IN THE UNDERCOVER POLICING INQUIRY

STATEMENT OF DONAL O’DRISCOLL

I, Donal O’Driscoll, c/o Hickman & Rose Solicitors, 17-18 Aylesbury Street, London EC1R 0DB will state as follows:-

1. I am a founding member and researcher in the Undercover Research Group (URG) and am also a designated core participant in the Inquiry as a social, animal rights and environmental activist who has a significant interest in an important aspect of the matters to which the Inquiry relates.

2. I make this statement in response to the applications for anonymity made by the Operation Motion officers known by the ciphers “Jaipur” and “Karachi” and will also address some of the issues raised in the open version of the undated and unsigned statement of Det Supt Neil Hutchison which accompanies the aforementioned applications.

3. The matters referred to in this witness statement are within my own knowledge, except where I have indicated otherwise. Where any matters contained in this witness statement are not within my own knowledge, I have stated the source of my information.
Introduction

4. A significant part of the open applications for anonymity made on behalf of Jaipur and Karachi are based on criticisms of URG. The information therein contains factual inaccuracies and seriously mischaracterises the nature of URG and I seek to put the record straight in order that the Inquiry chair may make a decision as to the applications based on fact rather than speculation. This is the second unwarranted attack on URG by the Metropolitan Police, the first being within the material in relation to CAIRO, provided in early 2016.

5. In this statement, I bear in mind that the predominant objective must be the success of the Inquiry as a whole. I accept that there are points where the principle of transparency must be overridden to ensure that the terms of reference are fully met. However, I equally note that the principle of transparency is fundamental to meeting its objectives. For my part, trust in the process of the Inquiry is based on transparency, as the documented abuses carried out by undercover officers has been enabled by a culture of secrecy. Thus, any application which seeks to limit this principle (particularly in relation to public servants), needs to be carefully scrutinised to ensure that the basis on which it is founded is not only sound, but will not have knock-on effects for other parts of the Inquiry.

6. This statement is divided into two main sections. The first is a statement about the Undercover Research Group, since it is a significant point of reference for the applications made by Jaipur and Karachi. The second addresses a number of points raised in the risk assessments and supporting evidence where my own experience indicates that there is doubt as to how the police are interpreting matters and overstating their case.
Nature of URG's work

7. The knowledge of undercover policing which has been instrumental in the setting up of this Inquiry has largely come about due to the combined work of many dozens of the activists affected. This process has been rigorously obstructed by the Metropolitan police, who have sought to prolong suffering and maintain miscarriages of justice rather than face public scrutiny. There is no doubt that miscarriages of justice have taken place, or that there has been abusive behaviour at the hands of the police. This is why there is an Inquiry in the first place.

8. However, this is also the context in which URG exists. We are made up of people who have been spied upon and are close friends with others in this position, many of whom have since become core participants in their own right. To attack the research conducted by the many individuals who brought us to this point is to attack the very reason the Inquiry is occurring in the first place.

9. Thus, when the risk assessments in respect of Jaipur and Karachi identify "anti-UCO campaigners" they are not simply mischaracterising the URG but also all those who have investigated and exposed undercover officers, including, for example, the women who exposed Bob Lambert, John Dines, Mark Kennedy, Mark Jenner and Jim Boyling. Those who research these matters do not carry out their work from abstract political positions, but rather from close association with affected individuals and from their own personal experiences.

10. As such, URG does not work in a vacuum and is not separate from all those who have investigated the people they were in relationships with or campaigned alongside them. It is part and parcel of the communities of activists who were affected and took action to investigate the UCO abuses.
11. As a consequence of this work, URG has developed methodologies and guidelines to assist others affected by UCO activity in their searches for answers. These methods and guidelines have been built on careful analysis of previously exposed UCOs in order to provide a solid basis for affected persons to take forward any concrete suspicions and to end speculation. This is in stark contrast to the NCND approach inconsistently adopted by the Metropolitan police and which has caused so much pain. Affected individuals should not be criticised for searching out answers and nor should those assisting them. Fundamentally, the URG has been a natural reaction to a lack of candour and honesty from the police about the abuses carried out by its undercover officers. It is a group that has emerged within the wider campaigning movement in response to a deep-seated need to understand what happened.

12. There is a larger context here as well, that of the public interest. Though much of URG’s activities takes place behind the scenes, there is a wider interest in undercover policing and the abuses carried out in its name - as can be seen from various media reports. The risk assessments in respect of Jaipur and Karachi ignore this aspect of our work. I observe that Jaipur and Karachi are not simply bystanders but public officials carrying out duties on behalf of a public body. The public has a right to know and should be able to trust the Metropolitan police to carry out its duties and responsibilities to the Inquiry. Some of the material produced by URG goes towards that and, as such, is in the public interest. By seeking to undermine this work, the applications made by Jaipur and Karachi ignore the public interest and ignore the manner in which URG seeks to disclose information in a responsible way.

13. I resent and reject the implication that URG is reckless with the information we put out and believe that the Jaipur and Karachi risk assessments have deliberately omitted material which readily
demonstrates the opposite. In a number of situations, we have deliberately withheld information of a personal nature from a public profile as we believe it would not serve the public interest and be too intrusive to the lives of others.

14. For example, URG identified “Carlo Nerli” as a UCO at the beginning of 2016 and did so without revealing his real name in recognition of sensitive issues around this. This was considered sufficiently newsworthy and in the public interest to warrant a lengthy segment on BBC Newsnight and a feature in the Guardian newspaper. In all these cases we made conspicuous statements explaining this on their profiles. So, while we do not deny that we have come across such material, we have acted with the right level of probity with regards to it.

15. Moreover, in the cases of RC and Gary R/Abigail L, URG has not published all of the detail it holds, or the photographs it has of these individuals (which were provided to us by activists who were spied upon). We have done this on the basis that there is no definitive evidence as in other cases and some acknowledgement of the residual doubt needed to be made. In the case of Carlo Nerli mentioned above, we became aware of his full identity and family situation but, in agreement with people who were spied upon by him, we have never published that material and have no intention of doing so as it would lead too easily to the identification of his family, who were innocent bystanders in this.

16. It is also worth pointing out that, in obtaining material, proper fact-checking and due diligence is a natural part of the process and practised across many industries. Journalists and other investigators do it all the time as it is an important tool to ensure both accountability and accuracy. Rather, the

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1 RC: [http://undercoverresearch.net/2016/02/04/rc-a-spycop-police-refuses-to-confirm-or-deny/](http://undercoverresearch.net/2016/02/04/rc-a-spycop-police-refuses-to-confirm-or-deny/)

significant aspect is what is done with material of this nature. It is readily demonstrable that URG, in its investigation of UCOs, has acted wholly responsibly, particularly when sensitive personal details come to light.

17. I also observe that, in choosing to concentrate on URG, the risk assessments in respect of Jaipur and Karachi fail to reference the book published by Guardian journalists Rob Evans and Paul Lewis, the various public reports from Mark Ellison QC, the former surveillance commissioner, Sir Christopher Rose (who had no compunction in naming individuals down to constable level), the independent Police Complaints Commission and HM Inspectorate of Constabulary – the latter producing several highly detailed reports into the nature of undercover policing structures. URG has simply built on this material, which is all in the public domain and published in the public interest. It is inappropriate to point the finger at URG while ignoring other material in the public domain.

18. In relation to the profiles produced by URG, I wish to make it clear to the Inquiry that they are very carefully documented from open source material. The editorial policy for our host site Powerbase.info requires this² and we are always ready to correct mistakes when informed of them. Accuracy and verifiability is at the core of our work.

19. In particular, I find it curious that the risk assessments in respect of Jaipur and Karachi single out the profile of Martin Hewitt³ as a matter of concern. AC Hewitt is a high profile officer who has given numerous public interviews and statements, including on undercover policing and has been associated with other issues subject to media attention. He is an officer in a position where one

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would expect a relatively high level of public scrutiny to ensure that he is an appropriate post-holder. As an assistant commissioner, he is amongst the highest ranking police officers in the country and officers of his general rank are regularly subjected to profiles. Scrutiny of a person’s background is a standard part of public life. Regardless, the risk assessments do not complain of a specific aspect of how URG profiled AC Hewitt but the very fact he was profiled in the first place. Based on the above, I find this surprising.

20. URG’s work in relation to Mick Creedon, Chief Constable of Derbyshire Police and the nominal head of Operation Herne, provides a further example of the benefit of our work to the public interest in ensuring that relevant information is highlighted*. Mick Creedon was supposedly brought in as a clean pair of hands to oversee the Metropolitan Police’s own investigation into undercover police, yet our research indicated that he is very likely to have knowledge of the undercover deployment of Mark Kennecy in Derbyshire, a conflict of interest he has not publicly disclosed to date.

21. The further profile produced by URG and subject to criticism is that of Paul Hogan, a former officer with the National Public Order Intelligence Unit who explicitly stated on a profile (set up by him) of his role in the NPOIU in 2005 – 2006:*

&enspace;&enspace;I controlled all the department’s covert intelligence assets and ensured legislative compliance.

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* [http://powerbase.info/index.php/Mick_Creedon](http://powerbase.info/index.php/Mick_Creedon)
* [http://powerbase.info/index.php/Paul_Hogan_Linkedin_profile](http://powerbase.info/index.php/Paul_Hogan_Linkedin_profile)
As such, he is clearly a person who may assist the Inquiry in achieving its terms of reference, particularly around the events of the G8 protests of 2005 which feature significantly in the activities of undercover officers at the time, both here and abroad.

22. In writing our profile of AC-PIT, URG produced a document that informed and digested publicly available material as a service to those who are following or engaged with the public inquiry. As such, we are responding to questions put to us by others and facilitating information sharing and discussion of matters around what is a public inquiry. The majority of material drawn upon were documents made publicly available through the Inquiry website from the unit itself, which we then turned into a more digestible form. This is not only a legitimate use of the material but also provides a public service.

23. Drawing solely on material that is already available in the public domain, URG seeks to inform people, acting in the public interest. It is ironic that the risk assessments actually draw attention to material put into the public domain either by the officers and forces themselves, or through mechanisms put in place precisely to provide public accountability.

24. In profiling undercover officers, I contend that we provide an important public service, given the impact these UCOs had on those spied upon. Without our role in the exposure of Carlo Neri for example, a number of people would not have been able to come forward to seek core participant status on the basis of having been deceived into relationships. With other UCOs, we believe that they may have been associated with miscarriages of justice and are working with some of those affected to take these matters forward. Again, this is a matter of public interest.
25. URG has taken great care to be as factually accurate as possible in its work; in only one case have we been asked to change material, which we did insofar as it improved the accuracy of a profile. PowerBase.info has a specific right to reply as well6. I note that in the cases of the UCOs known as Gary R, Abigail L and RC, none has made use of this right to reply in the many months that their profiles have been published. Attempts made by URG to reach out to them on known points of contact were not responded to; in all cases moreover, the police were contacted but responded by relying on NCND.

26. The Jaipur and Karachi risk assessments also take URG to task for asking for further information. This has been deliberately misconstrued. This is not a request for personal, intrusive information but for material that would further aid understanding of undercover policing and those behind it, as well as throwing more light on miscarriages of justice. Encouraging people affected by undercover policing to come forward is clearly of potential benefit to the Inquiry itself.

27. If anything, I maintain that URG takes a conservative approach to its publications and considers matters with great care. By failing to acknowledge this, the Jaipur and Karachi risk assessments paint a false picture, appearing as explicit attacks on URG, designed solely to support the applications rather than providing an objective appraisal of URG’s work.

28. The effect of the Jaipur and Karachi applications is to imply that there is a malign intent behind the work that URG does and that the former will somehow be ‘targeted’ with all the negative

6http://powerbase.info/index.php/Powerbase_Corrections_and_Right_of_Reply
connotations that involves. As above, I maintain that the scrutiny of public officials for the purposes of transparency and accountability does not amount to 'targeting'.

29. Even if public scrutiny of UCOs were to go further and result in protest, this is part of the democratic process. The public is entitled to ask questions, to protest and to express concern over the actions of a police officer, who is, after all, a public servant. Raising challenging questions of probity is a rightful part of the democratic process and, whilst this may cause discomfort, it is legitimate.

30. To date, I am unaware of any physical threat or attack made against any officer who has been publicly named. I am equally unaware of any official complaint (by an officer or ex-officer) having been lodged either.

31. Importantly, the risk assessments ignore the fact that it was Paul Hogan himself who put the material in the public domain on LinkedIn\(^7\), a well-known website often used to secure employment. URG cannot be at fault for using something deliberately put into the public domain. If anything, URG merely took the profile and gave it further context.

32. The risk assessments assert that identifying Jaipur and Karachi would somehow excise the UCOs that they are in contact with. To justify this, it is suggested that complex surveillance operations would be conducted against them, presuming they could be tracked down in the first place. I

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7 [http://powerbase.info/index.php/Paul_Hogan:_Linkedin_profile](http://powerbase.info/index.php/Paul_Hogan:_Linkedin_profile)
maintain that this is fanciful and un-evidenced. It is not the sort of activity URG engages in and we have never carried out such an operation in respect of any of the UCOs exposed to date.

33. I note that facial recognition software is suggested as a possibility. While this may be de rigueur for films, the practicalities of making it work are unrealistic. To serve any sort of reasonable functionality, you have to know where to look in the first place, which effectively defeats the purpose of it. I also understand that such technology is plagued with false positives which cause significant problems, making reliance on it as a technique dubious in the first place. Recent media reports note that even organisations as large and well-resourced as the FBI have problems with it⁹.

34. My reading of various source material has given me sufficient understanding of the significant amount of resources and time such work consumes, even in a sizeable organisation such as the Metropolitan Police which is set up for this sort of work and has access to resources unavailable to private individuals. To this end I am confident in asserting that the impracticalities which would face any researcher seeking to carry out this sort of operation are insurmountable.

35. First, there are the practicalities of locating Jaipur and Karachi and then maintaining surveillance on a pair of undoubtedly well-trained Special Branch officers (with experience in protection) over the course of weeks and months. Then, if photos of all they meet are obtained, one is left with a series of images of persons who may or may not be ex-UCOs. Turning any one of those images of a person in the here-and-now and identifying them as a UCO in the past is a further herculean task in itself. The images would need to be identified- a whole new level of difficulty - and then there is the difficulty of working out not only whether they were an actual UCO but also who they were and what they did. This task would be hampered by changes in appearance, both deliberate and through age. Given a face, knowing where to look in terms of 40 years of protest, and presuming they would actually be recalled by individuals targeted are insurmountable obstacles.


See also http://www.wbur.org/wgbh/nova/newstech/the-limits-of-facial-recognition/, which discusses how the use of facial recognition software proved to be of little value to the FBI in tracing the 2013 Boston marathon bombers even with access to formal photographs of the pair in the system.
36. I note the use of the term 'anti-UCO campaigners/researchers' in the risk assessments and the statement tendered by DSupt Hutchison as a generic expression to lump together all who are involved in bringing an issue concerning police accountability into the public domain. The expression is derogatory towards the many different activists and groups which have acted to expose miscarriages of justice, deceptive relationships and other abuses. This is an inappropriate term and serves to demonstrate a lack of objectivity in the risk assessments. I note that that amongst these 'anti-UCO campaigners' were those to whom AC Hewitt issued an apology accepting that the relationships entered into with women activists were, "abusive, deceitful, manipulative and wrong" and that, "these relationships were a violation of the women's human rights, an abuse of police power and caused significant trauma". These campaigners, myself included, are seeking answers and justice from a police unit which, sources within the Metropolitan Police itself have acknowledged, had, "lost its moral compass".

The risk assessments and evidence of DSupt Hutchison

Jaipur risk assessment:

37. Paragraph 4.4 states that Jaipur worked on 'C' squad and the Animal Rights & Environmental Desk. I understand that, from 1993 to 1998 Robert Lambert was head of the SDS and material provided by SDS offices would have been first disseminated to C-desk who would have 'sanitised it' before it was passed on through the intelligence chain to other police units. It is also of note that the post held by Lambert immediately prior to heading the SDS was at 'E' squad, a unit to which Jaipur was also posted. Of further note is the fact that the SDS undercover 'Matt Rayner' was active in the London animal rights scene from 1991 to 1996. Though the redactions make it hard to establish (and although only the Chair will know the answer to this), there appears to be a high probability that Jaipur knew both Lambert and 'Matt Rayner'. Given the leading role played by Lambert as a UCO and supervisor of UCOs and 'Matt Rayner's relationship to potential miscarriages of justice, I believe that this gives rise to questions as to Jaipur's independence and suitability, which directly undermines his
credibility within Operation Motion and his ability to provide risk assessments that can be readily relied upon.

38. Paragraph 6.6: the risk assessment makes the unsubstantiated allegation that, in the absence of being able to profile former SDS management, URG activists will focus on the current 'de facto management', ie Operation Motion officers. For the record, URG do not consider Operation Motion as successors in the management of the SDS, but solely as a function of the Metropolitan Police's response to the Public Inquiry.

39. Paragraph 6.12: the risk assessment relies on the publication of the photos of Chief Constable Phil Gormley and Assistant Commissioner Martin Hewitt. We note that if URG is culpable here, then so is Police Scotland who have also posted a photograph of Gormley to go with a biography of him.13 Entering 'Phil Gormley' into Google Images throws up numerous mainstream media publications where his photograph also appears, including the Scottish Herald, the Daily Record and The Times. The photograph attached to URG's profile of the latter comes from the Norfolk Police website.14 Furthermore, I note that, in light of media attention, Police Scotland issued a statement relating to Gormley's position as overseeing Metropolitan Police Special Branch and referencing co-operation with the Inquiry.15

40. A similar situation arises in respect of AC Hewitt who is already in the public domain and has made numerous media appearances. The photo of AC Hewitt used by URG is currently available from the website of the National Police Chiefs Council, which also contains his biography16. This is a leading national policing role.

Karachi risk assessment

36. The points made above in respect of Jaipur apply equally here and I avoid repetition.

37. Paragraph 5.4: I note that the risk assessment voluntarily puts material into the public domain which could lead to Karachi's identification. By doing so, it undermines its own argument with regard to

16 http://www.npcc.police.uk/About/Leadership.aspx
facial recognition techniques and supports my contention that the potential for identifying officers in this way is negligible.

38. Paragraph 6.5: This assertion has not been substantiated in any meaningful way. But for the inclusion of information contained in paragraph 5.4 of the risk assessment, I would not have been aware that Karachi’s photograph had been published in open source material. As a URG researcher, I can confidently assert that the implied ease of working with open source material to this level is overstated and what is actually presented is a highly time-consuming piece of research that would require much more significant motivation and resources than are currently available, not least for all the reasons explained elsewhere in this statement.

39. Paragraph 6.17: the concern of press intrusion is considerably over-stated. In my experience of dealing with the press in relation to undercover policing, it is very unlikely that there would be any interest in Karachi at all. I believe this to be the case as s/he is not a UCO or a UCO line manager.

DSupt Hutchison’s witness statement

40. Paragraph 38: in relation to the complaint regarding the profile of Paul Hogan, what is referred to as ‘speculative open source search’ amounts to no more than entering a search term into Google or other search engine. For instance, with Paul Hogan, a Google search on ‘National Public Order Intelligence Unit’ would have brought up his LinkedIn profile on the first page, causing someone with just passing knowledge of the issue to recognise the importance of his role.

41. Paragraphs 47 to 52 appear to be a reference to Wilf Knight. Again much of what is implied as being specialist knowledge or skill boils down to straightforward internet searches. Entering his name into a search engine provides direct links to the Security Institute Award. A search on Wilf Knight + undercover had as its top six links the Award, two Guardian articles, the book by Paul Lewis and Rob Evans, and the witness statement of Neil Hutchison (searches conducted 9 September 2016). I exhibit dated PDF documents of these searches to this witness statement, marked “DOD1”. Extending these searches for an interested lay person is a trivial matter.

47 As Paul Hogan has since changed his profile it is not possible to demonstrate this in action, but I am able to assert this process from personal experience.
42. It should also be noted that Special Branch was active in supporting the collaboration of former SDS officers with the 2002 BBC documentary 'True Spies'. This is something that Peter Francis' submissions in previous hearings have made mention of. Earlier this year, the Guardian newspaper also reported a letter from the then head of Special Branch, Roger Pearce, to this effect.18 'Wilf' also makes an appearance in the documentary, albeit without a surname. As far as URG can tell, he is first identified by his full name in the Rob Evans and Paul Lewis 2012 book, Undercover (page 26).

43. In True Spies 'Wilf' also revealed the real name of the UCO who targeted the anti-apartheid movement as Mike Ferguson and noted an incident where another protestor was falsely accused of being a spy in a meeting and ejected to protect his cover. Given that this was 14 years ago, it undermines both the inference that UCOs are at risk once exposed and the notion that ex-SDS officers can rely on colleagues to look after their interests. It also puts the lie to the claim that the risk assessments are focused on groups such as URG by citing a case where we have had no involvement, but in which the police and mainstream media both had a hand in exposing.

I believe that the facts stated in this witness statement are true

SIGNED

Doral O'Driscoll

DATED 16th September 2016

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