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Counter-Terrorism Policing National Operations Centre
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United Kingdom

By special delivery: SB 0832 4371 4GB

Also by email to:

CTPNOC Intelligence: NCTPOC.XLW&FRW@met.police.uk

Dear Sir/Madam

Our Clients:

- (1) Animal Aid;
- (2) Palestine Solidarity Campaign;
- (3) Extinction Rebellion Peace;
- (4) Trident Ploughshares;
- (5) Campaign for Nuclear Disarmament;
- (6) Martin Marston-Paterson, who is representing the Extinction Rebellion movement

We are instructed on behalf of our above-named clients, most of whom are organisations and one of whom is a representative of the Extinction Rebellion movement and a co-ordinator in their Legal Strategy Team. These organisations, and Extinction Rebellion have been included in a *Counter-Terrorism Policing National Operations Centre (CTPNOC) Intelligence Signs & Symbols Guidance Document* June 2019 (the 'CTP Guidance'). Its' existence was reported by the Guardian on Friday 17

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January 2020¹. It is produced by Counter Terrorism Policing National Operations Centre ('CTPNOC') and used nationally (we understand as part of training for 'Prevent', the anti-radicalisation scheme designed to catch those at risk of committing terrorist violence).

The CTP Guidance includes symbols for organisations deemed to fall within the following sub-categories:

1. Right Wing: including White Supremacist and White Nationalist;
2. Left Wing;
3. Animal Rights; and
4. Environmental

There is no attempt in the document to explain the reason for the inclusion of the groups within the document or any distinctions between them beyond identifying those groups where it is a crime to be a member and the following on page 2:

"This document was produced to aid Police and partners in identifying signs and symbols associated with right wing, left wing, environmental and animal rights groups.

This document is not exhaustive, however it provides a general overview of ideological affiliations, popular images, and terms used. Aside from the proscribed organisations listed within this document, it is not an offence to be a member of any group noted. Membership or support of these groups does not indicate criminality; much of the activity conducted by such groups is lawful protest" (emphasis added).

However, the inference of this statement is that at least some of the activity conducted by all the organisations listed in the CTP Guidance is unlawful and that involvement with or support of such groups might be relevant to counter-terrorism, extremism or radicalisation.

We understand that the "partners" that the CTP Guidance is likely to have been sent to comprise of various authorities extending beyond police forces including, but not limited to the NHS, schools, universities, and social workers at local authorities. We are aware of at least one example of a primary school referring to the CTP Guidance on its' website on a page discussing 'Safeguarding and Child Protection'², where it is listed

¹ <https://www.theguardian.com/uk-news/2020/jan/17/greenpeace-included-with-neo-nazis-on-uk-counter-terror-list>

² <http://firthmoor.darlington.sch.uk/safeguarding/>

under the heading “*Preventing extremism and radicalisation*” without further context being provided. We consider that any teacher or parent reading that webpage would understand they should be concerned should their students or children express support for such groups.

Our clients first learnt of the existence of the CTP Guidance following a report in The Guardian newspaper on Friday 17 January 2020³. Just a week prior to this, there was widespread press coverage in *The Guardian* in relation to another guide, ‘*Safeguarding young people and adults from ideological extremism*’, November 2019 (the ‘SE Guidance’), produced by Counter Terrorism Policing South East (‘CTPSE’) which has now been recalled. In respect of the SE Guidance, DCS Kath Barnes stated that CTPSE “*does not classify Extinction Rebellion as an extremist organisation*”, and that the inclusion of Extinction Rebellion in the Guide was an “*error of judgment*”.

In contrast, the Police response to this guide has reportedly been to deny wrongdoing and seek to argue that it is simply intended to “*boost understanding of the signs and symbols people may come across*”. This is not consistent with the words within and the context of the document (which contains the counter-terrorism police logo on every page), as well as concluding on the final page by inviting readers to report “*any concerns identified by this document*”.

Parliament has today debated the Home Office’s oversight of the operation of the Prevent programme. During this debate, the Rt Hon Brandon Lewis MP, the Minister for Immigration, confirmed that “*Counter Terrorism Policing create a range of guidance documents for use across the whole of policing, not just Counter Terrorism Officers or Prevent practitioners*”, which are then “*used to make informed decisions*”. He repeatedly stated that the SE Guidance has been recalled, but the CTP Guidance was not explicitly discussed.

The Rt Hon Brandon Lewis MP also confirmed that although Counter Terrorism Policing was “*operationally independent*”, the Home Office does “*carry out oversight of Policing on behalf of the Home Secretary*”. He confirmed that the Home Office is “*clear that the right to peaceful protest is a cornerstone of our just society and an indispensable channel of political and social expression*”, and that the Home Secretary has made clear that Extinction Rebellion does not meet the 2015 definition of extremism.

³ <https://www.theguardian.com/uk-news/2020/jan/17/greenpeace-included-with-neo-nazis-on-uk-counter-terror-list>

Our clients are deeply concerned by the decision to list their organisations and movement in the CTP Guidance in the first place. They are also aware of numerous other organisations that share their concerns. We note that the CTP Guidance which is dated June 2019 has been in circulation for over 6 months, during which time individuals affiliated with these organisations may have been referred to the Counter-Terrorism Policing National Operations Centre programmes including, but not limited to Prevent, as a result of their support and/or membership of these organisations and movement.

Our clients are non-violent organisations focused on lawful protest and engagement to pursue their legitimate aims. Their inclusion in a Counter Terrorism Policing document, and the inference that they are involved in unlawful activities, and the targeting of their members and/or activists for referral to CTPNOC, plainly amount to an unlawful interference with the rights of their members and/or activists under Articles 8, 10, and 11 of the European Convention on Human Rights.

It is our clients' position that inclusion of their organisations and movement in the CTP Guidance is susceptible to public law challenge.

We note that Sir Peter Fahy, the head of Prevent between 2010 and 2015, was highly critical of the inclusion of Extinction Rebellion in the SE Guidance, noting that Extinction Rebellion does not meet the criteria for inclusion in it. We consider such concerns apply equally to this guide and other organisations.

Accordingly, our client makes the following requests:

1. The CTP Guidance be formally and immediately recalled from circulation;
2. That CTPNOC formally acknowledge in response to this letter that the inclusion of our clients in this Guidance was unlawful;
3. That CTPNOC issue a notice to all police forces across England, and its "*partners*" confirming that: (i) the CTP Guidance was unlawful and inaccurate; (ii) our clients were wrongly included in the CTP Guidance; (iii) that membership of, and/or activism with, our clients' organisations and movement does not justify referral to CTPNOC; (iv) that the CTPNOC holds no evidence of our clients engaging in "*unlawful conduct*" capable of passing the threshold for inclusion in a CTPNOC Guidance; and (v) that our clients and their objectives are not "*extreme ideology*."
4. A full public apology issued to our clients;

5. Immediate confirmation of the following:

- i. who made the decision to include our clients in the CTP Guidance and when these decisions were made;
- ii. the rationale behind the decisions to include our clients in the CTP Guidance;
- iii. confirmation as to why our clients, and other organisations, were never afforded the opportunity to make representations against their inclusion in the CTP Guidance;
- iv. details of any correspondence, guidance or training materials that accompanied the CTO Guidance;
- v. the date of issue of the CTP Guidance;
- vi. a full list of the partners and/or any other organisations or individuals the CTP Guidance has been sent and circulated to, to the extent that this is available to CTPNOC;
- vii. confirmation of the extent to which, if any, the Home Office and/or Secretary of State for the Home Department have had oversight of the creation, circulation, implementation and use of the CTP Guidance;
- viii. a breakdown of the number of individuals that have been referred to CTPNOC programmes, including but not limited to Prevent, in connection with each individual client organisation and movement that we represent, and in connection with any other political group and/or activity, following circulation of the CTP Guidance;
- ix. confirmation that any referrals that have been made to CTPNOC in connection with individuals affiliated with our clients following circulation of the CTP Guidance will be immediately closed and deleted permanently; and
- x. a full apology issued to any individuals referred to the CTPNOC programmes, including but not limited to Prevent, as a result of their affiliations with our clients following circulation of the CTP Guidance.

We request that you provide a substantive response in writing within 3 working days and by close on Monday 27 January 2020.

Any queries in respect of this matter should be forwarded to Jamie Potter, Basma Sahib and Farhana Patel of this firm whose contact details are provided above.

Yours faithfully

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