



Political Undercover Policing in Scotland

The facts about spycops in Scotland &
the questions that remain unanswered

Expert Report
by Eveline Lubbers PhD

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the questions that remain unanswered

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Executive Summary

We have been asked to provide an expert analysis following the publication of Her Majesty's Inspectorate of Constabulary in Scotland (HMICS)'s *Strategic Review of Undercover Policing in Scotland*. In particular we have been asked whether it addresses the matter sufficiently or correctly, and in particular whether it eliminates the need for a public inquiry in Scotland.

The HMICS Strategic Review makes a number of contributions offering numerous recommendations on the management of undercover officers in Police Scotland.

However, we think the Strategic Review came too early; it pre-empts the findings of the Undercover Policing Inquiry, and as a result is incomplete.

The remit of the HMICS report meant that a complete overview of undercover policing in Scotland was never going to be the end result.

The Undercover Policing Inquiry was set up on the basis of legitimate public concern particularly with regard to the following:

- Intimate relationships, including sexual relationships, and the integration of undercover officers into family life including where children were concerned.
- Inappropriate targeting of groups.
- Miscarriages of justice.
- Blacklisting of trade unionists.

Unfortunately, the HMICS Strategic Review does not address any of these concerns, or the role played by Scottish legacy forces in this.

In particular, the HMICS Strategic review fails:

- to address any of these concerns, or the role played by Scottish legacy forces in this.
- to state whether or not any Scottish police officer had ever been seconded to the National Public Order Intelligence Unit (NPOIU) in an undercover role.
- to state whether the NPOIU had deployed an undercover officer specifically into Scotland for the purposes of targeting groups based there.
- to answer the question whether Scottish legacy forces deployed their own undercover officers into campaign groups and political parties.
- to look into any unlawful behaviour either by legacy Scottish forces or by Special Demonstration Squad (SDS) or NPOIU officers in Scotland.
- to investigate historical deployments in any depth.
- to examine issues of blacklisting of trade unionists and possible involvement of Scottish

police.

- to acknowledge the limits that this places on its conclusions.

Following our research into the extent of undercover political policing we conclude there are sufficient and wide enough reasons to justify the need for a public inquiry in Scotland.

This Expert Report presents an exploration of material in the public domain augmented with evidence sourced from first-hand accounts from those spied upon.

Given our lack of access to Police Scotland internal material, we are not in a position to comment on the conclusions drawn by the HMICS review in any detail.

Our Report lays out a variety of points indicating involvement in undercover policing operations by legacy Scottish police services.

We will detail this involvement consecutively at the organisational level, from Scottish staff seconded to crucial positions and at the practical operational level. In addition we examine the activities of known undercover officers in Scotland. The Expert Report ends with a few cases of suspected undercover activities, and a section reviewing Scottish police involvement in the blacklisting of trade unionists.

These issues have not been addressed by the HMICS in their Strategic Review.

The evidence presented in this Report shows the need for further careful investigation, crucially involving those affected by undercover political policing. We conclude that there is therefore a need for a public inquiry in Scotland.

1. Scottish involvement at the organisational level

By the nature of the way the police are organised, Scottish Special Branch have a role in ‘countering subversive activity’ just as the corresponding units south of the border do.

Undercover police operations targeted at activist groups and campaigns have been conducted by two secretive police units, the Special Demonstration Squad (SDS) (1968 – 2008) and the National Public Order Intelligence Unit (NPOIU) (1999 – 2011).

Both the SDS and the NPOIU fell under the remit of Special Branch, with the first strongly rooted in the Metropolitan Police Service (MPS), and mainly focusing on London, but not exclusively so. The latter was set up specifically to provide a national overview of intelligence on activism, coordinating the efforts of regional Special Branches.

Their work fell under the Special Branch Guidelines (1994 and 2004) which apply across the UK and were co-signed by the Minister for Justice in Scotland.

Gathering intelligence on political activism and the role of the NPOIU is specifically mentioned in the 2004 Guidelines.

Additionally, the NPOIU was placed under the jurisdiction of the Association of Chief Police Officers’ Terrorism and Allied Matters Committee (ACPO TAM) acting on a national level.

As this Committee is the only one that had representatives on it from the Association of Chief Police Officers

in Scotland (ACPOS), this immediately places Scottish police officers in the capacity of having oversight of the NPOIU.

Moreover, ACPOS was directly involved in setting the agenda for the NPOIU on an ongoing base – again placing undercover policing activity at the heart of policing in Scotland.

2. Involvement at staffing level through Scottish officers seconded to ACPO TAM and the NPOIU

Officers from Scotland had a role in the undercover policing operations discussed here through the various secondments to the NPOIU and ACPO TAM.

This means that Scottish police were not peripheral to the policing work that set out the authorising and tasking of the undercover units targeting political protest, but were central to it.

We have identified the following officers as having roles at a management level in crucial periods:

- **Eleanor Mitchell**, an officer from the legacy Tayside force, spent six years from 2000 to 2006 seconded to the Metropolitan Police working on undercover policing.
- **Paul Hogan**, also a Tayside police officer, was seconded to the NPOIU from 2003 to 2007. He coordinated undercover operations at the G8 summit in 2005 in Stirling, including that of six German undercover officers overseen by the National Public Order Intelligence Unit.
- **Ronnie Liddle**, the now- retired head of counter-terrorism in Scotland, was seconded to ACPO TAM from 2010 to 2014. Based at the Metropolitan Police, he was responsible for the National Domestic Extremism and Disorder Intelligence Unit – the successor unit to the NPOIU.
- **Phil Gormley**, who resigned as Chief Constable of Police Scotland in 2018 after two years in the post, was Commander of the Metropolitan Police Special Branch in 2006, a role that included overseeing the SDS. From 2005 to 2008, he was also Secretary of ACPO TAM, and thus had a role in overseeing the activities of the NPOIU, including in Scotland.

A further investigation is required to get the full picture of the Scottish involvement and subsequently its responsibility and accountability for what went wrong. In our view it is likely that this short report only scratches the surface.

3. Evidence of SDS undercover officers in Scotland

The HMICS Strategic Review coverage of the existing evidence of the activities of undercover officers from England and Wales is minimal.

This limitation is primarily the result of the limited scope of the HMICS Strategic Review, arbitrarily restricted to the period covered by the Regulation of Investigatory Powers Act 2000 (RIPA) and Regulation of Investigatory Powers Act (Scotland) 2000 (RIPSA), between 2000 and 2007, augmented by some Special Demonstration Squad records from 1997-2007.

As the SDS was active from 1968 to 2008, the HMICS Strategic Review has missed the majority of SDS activity as it relates to Scotland.

The restriction also prevented the investigation of human rights abuses, specifically Article 8 and Article 10 violations, including those that have not yet come into the public domain.

The purpose of these Scottish deployments or visits by the SDS officers are not explained in the HMICS Strategic Review, whether they were for gathering intelligence, or simply for maintaining the cover story.

If it was just for their cover story, that is problematic in itself as the undercover officers were in Scotland just to maintain their relationships. Targeting unsuspecting women for (often long-term) relationships is a practice that the Metropolitan Police have offered an apology for, after a long legal fight by women involved.

They have admitted the relationships breached Articles 3 and 8 of the European Convention of Human Rights, the right to a private and family life, and the right not to be subjected to torture or to inhuman or degrading treatment.

The HMICS Strategic Review fails to acknowledge the degree to which the officers' violation of the rights of the women were perpetrated in Scotland.

The three SDS officers that we know visited Scotland were John Dines, Mark Jenner and 'Carlo Neri'. They did so with the women they had targeted for long-term relationships, including living with them. The women each emphasise the importance of these visits to Scotland to cement the relationships.

No mention is made in the HMICS Strategic Review to what degree this was known of by legacy police forces, a notable deficiency.

While visiting Glasgow, 'Carlo Neri' spied on the Scottish Socialist Party (SSP).

No mention is made in the HMICS Strategic Review of the appropriateness of targeting groups involved in the normal democratic process and electoral politics (at the time the SSP had five members of the Scottish parliament), nor of what information was passed back or onto other services by the SDS.

In 2002, 'Carlo Neri' took friends to a concert in Kilmarnock saying it was rumoured to be attacked by right wing activists from Combat 18 (a neo-Nazi organisation involved in physical attacks on people of left wing persuasion), as is explained in the Report. He interfered in the confrontation when they indeed turned up.

No mention is made in the HMICS Strategic of a specific tasking of an SDS undercover to cover a public order issue in Scotland.

4. Evidence of NPOIU undercover officers in Scotland

The Strategic Review separates undercover activity during the G8 Summit in 2005 from other deployments. HMICS states that 'in the seven-year period between 2003 and 2010 the NPOIU deployed nine undercover officers to Scotland'. (para. 171)

The Strategic Review makes no attempt to break down the number of days this amounted to or the nature of their presence.

The HMICS refers to the visits of NPOIU undercover officers in Scotland as deployments, but stops short of elaborating on the authorisation of these deployments.

Furthermore, the HMICS Strategic Review fails to state whether or not any Scottish police officer had ever been seconded to the NPOIU in an undercover role, or whether the NPOIU had deployed an undercover officer

specifically into Scotland for the purposes of targeting groups based there.

One of these nine undercover officers is acknowledged as Mark Kennedy deployed into environmental groups from 2003 to 2010.

We emphasize that he was placed at the ‘priority area’ of the domestic extremism units – of which NPOIU was a central part; a fact not mentioned in the Strategic Review.

It is therefore hard to believe that the Scottish authorities had no involvement with Kennedy’s visits north of the border.

The HMICS states that outside of the G8 Summit, ‘we consider there was no routine engagement with Scottish police forces and that the service would have been unsighted on his visit’. (para. 173)

We contest that for the following reasons.

- During his time, Kennedy conducted multiple relationships with women (for which the police have since apologised); several of the women accompanied him to Scotland on multiple occasions. Two of them have emphasised the importance of their time with him in Scotland for their relationships.
- The stories of these women challenge the assertion in the Strategic Review that many visits of SDS and NPOIU undercover officers were solely part of legend building.
- The women and their relationships were a strong element in the legend and keeping up the cover.
- We point at the collateral intrusion, people having been spied upon just because they happened to be in the presence of an undercover officer, such as the friends and family of the women.
- Collateral intrusion is not mentioned at all in the Strategic Review.
- By extension, this brings the issue of what the police themselves admit are fundamental human rights abuses being committed on Scottish soil.

We also point at the case of Scottish resident US citizen Dr Harry Halpin who testifies of years of harassment at the border entering the UK since he was targeted by Kennedy and they went to meetings together organising protests for the 2009 climate summit in Copenhagen.

The NPOIU had an interest in Halpin and his international contacts. Undercover officer Mark Kennedy targeted him and the Tarnac group in France, as will be explained in detail in this Report. For Dr Halpin, this resulted in harassments that made him leave Scotland; the Tarnac group were wrongfully accused of terrorism partly based on false claims in intelligence reports fabricated by the same NPOIU undercover officer.

Given the centrality of Scotland to this situation, an inquiry which does not include the activities of undercover officers in Scotland will not adequately explore this matter.

Lynn Watson, an undercover officer from 2002 to 2008, attended a blockading action conducted by peace group Trident Ploughshares at HMNB Clyde, Faslane in or about 2003/2004. In hindsight it had the hallmarks of an intelligence gathering visit.

People we interviewed remember Ministry of Defence Police being present and monitoring the site, including recording license plates of those attending the camp.

If this is the case, it is not clear why the HMICS Strategic Review does not adequately address this, including the cooperation with the MoD Police.

‘RC’ is suspected to be an undercover officer from 2002 to 2006, though he has not yet been confirmed by the Undercover Policing Inquiry. He took part in the protests against the hedgehog cull on the island of Uist in 2002, rescuing and rehoming hedgehogs at risk.

It is unclear what value such a deployment had, what it was aimed at, and what it would have achieved.

Undercover officers at the G8 Summit 2005

At the G8 Summit of 2005, there were 18 undercover officers deployed, six each from the SDS and NPOIU, and another six from the ‘wider undercover cadre’, according to the HMICS Strategic Review.

It is not explained if these refer to officers from legacy Scottish forces, or that these officers were coming from other forces UK wide, or from other countries.

From questions in the German Parliament, it is known that six undercover officers from that country were deployed among the G8 protestors.

An overview of the cooperation with the German authorities (or the lack thereof), the controls placed on the undercover officers, and what role they had in the protests is an indispensable element of a comprehensive Strategic Review, yet the HMICS failed to provide this. We are of the view only an independent public inquiry can do this.

This is especially pertinent in the context of the two Scottish officers seconded to the NPOIU staff at the time, one of whom was in charge of coordinating undercover operations at the G8, as was detailed above.

The fact that it is not included in the Strategic Review brings up questions about accountability, and a missed opportunity to examine potential miscarriages of justice.

A good number of Scottish activists have told us they experienced an increase in police interest and harassment after they had been in contact with Mark Kennedy. This includes Scottish activists who encountered Kennedy in England, Wales and elsewhere. If this is the case, then Scottish police also took evidence from their counterparts south of the border.

These interactions will have been noted and recorded by these officers, and formed part of the intelligence gathering conducted on the activists.

When put in relation to the police monitoring that they experienced in the wake of encountering these undercover officers, there is a strong *prima facie* case that this monitoring was based on intelligence received from these officers.

It demonstrates that Scottish activists were affected on both a Scotland and UK wide level.

This is in line with the NPOIU having a national remit and being supported by ACPO (Scotland). It is yet another reason why the impact of the NPOIU cannot simply be restricted to England and Wales.

5. Suspected Special Branch undercover activity in Scotland

We have included several other matters that may involve the deployment of officers in Scotland in order to point out a further set of questions that need answering.

To summarise, it includes a female MoD undercover active in the Faslane Peace Camp in the 1980s; NPOIU Evidence Gatherers present in Faslane in 2006 – 2007, cooperating with the Ministry of Defence Police, and potential spying on Robin Cook MP, by undercover officers deployed in the Socialist Workers Party (SWP) in the late 1970s.

6. Scottish involvement in blacklisting

Last but not least there are two campaigns that were spied upon, with people's names ending up on the blacklist compiled for construction companies by the Consulting Association (CA).

This relates to the Pollok Free State campaign against the development and extension of the M77 near Glasgow in the mid-1990s. Separately, and equally significant, is the Timex industrial dispute where we were told a police officer was sent undercover to attend the picket line and strike meetings.

Both of these examples raise significant issues in relation to how much Scottish legacy forces took part in the unlawful blacklisting of workers including passing on intelligence gathered by undercover officers deployed. The final section of the Export Report looks at blacklisting and the problematic issue of the 'revolving door' of former police now selling their knowledge and contacts to the corporate world.

This has, to some degree, been investigated over 2012 to 2014 by the UK Parliament's Scottish Affairs Committee.

The Metropolitan Police has since confirmed that its officers had passed on information to illegal blacklists and that the matter would be among the issues investigated by the Undercover Policing Inquiry, we strongly urge that this collusion be investigated by any future Scottish public inquiry.

Given the now established collusion between Special Branch and industry blacklists, the question is to what degree did legacy Scottish Police Special Branches participate in this practice.

Revolving doors: Undercover political policing from the public to private sector

Related to blacklisting is the issue of former Special Branch officers taking up work in the private sector and making use of their accumulated knowledge and their old boy network in the police.

This is an aspect virtually unexplored yet, particularly in relation to Scottish matters. This activity, effectively outsourcing undercover political policing, is a significant aspect that cannot be ignored.

We have found one particular example, where Gordon Irving the former head of Strathclyde Special Branch, moved to Scottish Power as their head of security. In that role he hired private investigation firm Vericola to target environmental activists.

Tilly Gifford, an activist with environmental group Plane Stupid, was approached by two police officers to

become an informer on the campaign.

However, Plane Stupid as a group was also targeted by a private intelligence company C2i International, hired by British Airways. The group was infiltrated by a corporate spy and their online communication was monitored.

More importantly, one of C2i's employees is revealed to have been Wilf Knight. Now deceased, he had previously worked for more than a decade in Special Branch, and for the SDS where he supervised an undercover police officer who spied on anti-apartheid campaigners.

This brings up the question of possible cooperation between Special Branch and private security, a severely under-investigated issue in general, and cooperation in the Scottish case targeting of Tilly Gifford in particular.

Limitations of Investigation

The material presented in this Expert Report sufficiently shows that the HMICS Strategic Review has not adequately addressed the matter of undercover policing in Scotland. This Expert Report has at best only provided a cursory examination of the true extent of undercover political policing north of the border, and of course cannot supplant the need for a public inquiry in Scotland.

With the Undercover Policing Inquiry in London examining neither the deployment by legacy Scottish police forces nor SDS and NPOIU deployments outside of England and Wales, it is necessarily the case that the issues concerning undercover officers in Scotland will not be covered.

As there is no scope to fully address these undercover deployments on Scottish soil within the Undercover Policing Inquiry – apart from some scarce evidence adduced from collateral examination in the evidential stage eventually – a separate inquiry seems crucial.

Recommendations:

1. To answer the many questions identified in this Expert Report the current Undercover Policing Inquiry should be extended to Scotland, or alternatively to have a separate public inquiry based north of the border to investigate the Scottish involvement in political policing in the United Kingdom – in close cooperation with the current inquiry.

2. Such an inquiry should include all known and yet-unknown deployments and visits of SDS and NPOIU officers to Scotland, as well as those of Scottish Special Branch officers both in Scotland and elsewhere in the UK.

It should take into account intelligence gathering on Scottish activists across the Scottish border in the UK, and collateral intrusion (the surveillance of children and people present by coincidence). It should also look at cooperation with Ministry of Defence Police, other police forces and MI5.

3. Since the 2004 Special Branch Guidelines apply to the entire UK including Scotland, and intelligence gathering on political activism and the role of the NPOIU is specifically mentioned, we recommend that a Scottish inquiry looks at the role of local Special Branch units to come to a full understanding of the issues.

4. We recommend that secondments and other Scottish officers staffing crucial positions are investigated in further detail, in order to get the full picture of the Scottish involvement in undercover policing operations and its responsibility and accountability for what went wrong.

5. Undercover officers targeting unsuspecting women for relationships is a practice that, after a long legal fight by women involved, the Metropolitan Police have offered an apology for. They have admitted the relationships breached Articles 3 and 8 of the European Declaration of Human Rights.

A public inquiry into Scottish involvement should investigate the degree to which the officers' breaches of the human rights of those women were perpetrated in Scotland, and indeed whether it was a tactic employed separately on activists in Scotland.

6. From answers to questions in the German Parliament, it is known that six undercover officers from that country were deployed among the G8 protestors in Stirling in 2005.

An overview of the cooperation with the German authorities (or the lack thereof), the controls placed on the undercover officers, and what role they had in the protests is an essential element of a comprehensive strategic review.

An inquiry into the Scottish involvement in undercover policing should answer questions about accountability, and examine potential miscarriages of justice.

7. Scottish-resident US citizen Dr Harry Halpin was targeted by undercover officer Mark Kennedy in Scotland and elsewhere, leading to harassment that made Halpin leave the country. Given the centrality of Scotland to this situation, a public inquiry should include the activities of undercover officers in Scotland to adequately explore this matter.

8. An independent inquiry should include a broad exploration of other – historical and current – affairs that may involve the deployment of officers in Scotland, including cooperation with Ministry of Defence Police.

9. A public inquiry must look beyond the actions of undercover police to collusion between police and private security companies, with special reference to the Tilly Gifford case. It must also address the related issue of the 'revolving door' of former officers working in the private sector using knowledge, skills and contacts gained from their time in the police,

10. As the Metropolitan Police have recently confirmed that its officers have passed on information to illegal blacklists and that the matter would be among the issues investigated by the Undercover Policing Inquiry (as it relates to England and Wales), we strongly urge that this collusion is being investigated in the Scottish context as well.

A public inquiry should uncover the degree to which legacy Scottish Police Special Branches participated in this practice.

Introduction

In September 2016, the Cabinet Secretary for Justice requested HM Inspectorate of Constabulary in Scotland (HMICS) undertake a Strategic Review of undercover policing. This report was completed in November 2017 and released in early 2018.

The request came in the wake of calls for a public inquiry into the activities of undercover policing as they targeted political groups, particularly as they applied to Scotland.

The context for this is the Undercover Policing Inquiry, a public inquiry established by the Home Secretary in July 2014, which is limited to examining activities in England and Wales.

This was looked upon with disquiet by many people, as it was known that a number of undercover police from the units complained of had been active in Scotland in the past. The Scottish government, supported by every party in the parliament, made repeated formal requests for the terms of the Undercover Policing Inquiry to be amended to include events in Scotland. The Home Secretary refused.

We have been asked to provide an expert analysis following the publication of the HMICS report Strategic Review Undercover Policing in Scotland. In particular we have been asked whether it addresses the matter sufficiently or correctly, and in particular whether it eliminates the need for a public inquiry in Scotland.

The terms of the HMICS Strategic Review set out four points to cover:

1. To provide an independent view of the operation, procedures and safeguards in place by Police Scotland in relation to undercover policing, with the objective of providing assurance to Scottish Ministers, the Scottish Parliament and the public. Where relevant, this should include recommendations to address any gaps in the current situation, processes and safeguards or where opportunities to drive improvement are identified.
2. To examine the extent and scale of undercover policing in Scotland by Scottish policing since the introduction of the Regulation of Investigatory Powers (Scotland) Act 2000 and the Regulation of Investigatory Powers Act 2000.
3. To examine the extent and scale of undercover policing operations carried out in Scotland by the Special Demonstration Squad and the National Public Order Intelligence Unit in the same period.
4. To comment on the contribution made by undercover policing operations towards public safety in Scotland.

Our initial observation is that the terms of reference for the HMICS Strategic Review do not correspond with the terms of reference set out for the Undercover Policing Inquiry (UCPI). As a consequence, the HMICS remits do not address key issues that gave rise to the UCPI being ordered.

Firstly, the scope of the HMICS Strategic Review includes Police Scotland undercover operations in the context of criminal investigations aimed at solving case of drugs trade, serious organised crime and exploitation. This kind of undercover work is entirely different from that of the Special Branch units infiltrating political campaigns aimed at intelligence gathering only.

Essentially, the former is aimed at bringing cases to court where – at least in theory – the evidence gathered

through undercover operations is evaluated in terms of proportionality and subsidiarity.

The latter is focused primarily at intelligence gathering, while protecting the identity of the undercover officer includes keeping their existence out of any evidence produced. As a consequence, the operations of these secrets units are never even mentioned, let alone examined in court.

Secondly, there is an issue with the period covered. The Strategic Review focuses considerably on the undercover policing regime of the Police Scotland since its establishment in 2013. This post-dates the periods that the Special Demonstration Squad (SDS) and National Public Order Intelligence Unit (NPOIU) were in existence - respectively from 1969 to 2008 and from 1999 to 2011.

The terms of reference then explain that the examination of undercover operations in Scotland will cover the period since the introduction of both the Regulation of Investigatory Powers Act 2000 (RIPA) and the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA), from 1 October 2000 until 31 December 2016. This ignores the majority of time that the SDS was active and excludes periods when their officers were in Scotland.

We have to state that when it comes to addressing the public concern which led to the setting up of the Undercover Policing Inquiry, the cases are primarily historical in nature.

Furthermore, the interrogation of activities of the SDS / NPOIU officers in the Strategic Review remains limited to the issue of authorisation. Examination of authorisation of documents relating to Mark Kennedy shows that much of the abuses complained of in relation to undercover officers would not have been addressed or necessarily known higher up the chain of command.¹

Given our lack of access to Police Scotland internal material, we are not in a position to comment on the first, second and third points and the conclusions drawn by the HMICS review in any detail.

The Strategic Review does offer numerous recommendations on the management of undercover officers in Police Scotland.

It also notes that Police Scotland is engaged with the National Undercover Working Group and College of Policing on this, both of which have indeed been doing considerable work in the wake of the undercover policing scandal.

However, we think the Strategic Review came too early; it pre-empts the findings of the Undercover Policing Inquiry, and as a result is incomplete.

We think that without a thorough examination of what actually happened, it is not possible to say whether or not these recommendations will adequately address the concerns that gave rise to the Undercover Policing Inquiry in the first place.

Additionally, as the Strategic Review pre-empts the findings of the Undercover Policing Inquiry, it is necessarily incomplete.

We proceed on the presumption that the Undercover Policing Inquiry was set up on the basis of legitimate public concern and interest. Thus the question that remains for us to answer is how much the Strategic Review addressed those issues or was capable of doing so, particularly in relation to Scotland.

1. Donal O'Driscoll, *Operation Aeroscope – a re-examination*, SpecialBranchFiles.uk, September 2018 specialbranchfiles.uk/wp-content/uploads/2018/11/URG-Operation-Aeroscope-A4-optimised.pdf.

Concerns to be addressed

People spied upon by the SDS and the NPOIU (called ‘non-state/non-police core participants’ in the Undercover Policing Inquiry) have raised a number of issues of concern which need to be explored.

These concerns and the related abuse are not unfounded claims, they are based on available evidence.

The Undercover Policing Inquiry was set up on the basis of legitimate public concern particularly with regard to the following:

- Intimate relationships, including sexual relationships, and the integration of undercover officers into family life including where children were concerned;
- Inappropriate targeting of groups;
- Miscarriages of justice;
- Blacklisting of trade unionists.

The HMICS Strategic Review has not addressed any of these concerns or the role played by Scottish legacy forces in this. This in our opinion is its singular deficit.

Additionally, the Strategic Review fails to answer the question whether Scottish legacy forces deployed their own undercover officers into campaign groups and political parties.

Likewise, there is no examination of issues of blacklisting of trade unionists and possible involvement of Scottish police.

Furthermore, the HMICS Strategic Review has not looked into any unlawful behaviour either by legacy Scottish forces or by SDS or NPOIU officers in Scotland.

The Undercover Policing Inquiry was called as a response to a series of exposures about wrongdoings based on investigations by those spied upon. A key complaint by those targeted in undercover policing operations about the Inquiry is the reliance on evidence coming solely from police records and perspective.

A similar criticism applies to the HMICS Strategic Review.

The necessary depth of investigation of historical deployments has not happened, and the limits that this places on its conclusions are unacknowledged.

In this Report, we try to restore some balance by countering the lack of exploration of material in the public domain with evidence sourced from first-hand accounts from those spied upon.

In doing so, we challenge the assertion in the Strategic Review that many visits of SDS and NPOIU undercover officers were solely part of ‘legend building’.

We also address the issue of how the women and the relationships they were deceived into were used to maintain that legend. By extension, this brings up the issue of what are, by the police’s own admission, fundamental human rights abuses committed in Scotland.

1. Undercover policing operations by legacy Scottish police forces

Undercover police operations targeted at activist groups and campaigns have been conducted by two secretive police units, the Special Demonstration Squad (1968 – 2008) and the National Public Order Intelligence Unit (1999 – 2011).

Both the SDS and the NPOIU fell under the remit of Special Branch, with the first strongly rooted in the Metropolitan Police Service, and mainly focusing on London but not exclusively. The latter was set up specifically to provide a national overview of intelligence on activism, coordinating the efforts of regional Special Branches.

To understand the organisational embedding of Special Branch, a short explanation is necessary. This will be followed by some documentation showing that by the nature of the way the police are organised, Scottish Special Branch have a role in ‘countering subversive activity’ just as the corresponding units across the border do.

1.1 What is Special Branch?

In the United Kingdom, Special Branch is a name commonly used to describe specialist units whose activities include ports protection, VIP security, political activity-related intelligence, and counter-terrorism.

First introduced by the Metropolitan Police, each regional force developed their own units of varying size and normally held within Criminal Investigation or Specialist Operations divisions, with ultimate authority remaining with the senior management of the given force. Some forces held quite large Special Branches, a particular one of note being that of Strathclyde Police, which seems to have been one of the leading such units among the legacy Scottish forces, if not the lead one.

However, unlike many other police units within constabularies, Special Branch units often held unique status and cooperated with one another on a national level, taking their lead from Scotland Yard.²

Since 2006 there has been a general reorganisation of Special Branch units across the UK, with many being subsumed into regional Counter Terrorism Units and Counter Terrorism Intelligence Units. This is part of a wider refocusing on counter-terrorism and the UK Government’s CONTEST programme in general. (CONTEST is split into four work streams: Prevent, Pursue, Protect, and Prepare. The ‘Prevent’ strategy has provoked notable controversy.)

Much of this reorganisation on a national level took place under the aegis of the Association of Chief Police Officers’ Terrorism and Allied Matters (ACPO-TAM) Committee, which appointed a series of national coordinators around Special Branch functions. Several Scottish officers had roles overseeing undercover operations, working for ACPO-TAM or seconded to the NPOIU, as will be explained below.

1.2 Special Branch Guidelines

The key documents marking the involvement of the Scottish police in undercover policing targeting activism are the ‘Guidelines on Special Branch work in Great Britain’ 1994 and ‘Guidelines on Special Branch work in the United Kingdom’ 2004. The 1994 Guidelines³ replaced an earlier guideline issued for England and Wales in

2. For more detail, see: *Special Branch more than doubles in size*, Special report from Statewatch, September 2003 statewatch.org/news/2003/sep/SB.pdf

3. *Guidelines on Special Branch work in Great Britain*, Home Office / Scottish Home Office, July 1994 statewatch.org/news/2004/mar/special-branch-1995.htm

December 1984 and for Scotland in June 1985, and were created under the authority of the Home office and the Scottish Office. The 1994 Special Branch Guidelines state:

11. The other areas in which Special Branches may be asked to assist the Security Service in carrying out of its statutory duty referred to in paragraph 3 above are:

[...] - counter-subversion: Special Branches will continue to investigate subversive activity...

12. The responsibility for gathering intelligence on animal rights extremist activity, and seeking to prevent attacks on persons and property targeted by such extremists, rests with Special Branches in most forces. In these cases where CID led on this work the Special Branch remains the channel for intelligence between the forces and the Animal Rights National Index.

13. In order to discharge their role of maintaining the Queen's Peace, Chief Officers need accurate assessments of the public order implications of events such as marches and demonstrations [...].

14. The collection and analysis of intelligence for Chief Officers about threats to public order remains a key Special Branch responsibility.

It is clear that much of the training and direction of regional Special Branch units comes from the Metropolitan Police Special Branch, though responsibility remains with local forces.

The 2004 Guidelines also apply across the UK: 'The Guidelines set out the roles and responsibilities of Special Branch officers in the United Kingdom, the legislative framework within which they operate and the manner in which Special Branch work is co-ordinated across the United Kingdom.⁴ The signatories are David Blunkett MP, the Home Secretary, Cathy Jamieson MSP, Minister for Justice in Scotland and Jane Kennedy MP, Minister of State for Northern Ireland.

The Special Branch guidelines recognise the enhanced role of ACPO TAM in providing 'national support and co-ordination', including Scottish Special Branch units.

Gathering intelligence on political activism and the role of the NPOIU is specifically mentioned in the 2004 Guidelines:

27. Special Branches in most Forces will also have responsibility for gathering intelligence on those threats to public order and community safety from individuals motivated by racial hatred or political conviction where their specialist skills are able to support the wider investigation. In this regard, Special Branches will liaise with, and are supported by the National Public Order Intelligence Unit (NPOIU). The NPOIU provides critical support to Forces across the United Kingdom in maintaining a strategic overview of public order issues (other than issues such as organised football violence, which is the responsibility of the National Criminal Intelligence Service, Football Intelligence Unit). In addition, Special Branch will also gather intelligence on political and animal rights extremist activity, anti-globalisation and environmental extremism and seek to prevent criminal acts on persons or property targeted by such extremists.

In its Strategic Review of the activities of undercover work conducted by Police Scotland, the HMICS does not address Special Branch involvement, or the targeting of campaign groups or other political dissenters.

⁴ *Guidelines on Special Branch work in the United Kingdom*, Home Office / Scottish Executive / Northern Ireland Office, March 2004
gov.scot/Resource/Doc/47171/0025036.pdf

An examination of undercover policing in Scotland that does not look at the role of local Special Branch units and therefore will not have covered the necessary material, will not come to a full understanding of the issues. Nor will it have properly evaluated the degree to which such operations in Scotland had sufficient oversight or where miscarriages of justice were condoned.

1.3 Special Branch and the Targeting of Campaign Groups

As said, the long-term infiltration operations were carried out by two Special Branch units, the SDS and the NPOIU. Special Branch were very much independent units within the larger forces, often taking guidance from national level operators, particularly the Metropolitan Police Special Branch.

Within Special Branch, the units that focused on dissent and political campaigns were even further removed from every day policing. The SDS was so secret that even within Special Branch officers did not know about it; those who were recruited had not previously been aware that the unit even existed.

The SDS deliberately stood outside of policing undercover norms, and officers it deployed did not undergo the National Undercover Training and Accreditation Course training courses provided to other undercover officers.⁵

The primary focus of the Special Demonstration Squad and the National Public Order Intelligence Unit was political campaign groups. This was nominally based on the reasoning that they presented a threat to public order, and the intelligence gathered would feed into the policing of protest.⁶

The target of the units expanded to groups that presented no threat of serious crime or public disorder. Whether this was due to mission-creep or premeditated steps is still unclear.

Indeed, the units targeted groups that were staying within the law in their campaign for change or otherwise exercising their enshrined human rights to freedom of speech and assembly.

As an example of this, it is now known politicians and political parties were targeted, including sitting MPs.⁷ Likewise, leaders of organisations such as Liberty were also reported back on.⁸

1.3.1 The Special Demonstration Squad

The SDS was a Metropolitan Police Special Branch unit founded in 1968. After a huge demonstration against the American involvement in the war in Vietnam ended in large scale clashes with police in March of that year, the SDS was set up to send officers undercover into groups forming the Vietnam Solidarity Campaign who were planning another big demonstration in October 1968.

Though a London based unit, the activities of its members were not confined to the Metropolitan Police district. For instance, an early undercover officer known as HN329,⁹ who as 'John Graham' targeted the Vietnam

5. *A review of national police units which provide intelligence on criminality associated with protest*, HM Inspectorate of Constabulary, 2012 justiceinspectorates.gov.uk/hmicfrs/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf

6. *A review of national police units which provide intelligence on criminality associated with protest*, HM Inspectorate of Constabulary, 2012 justiceinspectorates.gov.uk/hmicfrs/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf

7. eg. Bernie Grant, Diane Abbott, Jeremy Corbyn, etc. See: Rob Evans & Rowena Mason, *Police continued spying on Labour activists after their elections as MPs*, The Guardian, 25 March 2015

theguardian.com/uk-news/2015/mar/25/police-spied-on-labour-mps-whistleblower

8. John Wadham, then head of Liberty, was spied upon during the Macpherson Inquiry into the Stephen Lawrence murder investigation. See Mark Ellison, *Possible corruption and the role of undercover policing in the Stephen Lawrence case*, Stephen Lawrence Independent Review, Vol. 1, Gov.UK, March 2014. Referenced at page 232, misspelled as Waldon.

gov.uk/government/publications/stephen-lawrence-independent-review

9. The HN numbers are the ciphers given by Operation Herne to nominals who were investigated during their documentation of the activities of the Special Demonstration Squad. The ciphers were subsequently adopted by the Undercover Policing Inquiry. A similar process was established by Operation Elter, the investigation into the National Public Order Intelligence Unit, with such officers being distinguished by using 'EN' instead.

Solidarity Campaign, stated that he attended an event in Sheffield.¹⁰ An examination of contemporary material by the Undercover Research Group leads us to believe this was in March 1969.¹¹

This indicates that travel outside of London to events was practice very early on in the unit's history. It is not yet possible to ascertain when an SDS officer first visited Scotland as part of their cover. The Undercover Policing Inquiry has only recently started to release the cover names and targets of former undercover officers, so examination of their activities is still in very early stages.

When it comes to relationships with women in the targeted groups, the abuses by SDS officers cannot be considered an aberration by rogue officers, nor as something that only occurred in the unit's latter years. For example, officer HN297 (otherwise known as 'Rick Gibson') is now known to have had several relationships with women he targeted during his infiltration of the Troops Out Movement in 1974.¹²

Other officers from the 1970s have also admitted 'fleeting sexual relationships'¹³ but the precise details are largely unknown. However, it is clearly established that, from very early on in the unit's history, SDS officers were having sexual relationships with people they targeted.

1.3.2 The National Public Order Intelligence Unit

Founded in 1998, the NPOIU replicated the work of the Special Demonstration Squad, extending it to a national level.

The initiative came from the Assistant Commissioner for Specialist Operations at the Metropolitan Police, David Veness.¹⁴ Its origins were in the Animal Rights National Index, a Metropolitan Police Special Branch unit which collated information on animal rights activities.¹⁵

In 1998, it was given operational powers with undercover officers being deployed the following year.

The first known NPOIU officer used the cover name 'Rod Richardson', who started his deployment infiltrating anti-roads protestors in Essex; this indicates that the remit from the beginning was wider than just animal rights, and focused on a range of political issues.

To allow it to get off the ground, the unit was initially based under the aegis of Metropolitan Police. Within several years it became its own distinct entity, working with Special Branch units nationally.¹⁶ The NPOIU was placed under the jurisdiction of the Association of Chief Police Officers' Terrorism and Allied Matters Committee (ACPO-TAM) business area, of which Veness was Secretary.

10. David Reid, *HN329 Open Risk Assessment*, Undercover Policing Inquiry, 31 May 2017 ucpi.org.uk/wp-content/uploads/2017/08/HN329-Open-risk-assessment-from-the-MPS.pdf

11. Peter Salmon, *Profile of John Graham (alias)*, Undercover Research Group, 30 May 2018 [powerbase.info/index.php?title=John_Graham_\(alias\)](http://powerbase.info/index.php?title=John_Graham_(alias))

12. Statement to the Undercover Policing Inquiry from 'Mary', ucpi.org.uk, 25 January 2018 ucpi.org.uk/wp-content/uploads/2018/01/20180125-statement-from-Mary.pdf

See also: Eveline Lubbers 'Rick Gibson' – *spycops sexually targeted women from the start*, Undercover Research. Group, 28 November 2018 undercoverresearch.net/2017/11/28/2944/

13. For example, HN302 – cited in: Sir John Mitting, *In the matter of section 19(3) of the Inquiries Act 2005. Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and Special Demonstration Squad - 'Minded To' Note 5*, Undercover Policing Inquiry, 7 March 2018 ucpi.org.uk/wp-content/uploads/2018/03/20180307-SDS-anonymity-Minded-to-5.pdf

Likewise, HN354 – cited in: Sir John Mitting, *Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstration Squad: 'Minded to' note 3*, Undercover Policing Inquiry, 15 January 2018

ucpi.org.uk/wp-content/uploads/2018/01/200180115-Minded-To-Note-3-November-tranche-applications.pdf

14. See *Profile of David Veness*, Undercover Research Group, 2016-2017 powerbase.info/index.php/David_Veness

15. For documents relating to the foundation of the NPOIU, see *NPOIU Formation – Files Overview*, SpecialBranchFiles Project specialbranchfiles.uk/npoiou-formation/

16. The HMIC 2012 report provides an early history of the NPOIU. *A review of national police units which provide intelligence on criminality associated with protest*, HM Inspectorate of Constabulary, 2012

justiceinspectorates.gov.uk/hmicfrs/media/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202.pdf

The Association of Chief Police Officers covered police forces in England and Wales only; Scotland had its own specific organisation – the Association of Chief Police Officers in Scotland (ACPOS).

However, ACPO TAM was an exception - it was the only one of the ACPO business areas that had representatives from ACPOS on it. This immediately places Scottish police officers in the capacity of having oversight of the NPOIU.

Moreover, ACPOS was directly involved in setting the agenda for the NPOIU on an ongoing base as a 2006 letter shows.¹⁷ It was written by Phil Gormley, who at that point in his career was Commander of Metropolitan Police Special Branch and Secretary of ACPO TAM:¹⁸

In December of 2005 The National Public Order Intelligence Unit (NPOIU) Steering Group directed that a Strategic Matrix be developed to determine threat and risk in order to prioritise the business areas of NPOIU.

Following its development, the Matrix was produced as a working model. It has been presented to members and representatives of ACPO, ACPOS and the National Intelligence Model development groups in both England and Scotland. It will be referenced in the 2006-07 version of the National Intelligence Model. A working version of the Matrix is being disseminated by NPOIU to every police force in the UK.

As Commander of Metropolitan Police Special Branch 2005 to 2006, Gormley would also be in the line of management for the Special Demonstration Squad, having responsibility in the authorisation of undercover officers deployed by that unit.¹⁹

The roles of the Scottish Executive and of representatives from ACPOS to ACPO TAM clearly indicate that the NPOIU acted on a national level, and that Scotland was within its remit. This is supported by the secondment of Scottish officers to leading management roles in both the NPOIU and ACPO TAM, as will be detailed below.

The HMICS Strategic Review notes that ‘a small number of Scottish police officers were seconded to the NPOIU carrying out a variety of different functions including the cover officer role’.²⁰ Indeed, the NPOIU did not only deploy undercover officers, it had several sub-units such the Confidential Intelligence Unit which focused on covert human intelligence sources, including but not limited to undercover officers.

Another part of the NPOIU engaged in overt intelligence gathering, through deployment of specific uniformed officers who attended protests and photographed / identified protestors as Evidence Gatherers, analogous to the Forward Intelligence Teams used by some police forces elsewhere in the UK.

One document we have seen demonstrates that, in conjunction with Ministry of Defence Police, NPOIU Evidence Gatherers were active in Scotland, facilitating training of local police around protestors.²¹ While this does not indicate deployment of undercover officers *per se*, it demonstrates ongoing NPOIU activity in Scotland and the unit’s priorities.

17. *Well done, and thank you*, Talk Through (The Magazine of the Ministry of Defence Police), Issue 129, January 2007

webarchive.nationalarchives.gov.uk/20121018190239/http://www.mod.uk/NR/rdonlyres/FE3C77B9-A4BB-40CD-AB3E-1451D93DBE44/0/tt129_jan07.pdf

18. Paul Hutcheon, *Police Scotland Chief Constable in second undercover police ‘sex spy’ unit row*, The Herald (Scotland), 24 January 2016

heraldscotland.com/politics/political_news/14226362.Chief_Constable_in_second_undercover_sex_spy_unit_row/

19. Previously in his career Gormley had been a colleague of Anton Setchell, when both were OCU Commanders for divisional areas in Thames Valley Police. For more details see: Eveline Lubbers, *Profile of Phil Gormley*, Undercover Research Group, 2016-2018

powerbase.info/index.php/Phil_Gormley

20. Para. 169 of HMICS Strategic Review, February 2018

hmics.scot/publications/strategic-review-undercover-policing-scotland

21. Steve Partridge, *Policing the Faslane 365 Protest*, Talk Through (The Magazine of the Ministry of Defence Police), Issue 130, Mar 2007

webarchive.nationalarchives.gov.uk/20121018190231/http://www.mod.uk/NR/rdonlyres/0CCC8B83-56F8-4110-A6C7-922D209B67AB/0/tt130_mar07.pdf

There remain unanswered questions as to whether Scottish officers oversaw deployments in Scotland, including acting as cover officer or handler.

Notably, the Strategic Review stops short of saying that Scottish police officers *weren't* deployed undercover for the unit.

2. Scottish officers seconded to NPOIU

In this section we look at the involvement of Scotland with political undercover policing via secondments of Scottish officers to the NPOIU.

Though the public discourse around the undercover policing scandal focuses on the frontline activities of the undercover officers, the Undercover Policing Inquiry has rightly recognised that the attitudes, authorisation and behaviour of the management of the units are of importance as well.

Indeed, the previous Chair of the Inquiry, Sir Christopher Pitchford, wrote:²²

‘The public interest against which the expectation of confidentiality has to be measured is an exceptional one – the need to investigate as openly as possible the activities, management and justification for these very undercover police operations so as to allay public concern’.

The HMICS Strategic Review has acknowledged, as mentioned before, that a number of officers from Scottish legacy forces were seconded to the NPOIU, and played some of the roles mentioned by Sir Christopher Pitchford, including that of cover officer.

We have identified a number of the Scottish officers who were seconded to the NPOIU and will illustrate how central they were to the activities of the unit.

2.1 Eleanor Mitchell

Eleanor Mitchell was an officer from the Tayside force. A New Year’s Honours List biography from 2015 described her thus:²³

Eleanor Mitchell joined Grampian Police in 1989 and has served in a number of roles including specialist detective roles, Operational Policing, Executive Support, National Police Reform and Professional Standards. She is acknowledged nationally and internationally as the leading expert in policing professional standards and tackling extremist groups.

Between 1996 and 2006, Eleanor was principal advisor to United Kingdom, Scottish and European Governments on environmental extremist and animal rights protest, acting as strategic, tactical and operational lead.

Her contribution in shaping how the Police service and partner law enforcement agencies across the UK now approach and tackle such protest organisations cannot be underestimated. Her position as the key consultant was instrumental to changing UK legislation combating the threat posed by extreme protest groups.

The role set out in the New Year’s Honours notice cannot be underestimated. It stresses her vital importance in shaping policing of protest.

Ms Mitchell’s role also demonstrates that Scottish police were not peripheral to the policing work that set out the authorising and tasking of the undercover units targeting political protest, but were central to it.

22. Sir Christopher Pitchford, *Restriction Orders: Legal Principles and Approach Ruling*, Undercover Policing Inquiry, 3 May 2016, para.166 ucpi.org.uk/wp-content/uploads/2016/05/160503-ruling-legal-approach-to-restriction-orders.pdf

23. *Queen’s New Year Honours – Fire, Police and Ambulance Service*, Scottish Government press release, 30 December 2015 news.gov.scot/news/queens-new-year-honours-fire-police-and-ambulance-service-2

In 2016, an article in *The Herald* by Paul Hutcheon revealed that Mitchell had spent six years, from 2000 to 2006, seconded to the Metropolitan Police, and stated:²⁴

Sources have told the Sunday Herald that Mitchell, who was a Chief Superintendent at Police Scotland before her retirement recently, worked on undercover policing at the Met earlier in a management capacity.

Police refused to confirm to Mr Hutcheon if this work included the National Public Order Intelligence Unit. Our understanding and research into the policing of animal rights, environmentalism and what is now called ‘domestic extremism’ strongly matches this inference.

It was the NPOIU and its sister organisations in Special Branch that had the mandate for monitoring and policing of animal rights and environmentalists. Indeed, as noted above, the NPOIU had grown out of the Animal Rights National Index.

As will be detailed below, at least in Mark Kennedy’s and Carlo Neri’s cases, significant aspects of their relationships with women took place in Scotland. As was pointed out before, the Metropolitan Police have now apologised for these relationships and accepted they violated fundamental human rights.

The question arises how much a Scottish officer seconded to the NPOIU knew about this and had a role in this. This is a point the HMICS Strategic Review has not addressed.

2.2 Paul Hogan

Paul Hogan was a Tayside police officer who was seconded to the National Public Order Intelligence Unit from January 2003 to July 2007. This work was noted on his LinkedIn page, an archive of which has been kept.²⁵

His work for the NPOIU can be summarised as following:

January 2003 – September 2003: Detective Constable - Intelligence Coordination / Field Officer, London. Helped prepare ‘any operational policing response to planned demonstrations where there was potential for extremist activity’...throughout the UK. Presentations to ‘law enforcement bodies within the UK and interested commercial partners such as the pharmaceutical industry, often the victim of unwanted Animal Rights extremism.’

September 2003 – March 2005: Detective Sergeant - Intelligence Manager / Field Officer Administrator, London. ‘Coordinated the activities of five Field Officers who had liaison responsibilities across all Police Forces within the UK. Managed the collection, assessment and dissemination of Domestic Extremism intelligence received through covert operations.’ Helped prepare intelligence gathering for the G8 Summit.

March 2005 – January 2006: Temporary Detective Inspector - Intelligence Gathering Manager NPOIU. National. ‘Leading a team of 19 with a 1/4 million budget I controlled all the department’s covert intelligence assets and ensured legislative compliance.’ Set up collaboration between German authorities and the NPOIU in the run up to the G8 summit in Berlin.

24. Paul Hutcheon, *Police Scotland’s ‘standards chief’ caught up in ‘sex spy’ unit row*, *The Herald*, 13 March 2016 heraldscotland.com/news/14340398.Police_Scotland_s_standards_chief_caught_up_in_sex_spy_unit_row/

25. Paul Hogan, LinkedIn Profile, April 2016. Since deleted but archived at Undercover Research Group powerbase.info/index.php/Paul_Hogan:_LinkedIn_profile

January 2006 – July 2007: Detective Sergeant - Intelligence Manager / Field Officer Administrator, ‘Maintaining my previous responsibilities I operated at a strategic level developing opportunities to improve our covert capabilities and enhance our intelligence gathering.’ Specific interest in Animal Rights, visiting conferences in Finland and other EU member states, developing information sharing protocols.

We note in particular that on his LinkedIn page, Hogan had stated: ‘Leading a team of 19 with a ¼ million budget, I controlled all the department’s covert intelligence assets and ensured legislative compliance’ while a temporary Detective Inspector from 2005 to 2006.

He continued to say he ‘contributed to covert policing activity at the G8 providing logistical support to all officers and particularly those unfamiliar with the location.’

He also ‘made significant contribution to critical plans for the G8 summit to ensure maximum intelligence dividend.

Hogan’s secondment to the NPOIU covers the period that Lynn Watson and Mark Kennedy were active, as well as the G8 Summit.

As was detailed above, Kennedy was engaged in relationships with women he targeted at the time, and took several of these women to Scotland.

It is spelled out in his LinkedIn profile, Hogan was central to the deployment of six German undercover officers in Scotland for the G8 protests.²⁶ As a Scottish officer overseeing this behaviour and supposedly ‘ensur[ing] legislative compliance’, further scrutiny of Paul Hogan’s role could answer a lot of questions about undercover activity in Scotland either involving the NPOIU or other forces at that point in time.

2.3 Ronnie Liddle

Ronnie Liddle is a former Lothian and Borders police officer. From December 2010 to February 2014, he was seconded to the Association of Chief Police Officers as ‘Assistant Chief Constable for Counter Terrorism’. He was formally seconded to ACPO-TAM²⁷ but was based at the Metropolitan Police, where he was co-ordinator of ‘UK Counter Terrorism functions and operations’. As part of this remit he had ‘Responsibility for National Domestic Extremism and Disorder Intelligence Unit, including business engagement’.²⁸

The National Domestic Extremism and Disorder Intelligence Unit was the successor body to the domestic extremism units – which included the NPOIU after a reorganisation in 2011.²⁹ Following the exposure of Mark Kennedy, in 2011 policing minister Nick Herbert announced that the NPOIU was being stripped of the power to run undercover officers on the grounds that ‘it is clear to us all that operationally something has gone very wrong’.³⁰

Liddle’s appointment crosses the period that Scottish police forces were brought under the common Police Scotland banner.

26. For more detail on Paul Hogan, see *Profile of Paul Hogan*, Undercover Research Group, 2016-2018 powerbase.info/index.php/Paul_Hogan

27. Unaudited Financial Statements 2012/13, Lothian and Borders Police Board (presented to Edinburgh City Council on 27 June 2013), pages 86 & 87

28. Ronnie Liddle - Profile, LinkedIn.com, undated, accessed 10 January 2015.

29. A history of the domestic extremism units and the various names and organisational restructures they underwent can be found at: Peter Salmon, *National Domestic Extremism Unit: organisational history*, Undercover Research Group, 2015-2017 powerbase.info/index.php/National_Domestic_Extremism_Unit:_organisational_history

30. Examination of Witnesses (Question Numbers 199-240) Rt Hon Nick Herbert MP, Home Affairs Committee, 18 January 2011 publications.parliament.uk/pa/cm201011/cmselect/cmhaff/695/11011803.htm

His presence demonstrates that Scottish officers continued to play key roles in the units involved in targeting environmentalist and other protestors, including at a very high level. As an Assistant Chief Constable, he would have been of the necessary rank to authorising covert deployments.

2.4 Phil Gormley

Former Police Scotland Chief Constable Phil Gormley has a very involved history with the Metropolitan Police. In 2006, he was Commander of Special Branch, a role that included overseeing the SDS.³¹

As Commander, he would have held the necessary rank to authorise the deployment of undercover officers under RIPA.³² From 2005 to 2008, Gormley was also Secretary of ACPO TAM, and thus had a role in overseeing the activities of the NPOIU, including in Scotland, as was detailed above.³³

To summarise, through the various secondments to the NPOIU and roles within ACPO TAM that we have identified, it is clear that Scotland had a role in the undercover policing operations discussed here, at a management level.

The roles at this level should be investigated in further detail, in order to get the full picture of the Scottish involvement and subsequently its responsibility and accountability for what went wrong.

31. Paul Hutcheon, *New chief constable Phil Gormley linked to Met undercover police 'sex spy' unit*, The Herald, 2 January 2016 heraldscotland.com/news/14178774.new-chief-constable-linked-to-undercover-police-sex-spy-unit/

32. For more detail, see *Profile of Phil Gormley*, Undercover Research Group, 2016 – 2018 powerbase.info/index.php/Phil_Gormley

33. *Deputy Chief Constable Phil Gormley*, Norfolk Police website (archive of website made by Wayback Machine on 25 September 2008 web.archive.org/web/20110825075722/http://www.norfolk.police.uk/aboutus/ourpeople/ccphilgormley.aspx)

3. Evidence of undercover presence in Scotland: Special Demonstration Squad (SDS)

The HMICS Strategic Review coverage of the existing evidence of the activities of English undercover officers is minimal.

This limitation is primarily the result of the limited scope of the HMICS Strategic Review, restricted to the RIP(S)A period between 1997 and 2007.

We note once more that the restriction to this period comes from the ‘expectations’ for the Strategic Review as set out by the Cabinet Secretary for Justice, who asked HMICS to examine the activities of the SDS undercover policing operations carried out in Scotland subsequent to the introduction of the Regulation of Investigatory Powers (Scotland) Act.

As a consequence, the HMICS Strategic Review covers only the last eight years of the unit, including a time when it was being wound down.

It would also be a period in which activities outside of London would have been picked up by the NPOIU rather than the SDS.

Thus, this arbitrary restriction would miss the majority of SDS activity as it may relate to Scotland.

There is no indication in the Strategic Review that the HMICS team made any attempt to interrogate the records of the legacy force Special Branch units, particularly that of Strathclyde.

We acknowledge that HMICS, in reviewing material from Operation Herne³⁴ dating back to 1997, sought to give a more reasonable and wider overview. However, it remains the case that such a survey only captures the last quarter of the unit’s history. This means that accounts of officers abusing women in Scotland before 1997 would be left out.³⁵ Given the fact that their accounts are central to the Undercover Policing Inquiry, this limitation in time gives rise to concern.

It is not clear why the Cabinet Secretary made such a restriction, particularly since the Undercover Policing Inquiry does indeed start at the beginning, the foundation of the SDS in 1968.

However, in doing so, it has prevented the HMICS Strategic Review from investigating human rights abuses, specifically Article 8 and Article 10 violations, including those that have not yet come into the public domain. Having set out our concern with the limits of the assessment, we will now examine the information provided by the HMICS about actual activity of undercover officers in Scotland.

There is a key paragraph in the Strategic Review (Para. 167) that we cite here in full to discuss it in detail:³⁶

HMICS believe that in a ten year period between 1997 and 2007 the SDS deployed 11 undercover officers to Scotland. Deployments were aligned to a range of groups including terrorist, anarchist and anti-capitalist activity and were time limited to a few days as opposed to long term community infiltration. The purpose of these visits was connected with activities

34. Operation Herne is the ongoing police investigation into the undercover policing scandal started in October 2011 after the exposure of Mark Kennedy in early 2011. It has since become the main source of information and material to the official Undercover Policing Inquiry.

35. For the experiences of women who spent time in Scotland in their relationship with an undercover officer before 1997, see the Police Spies Out of Lives support group website: Alison’s Story, policespiesoutoflives.org.uk/our-stories/alisons-story-new/ and Helen’s Story policespiesoutoflives.org.uk/helens-story/

36. NB. To the best of our knowledge, this is also the first mention of the SDS conducting infiltration against groups engaged in terrorism. To date, any understanding of SDS activities have focused on protest and what is currently termed ‘domestic extremism’.

elsewhere in the UK and often in regard to legend building and maintaining their covert status within the target group. Excluding G8, we established that in a ten year period between 1997 and 2007 there were six SDS officers who visited Scotland on 11 occasions comprising a total of 28 days. From the records held by Operation Herne, it does not appear that Scottish police forces were sighted on these deployments.

The HMICS distinguishes between undercover officers deployed to the protests around the G8 summit in Stirling in 2005, and those who came to the country separate from that.

The SDS undercover officers attending the G8 Summit 2005 that we know of were ‘Jason Bishop’, ‘Dave Evans’ and ‘Simon Wellings’.

Outside of the G8, there are three SDS undercover officers known to have visited Scotland: John Dines (before 1997), Mark Jenner and ‘Carlo Neri’. All three were in significant relationships and were living with women they had targeted at the time of their visits to Scotland.

With one exception, their visits all can be categorised as ‘part of maintaining their cover and legend building’, the HMICS explicitly mentions the role that such relationships played in maintaining that.

The exception mentioned relates to the activities of ‘Carlo Neri’, who visited for purposes other than solely maintaining his cover, but nevertheless the visits had a significant relationship element as is detailed below. Before we detail what we have found out about the activities in Scotland of the identified undercover officers, first a crucial observation about the wording in the HMICS Strategic Review describing these and the possible implications.

In the HMICS Strategic Review, we note a certain interchangeability in terminology between the words ‘deployed’ and ‘visited’. While a visit may in theory be innocuous, a deployment is something specific and implies that the visits were sanctioned.

This is important, because it demonstrates oversight and belies the suggestion implicit in the above text that the visits were of low significance. Indeed, the HMICS Strategic Review concludes paragraph 165 by explicitly stating:

...during the course of Operation Herne it has been established that SDS undercover officers were deployed to Scotland.

The purpose of these deployments are not explained in the Strategic Review, whether they were for gathering intelligence, or simply for maintaining the cover story.

If the purpose of the deployments was exclusively the maintaining of the cover story, we have reasons to contest that – as we have found opposite, as set out below.

Apart from that, the maintaining of the cover was almost exclusively done through the officers’ relationships, which is problematic in itself. Coming to Scotland with their partner, because it would be conspicuous in terms of their cover not to go and thus risky, is not as innocent as it may seem.

Undercover officers targeting unsuspecting women for (often long-term) relationships is a practice that after a long legal fight by women involved the Metropolitan Police have offered an apology for.³⁷ They have admitted

37. The full text of the Metropolitan Police Service apology to the women targeted for intimate relationships by SDS and NPOIU undercover officers, as delivered by Assistant Commissioner Martin Hewitt, can be found at Police Spies Out Of Lives website policespiesoutoflives.org.uk/text-of-apology-from-met-police/

the relationships breached Articles 3 and 8 of the European Convention of Human Rights, the right to a private and family life, and the right not to be subjected to torture or to inhuman or degrading treatment.³⁸

The HMICS Strategic Review fails to acknowledge the degree to which the officers' breaches of the fundamental human rights of those women were perpetrated in Scotland.

3.1 John Dines - SDS

John Dines was deployed by the SDS from 1987 to 1991 as 'John Barker', targeting London animal rights activists, anarchists and environmental / social justice campaigners London Greenpeace.

In 1990 he started a relationship with London Greenpeace activist Helen Steel and in June that year they visited Scotland on holiday.³⁹ A few months later they would get a flat together in Tottenham, which they shared for a year, after which he vanished from her life – leaving her emotionally traumatised.⁴⁰

This predates the search period of the HMICS.

3.2 Mark Jenner - SDS

Mark Jenner was deployed from 1995 to 2000 into left wing and social justice campaigns in north London. He used the name 'Mark Cassidy' and for much of his deployment lived with one of the women he targeted, 'Alison',⁴¹ the relationship starting in spring 1995.⁴²

We have interviewed Alison.⁴³ She said she and Jenner made two visits to Scotland, both for holidays and involving no political activity. One was a New Year's Eve visit to the Cairngorms early on in their relationship; a second was a camping trip to Applecross in 1998. She recalled how while they were in the Scottish Highlands in Jenner's van, they were pulled over by two uniformed police officers, whom Jenner chatted to.

Alison has confirmed to us the significance of these holidays in 'solidifying their relationship', describing them as both 'idyllic and important'. They were among the first trips they took together, and Jenner was able to demonstrate the sort of capable qualities that convinced Alison to trust him in a relationship.

One of the groups revealed by the Undercover Policing Inquiry as targeted by Jenner was the Republican Forum. Though not fully explored, it appears that Scottish campaigners for a republican government (as opposed to a monarchy) were involved or somehow connected to this group.⁴⁴ It is not clear to us why such a group seeking lawful democratic change would be spied upon.

38. Personal communication: that Metropolitan Police have accepted that in the case of Kate Wilson before the Investigatory Powers Tribunal that her treatment amounted to breaches of Article 3 and 8 of the ECHR. More on this can be found at *Spycops Relationships Amount to Torture, Met Admit*, Campaign Opposing Police Surveillance, 7 December 2017

campaignopposingpolicesurveillance.com/2017/12/07/spycops-relationships-amount-to-torture-met-admit/

See also for background for Ms Wilson's Investigatory Powers Tribunal case, *Police seek to avoid accountability in Human Rights case over abusive relationships by undercover officers*, Police Spies Out Of Lives, 2017

policespiesoutoflives.org.uk/human-rights-hearing1/

39. *Undercover Police Officers*, Women's Hour, BBC Radio 4, 18 October 2013

bbc.co.uk/programmes/b03cv46z

40. For more detail, see Eveline Lubbers, *Profile of John Dines*, Undercover Research Group, 2016

powerbase.info/index.php/John_Dines

41. 'Alison' is a core participant in the Undercover Policing Inquiry. She is also the subject of an order to protect her identity, and uses this pseudonym for where her story appears in public.

42. Interview with Alison, 3 September 2014 See: *Profile of Mark Jenner*, Undercover Research Group, 2015-2018

powerbase.info/index.php/Mark_Jenner.

43. Interview with Alison, conducted 25 May 2018

44. For more detail, see *Profile of Mark Jenner*, Undercover Research Group, 2015-2018

powerbase.info/index.php/Mark_Jenner

3.3 Carlo Neri - SDS

'Carlo Neri' is the cover name of the SDS undercover officer who infiltrated the Socialist Party of England and Wales from 2001 to 2005. The Socialist Party has consistently engaged electoral politics, either as Socialist Alternative or through common platforms with other groups such as the Trade Unionist and Socialist Coalition.

While deployed into the group, Neri actively sought out relationships with those he was targeting, first confirmed by those who knew him interviewed by the Undercover Research Group.⁴⁵ He had two long-term relationships with women who have come forward to speak about it publicly. They have since both been accepted as core participants in the Undercover Public Inquiry, under pseudonyms to protect their families.

3.3.1 Carlo Neri – Relationship with 'Andrea'

One of these women, known as 'Andrea'⁴⁶ is originally from Scotland and had a two-year relationship with Neri, from autumn 2002 to late 2004. This included him moving into her house and even proposing to her, at a time when it is now known that his then-wife was expecting a child.

Andrea is a core participant in the Undercover Policing Inquiry and is considering taking further action against Neri with regards to misconduct, while a civil case is ongoing. Carlo Neri recently retired from the Metropolitan Police.

We have interviewed Andrea⁴⁷ about the importance of the visits to Scotland for their relationship.⁴⁸ She recalls at least four trips starting in November 2002, which amounted to a total of at least 20 days.

According to Andrea, the visits were very much integrated with her family life, and included sharing significant moments, such as her sister's graduation from Glasgow University and the aftermath of the funeral of her grandmother. They spent a lot of time with her immediate family and close friends in Scotland to the point that he was able to build up separate relationships with them, and contact them independently. Andrea's mother would get him presents. Neri babysat for friends of Andrea. He also attended the scattering of her grandmother's ashes, a particularly private event.

Andrea stated:

These people included school and other friends from all different parts of my life, people who were not political active in any way. Yet, Carlo made the effort to embed himself in our and their lives to a depth that was simply not necessary to maintain his cover, gaining considerable trust among them.

They have been considerably upset on discovering the deception practised on them.

When Andrea became engaged to Neri, they talked of moving to Glasgow as part of how they saw their relationship developing.

Carlo Neri is not mentioned specifically in the HMICS Strategic Review, although the period of his deployment is within the report's remit.

45. Profile of 'Carlo Neri', Undercover Research Group, 18 January 2016
powerbase.info/index.php/Carlo_Neri_(alias)

46. 'Andrea' is a core participant in the Undercover Policing Inquiry. She is also the subject of an order to protect her identity, but uses this pseudonym for where her story appears in public.

47. Interview with 'Andrea', 25 May 2018.

48. Also see: Paul Hutcheon, 'My lover, the undercover cop' Victim of secret policeman tells of their life in Scotland, The Herald, 15 January 2017
heraldscotland.com/news/15024407.____My_lover_the_undercover_cop____Victim_of_secret_policeman_tells_of_their_life_in_Scotland/

The analysis of visits by SDS undercover officers to Scotland effectively says these were not part of public order issues but rather to protect the cover story ('legend building') of the officers.

As Neri's known visits to Scotland were all done through his relationship with Andrea, the natural inference then follows that the relationships were part of the cover story.

Given the relationships have been admitted by the Metropolitan Police as violations of Article 3 human rights, in our opinion this must equally apply to activities conducted in Scotland.

3.3.2. Carlo Neri: Scottish Socialist Party

Through Andrea's family connections, Carlo Neri was able to socialise with active members of the Scottish Socialist Party (SSP) when visiting Glasgow. Andrea recalled in particular one night organised by her sister at which Neri spent the evening talking with a friend of MSP Tommy Sheridan, then head of the party.

As Neri was tasked to infiltrate the Socialist Party (of England and Wales), it is likely he would have reported back on his contacts with the SSP. At that point, the party had just seen a further five members elected to the Scottish Parliament.⁴⁹ No mention is made in the HMICS Strategic Review to what degree this was known of by legacy police forces, a notable deficiency.

We particularly note that much of this activity involving Neri would have taken place in Glasgow, under the jurisdiction of what was then Strathclyde Police.

Furthermore, no mention is made in the HMICS Strategic Review of the appropriateness of targeting groups involved in the normal democratic process and electoral politics, nor of what information was passed back or onto other services by the SDS.

3.3.3 Carlo Neri: Public Order - Stiff Little Fingers concert

Not all of the visits of Neri with Andrea to Scotland were just to protect his cover, but one indeed included a public order aspect.

Around October / November 2002, Neri insisted on going to a concert put on by the band Stiff Little Fingers' at the Grand Hall, Kilmarnock. He had told Andrea there were rumours of an attack by activists from neo-Nazi group Combat 18 and that clashes were expected.

In Andrea's words:

He made a point of going to that gig. He bought tickets for not only for the pair of them, but as well for family and friends of mine from Glasgow. It was also a reason for us to visit my family early on in our relationship.

Andrea recalls that far-right activists indeed made an attempt to disrupt the concert, and that Neri was involved in the response by concert-goers, albeit on the edge of things rather than central to it. She does not recall police being present, but believes it would have been very likely that they were made aware of the situation - officially. Other campaigners from London, who were known to Neri, travelled to the concert too.

49. It is also of concern that the Scottish section of the Socialist Workers Party (SWP) had in 2001 dissolved itself into the Scottish Socialist Party. From material released by the Undercover Policing Inquiry, as is explained in the Report, it is known the SWP were the singularly most targeted group by the Special Demonstration Squad and the degree to which activities of its Scottish branch would have been reported on is a matter which should be investigated. See also: Faslane protest and the Timex strike, p41-44.

This account indicates there was a specific tasking of an SDS undercover to cover a public order issue in Scotland. This would have required authorisation from the relevant local police force, and using as part of that cover Neri's relationship with Andrea.

The HMICS Strategic Review does not appear to cover this situation.

4. Evidence of undercover presence in Scotland: National Public Order Intelligence Unit

The National Public Order Intelligence Unit existed from 1999 to 2011. The HMICS Strategic Review states that ‘in the seven-year period between 2003 and 2010 the NPOIU deployed nine undercover officers to Scotland’. (para. 171)

Unlike with the SDS officers, the Strategic Review makes no attempt to break down the number of days this amounted to or the nature of their presence.

However, much of our analysis of the problems with the Strategic Review’s approach to SDS presence in Scotland applies to its examination of the NPOIU as well.

As with SDS undercover officers, the Strategic Review refers to the visits of NPOIU undercover officers in Scotland as deployments. This implies that the presence of the officers was authorised. As such, under RIPSAs, deployments required to be signed off by an officer of Assistant Chief Constable rank from the relevant legacy forces.

We note that the Strategic Review stops short of elaborating on the authorisation of these deployments.

Furthermore, the Strategic Review fails to state whether or not any Scottish police officer had ever been seconded to the NPOIU in an undercover role, or whether the NPOIU had deployed an undercover officer specifically into Scotland for the purposes of targeting groups based there.

We do not know for sure that the nine NPOIU officers deployed in Scotland in the period 2003-2010 include the six NPOIU officers the Strategic Review says were deployed during the G8.

Assuming that the total of nine does indeed include these six, this leaves a shortfall of three officers otherwise unknown who have been explicitly deployed to work in Scotland.

One of these nine is acknowledged as Mark Kennedy, and the Strategic Review states that outside of the G8 Summit, ‘we consider there was no routine engagement with Scottish police forces and that the service would have been unsighted on his visit’. (para. 173)

This carefully constructed phrasing is not being applied to the other officers and we are left with an ambiguity in the Strategic Review as to whether the same can be said of them, opening the possibility that their visits indeed did have sight of Scottish police forces.

Similarly, we question the implicit test that the Strategic Review is applying uncritically, that of whether a police force had sight on the deployment. This singularly fails to address issues of authorisation or knowledge by the relevant forces, or whether the activities were appropriate or lawful in light of what is now known of the activities of these undercover officers.

A final general point is regarding intelligence gathering on a national level as it pertained to Scottish campaigners.

A good number of Scottish activists we spoke to recalled that they interacted with NPOIU undercover officers on multiple occasions outside of Scotland, including outside of the United Kingdom. These interactions will have been noted and recorded by these officers, and formed part of the intelligence gathering conducted on the activists.

When put in relation to the subsequent police monitoring that they experienced in the wake of encountering these undercover officers, there is a strong *prima facie* case to be made that this monitoring was based on intelligence received from these officers.

It demonstrates that Scottish activists were affected on both a Scotland and UK-wide level.

This is in line with the NPOIU having a national remit and being supported by ACPO (Scotland). It is yet another reason, why the impact of the NPOIU cannot simply be restricted to England and Wales.

Likewise, given the active role of Scottish campaigners in climate change groups taking action in England, including but not limited to the Camp for Climate Action, it would be surprising if there was not a more pro-active monitoring of Scottish activists by the NPOIU than what has been learned to date.

As discussed in the case of ‘Ryan’ and Harry Halpin below, there is evidence this did in fact happen.

The limited view of NPOIU activity taken by the HMICS in their Strategic Review is therefore untenable when one considers the accounts of those targeted.

In the next sections we look at NPOIU activity in Scotland outside of the G8 Summit, which shall be dealt with separately.

4.1 Mark Kennedy - NPOIU

Mark Kennedy was a Metropolitan Police officer, who was deployed by the NPOIU into environmental groups from 2003 to 2010.⁵⁰ During this time, he conducted multiple relationships with women in those groups – for which the Metropolitan Police have offered an apology and have admitted they breached Article 3 and 8 of the ECHR as was related above.

The HMICS Strategic Review states:⁵¹

[Kennedy] visited Scotland on at least 17 occasions with multiple activities during each visit.

Most of his visits to Scotland were recorded as legend building and his activities included hill walking, cycling and mountain climbing. These were not long-term deployments, generally amounting to no more than a few days and over the course of his confirmed visits to Scotland his average stay was about a week. Apart from the G8 Summit, which was the main focus of his activity, we consider that there was no routine engagement with Scottish police forces and that the service would have been unsighted on his visits.

This corresponds to a large degree with what people have told us of their time with Kennedy in Scotland, he accompanied other campaigners and their friends in outdoor expeditions, on what were mainly social occasions. A number of times, he would have been accompanied by women he had targeted for intimate relationships. This is the same pattern as seen with SDS officers John Dines, Mark Jenner and Carlo Neri discussed above.

It should be noted, however, that a number of Kennedy’s visits, including those around the G8, would have given him access to Scottish campaigners in Glasgow and Edinburgh, so providing him scope to feed back on

50. For more detail, see *Profile of Mark Kennedy*, Undercover Research Group, 2011 powerbase.info/index.php/Mark_Kennedy

51. HMICS, Strategic Review of Undercover Policing in Scotland, paras 172 & 173 hmics.scot/sites/default/files/publications/HMICS20180207PUB_0.pdf

their activities.

Conversely, it is known that there were Scottish activists involved in the Drax coal train action, in which a train delivering coal to the Drax power station in England was occupied by climate change protestors. This included Scottish activists amongst the many people Kennedy was ferrying back and forth to the site of the action in a minibus that day.⁵² There are other known incidents where Kennedy had opportunity to report back on Scottish climate activists when they attended activities in England. This included several Camps for Climate Action and at the planned occupation of Ratcliffe-on-Soar power station in April 2009.⁵³

4.1.2 Mark Kennedy - Camp for Climate Action meeting

In the run up to the 2008 Camp for Climate Action, which took place at Kingsnorth coal-fired power station in Kent, the organisers held a meeting in Glasgow. The meeting was notable for the lack of an overt police presence, something that was commented on at the time as unusual.

Mark Kennedy is distinctly recalled as being present and singling out one Scottish campaigner, 'Ryan' for particular attention. Ryan went on to experience ongoing police interest over the next few years, something he traced to that initial encounter with Kennedy in hindsight.⁵⁴ Ryan continued to meet Kennedy over the next several years and in situations where he believed Kennedy very likely passed back information on his activities, something we have confirmed with others who knew both Ryan and Kennedy.

Kennedy's attendance at this meeting would have been part of his undercover deployment. As National Domestic Extremism Coordinator, ACC Anton Setchell noted at the time, Kennedy was placed at the 'priority area' of the domestic extremism units – of which NPOIU was a central part.⁵⁵

Given this, it seems highly likely that Kennedy's presence in Scotland was part of an ongoing operation and it is curious that the HMICS Strategic Review does not adequately address such an obvious example of a deployment.

4.1.3 Mark Kennedy - Relationship with Sarah Hampton

Sarah Hampton is one of the female activists targeted by Mark Kennedy for a relationship.⁵⁶ We have interviewed her for this report.⁵⁷ They encountered each other in Ireland during an educational project raising awareness of issues around the G8 Summit.

Their relationship continued in Scotland during the period of the G8 Summit itself with most time spent at the protest camp in Stirling, and a night away to Loch Lomond. Also included was a visit to Edinburgh spending the night at the media centre set up by anti-G8 protestors ('Counter Spin Collective'), with Kennedy bringing a bottle of whisky.⁵⁸

Ms Hampton believes that Kennedy provided specific intelligence on her during their time in Scotland. She recalls one incident during the 'Carnival for Full Enjoyment' in Edinburgh where police had contained protestors and she was helping improve communications to resolve the situation. During this, she was singled out for harassment by police while others were being let go. She was pulled to one side by police who were

52. Interview with 'K', anonymous, 26 May 2018. Interview with Merrick Badger, 7 June 2018

53. Interviews with several climate change campaigners who encountered Mark Kennedy on various occasions including protest events, May / June 2018

54. Interview with 'Ryan', 6 June 2018.

55. ACC Anton Setchell, Note in support of authorisation of Mark Kennedy to take part in the Drax coal train action, 7 July 2008
bristlingbadger.blogspot.com/2015/04/sitting-in-spycops-priority-area.html

56. Paul Hutcheon, *Undercover officer Mark Kennedy had intimate relationship with woman he spied upon in Scotland*, Sunday Herald, 6 December 2015
heraldscotland.com/news/14126906_Undercover_officer_slept_with_me_while_he_was_spying_in_Scotland/

57. Interview with Sarah Hampton, 24 May 2018

58. Account corroborated by Jason Kirkpatrick, interviewed 24 May 2018

clearly able to identify her and who called through to superior officers as to whether she should be let go or not.

She strongly emphasises there was nothing in her action which could have been interpreted as a risk to public order; if anything, it was likely the opposite.

She described the time they spent together in Scotland as the high point of their relationship and the most time they spent together, though they continued to visit each other after this.

Hampton is a core participant in the Undercover Policing Inquiry, and also received an apology from the Metropolitan Police Service.

4.1.4 Mark Kennedy - Relationship with 'Lisa'

Lisa is the pseudonym of an activist who was in a six-year relationship with Mark Kennedy.⁵⁹ She was able to provide considerable insight into his trips to Scotland outside of the G8 Summit.⁶⁰ In 2003, prior to their relationship, Kennedy organised a week long mountaineering trip to Scotland which Lisa believes was done to target a high-profile campaigner based in England.

After the first one, the trip became a yearly event taking on a momentum of its own, with the couple visiting each February for a week. The venue would change, including Fort William and Aviemore. Though the trips involved environmental campaigners, they were non-political in nature, and as such not necessary for Kennedy to maintain his cover.

Lisa stated that these trips took place each year of their relationship and they both attended together. On two occasions, Kennedy and Lisa hired a cottage a week before the trip to spend time together as a couple without others present.

Discussing Scotland, Lisa was explicit that 'Scotland was a character in our relationship', going on to say:

It was hugely important to both of us. In Nottingham, Mark was often distracted and stressed by stuff. The holidays in Scotland gave us a lot more headspace to work things out, so the trips there were vital to our relationship, and led to us planning further trips abroad.

She noted the high degree of 'collateral intrusion',⁶¹ as friends of friends who attended these holidays were spied upon as well – just because they happened to be present. Lisa was not engaged in organising around the protests for the G8 Summit. However, it was Kennedy who encouraged her to attend the 'Festival of Dissent' in Lanarkshire several months before the Summit. This was an event to organise for the G8 protest. However, while there, Kennedy focused on his relationship with Lisa, using it as an excuse to miss meetings.

The 'Festival of Dissent' also set the groundwork for another event of relevance to Kennedy's deployment. It was while she was there, that Lisa met environmental activists from Iceland who were resisting the building of a dam in that country. Lisa wished to go to Iceland to take part in the campaign, and Kennedy expressed interest, eventually saying he would go as well.

Given the harsh conditions of the protest camp in Iceland, those who were interested took part in a preparation

59. 'Lisa' is a core participant in the Undercover Policing Inquiry. She is also the subject of an order to protect her identity, but uses this pseudonym for where her story appears in public

60. Interview with Lisa, 26 May 2018

61. 'Collateral intrusion' is the term given to 'the risk of interference with the private and family life of persons who are not the intended subjects of the covert human intelligence source activity' - from *Covert Human Intelligence Sources Code of Practice*, Home Office 2010, para. 3.8, as cited in the *An Inspection of undercover policing in England and Wales*, HM Inspectorate of Constabulary, 2014
justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/an-inspection-of-undercover-policing-in-england-and-wales.pdf

weekend camping and hiking in the Cairngorms. Kennedy was one of the main co-ordinators for this weekend. This is clearly preparation that goes beyond legend building.

Lisa also noted that the weekend and the subsequent trip to Iceland were fundamental in the development and ‘cementing’ of their relationship to something beyond a casual basis.

The trip to Iceland followed immediately after the G8 Summit, Kennedy met up with Lisa and other activists in Aberdeen to get a ferry – which included a stop-over in the Shetlands to spend the night there.

Lisa is a core participant in the Undercover Policing Inquiry, and was one of the women whom the Metropolitan Police Service apologised to for the relationships into which they were deceived.

4.1.5 Mark Kennedy - The Harry Halpin case

Dr Harry Halpin, an American citizen, was a PhD student at Edinburgh in the late 2000s. We have interviewed him for this report.⁶² An environmentalist who was active in the Camp for Climate Action, he encountered Mark Kennedy during the G8 Summit protests and at other events in the UK and the two stayed in touch. Halpin believes he was targeted in particular as he had international contacts in the global climate change movement.

In the late 2000s, Halpin was networking with climate change campaigners in the run up to the large UN climate summit due to take place in December 2009 in Copenhagen. Following an email exchange, Kennedy offered him a lift to a meeting in Denmark in March; he drove to Scotland, stayed over at Halpin’s house and they subsequently took a ferry together.⁶³

Halpin attended the COP climate summit in Copenhagen as an official delegate, but was targeted by name for arrest and badly beaten. He was later released without charge.

In the aftermath of that trip Halpin experienced a considerable increase in police harassment, particularly at borders, including being held at the English border under Schedule 7 of the Terrorism Act, and ascribes this to Kennedy mislabelling him in police files.

The harassment included his supervisor, Henry S Thompson of the University of Edinburgh’s School of Informatics, being contacted repeatedly about him including at home by a Scottish police officer by the name of George Hogg.

Halpin eventually gave an interview to Hogg in the presence of his lawyer Aamer Anwar, and discovered the police attention was related to environmental activists in France.

Halpin had befriended Julien Coupat, Yildune Levy and other activists living in a small village in the countryside called Tarnac. The friendship started before the French activists were accused of terrorism for sabotaging a high speed trainline in 2008. The charges led to a high-profile trial lasting a decade and the defendants were only acquitted in April 2018.

It was Julien Coupat who introduced Kennedy to Halpin.

62. Interview with Dr Harry Halpin, 3 June 2018

63. According to the 2012 HM Inspectorate of Constabulary report, ‘A review of national police units which provide intelligence on criminality associated with protest’, Kennedy took an unauthorised trip to another country in 2009. Specifically it stated: ‘he defied instructions and worked outside the parameters set by his supervisors by accompanying a protestor abroad in 2009.’ People who investigated Kennedy’s activism undercover have deduced that he most likely made only one trip that year, to Copenhagen with Harry Halpin. See: *Kennedy in Scotland and Denmark, Working for USA?*, Campaign Opposing Police Surveillance, 11 August 2016 campaignopposingpolicesurveillance.com/2016/08/11/kennedy-scotland-denmark-working-usa/

Not many details of Kennedy's involvement in the Tarnac affair are in the public domain yet. What has been discovered through disclosure in several different legal cases is that he reported on the Tarnac group at the request of the French police, and to the FBI about a meeting in New York in 2008 attended by, amongst others, Halpin, Coupat and Levy.⁶⁴

In 2012, Kennedy was accused of making false claims which had led to the initial arrests in Tarnac.⁶⁵ That the NPOIU was actively interested in people relating to Tarnac is confirmed by a document found in unpublished disclosure in the 'Drax Coal Train' legal action of 2008. There is a particular line written by an unnamed NPOIU officer who handled intelligence in relation to the Drax action, stating:

Instructed to put 5x5 on re Halpin visiting Julien at his farm.

Julien is Julien Coupat, a leading figure in the Tarnac trial. 5X5 refers to a specific intelligence form used as part of the National Intelligence Model. Halpin did not take part in the Drax action.

Ultimately, harassment was the cause of Halpin leaving Scotland a few years ago.

Nevertheless, Halpin's problems have continued to this day despite his position as a leading computer scientist. For example, in 2015 he was held at the Scottish border when he was invited to speak at the 'Socially Extended Knowledge' conference in University of Edinburgh.

Harry Halpin's account raises two queries. From the subject matter of the interview that Halpin had with the Scottish police it is highly likely that it was conducted by or at the behest of Special Branch.

The case demonstrates Kennedy targeting a Scottish resident in a way that goes above and beyond what is acknowledged in the HMICS Strategic Review. Since local Special Branch seem to have been active in the matter, the case around Halpin requires further investigation.

The NPOIU had an interest in a Scottish-based protestor and his international contacts. Kennedy targeted him and the Tarnac group. For Dr Halpin this resulted in harassment that made him leave Scotland. The Tarnac group were wrongfully accused of terrorism partly based on false claims in intelligence reports fabricated by the same NPOIU undercover officer.

Given the centrality of Scotland to this situation, an inquiry which does not include the activities of undercover officers in Scotland will not adequately explore this matter.

We believe the Harry Halpin case alone requires a full investigation.

4.2 Lynn Watson - NPOIU

Lynn Watson was as an undercover officer from 2002 to 2008 and as such a contemporary of Mark Kennedy, targeting many of the same political groupings as he did.⁶⁶ As well as being present at the G8, she is said to have attended at least one blockading action conducted by peace group Trident Ploughshares at HMNB Clyde, Faslane in or about 2003/2004.⁶⁷ Jane was a Trident Ploughshares activist at the time, and we have interviewed

64. Colin Moynihan, *New Twist in British Spy's Case Unravels in US*, The Lede / New York Times, 15 March 2015
thelede.blogs.nytimes.com/2013/03/15/new-twist-in-british-spys-case-unravels-in-u-s/

Also: Tom Peterkin, *Victims of Police spying accuse Theresa May of cover-up*, The Scotsman, 30 July 2016
scotsman.com/news/politics/victims-of-police-spying-accuse-theresa-may-of-cover-up-1-4190453

65. Anqelique Chrisafis, Rob Evans & Paul Lewis, *Police spy Mark Kennedy accused of fake claims in French case*, The Guardian, 8 November 2012
theguardian.com/uk/2012/nov/08/mark-kennedy-accused-fantastist-french

66. *Profile of Lynn Watson (alias)*, Undercover Research Group, October 2015
powerbase.info/index.php/Lynn_Watson_(alias)

67. Dr Sian Jones, *Of sledgehammers and nuts: counter-terrorism and anti-nuclear protest*, ActionAWE, 2016

web.archive.org/web/20160529220537/http://actionawe.org/of-sledgehammers-and-nuts-counter-terrorism-and-anti-nuclear-protest/

her for this report.⁶⁸ She plainly recalls her interactions with Lynn, first speaking on the phone in relation to monitoring nuclear convoys.

They met in person when Lynn visited a peace camp that had been temporarily established at the Coulport site in Scotland. This was a distinct event from the G8 protest. Lynn called in for the day and introduced herself. There was no particular reason for her to be in what was otherwise an out of the way area. With hindsight, it had the hallmarks of an intelligence gathering visit.

Jane also remembers Ministry of Defence Police being present and monitoring the site, including recording license plates of those attending the camp. If this is the case, it is not clear why the HMICS Strategic Review does not adequately address this.⁶⁹ Other peace campaigners have said that Watson is likely to have had opportunities to gather intelligence on activities around Faslane through her presence at the Aldermaston Peace Camp at the start of her deployment and involvement with campaigners there.

If this is the case, this would have been a specific and authorised deployment. The appropriateness of the authorisation of such a deployment into a group that is avowedly pacifist would require examination.

4.3 “RC”

RC is an individual strongly suspected by campaigners as being an undercover police officer, who infiltrated animal rights groups in Bedfordshire, Northamptonshire and Oxford from 2002 to 2006. He has not (yet) been confirmed by the Undercover Policing Inquiry, so for now his identity is not being publicly released other than to use the initials of the name he gave fellow campaigners.⁷⁰

RC is known to have done one trip to Scotland circa 2002, when he took part in the protests against the hedgehog cull on the island of Uist.⁷¹ A group of animal welfare charities had set up an operation to rescue and rehome hedgehogs at risk, and volunteers were travelling to the island to assist. RC came by himself, but associated himself with other animal rights activists participating in the rescue there. It is unclear what value such a deployment was aimed and what it would have achieved.

4.4 G8 Summit

In this section we will look at the individual undercover officers that we know attended the protests against G8 Summit in Stirling, in July 2005.

For the SDS the following undercover officers were present: ‘Jason Bishop’, ‘Dave Evans’ and ‘Simon Wellings’, and for the NPOIU the two mentioned above: Mark Kennedy and ‘Lynn Watson’. All of these undercover officers have been identified by campaigners in the past few years and have since been confirmed by the Undercover Policing Inquiry.

Before we provide more detail about their activities, first, some general observations.

The HMICS Strategic Review notes that there were 18 undercover offices deployed during the G8 Summit of 2005, six each from the SDS and NPOIU, and another six from the ‘wider undercover cadre’.

It is not explained if these refer to officers from legacy Scottish forces, or that these officers were coming from

68. Interview with Jane, 1 June 2018

69. Interview with Jane, 1 June 2018

70. *Profile of ‘RC’ (alias)*, Undercover Research Group
[powerbase.info/index.php/RC_\(alias\)](http://powerbase.info/index.php/RC_(alias))

71. Interviews conducted with two separate volunteers who were part of the hedgehog rescue effort and recalled ‘RC’s presence.

other forces UK wide, or from other countries.

From answers to questions in the German Parliament, it is known that six undercover officers from that country were deployed among the G8 protestors.

The HMICS Strategic Review entirely ignores these deployments, and it is unclear why.

An overview of the cooperation with the German authorities (or the lack thereof), the controls placed on the undercover officers, and what role they had in the protests is an indispensable element of a comprehensive strategic review.

The fact that it is not included in the Strategic Review brings up questions about accountability, and a missed opportunity to examine potential miscarriages of justice.

Furthermore, RIP(S)A authorisation for all deployments during the G8 summit was, according to the Strategic Review, done by Tayside Police in whose area the Summit was taking place (para. 177).

Many of the campaigners, however, also congregated in or near major conurbations: Glasgow (Strathclyde), Stirling (Central) and Edinburgh (Lothian and Borders).

The Strategic Review does not explain how the authorisation for these parts of the deployments was arranged. Finally, it is worth mentioning that a number of activists noted that the presence of NPOIU overt officers noticeably increased post G8. For instance, the NPOIU were not observed at Faslane Peace Camp until the protest which occurred during the G8, but their Evidence Gatherers were regular visitors thereafter.⁷² Additionally, several people said that following encounters with Kennedy they received exceptional and unwarranted police surveillance.⁷³

4.4.1 Mark Kennedy – NPOIU – G8 Summit

Mark Kennedy was an active member of the Dissent! network, which was the principal group through which anarchists, environmentalists and other non-aligned people organised through, ahead of the protests.

Dissent! participated in organising a number of the protests and ‘convergence centres’, particularly the ‘Eco-village’ based at Stirling, a large temporary campsite established to house many of the protestors. As such he attended a variety of meetings, including one in Lanarkshire over 4th-10th April 2005, mentioned above, labelled the ‘Festival of Dissent’.⁷⁴

While there, Kennedy would have been in a position to learn more about Scottish campaigns⁷⁵ including the campaign against the M74 motorway expansion, JAM74.⁷⁶ Some of those interviewed said he attended other meetings in Scotland ahead of preparations for protests.

His main role during the G8 protests was as a co-ordinator of transport at the Stirling Eco-village. As such, Kennedy was part of logistics for the event and a number of times he drove to Edinburgh and Glasgow and

72. Interview with Jane T, 6 June 2016

73. Interview with ‘Ryan’, 6 June 2018

74. Kennedy’s presence at this event has been confirmed to us by some of those who had attended. A notice of the aims and purpose of the event can be found at ‘*The Festival of Dissent*’, Dissent! G8, 2005, hosted at Nadir.org
nadir.org/nadir/initiativ/agp/resistg8/actions/festival_of_dissent.pdf

75. *G8 Climate Action Update*, Dissent!, April / May 2005. An archived note of climate related discussions and protests around the G8 summit including feedback from Festival of Dissent

dissent-archive.ucrony.net/dissent-uk-2005/content/view/176/126/

76. *Joint Action against the M74*, 2005, archive of the campaign’s website at JAM74.org.uk, as held at Archive.org
web.archive.org/web/20050818113607/http://www.jam74.org:80/

visited key places (see for example the visit to the media centre noted in Sarah Hampton's account). Kennedy was aware of a number of planned protests and is known to have driven for one of them, a demonstration carried out by the 'Clown Army', thus facilitating the protest.

Jason Kirkpatrick, who was involved in the media outreach group, the 'Counter Spin Collective' which sought to put across the message of the various protestors around the Summit, has expressed concern over the visit by Kennedy to the groups' rented offices. Following the visit, he noted that the office developed a number of technical problems and their ability to do outreach was hampered.^{77 78}

Mr. Kirkpatrick was a friend of both Sarah Hampton and Kennedy. Kirkpatrick subsequently invited the couple to come to the office to relax in the midst of the stressful preparations around the Summit protests.

Additionally, he noted that just before the Summit opened, police sublet another office in the building for a 'drug awareness day'.

Given that police units were being drafted in from across the country to support the Scottish police security operation, we find Kirkpatrick's suspicion this was part of an active monitoring of the office which Kennedy participated in to be worthy of further investigation. If it is confirmed, it raises issues of interference with freedom of speech and the press.

4.4.2 Lynn Watson – NPOIU – G8 Summit

At the time of the G8, Lynn Watson was living in Leeds where she had primarily associated with social justice campaigners and environmentalists – particularly those connected with Earth First! Through these, she became involved in the UK Action Medics collective. It was in this capacity that she attended the G8 protests, being based in Edinburgh.

The nature of the Action Medics group was that it would provide first response medical assistance to those injured during protests, as well as providing basic training. An archive of its website from 2005 states:⁷⁹

Our primary and prioritised role is to be medics, and we are part of a team with whom we must communicate. Bearing that clearly in mind, we are individuals with autonomous choice.

While we work collectively, we respect the medical hierarchy of skills and expertise in crisis situations. If we have criticism of anyone's work (aside from something imminently dangerous) we will bring this up in debriefing later, not at the time.

Depending on the medical situation, the patient's safety/security is paramount. As medics we work for long-term health, and safety/security is part of this.

As an organisation, we don't negotiate with police or give them any info. As individuals, we don't talk to the police unless we feel we have to, in which case we will always exercise extreme caution. (The example that came up here was an emergency situation when only the police would have the ability to clear an exit route for the patient).

Though she did not act as a medic herself, Watson would have been in and around people being treated, and potentially in a position to acquire sensitive personal information, which may in itself amount to a breach of

77. Interview with Jason Kirkpatrick, 24 May 2018

78. Statement of Jason Kirkpatrick made in support of the Judicial Review, September 2017, provided to us by Mr Kirkpatrick

79. Action Medics (UK), 2005, archive of ActionMedics.org.uk, the group's website as held at Archive.org <https://web.archive.org/web/20050603022433/http://www.actionmedics.org.uk:80/AboutUs.html>

human rights.

As a group, the UK Action Medics' work in part depended on them being trusted. This makes Watson's presence in the group questionable in nature as it involves breach of trust and undermining of their lawful work. We have interviewed a number of people who were in the group with Lynn in Edinburgh. They said Watson's role was primarily helping out, particularly driving.

During the large anti-G8 demonstration of 4th July,⁸⁰ named the 'Carnival for Full Enjoyment' which saw thousands marching in Edinburgh, the medic teams were pre-emptively arrested with them being targeted in their vehicles and being referred to by name.⁸¹ Those arrested were then bailed out of Scotland for breach of the peace, though charges were never pressed. This removed most of the group from the streets. It is believed by a number of those who were medics at the time that Lynn played a significant role in these arrests, which may amount to an unlawful interference with their rights.

Watson avoided arrest at this occasion. The following day she drove two other medics (who had not been present when the arrests were made) around the city and elsewhere with the nominal aim of continuing to provide medical assistance.⁸² Watson was also involved in arranging a group of ten medics to attend a protest being held at Faslane Peace Camp during the G8.

4.4.3 Simon Wellings – NPOIU – G8 Summit

Simon Wellings infiltrated the anti-capitalist group 'Globalise Resistance' from 2001 to August 2004. At the time, Globalise Resistance had an overlap in people with the Socialist Workers Party, which he was officially targeting, according to the Undercover Policing Inquiry.⁸³

Globalise Resistance was among the groups which were organising the protests against the G8 Summit. This work began the year beforehand, when an alliance of Scottish groups on the traditional left and anti-war groups came together under what was eventually labelled the G8 Alternatives banner.⁸⁴

Wellings' involvement in preparing for the G8 summit was curtailed in August 2004, when he was confronted by colleagues from Globalise Resistance who had been able to identify him as a police infiltrator.⁸⁵ However, several questions about his deployment in relation to Scotland remain unanswered.

The Undercover Policing Inquiry has given the deployment of Simon Wellings as lasting until 2007, despite his exposure by Globalise Resistance in 2004. The UCPI listed the Dissent! Network as one of his other targets, a group at the centre of organising against G8 Summits over the years. Mark Kennedy and Marco Jacobs also infiltrated this network.

We have spoken to a number of individuals who were active in the Dissent! network, but they do not recall Wellings. Nor do leading members of Globalise Resistance remember him beyond the date of his exposure. Wellings visited Scotland during his deployment, saying he went to see an ex-partner of his who had moved to

80. For more detail, see Peter Salmon, *Profile of Simon Wellings (alias)*, Undercover Research Group, January 2017 [powerbase.info/index.php/Simon_Wellings_\(alias\)](http://powerbase.info/index.php/Simon_Wellings_(alias))

81. *Medics Targeted at G8 : Interview with Arrested Medics : Transcript*, at [Indymedia.org.uk](http://indymedia.org.uk), 8 July 2005. Material in this report has been verbally confirmed to us by those targeted for arrest. indymedia.org.uk/en/2005/07/317485.html

82. Interview with 'B', a member of Action Medics (UK), and who was one of the people in the car with Lynn, 2016

83. 'Cover Names', Undercover Policing Inquiry, 2018. This is a webpage of the Inquiry setting out the cover names of former SDS officers whose identities the Inquiry is publicly confirming ucpi.org.uk/cover-names/

84. The first mention of G8 Alternatives meeting publicly we have discovered is late September 2004. See: *Modern thistle picked as G8 logo*, BBC News Online, 30 September 2004 news.bbc.co.uk/1/hi/scotland/3704490.stm

85. See *Profile of Simon Wellings (alias)*, Undercover Research Group, January 2017 [powerbase.info/index.php/Simon_Wellings_\(alias\)](http://powerbase.info/index.php/Simon_Wellings_(alias))

Edinburgh. We don't know how this related to his activities in preparing the G8 protests.

It is now clear that Simon Wellings was indeed present at the G8 in July 2005, however, his presence was very low-profile. Wellings was one of the people interviewed in March and September 2005 by scholar Patrick McCurdy for his PhD on the role of Dissent! at the Summit.⁸⁶

As an activist himself, McCurdy was camped next to Wellings in Stirling and said the latter spent the evenings in his tent with his laptop. McCurdy recalls, 'He wasn't involved in particular group which helped run the Stirling camp, nor did he seem to have any other associates that he hung out with.'⁸⁷

In the interview, Wellings says he got up early one morning and went to see the blockade of the motorway.

Careful reading of the verbatim transcripts of the interview suggest that he was there, but did not actually take part in the blockade to delay delegates travelling to the Summit. Using the royal 'we' he claims it was a successful day 'despite all the limitations and efforts [the police] go to, to stop us'.⁸⁸ Neither we nor McCurdy have found anyone who can corroborate Wellings' account of his whereabouts during the Summit.

McCurdy also met Wellings at the Fod of Talagh, Festival of Dissent! in Lanarkshire, 6-10 April 2005.⁸⁹ Most importantly, Wellings' role in targeting mainstream left groups in Scotland raises questions over the appropriateness of his deployment. G8 Alternatives was a group constituted of mainstream and peaceful groups from the left as well as trade unions and political parties that, amongst other things, sought to negotiate protest routes with the police.⁹⁰

4.4.4 Jason Bishop and Dave Evans – SDS – G8 Summit

Jason Bishop and Dave Evans were deployed by the Special Demonstration Squad into various groups in London through the early 2000s. The UCPI listed Evans' targets as the Socialist Workers Party and animal rights. Bishop focused on environmental and anti-militarism protestors, such as Disarm DSEi – protesting the biennial DSEi arms fair. Bishop and Evans also were flatmates.

The two of them came up to the G8 protests in Jason's Land Rover and stayed at the site at Stirling. As the existing pool of drivers were exhausted, they were asked to help ferry members of the WOMBLES activist group from Edinburgh to Stirling, which they did.

According to one of the drivers they had taken over from, something strange happened. Within ten minutes of the car with Jason driving leaving Edinburgh, a significant police operation using helicopters, dogs and riot shields seized the minibus and arrested all on board. They were interviewed by Serious Crime detectives and taken to court the next day for 'breach of the peace', in what was described as a 'massive operation with very tight security in what was clearly a huge effort'. Jason and Dave were among those arrested. Charges were dropped just minutes before they were due to appear.

86. McCurdy, Patrick (2009) *'I Predict a Riot' – mediation and political contention: Dissent!'s media practices at the 2005 Gleneagles G8 Summit*. PhD thesis, The London School of Economics and Political Science (LSE). etheses.lse.ac.uk/5/

87. Telephone conversation with Patrick McCurdy, October 2018

88. Patrick McCurdy, Transcript of interview with 'Scott' [Simon Wellings], 2 September 2005, p3

89. Telephone conversation with Patrick McCurdy, October 2018

90. A full list of G8 Alternative's supporters was given on their website as: Centre for Human Ecology, Dundee Trades Union Council, Edinburgh CND, Edinburgh Stop the War Coalition, Freeequal (conscious clubbers), Ethical Company Organisation, Friends of the Earth Scotland, Glasgow Campaign to Welcome Refugees, Globalise Resistance Scotland, GOOSHING, Iraq Occupation Focus, Justice Not Vengeance, Muslim Association of Britain, NUJ Glasgow, Scotland Against Criminalising Communities, Scottish CND, Scottish Human Rights Centre, Scottish Socialist Party, Scottish Socialist Youth, Spinwatch, Stirling University Anti-War Group, TGWU 7/151 Branch, TGWU Glasgow District, WDM Scotland, YWCA Scotland, Stop the War Coalition, Glasgow City UNISON, Campaign for press and broadcasting freedom, CND.

G8 Alternatives, *Who are we?*, G8Alternatives.org.uk, 2005 (archived on 14 March 2005 at Archive.org)

[web.archive.org/web/20050314141619/http://www.g8alternatives.org.uk/admin/test/g8Mambo/content/view/14/47/](http://www.archive.org/web/20050314141619/http://www.g8alternatives.org.uk/admin/test/g8Mambo/content/view/14/47/)

Incidents such as this give rise to questions of what the involvement of the undercover officers was, whether the arrests were lawful, or would they amount to a potential miscarriage of justice.

5. Suspected Special Branch undercover activity in Scotland

Apart from the activities of undercover officers in Scotland that have been mentioned in the Strategic Review – however minimal – we are aware of several other affairs that may involve the deployment of officers in Scotland. We include them here to point out a further set of questions that need answering.

5.1 Faslane undercover activity

The naval base HMNB Clyde is central to the UK's nuclear submarine programme and home to the Trident missile system. As such it has long been a target of peace campaigners, who since 1982 established a permanent peace camp at the site, and it became the sight of considerable protest activities. Few places in the UK have a similar history of continuous campaigning.

The peace movement seems to have been an issue of concern at a national level. The deployment of Lynn Watson into the Aldermaston Peace Camp in 2003-2004 and the sighting of NPOIU Evidence Gatherers at other peace movement protests in Yorkshire and Devon indicates as much – as do the following cases.

5.1.1 Faslane - 1980s undercover

We have been made aware of an incident where a Scottish undercover police woman was identified as taking part in an action at the Faslane Peace Camp and have interviewed two people who were present and able to corroborate the account.^{91 92}

The woman, Anne, whose full cover identity is known to us, claimed to be a nanny and that her parents lived nearby in Greenock, though she had a flat in Dunfermline. A regular visitor to the peace camp, she mainly took part in demonstrations and drove people for protests and actions (though she said she was reluctant to get arrested because of her job). This included taking part in women-led actions at Faslane, where she drove activists and carried equipment to and from protests – for instance for a March 1987 protest at Glen Douglas. She regularly took photographs while avoiding being in them herself. Nevertheless, a photograph of her painting the sea wall at Faslane has been passed on to us.

At one women's action in 1990, a television crew was present and took a panoramic shot. Anne sought to avoid her image appearing, but was unsuccessful in this.

A member of the public saw the footage and was able identified her as a Ministry of Defence Police officer as they lived close to her parents; they said Anne was one of two female officers who worked together. This individual contacted the camp and told them what he knew.

By this stage suspicions about her had already developed, it was being joked that she either had a big secret to hide, or that she was an undercover. The phone call was discussed on camp and the knowledge became an open secret.

Anne did not return to the camp after that, so was never challenged.

However, she was subsequently spotted at other peace movement events, including Menwith Hill and a CND conference (recalled as probably being in London). At the former she looked shocked to be seen and avoided contact. At the latter she did speak to one person who she knew from Faslane Peace Camp, saying "I suppose none of you are talking to me now."

91. Interview with Q, 25 May 2018, who was active in Faslane at the time and knew the suspected undercover.

92. Interview with Jane T, 6 June 2018, who was active in Faslane at the time and knew the suspected undercover.

It was felt that her role was primarily an intelligence gathering one.

5.1.2 Faslane 365

From September 2006 to September 2007, a year-long series of actions took place at the Faslane nuclear weapons base, one of the largest and most ambitious protests of its time. The actions brought together peace campaigners from across the UK. 131 different groups carried out actions, leading to 1150 arrests.⁹³ The protests attracted the attention of NPOIU Evidence Gatherers, while we have already mentioned the cooperation between them and the Ministry of Defence Police (MDP).

The HMICS Strategic Review does not mention any deployment of undercover officers at Faslane at all. In a separate incident, following an action in Couplport in 2005, women once arrested were all approached by two female officers based at the Aldermaston site, who asked the arrestees to become informants.

This, taken in context with the NPOIU role in monitoring protests, suggest that there was a close working relationship between NPOIU and the MDP in such matters.

We also note that the cooperation of different police forces in gathering intelligence should be part of a review to achieve the full picture of undercover policing in Scotland.

5.2 Torness Alliance

We would like to raise concern regarding the Torness Alliance protests of the 1970s and 1980s, organising protest against nuclear power. A leading campaigner of these was Robin Cook, later to become a Labour MP. In particular this concerns the May 1979 protest which was supported by a variety of groups, many coming from across the UK, which attracted approximately ten thousand people.

We have spoken to a number of organisers who noted that the Socialist Workers Party (SWP) was one of the groups involved in the protests and that their members were attending from outside of Scotland.

Given that the SWP was the single most targeted of groups according to information released by the Undercover Policing Inquiry so far,⁹⁴ it is an open question whether reporting from SDS undercover officers within the party included the Torness Alliance and individuals such as Robin Cook.⁹⁵

5.3 Pollok Free State / M77 campaign

Another protest took place in the mid-1990s near Glasgow against development and extension of the M77 motorway. As it was cutting through a number of communities, particularly at Pollok, a number of campaigns sprang up, the most notable known as ‘Pollok Free State’.

We believe that, given their activity of doing talks nationally, particularly in London, there is a strong chance SDS officers will have reported back on them.

We have spoken to a number of people prominent in this campaign, many of whom went on to be active in the Scottish Socialist Party. It is notable that at least three of them appeared on the so called ‘greenlist’ run by blacklisting firm the Consulting Association, which listed prominent environmental campaigners, as will be

93. Statistics taken from the Faslane365.org website via Archive.org - <https://web.archive.org/web/20080908024320/http://www.faslane365.org/>

94. Ten different undercover officers are so far known to have infiltrated the International Socialists / SWP over the years, each for a number of years. For an overview of all groups targeted released by the UCPI, see UCPI, *Covernames*. ucpi.org.uk/cover-names/

95. Interviews with R & P, 6 June 2018.

explained below.⁹⁶

Former MSP Rosie Kane recounts that after she was arrested for chaining herself in to the Chamber of Commerce building protesting against the extension of the M74 in Glasgow in 1996/97, an unusual interview took place outside normal protocols. This interview was carried out in the kitchen of Baird Street police station by plain clothes officers and without recording equipment; the officers asked her about her involvement in specific activist groups.

Our experience indicates this was a likely questioning by Special Branch officers; Ms Kane's recollection points to at least one of the two officers being from outside of Scotland and unfamiliar with the Scottish judicial system.⁹⁷

In 2016, Kane found out that her name appeared on the blacklist compiled for construction companies by the Consulting Association.⁹⁸ It has since been confirmed that the police colluded with this company and shared information, as is detailed in the next section of this report.

Another campaigner from the period, Dr Nick McKerrell, also found himself on the 'greenlist',⁹⁹ albeit with a mistake in the spelling of his name. He assumes this was reminiscent of it being read out over the phone, and felt the information held on him would likely have come from a conversation between Special Branch and the Consulting Association.

He raises valid concerns that patterns of collusion between Special Branch and private industry to blacklist workers was being conducted by Scottish police forces too.¹⁰⁰

5.4 Timex industrial dispute

In 1993, workers at the Timex factory in Dundee engaged in a six-month strike over attempts by management to cut pay. The disturbances on the picket line led to considerable attention in the press, including the UK press beyond Scotland.¹⁰¹ The strikers were supported by various groups, including the Socialist Workers Party.

According to the Undercover Policing Inquiry, at least one SDS undercover police officer, 'HN101' was active in the SWP at the time,¹⁰² and the party was consistently targeted by the SDS throughout that unit's existence. It is thus an open and reasonable question to ask how much undercover officers within the SWP reported back on the Timex strike.

We have also been made aware of credible suspicion that at least one police officer was sent undercover during the strikes to attend the picket line and strike meetings.¹⁰³ The identity of this officer is known to us, including

96. One of the firms which paid and supported The Consulting Association blacklist was construction firm Wimpey, who were also contracted to build the controversial motorway. G Wimpey Ltd was named as one of the companies involved in the list by London Hazards Centre. See *Which companies used The Consulting Association*, London Hazards Centre, 24 March 2013.

lhc.org.uk/construction-companies-using-the-blacklist/

97. Interview with Rosie Kane, 2 June 2018.

98. Julie-Anne Barnes, "*It's sinister*": Ex-socialist MSP Rosie Kane fears police were spying on her after discovering name on blacklist, Daily Record, 24 April 2016. dailyrecord.co.uk/news/scottish-news/its-sinister-ex-socialist-msp-7817196

99. Paul Hutcheon, *Scots law lecturer named in secret 'do not employ' dossier*, The Herald, 1 May 2016.

heraldscotland.com/news/14464136.Scots_law_lecturer_named_in_secret_do_not_employ_dossier/

100. Interview with Dr Nick McKerrell, 25 May 2018.

101. See for example: *Timex: History of Struggle*, University of Dundee (exhibition announcement), 8 March 2006.

app.dundee.ac.uk/pressreleases/2006/prmar06/timex.html .

Also, Paul Foot, *Seize the time*, Socialist Review, No. 165, June 1993.

marxists.org/archive/foot-paul/1993/06/timex.htm

102. Sir John Mitting, '*Minded To*' note 9, Undercover Policing Inquiry, 23 May 2018.

ucpi.org.uk/wp-content/uploads/2018/05/20180523-Minded_to_note_9_and_ruling_8.pdf

HN101 is also mentioned in the Stephen Lawrence Independent Review, where he is cited as a contemporary of Peter Francis, who was deployed from 1993 onwards.

Mark Ellison, *Possible corruption and the role of undercover policing in the Stephen Lawrence case*, Stephen Lawrence Independent Review, Vol. 1, March 2014.

assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287031/stephen_lawrence_review_volume_1.pdf

103. Interview with 'H', 23 May 2018.

that they were a Metropolitan Police officer until the mid-1980s, before joining Tayside police.

Though this last case has not been confirmed with certainty, the possibility of this infiltration operation indicates particular interest in trade union activity.

When placed in context with similar Special Branch activities taking place elsewhere in the UK, it opens the question of how much Scottish legacy forces took part in the unlawful blacklisting of workers including passing on intelligence gathered by undercover officers deployed in this way.

5.5 Tilly Gifford

Tilly Gifford is a Glasgow-based activist who used to be part of the environmental group Plane Stupid, campaigning against the expansion of airports all over the UK. In 2009, she was asked by the police to become an informer.¹⁰⁴ Gifford has long tried to find out who exactly she had been talking to.

From the Special Branch guidelines set out above, it is reasonable to assert that she was approached by local Special Branch officers from Strathclyde working in conjunction with the NPOIU / National Domestic Extremism Unit.

The first point of relevance of this for the subject matter of this Expert Report is that it demonstrates ongoing active interest in such groups at the time.

Plane Stupid had a sizeable presence and activity in Scotland and thus seems to have been, at a minimum, a candidate target for deployment of undercover officers.

Secondly, Plane Stupid as a group was also targeted by a private intelligence company C2i International, hired by British Airways. The group was infiltrated by a corporate spy and their online communication was monitored.

The management of C2i included former Metropolitan Police detective Stephen Beels whose LinkedIn profile states his 30-year career engaged in intelligence gathering operations, and continues to have access to his 'trustworthy network of high quality contacts'.¹⁰⁵

Its founder was Justin King, an ex-British Army officer with training in counter-espionage and surveillance.¹⁰⁶ More importantly, one of C2i's employees is revealed to have been Wilf Knight. Since deceased, he had previously worked for more than a decade in the Metropolitan Police Special Branch, and for the SDS where he supervised an undercover police officer who spied on anti-apartheid campaigners.¹⁰⁷

Another link of interest is Rebecca Todd, a former employee of C2i who moved on to found her own intelligence gathering business, called Vericola. This company was hired by Scottish Power in the wake of environmental protest against coal powered electricity. Her contact at Scottish Power was Gordon Irving, the company's security director. He joined Scottish Power in 2001 after 30 years in Strathclyde police, where he was head of Special Branch.¹⁰⁸

104. Paul Lewis, *Police caught on tape trying to recruit Plane Stupid protester as spy*, The Guardian, 24 April 2009.

theguardian.com/uk/2009/apr/24/strathclyde-police-plane-stupid-recruit-spy

105. Stephen Beels, LinkedIn profile.

[linkedin.com/in/stephenbeels](https://www.linkedin.com/in/stephenbeels)

106. John Vidal and Dan Milmo, *Mystery over who hired mole to dig dirt on Plane Stupid's environment activists*, The Guardian, 9 April 2008.

theguardian.com/environment/2008/apr/09/activists.travelandtransport

107. Meirion Jones and Rob Evans, *Inside the secret world of the corporate spies who infiltrate protests*, The Guardian, 12 December 2017.

theguardian.com/world/2017/dec/12/inside-the-secret-world-of-the-corporate-spies-who-infiltrate-protests

108. Paul Lewis and Rob Evans, *Green groups targeted polluters as corporate agents hid in their ranks*, The Guardian, 14 Nov 2011.

guardian.co.uk/environment/2011/feb/14/environmental-activists-protest-energy-companies

This brings up the question of possible cooperation between Special Branch and private security, a severely under-investigated issue in general, and cooperation in the Scottish case targeting of Tilly Gifford in particular.

5.6 Camp for Climate Action 2010

The Camp for Climate Action was founded in 2006. From its beginnings, it was targeted by a number of undercover officers, including Mark Kennedy, Lynn Watson and Marco Jacobs. Kennedy remained a significant player in the organisation over the next couple of years.

As was mentioned before, in 2008 Kennedy's deployment was described as sitting in a 'priority area' by the then National Domestic Extremism Co-ordinator, Assistant Chief Constable Anton Setchell.¹⁰⁹

Given the prominence of the Camp for Climate Action among environmentalists, and the degree to which it was infiltrated by officers from the NPOIU, we find it likely that attempts to maintain an undercover presence in the organisation would have continued after these officers were withdrawn from deployment.

In 2010, the then-annual camp took place in Edinburgh, and occupied the grounds of the Royal Bank of Scotland's headquarters. We have spoken to a number of campaigners then based in Scotland who note that the principal organisation was done by activists based outside of Scotland. For the first three years of the event, up to the one in Scotland, Mark Kennedy had been a central organiser.

It would be very surprising if the NPOIU did not have an officer reporting on the Camp for Climate Action at the time or did not send at least one undercover to this event.

Given the NPOIU interest was political protest, especially that involving public order situations, this would have been fully within its remit. Indeed, its absence would be notable. It is known that police evidence gatherers associated with NPOIU were present and took photographs of those attending.¹¹⁰

Even if there really were no NPOIU undercover officers present, it would be equally surprising if local Special Branch units had not sought to deploy undercover officers.

109. ACC Anton Setchell, Note in support of authorisation of Mark Kennedy to take part in the Drax coal train action, authored, 7 July 2008. bristlingbadger.blogspot.com/2015/04/sitting-in-spycops-priority-area.html

110. See archive of FITWatch.org.uk, particularly the article of 27 August 2010, which includes a photograph of NPOIU evidence gatherer Ian Caswell present and monitoring the event. *FIT at Edinburgh*, FITWatch.org.uk, 27 August 2010. web.archive.org/web/20101030152621/http://fitwatch.org.uk/

6. Blacklisting in Scotland

Blacklisting is the term given to the use of illegal lists compiled within industry bodies as to which individuals they should not employ, often on the basis of trade union membership and health & safety activity.

The best-known modern instance of such a blacklist was the construction industry blacklist run by the Consulting Association.¹¹¹ It was exposed by investigative journalists and effectively closed down after the Office of the Information Commissioner raided its premises in 2009.

It is now established that there was police collusion,¹¹² in particular, the Independent Police Complaints Commission (IPCC) informed those affected that:¹¹³

[it is] likely that all Special Branches were involved in providing information

In March 2018, the Metropolitan Police acknowledged an internal investigation had confirmed that its officers had passed on information to illegal blacklists and that the matter would be among the issues investigated by the Undercover Policing Inquiry.¹¹⁴

Mark Jenner, the SDS undercover officer who had deceived ‘Alison’ into a relationship, was a member of construction union UCATT and involved in trade union activities.¹¹⁵ Carlo Neri also demonstrated interest in trade union activists and attended picket lines and demonstrations. ‘Andrea’, one of the women Neri deceived into a relationship, thinks he was a member of the GMB union.¹¹⁶

The Metropolitan Police Special Branch is known to have an Industrial Intelligence desk which was one of the ‘clients’ of intelligence reports from the SDS; at least one SDS undercover officer, ‘Dick Epps’, went on to work at it.¹¹⁷

Given the now established collusion between every constabulary’s Special Branch and industry blacklists, we must ask to what degree did legacy Scottish Police Special Branches participate in the practice.

This has been to some degree been investigated over 2012 to 2014 by the UK Parliament’s Scottish Affairs Committee.¹¹⁸

Evidence to the hearings from witnesses such as former Glasgow MP Maria Fyfe¹¹⁹ indicates that there is a sizeable presence of Scottish individuals on the Consulting Association blacklist, many of whom were not involved in the construction industry.

For instance, she cites that one Glaswegian woman was listed simply because she was an anti-apartheid activist by the Consulting Association’s predecessor organisation, the Economic League.

111. For a detailed history, see: Dave Smith & Phil Chamberlain, *Blacklisted: The secret war between big business and union activists*, New Internationalist, 2015. newint.org/books/new-internationalist/blacklisted-second-edition

112. Matthew Taylor & Will Hurst, *Met police launch inquiry into construction worker blacklisting*, The Guardian, 12 February 2013. theguardian.com/uk/2013/feb/21/met-police-inquiry-construction-worker-blacklist

113. Daniel Boffey, *Police colluded in secret plan to blacklist 3,200 workers*, The Guardian, 12 October 2013. theguardian.com/business/2013/oct/12/police-blacklist-construction-workers-watchdog

114. Dominic Casciani, *Metropolitan Police admits role in blacklisting construction workers*, BBC News Online, 23 March 2018. bbc.com/news/uk-43507728

115. Statement of Peter Francis, 12 March 2015.

policespiesoutoflives.org.uk/mark-jenner-blacklisting/
116. This is unconfirmed at the time of writing.

117. Gist of supporting evidence for HN336’s application for restriction order application over real name, Undercover Policing Inquiry, 2 March 2018. ucpi.org.uk/wp-content/uploads/2018/03/20180302-HN336-gist_of_additional_information-1.pdf

118. The Scottish Affairs Committee has published multiple reports into the issue of backlisting as a whole. These reports can be found at:

parliament.uk/business/committees/committees-a-z/commons-select/scottish-affairs-committee/inquiries/parliament-2010/blacklisting-in-employment/

119. Scottish Affairs Committee – Minutes of Evidence: oral evidence of Maria Fyfe, 22 May 2012.

Campaigner Dave Smith noted before the hearings that Scottish companies such as Balfour-Beatty and McAlpine were also involved in the Consulting Association blacklist.¹²⁰

We have spoken to a number of people who during their working life in Scotland found themselves on the Consulting Association blacklist. They are seeking answers on how they were targeted, and they are certain there was police involvement.

David Clancy, investigations manager at the Information Commissioner's Office who seized the blacklist, told a tribunal, 'there is information on the Consulting Association files that I believe could only be supplied by the police or the security services'

Clancy later told *The Observer*:¹²¹

'The information was so specific and it contained in effect operational information that wouldn't have formed anything other than a police record'.

One person interviewed, an off-shore worker and health and safety representative, noted that the files were given reference numbers which indicated the company that first provided details on the individual to be blacklisted. Their file was labelled 'CID' in this fashion, indicating that the original source was the police themselves.¹²²

If, as illustrated by the Timex dispute, undercover officers were being deployed into trade union protests, while both the IPCC and the Metropolitan Police acknowledges all local Special Branch forces colluded, the question that follows is how much material from undercover officers was used to blacklist workers.

Given the terms of this report, we will not look at blacklisting in further detail other than to note the scale of which Scottish legacy forces - Special Branch units in particular - were involved remains an open question.

6.1 Revolving door

Related to blacklisting is the issue of former Special Branch officers taking up work in the private sector and making use of their accumulated knowledge and their old boy network in the police.¹²³ This is an aspect virtually unexplored yet, particularly in relation to Scottish matters. The effective outsourcing of undercover political policing is an important aspect that cannot be ignored.

We have found one particular example, where Gordon Irving the former head of Strathclyde Special Branch moved to Scottish Power as their head of security. In that role he hired private investigation firm Vericola to target environmental activists¹²⁴ (see above under Tilly Gifford, p44).¹²⁵

Assistant Chief Constable Anton Setchell was the National Coordinator for Domestic Extremism from 2004 to 2010. In this role he oversaw three political policing units, including the National Public Order Intelligence Unit that deployed some of the most notorious undercover officers. As we quoted earlier, in 2008 he described

120. Scottish Affairs Committee – Minutes of Evidence: oral evidence of Dave Smith, 12 June 2012.

121. Daniel Boffey, *Police are linked to blacklist of construction workers*, *The Observer*, 3 March 2012.
theguardian.com/technology/2012/mar/03/police-blacklist-link-construction-workers

122. Interview with 'L', a worker whose details were discovered on the Consulting Association blacklist, 6 June 2018.

123. See Mark Hollingsworth & Richard Taylor-Norton, *Blacklist, Inside story of political vetting*, Chatto & Windus, 1988. Also of relevance is the Powerbase.info article *Private security industry and the police: revolving door*, March 2011.

powerbase.info/index.php/Private_security_industry_and_the_police:_revolving_door

124. Rob Evans & Paul Lewis, *Revealed: how energy firms spy on activists*, *The Guardian*, 14 February 2011.

www.theguardian.com/environment/2011/feb/14/energy-firms-activists-intelligence-gathering

125. Rob Evans & Paul Lewis, *Green groups targeted polluters as corporate agents hid in their ranks*, *The Guardian*, 14 February 2011.

theguardian.com/environment/2011/feb/14/environmental-activists-protest-energy-companies

Mark Kennedy's infiltration of climate activists as 'the priority area' of domestic extremism. After he left the police, Setchell became Head of Global Security for Laing O'Rourke, one of the construction companies involved in the Consulting Association's construction industry blacklist.

The networks between industry and private intelligence firms as mediated by former Special Branch officers remain an open concern.

Conclusions

Our Expert Report provides clear examples of undercover political policing operations by legacy Scottish police services, based on material in the public domain and evidence sourced from first-hand accounts from those spied upon.

This Expert Report shows that the HMICS Strategic Review has not sufficiently addressed the matter of undercover policing in Scotland, and thus does not eliminate the need for a public inquiry in Scotland.

Knowing that the Undercover Policing Inquiry will neither examine the deployment by legacy Scottish police forces nor SDS and NPOIU deployments outside of England and Wales, we recommend that the issues concerning undercover operations in Scotland should be investigated separately. The evidence presented in this Expert Report substantiates the need for further investigation, and thus the need for a public inquiry in Scotland.

Recommendations:

1. To answer the many questions identified in this Expert Report the current Undercover Policing Inquiry should be extended to Scotland, or alternatively to have a separate public inquiry based north of the border to investigate the Scottish involvement in political policing in the United Kingdom – in close cooperation with the current inquiry.

2. Such an inquiry should include all known and yet-unknown deployments and visits of SDS and NPOIU officers to Scotland, as well as those of Scottish Special Branch officers both in Scotland and elsewhere in the UK.

It should take into account intelligence gathering on Scottish activists across the Scottish border in the UK, and collateral intrusion (the surveillance of children and people present by coincidence). It should also look at cooperation with Ministry of Defence Police, other police forces and MI5.

3. Since the 2004 Special Branch Guidelines apply to the entire UK including Scotland, and intelligence gathering on political activism and the role of the NPOIU is specifically mentioned, we recommend that a Scottish inquiry looks at the role of local Special Branch units to come to a full understanding of the issues.

4. We recommend that secondments and other Scottish officers staffing crucial positions are investigated in further detail, in order to get the full picture of the Scottish involvement in undercover policing operations and its responsibility and accountability for what went wrong.

5. Undercover officers targeting unsuspecting women for relationships is a practice that, after a long legal fight by women involved, the Metropolitan Police have offered an apology for. They have admitted the relationships breached Articles 3 and 8 of the European Convention of Human Rights.

A public inquiry into Scottish involvement should investigate the degree to which the officers' breaches of the human rights of those women were perpetrated on Scottish soil, and indeed whether it was a tactic employed separately on activists in Scotland.

6. From answers to questions in the German Parliament, it is known that six undercover officers from that country were deployed among the G8 protestors.

An overview of the cooperation with the German authorities (or the lack thereof), the controls placed on the undercover officers, and what role they had in the protests is an essential element of a comprehensive strategic

review.

An Inquiry into the Scottish involvement in undercover policing should answer questions about accountability, and examine potential miscarriages of justice.

7. Scottish-resident US citizen Dr Harry Halpin was targeted by undercover officer Mark Kennedy in Scotland and elsewhere, leading to harassment that made Halpin leave the country.

Given the centrality of Scotland to this situation, a public inquiry should include the activities of undercover officers in Scotland to adequately explore this matter.

8. An independent inquiry should include a broad exploration of other – historical and current – affairs that may involve the deployment of officers in Scotland, including cooperation with Ministry of Defence Police.

9. A public inquiry must look beyond the actions of undercover police to collusion between police and private security companies, with special reference to the Tilly Gifford case, It must also address the related issue of the ‘revolving door’ of former officers working in the private sector using knowledge, skills and contacts gained from their time in the police.

10. As the Metropolitan Police have recently confirmed that its officers have passed on information to illegal blacklists and that the matter would be among the issues investigated by the Undercover Policing Inquiry (as it relates to England and Wales) we strongly urge that this collusion is being investigated in the Scottish context as well.

A public inquiry should uncover the degree to which legacy Scottish Police Special Branches participated in this practice.

About SCOPS

The Scottish Campaign Opposing Police Surveillance (SCOPS) The Scottish Campaign Opposing Police Surveillance (SCOPS) exists to help coordinate, publicise and support the quest for justice for people affected by political policing, undercover police spying and surveillance and to ensure such abuses do not continue in Scotland.

We support the work carried out by Campaign Opposing Police Surveillance (COPS) in England and Wales, and the Undercover Research Group (URG).

Aims and Objectives of SCOPS

Everyone should have the right to participate in social change, workers rights and environmental justice, without fear of persecution, objectification, or state interference in their personal life.

For many years the British state and its public and private domestic security forces have policed activists with impunity, in many cases causing serious psycho-emotional trauma. The role of political policing is a serious attack on democracy, the right to protest and fundamental human rights. We call for transparency, accountability and justice around past and present political policing.

We aim to ensure the Scottish parliament opens a full independent public inquiry into the use of political undercover policing. Such a public inquiry should be lead by a panel of experts, with direction taken from those affected by undercover police infiltration and surveillance. This inquiry should have a mechanism for supporting those affected by undercover police infiltration and surveillance.


We will campaign to demand that the Scottish parliament creates statutory safeguards to ensure that the police, as well as public and private security forces in Scotland have no legal remit to conduct undercover infiltration and surveillance of political organisations and those campaigning for social change.

We aim to ensure the establishment of a robust independent body designed to hold all police, public and private security forces accountable to these new safeguards.

To meet these aims, we will function as a research working group to gather information and experiences so that we may expose existing and historical use of political undercover police infiltration and police surveillance in Scotland.

Through a process of secure and confidential interviews alongside in-depth research, we will create an archive documenting political undercover police spying in Scotland. We will utilise this as a means to both legally and politically hold policing and government bodies to account, including to pressure the Scottish parliament to introduce reform to permanently end political undercover police spying in Scotland.

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Britain has been shocked by the spycops scandal. For nearly 50 years, undercover officers changed their identities and lived among political campaigners for years on end, taking key organising roles.

These officers operated across the UK. They stole identities from dead children, orchestrated large numbers of miscarriages of justice. They formed long-term life-partner relationships with women they spied on, something the Metropolitan Police has admitted is a violation of the fundamental human rights that police are sworn to uphold. These were not rogue officers, they were trained and supervised in these methods.

The Home Office ordered a full-scale independent public inquiry. Bizarrely, it is to only examine events in England and Wales. It is well established that a significant number of spycops were active in Scotland, over a long period of time, and including numerous abuses of women.

The Scottish government, supported by every party in Holyrood, made repeated formal requests for the public inquiry to be extended to Scotland, but each time they were rebuffed. Their response was not to set up their own inquiry but instead to commission HM Inspectorate of Constabulary in Scotland - a body of career senior police - to examine all kinds of undercover policing for a fraction of the period that spycops operated.

In her legal challenge to challenge the government's refusal to have a Scottish inquiry, Tilly Gifford submitted this Expert Report that meticulously gathers the facts about undercover political policing in Scotland. It highlights the deficiencies in HM Inspectorate of Constabulary in Scotland's 2018 report, and raises some of the many questions that still need answering.

This Expert Report is now being published by the Scottish Campaign Opposing Police Surveillance, an alliance of people spied on by undercover political police in Scotland.