

PRESS RELEASE: for immediate use.

David v Goliath – round 1 to David.

Permission to proceed to a full Judicial Review granted

The Public Interest Law Unit (a small project of a South London Law Centre) launched Judicial Review proceedings against both the Home Office and the Scottish Government in respect of the failure to establish a public inquiry into undercover policing operations in Scotland.

Today, Thursday 14th September 2017 at the Court of Session permission was granted by Lord Brailsford for the case to proceed to a full Judicial Review.

Undercover Policing Inquiry

In March 2015, Theresa May, then Home Secretary, announced her intention to set up an Inquiry into undercover policing. This announcement followed revelations that police officers, as early as 1968, had spied on political campaigners and had used the names of dead children to create their identities. The officers, part of the 'National Public Order Intelligence Unit' (NPOIU) and Metropolitan Police Service's 'Special Demonstration Squad' (SDS), had deceived women into forming long-term intimate relationships and had fathered children, they had befriended grieving families, including the parents of Stephen Lawrence, and had acted as *agent provocateurs*.

The undercover police operations under scrutiny by the Inquiry are [limited to those conducted in England and Wales](#). However, much evidence has come to light demonstrating that the Metropolitan Police's SDS had in fact operated in Scotland, and possibly without the permission of the Scottish authorities.

During the G8 Summit at Gleneagles in 2005, [the Metropolitan Police sent undercover police officers into Scotland to spy on activists](#), amongst these officers was known undercover officer Mark Kennedy, who had, between 2003 and 2010, infiltrated numerous campaign groups and had formed intimate relationships with women. [Undercover officer Carlo Neri](#) targeted a woman known publicly as 'Andrea', and had been welcomed into her Scottish family.

Tilly Gifford – spied on

Tilly Gifford, environmental justice campaigner and member of *Plane Stupid*, had also been targeted in Scotland, and in 2009, [officers had attempted to recruit her as an informant](#). Referred to as an on-going "business arrangement", Tilly was asked to betray her friends, beliefs and the communities in Scotland that she had been campaigning to protect. In the course of three meetings, police officers had indicated that they would give Tilly cash payments in exchange for information, and threatened her with prison should she fail to cooperate. [Tilly recorded these exchanges and exposed the Police and their tactics in the media](#). The identities of these officers remain unknown, and it is unclear who had made the decision to target Tilly and on what basis.

The Public Interest Law Unit, on behalf of Tilly launched Judicial Review proceedings against the Home Office and the Scottish Government. On 14 September 2017, Edinburgh's Court of Session granted permission for a full judicial review hearing to take place. The full hearing (probably to be heard in early 2018) will consider whether the UK Government acted unlawfully in refusing to extend the terms of reference of the Inquiry to Scotland, and separately but simultaneously, will also challenge the decision of the Scottish Government to refuse to set up an Inquiry of its own.

Legal Aid now needs to be granted.

The legal challenge has not been without its practical difficulties, and the Scottish Legal Aid Board had refused to fund the case. The lawyers involved are currently working pro bono and [have raised thousands through Crowdjustice](#) to protect Tilly from any adverse costs. We now trust that SLAB will get its act together and fund this important case

In calling for either the Home Office to extend the Inquiry to Scotland, or for the Scottish Government to set up its own inquiry, Tilly has said:

“Through the Undercover Policing Inquiry, communities in Wales and England who have suffered extreme abuses have the potential to have light shed on these sexual, emotional and physical violations carried out by the state. In granting permission the Judge believes there are grounds that the UK and Scottish governments have possibly acted illegally in failing to extend it north of the border – we now call on them to reconsider their positions and extend the inquiry without the need for a full hearing.”

For further information call Paul Heron – solicitor 07747857172.