is a real risk of death to Cairo and a significant risk of harm to others, should Cairo's identity become known in association with an undercover role. The application and restriction order in respect of Cairo is published alongside the Ruling.

Q: Is there a restriction order in respect of Jaipur and Karachi?

A: The Chairman wants core participants to review the evidence in respect of Jaipur and Karachi and to provide him with their views before making a decision on whether or not to make a restriction order. Before core participants can review the evidence, the Inquiry and the Metropolitan Police Service will attempt to agree the evidence in a form that can be made publicly available. The Chairman has asked that this process be expedited. If agreement cannot be reached the Chairman will decide which parts of the evidence are to be publicly available.

Q: Why is there a delay between when the Ruling was made and when it was published?

A: The ruling is being published some days after it was completed because the Metropolitan Police Service was given confidential sight of it before publication for the sole purpose of being given the opportunity of security checking: that is to say satisfying itself that the terms of the ruling do not disclose anything which the Metropolitan Police Service wished to argue ought to be restricted. This is standard practice in all matters that may have security implications and will continue for the duration of the Inquiry.