31 January 2020

Bindmans LLP
DX: 37904 King's Cross

Dear Sirs

Re: Inclusion of: (1) Animal Aid; (2) Palestine Solidarity Campaign; (3) Extinction Rebellion Peace; (4) Trident Ploughshares; (5) Campaign for Nuclear Disarmament; and (6) Martin Marston-Paterson, who is representing the Extinction Rebellion movement in Signs and Symbols Guidance Document

I write further to your letter of 22 January 2020.

In this letter I explain the organisation of Counter Terrorism policing and the purpose of the document titled Signs & Symbols Guidance Document (“the Guide”). My client does not consider that any claim in respect of the Guide would succeed.

Counter Terrorism Policing

Counter Terrorism Policing is an alliance of UK police forces working closely with security and intelligence agencies to prevent, deter and investigate terrorist activity. Around the country there are eleven regional counter terrorism units (CTU) and intelligence units (CTIU), which bring together intelligence, operations and investigation functions, engaging with a range of partners to prevent terrorist activity.
The regional Counter Terrorism Units gather intelligence and evidence to help prevent, disrupt and prosecute terrorists and terrorist activities. Each CTU provides coordination and specialist support; they have a wide range of expertise including skilled detectives, financial investigators, analysts, forensic specialists and high-tech investigators.

At the centre of the network sits the Counter Terrorism Policing Headquarters (CTPHQ), which devises policy and strategy, and provides corporate and support services to the CT network. CTPHQ co-ordinates national projects and programmes, and advises the government on how much and where budgets should be allocated to police forces in England and Wales. CTPHQ provides a single national CT policing voice for key stakeholders.

Alongside the headquarters is the Counter Terrorism Policing Operations Centre (CTPNOC) which is a central operational command made up of units that provide operational support to the national network. Teams within the Operations Centre are: Ports, Intelligence, Firearms Suppression; and Coordination Centre. Intelligence covers a wide spectrum and one aspect is the production of guides to assist other units to make sound decisions.

The Guide

On 10 July 2019, CTPNOC finalised the drafting of the Guide. 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.

The Guide was circulated to a large number of bodies within the CT network, of which Prevent was only one. It was not a document created purely for the Prevent program.

It is helpful to quote in its entirety the text on page 2 of the Guide, which sought to explain the nature of the document.

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.

Please note that not all of the signs and symbols noted within this document are of counter terrorism interest; some religious, historical and mythological symbols have been adopted and used by groups of CTPNOC interest.

For a quick reference guide, Signs and Symbols Aid posters have been disseminated with this product” [my emphasis]

The words “much of the activity conducted by such groups is lawful protest” is preceded by the words “Membership or support of these groups does not indicate criminality”. This is intended to convey to the reader that the organisations or movements which are listed within the Guide are not included on the basis of any allegation of unlawful conduct.

Being listed on the Guide does not provide a criteria in itself for a Prevent referral. Inclusion 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.

Your clients’ mooted claim

My client has evaluated the matters raised with some care. You claim that the inclusion of your clients in the Guide amounts to the “targeting of their members and/or activists for referral to CTPNOC, [which] 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.” This is because you claim that my client believes that “at least some of the
activity conducted by all the organisations listed in the CTP Guidance is unlawful”. This is not correct and it is not considered that a reader of the Guide would share your analysis.

It will hopefully be clear from above that your clients are operating under a substantial misconception. Inclusion in the Guide is not “inference that [a body is] involved in unlawful activities”. It is purely an educational tool in respect of signs and symbols.

The ECHR

You claim that inclusion in the Guide suggests that an organisation is targeted by CTPNOC. You argue it interferes with Article 8, 10 and 11. Fundamentally, your clients are mistaken as to the purpose and use of the Guide. In light of this, you have considered the application of the above Articles under an erroneous basis. I am sure that now you understand the purpose and intended use of the Guide, you will recognise that it does not engage the above Articles. Liability in respect of any claim as per the ECHR is denied.

Information sought

I set out below the answer to some of your queries. Please note that my client will neither confirm nor deny as to whether a Prevent referral has been made that makes any reference to any particular group or organisation.

The decision to include our clients in the CTP Guidance and when these decisions were made: This was made by NCTPOC, in July 2019.

The rationale behind the decisions to include our clients in the CTP Guidance: This is set out above. There are no contemporaneous notes or correspondence in respect of this.

Confirmation as to why our clients, and other organisations, were never afforded the opportunity to make representations against their inclusion in the CTP Guidance: The purpose of the Guide is educational and it is not a policy document. It is not necessary, nor practical, to consult on the creation of such material.

Material that accompanied the Guidance: No separate document to clarify the purpose of the Guide was released.
The date of issue of the CTP Guidance: See above.

The partners and/or any other organisations or individuals the CTP Guidance has been sent and circulated: The Guidance has been circulated to a wide range of bodies within the CT Network. It is not possible for CTPNOC to state conclusively which organisations are now in receipt of the Guide.

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: The Guide is solely a CTPNOC produced piece of research.

Yours sincerely

Daniel Futter