

To:  
Cabinet Secretary for Justice, Michael Matheson  
St. Andrew's House, Regent Road  
Edinburgh, EH1 3DG

this letter sent via email to:  
cabsecjus@gov.scot  
Graeme.Waugh@gov.scot

CC: -all Scottish Members of Parliament  
-various Scottish and UK media outlets

31 October 2016

Re: Request for Scottish Government action to hold an Inquiry into undercover policing  
your reference: 2016/0025494

Dear Secretary for Justice Michael Matheson,

It is disappointing to learn that the UK Home Secretary has chosen not to extend the Pitchford Inquiry to Scotland, yet we still insist on a proper Inquiry. It was extremely frustrating to learn of the unacceptable compromise solution taken by the Scottish Government to instead simply ask Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) to undertake a "strategic review" of undercover policing in Scotland.

The HMIC was the agency that was first tasked to investigate the Mark Kennedy undercover scandal in 2011, and had their expected 2011 report scrapped when additional revelations showed their conclusions of Kennedy as a rogue agent to be falsehoods.<sup>12</sup> A subsequent 2012 HMIC report was proven to contain numerous wrongful statements as well.<sup>3</sup> One clear example is this HMIC report statement, which has long since been proven false,

*"it was not evident that the authorising officers were cognisant of the extent and nature of the intrusion that occurred; nor is it clear that the type and level of intrusion was completely explained to them."*

Quite to the contrary, it has been proven that Mark Kennedy made authorised trips to Scotland 14 times.<sup>4</sup> Kennedy also declared in Parliament that his handlers were fully aware of his activities.<sup>5</sup>

Furthermore, there are serious concerns to be had about potential conflicts of interest at the HMICS. Scotland's Chief Constable, Phil Gormley, was head of the Met's Special Branch – and therefore oversaw its sub-unit the Special Demonstration Squad – from 2005-2007. He was also secretary of ACPO-TAM, the committee that oversaw Mark Kennedy's unit the NPOIU, from 2005-2008, during the time Kennedy was tasked to spy on Scotland G8 protesters.<sup>6</sup> Additionally, Phil Gormley is married to Detective Superintendent Claire Stevens who has been at HMIC since 2011, creating more concerns about serious potential conflicts of interest.<sup>7</sup>

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1 Police accused of allowing undercover officers to lie in court: <https://www.theguardian.com/uk/2011/oct/19/police-undercover-officers-court-perjury-claim>

2 Scotland Asks Police to Self-Investigate: <http://campaignopposingpolicesurveillance.com/2016/09/26/scotland-asks-police-to-self-investigate-spycops/>

3 <https://www.justiceinspectors.gov.uk/hmic/publications/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202/>

4 <https://www.justiceinspectors.gov.uk/hmic/publications/review-of-national-police-units-which-provide-intelligence-on-criminality-associated-with-protest-20120202/>

5 <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmhaff/837/130205iv.htm>

6 Police Scotland Chief Constable in second undercover police 'sex spy' unit row:

[http://www.heraldscotland.com/news/14226362.Chief\\_Constable\\_faces\\_second\\_undercover\\_sex\\_spy\\_unit\\_row/](http://www.heraldscotland.com/news/14226362.Chief_Constable_faces_second_undercover_sex_spy_unit_row/)

7 <http://campaignopposingpolicesurveillance.com/2016/09/26/scotland-asks-police-to-self-investigate-spycops/>

Rather than asking for the HMICS to conduct a “strategic review”, 24 Core Participants<sup>8</sup> in the Pitchford Inquiry who were targeted in Scotland by undercover police have signed a statement saying that in the case the UK Home Secretary does not extend the Pitchford Inquiry to Scotland, that the “Scottish government should set up its own independent inquiry, a proposal that already has cross-party support. We would be happy to participate in this and help reveal the truth that the Pitchford inquiry keeps hidden.”

This statement has been signed by Pitchford Inquiry Core Participants<sup>9</sup><sup>10</sup>:

Alice Cutler  
Alison (RAB)  
Andrea  
Chris Dutton  
Claire Fauset  
Donal O’Driscoll  
Harry Halpin  
Helen Steel  
Indra Donfrancesco  
Jason Kirkpatrick  
John Jordan  
Kate Wilson  
Kim Bryan  
Lisa (AKJ)  
Martin Shaw  
Megan Donfrancesco  
Merrick Cork  
Naomi (SUR)  
Olaf Bayer  
Oliver Rodker  
Sarah Hampton (HJM)  
Simon Lewis  
VSP  
Zoe Young  
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We would also like to inform you that in Northern Ireland, which is in a similar situation to Scotland regarding exclusion from the Pitchford Inquiry, there has already been a first hearing in court for efforts to conduct a Judicial Review of N. Ireland's exclusion from the Inquiry.<sup>11</sup> The exclusion of Scotland should also be subject to Judicial Review.

We sincerely request not a “Review” of undercover policing done by the HMICS, but a fully transparent Inquiry done in Scotland with terms of reference similar to that of the Pitchford Inquiry.

Sincerely,  
Merrick Cork  
Jason Kirkpatrick  
Donal O’Driscoll  
(Core Participants in the Pitchford Inquiry, and also targeted by undercover police in Scotland)

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8 <https://www.ucpi.org.uk/wp-content/uploads/2016/10/161019-list-of-core-participants-v12.pdf>

9 <http://campaignopposingpolicesurveillance.com/2016/08/01/core-participants-condemn-scotland-exclusion/>

10 <http://www.bbc.com/news/uk-scotland-scotland-politics-37440795>

11 <http://www.belfasttelegraph.co.uk/news/northern-ireland/activist-was-tailed-to-ni-by-police-spy-court-is-told-35168729.html>