

Ministers kept in the dark over British spy

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Mark Kennedy worked as an undercover agent for the British police infiltrating protest groups, including in Ireland

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A secret report on a British police spy has revealed that the former garda commissioner refused to deny that he gave permission for an undercover UK officer to work in Ireland.

Martin Callinan defended “confidential” arrangements that the gardaí could have with British police that would allow undercover agents to spy in the Republic without the Irish government being informed.

Policing Authority to question Nóirín O'Sullivan, the current commissioner, on whether the gardaí sanctioned and relied on undercover agents from Scotland Yard.

The report on Mark Kennedy, a former undercover British officer who is now at the centre of a UK inquiry, had been kept secret for six years on state security grounds. It has finally been released after *The Times* took the Department of Justice to the Information Commissioner for refusing to grant a freedom of information request to release it.

Its publication reveals that the gardaí defended having a relationship with international police forces that allowed spies to work here and defended keeping such arrangements a secret from the government.

Mr Kennedy posed as an environmental activist and joined groups under the name Mark Stone, an alias he used from 2003 to 2010. The Pitchford inquiry will publicly examine the practices of Mr Kennedy and others in his unit after it emerged that officers had been having sexual relationships with women they were spying on.

The inquiry will not scrutinise what agents may have done in other jurisdictions, including Ireland. The Irish government has not planned an inquiry into Mr Kennedy's practices here.

After it emerged in 2011 that Mr Kennedy had been in Ireland, the government asked Mr Callinan for a report on Mr Kennedy's activities in Ireland. The report was never published. A request by *The Times* to access it under freedom of information law was refused. Last month the Information Commissioner ruled that the Department of Justice should release the document, which was given to this newspaper this week.

"I am aware of suggestions in the media that Mr Kennedy was here with the consent of An Garda Síochána and that there was a relationship between him and the gardaí," Mr Callinan wrote in the report on March 23, 2011. He did not deny that Mr Kennedy had been operating with the consent of the force but went on to tell ministers that it might be "helpful" to explain the background of using undercover agents from other jurisdictions.

"The use of such agents/police officers from other jurisdictions is a recognised and necessary tactic in the special circumstances where external activists with a track record of violence and whose identities are unknown to local police seek to shape and control violent protest actions," Mr Callinan wrote.

He claimed that the right of gardaí to enter into such arrangements was "vital" for national security interests and refused to tell the government if the national police force had a confidential arrangement with the Metropolitan Police allowing undercover British officers to work here.

A spokesman for Ms Fitzgerald said that she had sought a second report on undercover British police from Ms O'Sullivan but had not asked for clarification on whether Mr Kennedy had been working with Irish police.

"In seeking that report, the tánaiste did not seek to circumscribe in any way the information which the garda commissioner would provide. The tánaiste will fully consider

Lynn Boylan, the Sinn Féin MEP, said it was “essential” that the second report clarify who, if anyone, in the gardaí sanctioned Mr Kennedy’s presence.

“The minister for justice and the gardaí have deliberately tried to prevent information coming into the public domain on what they did and did not know about the activities of British police spies in Ireland,” she said. “I welcome the fact that the report from 2011 has finally been released but it is imperative that Ms Fitzgerald make public the supplementary report that she commissioned in October.”

Mr Kennedy had intimate relationships with women while undercover and joined protests against President Bush’s visit to Ireland for an EU-US summit in 2004 and the Shell to Sea campaign in Co Mayo in 2006. He also attended protests at Shannon airport over alleged extrajudicial rendition flights.

There has been widespread criticism of Scotland Yard’s decision to use undercover agents to spy on environmental activists. The Metropolitan Police formally apologised last year after revelations that officers had deceived women with whom they had sexual relationships.

An inquiry set up by Theresa May when she was home secretary is now examining cases of undercover officers in England and Wales but not trips by the same officers to Northern Ireland, Scotland or the Republic. The Scottish and Northern Irish police forces have both said that they had no knowledge of undercover Metropolitan Police officers being in their jurisdictions.

Mr Kennedy’s activities in Ireland were first highlighted in the Dáil by Michael D Higgins when he was a TD.

In a statement the Labour Party said: “Brendan Howlin, the Labour Party leader, reiterates his previous call for the tánaiste to give an account to the Dáil as to whether, in one of the most

Síochána sanctioned and relied on undercover agents from Scotland Yard. If the tánaiste can't give an adequate report about this to the Dáil and the public, the Labour Party believes the Policing Authority should pursue the matter.”

After her department refused to release the full report to *The Times* last year, Ms Fitzgerald attempted to summarise its contents in response to a parliamentary question from Sinn Féin.

In its ruling on the *Times* appeal against the Department of Justice, the Information Commissioner stated that Ms Fitzgerald's parliamentary question response had undermined her department's claim that releasing details of the report would undermine state security. The ruling also stated that the public interest in openness and transparency in relation to the department's governance of the gardaí outweighed any public interest served in keeping the report a secret.



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