BINDMANS LLP

Your ref: 157729/DAF

Our Ref: JPOT/BSCW/FAPA

Direct dial:+44 20 7014 2019
Fax: +44(0)20 7837 9792
Direct email: j.potter@bindmans.com;
f.patel@bindmans.com
Paralegal: v.cannell@bindmans.com

PA: c.langley@bindmans.com

Date: 13 February 2020

FAO: Daniel Futter
Directorate of Legal Services
10 Lamb's Conduit Street
London
WC1N 3NR

By email only: Daniel.Futter@met.police.uk

Dear Sirs

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 write further to your letters dated 31 January 2020. Our clients welcome your client, Counter Terrorism Policing's, recognition of their "*wholly valid concerns*", and its confirmation that:

1. "*campaign and protest groups with a legitimate cause and those who wish to act lawfully and peacefully will receive nothing but assistance from policing*";

2. "*being a law-abiding supporter of [our] clients or any other lawful protest group would not make [a person] of any interest to any part of the police, let alone Counter Terrorism Policing*";

SENIOR CONSULTANTS
Sir Geoffrey Bindman QC*
Stephen Grosz QC*
Saimo Chahal QC*
Lynn Knowles
Michael Schwarz

PARTNERS
Tamsin Allen
Liz Barratt
Jules Carey
Jon Crocker
Kate Goold
John Halford
Charlotte HaworthHird
Siobhan Kelly
Elizabeth McGlone
Alla Murphy
Olivia Piercy
Jamie Potter
Paul Ridge
Amrit Rana
Amy Rowe
Alison Stanley
Anna Thwaites
Katie Wheatley

ASSOCIATES
Salima Budhani
Emma Cohen
Yagmur Ekici
Neil Emery
Ashley-Jayne Fleming
Roberta Haslam
Sarah Hindle
Laura Hobey-Hamsher
Catherine Jackson
Jude Lanchin
Alison Mackintosh
Karen May
Jessica Skinns
Sheetul Sowdagur

SOLICITORS
Alaa Abdoun
Karan Ahluwalia
Lana Adamou
Clara Barry Born
Rachel Benett
Jessie Brennan
Molly Cox
Ryan Klucken
Samuel Cronin
Nina Pantzaris
Alice Davis
Emily-Jade Defriend
Abigail Evans
Mira Hammad
Christian Hansen
Rachel Harger
Laura Jackson
Ella Jefferson
Robert Maddox
Hannah Marshall
Carla Mirallas
Joseph Morgan
Jamie Niven-Phillips
Oliver Oldman
Patrick Ormerod
Farhana Patel
Caroline Robinson
Rosie Roddy
Basmah Sahib
Emma Varley
William Whitaker
Rosaleen Wyllie
Daniel Zona

LAWYER
Melissa Arnold

CONSULTANTS
Jill Marshall
Tony Taylor

*Honorary

Contracted with the Legal Aid Agency

Specialist Fraud Panel

Bindmans LLP is a limited liability partnership registered in England and Wales under number OC335189. Its registered office is as set out above. The term partner means either a member of the LLP or a person with equivalent status and qualification.

Lexcel Practice Management Standard Law Society Accredited

Authorised and regulated by the Solicitors Regulation Authority

3. *"[n]o individual would ever be accepted into the Prevent programme solely for being affiliated to a lawful protest group*"; and

4. "[*your] client does not consider membership or affiliation to [our] clients to be reason for a Prevent referral*".

However, in light of these concessions, it is even more difficult for our clients to understand the rationale behind the inclusion of their organisations in the CTP Guidance, and why in these circumstances it is necessary to include their organisations at all.

Further, your client has disappointingly failed to engage with several points raised in our letter of 22 January 2020, and some of the statements made in your letters of 31 January require clarification.

First, despite what you say about the totality of the quote on page 2 of the CTP Guidance, the inference of the statement "*much of the activity conducted by such groups is lawful protest*" remains that at least some of the activity conducted by all the organisations listed in the CTP Guidance is unlawful. Upon perusing the CTP Guidance and reading this section, the reader could reasonably conclude that any organisations listed, including our clients, are involved in at least some unlawful activity, which might be relevant to counter-terrorism, extremism or radicalisation. No other differentiation is made between the organisations included within the guide except to specify those organisations in respect of which it is a crime to be a member.

Second, we note your explanation that "*the purpose of this document was solely educational; it was to explain about different signs and symbols that existed, to ensure reasonable decisions were made. This was to avoid confusion between organisations of concern and those to which there is no issue. It was not the aim of the Guide to simply list groups who are of interest to CT Policing.*" Further you say, *"[i]nclusion in the Guide does not indicate that CTPNOC considers a body is extremist. Indeed, it was hoped that the creation of the Guide would ensure that there was no conflation between groups of concern and legitimate bodies. In that sense, the Guide was created to facilitate lawful protest and not to hinder it. Your clients' inclusion was to protect them, not encourage others to deem them to be of interest to CTPNOC".*

In respect of these statements, we make the following points:

1. this is not explained in the CTP Guidance. The Guidance does not explain the reason for the inclusion of the groups or provide distinctions between them (other than as explained above);

2. these statements imply that our clients organisations were included in the CTP Guidance for educational purposes as examples of organisations where "*there is no issue*" in contrast to "*organisations of concern*". Please clarify the rationale behind the

selection of our clients organisations for this purpose, as opposed to other political and/or activist organisations such as the Conservative or Labour parties, or RSPCA; and

3. it seems irrational to include organisations which are not of interest to counter-terrorism policing in counter-terrorism police guidance for the purposes of avoiding confusion. It is apparent from the public reaction to the inclusion of organisations such as our clients and other lawful protest groups including but not limited to Greenpeace, that their inclusion has caused confusion rather than avoided it.

   Similar confusion and concern arose in respect of the inclusion of some of our clients in South East Guidance which ultimately was recalled as a result.

   Further, we have previously drawn to your attention at least one example of a primary school which has referred to the national CTP Guidance on its website on a page discussing '*Safeguarding and Child Protection*', where it is listed under the heading '*Preventing extremism and radicalisation*' without further context being provided. We reasonably 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.

Third, you say that "*no individual would ever be accepted into the Prevent programme **solely** for being affiliated to a lawful protest group'* (our emphasis). This statement implies that membership of a lawful protest group may be a relevant factor when considering a Prevent referral. Please clarify in what circumstances, if any, affiliation with a lawful protest group would ever be relevant to Counter-Terrorism Police and/or a referral to the Counter-Terrorism Policing National Operations Centre programmes, including Prevent.

Fourth, your client has failed to confirm or deny whether any Prevent referrals have been made for individuals affiliated with each individual client organisation and movement that we represent. Neither has your client provided an explanation as to why they have failed to provide this information.

We reiterate our request for:

1. 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.

2. 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.

If your client refuses to provide this information, please explain its bases for doing so in writing with reasons.

Fifth, we note with concern that you are unable to say conclusively which organisations are in receipt of the CTP Guidance given the potential implications that it has. Please confirm what if any efforts have been made to identify the recipients.

Sixth, you say "[*t*]*he purpose of the Guide is education and it is not a policy document. It is not necessary, nor practical, to consult on the creation of such material'*. We disagree that it was not necessary to consult our clients on the creation of the CTP Guidance given that their inclusion within the CTP Guidance implies involvement of their members in at least some unlawful activity which may be of relevance to counter-terrorism, extremism or radicalisation.

For these six reasons, please agree to exclude our clients from the revised CTP Guidance.

Action your client is asked to take:

In the light of the above, we ask that your client:

1. clarify in what, if any, circumstances, affiliation and/or activism with our clients organisations will ever be relevant to Counter-Terrorism Police and/or a relevant factor be considered when deciding whether or not to refer to a counter-terrorism policing programme, including but not limited to Prevent;

2. explain the rationale behind the selection of our clients organisations (as opposed to other political and/or activist organisations such as the Conservative or Labour parties, or RSPCA) for educational purposes as examples of organisations where "*there is no issue*" in contrast to "*organisations of concern*".

3. explain the rationale behind the recall of the South East CTP guidance, but the maintaining of this national guidance;

4. confirm what if any efforts have been made to identify the recipients of the CTP Guidance;

5. make a public statement, including a full apology to our clients, confirming the following:

    (a) Your client recognises that our clients have raised "*wholly valid concerns*" in respect of their inclusion in CTP Guidance and your client apologises for any distress caused

by the inclusion of our clients in counter-terrorism policing guidance;

(b) "*campaign and protest groups with a legitimate cause and those who wish to act lawfully and peacefully will receive nothing but assistance from policing*";

(c) "*being a law-abiding supporter of [our] clients or any other lawful protest group would not make [a person] of any interest to any part of the police, let alone Counter Terrorism Policing*" and membership or involvement with such an organisation is not of any relevance to counter-terrorism, extremism or radicalisation, or a relevant factor when deciding whether to refer to counter-terrorism programmes including but not limited to Prevent;

(d) "*[n]o individual would ever be accepted into the Prevent programme solely for being affiliated to a lawful protest group*" and membership of a lawful protest group should not be a relevant factor for referral;

(e) "*[y]our client does not consider membership or affiliation to [our] clients organisations to be reason for a Prevent referral*";

(f) inclusion in the CTP Guidance does not indicate that an organisation is involved in criminal activity; and

(g) our clients and their objectives are not considered to be extreme ideology (having had regard to the legal definition of extremism).

6. confirm that a statement to the above effect will also be circulated to all recipients of the CTP Guidance; and

7. exclude our clients from the revised CTP Guidance.

We would be grateful for your response in writing within 7 working days and by close on Thursday 20 February 2020.

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

Yours faithfully

Bindmans LLP

Bindmans LLP
Encs.