

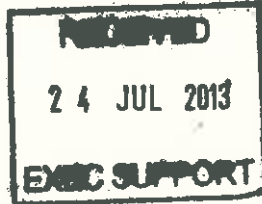


The Chairman

Home Affairs Committee

Committee Office House of Commons 7 Millbank London SW1P 3JA
Tel 020 7219 3276 Fax 020 7219 2744 Email homeaffcom@parliament.uk
Website www.parliament.uk/homeaffairscom

Chief Constable Mick Creedon
Derbyshire Constabulary,
Butterley Hall,
Ripley,
Derby, DE5 3RS



22nd July 2013

Dear Mike

Operation Herne

Please find enclosed correspondence I have received from Harriet Wistrich, of Birnberg Peirce and Partners, regarding her clients and undercover policing.

I would be most grateful if you would respond to Ms Wistrich, addressing the concerns raised by her, and let me know that you have done so.

*Yours
Keith*

Rt Hon Keith Vaz MP

Our ref:

HW/6549.1

Your ref:

B **Birnberg Peirce & Partners**

Solicitors

July 2013

14 Inverness Street
London NW1 7HJ
Telephone: 020 7911 0166
DX 57059 Camden Town
Fax: 020 7911 0170

Immigration Dept Fax: 020 7388 9036
Email: [name]@birnbergpeirce.co.uk

Rt Hon Keith Vaz MP
Home Affairs Select Committee
Committee Office
House of Commons
7 Millbank London
SW1P 3JA

Dear Keith Vaz

Undercover policing and Operation Herne

Further to your investigation into Undercover Policing and the evidence submitted on behalf of my clients to the Home Affairs Select Committee meeting on 5 February 2013, you invited us to submit further evidence or submissions if we so wished. I am now enclosing further statements from two of my clients about their experience of a grotesque abuse of police power by undercover operatives. Some of my other clients also wish to supply statements and I shall forward these when available in the near future.

You will be aware of some of the recent revelations in the Guardian and the Dispatches documentary on June 24th, of further disturbing evidence about the activities of the SDS unit, within the Metropolitan police, which is now subject to the internal investigation by Operation Herne. These revelations include allegations made by a former undercover officer of attempts to undermine campaigns by methods which even included seeking to smear the name of the Lawrence family. I know you are already expressed concerned about the cost of this internal investigation, Operation Herne, and the length of time it is taking.

Your 'Undercover Policing: Interim Report' of 1 March 2013 stated "We do not believe that officers should enter into intimate, physical sexual relationships while using their false identities undercover without clear, prior authorisation, which should only be given in the most exceptional circumstances. In particular, it is unacceptable that a child should be brought into the world as a result of such a relationship and this must never be allowed to happen again. We recommend that future guidance on undercover operations should make this clear beyond doubt. (Paragraph 14)." However we note that the Government response of 18 June declines to make any changes relating to this grossly intrusive aspect of undercover operations.

Partners
Gareth Peirce
Nigel Leskin
Marcia Willis Stewart

Practice Manager
Dawn Elkin

Solicitors
Debalceena Dasgupta
Rachael Despicht
Matt Foot
Ronnie Graham
Camilla Graham-Wood
Daniel Guedalla

Sarah Kellas
Alastair Lyon
Sajida Malik
Sally Middleton
Henry Miller
Irène Nembhard
Barry O'Connor

Sonia Routledge
Harriet Wistrich
Omar Geloo

Immigration Caseworkers
Irfan Cangatin
Liz Farrell
Daniel Furner
Arun Ganathanan
Sumiya Hems

It is our view that intimate sexual relationships while undercover should not be permitted in any circumstances, that the extent of intrusion means there is no legal basis on which they can be permitted in accordance with the European Convention on Human Rights and that the failure by the Government to make this clear sends conflicting messages to undercover units, which may result in officers entering future relationships which may cause, and have caused to the women I represent, serious psychological harm. In our view this failure to take action about this callous use and abuse of women by the police, amounts to a form of institutional sexism.

I also note it has been reported that, whilst recognising the practice as "abhorrent", Chief Constable Creedon, in overall charge of Operation Herne, has refused to apologise to the women who had been duped into relationships with former police spies (including all those who gave evidence to your committee).

I have previously copied to you my correspondence with the IPCC and the CPS regarding our concerns about Operation Herne and in particular, their policy of "Neither Confirm Nor Deny". (I enclose a further complete set of this correspondence). The application of the NCND policy by the police has led to the offensive scenario that those investigating the police have requested that our clients, who are potentially critical to the investigation, provide detailed statements and evidence documenting their relationships, whilst being denied even confirmation that the officers about whom they complain were undercover police operatives. My clients have, furthermore, received no assurance that even on conclusion of this internal investigation, they will be provided with any information about the findings.

We have this week received a letter from Chief Constable Creedon who has been brought in to take command of the investigation. He has enclosed a copy of the terms of reference of the investigation which indicates that any reports that are published will be "subject to the usual legal safeguards." We are not sure what this means in the context of an ongoing policy of NCND being operated in respect of the work of undercover officers.

In the meantime, as I also highlighted to you when giving evidence, the police legal team in the civil proceedings we are bringing have taken a similar approach, by either seeking to place the case in the highly secretive Investigatory Powers Tribunal (IPT) or by refusing to disclose any information in their Defence. The police have now indicated in relation to those cases pre-dating RIPA which cannot therefore be subject to the IPT, that they may make an application for a closed material procedure hearing under the Justice and Security Act 2013. It appears that there is a desire to prevent any public scrutiny of their intrusive tactics.

My clients' primary aim in bringing civil proceedings and giving evidence to your committee, is to stop this sort of abuse from ever happening again, to understand the level and extent of the intrusion and make the police accountable, and to find out how and why this abuse was allowed to happen. They have now no confidence that Operation Herne will be a meaningful or useful investigation. Even if it is a fully resourced and thorough investigation, my clients and the public at large may never know critical parts of its findings or have access to the detail of the investigation.

It is now clear, from the information that has seeped out into the public domain that many of the activities of the SDS unit were outrageous and a gross affront to the democratic values of a civilised society. In those circumstances we believe the policy of NCND cannot be justified and a secret inquiry conducted by the police is utterly inappropriate. We consider that any investigation or inquiry must be independent and transparent, unfettered by any policy of NCND and free of the taint of the police investigating the police.

Yours sincerely



Harriet Wistrich
BIRNBERG PEIRCE & PARTNERS