

Section [38\(1\)\(b\)](#) Personal information

Some information has been redacted from the Annex provided as it is personal data consisting of names and contact details of individuals which is exempt from disclosure under section 38(1)(b) (personal information). Section 38(1)(b) can be applied when disclosure of the information requested would contravene the data protection principles in Article 5(1) of the GDPR. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

Section [30\(c\)](#) – substantial prejudice to the effective conduct of public affairs in relation to communications with external stakeholders. An exemption under section 30(c) of FOISA (prejudice to effective conduct of public affairs) applies to some of the information requested. It is essential for officials to be able to communicate, often in confidence, internally and with external stakeholders on a range of issues. Disclosing the content of these communications, particularly without the consent of the stakeholder, (Police Scotland and others) is likely to undermine their trust in the Scottish Government and will substantially inhibit communications on this type of issue in the future. These stakeholders will be reluctant to provide their views fully and frankly if they believe that their views are likely to be made public, particularly while these discussions are ongoing. This would significantly harm the Government's ability to carry out many aspects of its work, and could adversely affect its ability to gather all of the evidence it needs to make fully informed policies.

This exemption is subject to the 'public interest test'. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exemption. We have found that, on balance, the public interest lies in favour of upholding the exemption.

We recognise that there is a public interest in disclosing information as part of open, transparent and accountable government, and to inform public debate. However, there is a greater public interest in allowing Ministers and officials a private space within which to communicate with appropriate external stakeholders as part of the process of exploring and refining the Government's position on International Police Deployment, until the Government as a whole can adopt a decision that is sound and likely to be effective.

This private space is essential to enable all options to be properly considered, so that good decisions can be taken based on fully informed advice and evidence, such as that provided by the stakeholders involved. Premature disclosure is likely to undermine the full and frank discussion of issues between the Scottish Government and these stakeholders, which in turn will undermine the quality of the decision making process, which would not be in the public interest.

Section [25](#) – Information otherwise accessible

Section 25 of the Freedom of Information (Scotland) Act 2002 (FOISA) exempts information from disclosure where the requester can reasonably obtain the information

without asking for it under FOISA. It has a different focus from most other exemptions. It is not about withholding information from the public; it recognises that where information is already available, there is no need to provide an alternative right of access to it through FOISA.

ANNEX B

1). **4 June 2021** – Police Scotland briefing paper in relation to the Police Scotland International Academy with references to Colombia Deployment. Contained within correspondence between First Ministers Private Office and Police Scotland. [E mail chain \(1\)](#)

- **Document** from Police Scotland - **Withheld**. Exemption under FOISA section [30\(c\)](#)

2). **15 March 2022** – Documents from the Scottish Police Authority Exceptional Circumstances Committee meeting of 14 March 2022. Contained within correspondence between officials and Police Scotland regarding cooperation, training and interaction between Police Scotland and the Colombian Police, security services and Government. [E mail chain \(2\)](#)

- **Document (3)** SPA Committee Agenda - **See Attached**
- **Document** from Police Scotland; Paper to seek the Authority's urgent approval for the international non-operational deployment of Police Scotland officers and staff to Colombia - **Withheld**. Exemption under FOISA section [30\(c\)](#).
- **Document** from Police Scotland; Police Scotland report on Proposal Development Summary: Colombia Phase 2 (2022/23) - **Withheld**. Exemption under FOISA section [30\(c\)](#)
- **Document** from Police Scotland; Police Scotland Overseas Security & Justice Assistance Form - **Withheld**. Exemption under FOISA section [30\(c\)](#)

3). **5 April 2022** – Correspondence between Cabinet Secretary for Justice & Veterans and Katy Clark MSP, contained within correspondence between officials and Police Scotland. [E Mail chain \(3\)](#)

- **Document (4)** MSP Letter to Cabinet Secretary for Justice & Veterans **See Attached**
- **Document (5)** Draft reply by SG officials for Cabinet Secretary for Justice & Veterans approval. **See Attached** (Contains some redaction under FOISA section [30\(c\)](#))
- **Document (6)** Response letter from Cabinet Secretary for Justice & Veterans to MSP. **See Attached**

4). **All relevant material suitable for release** - Correspondence sent or received between 20 May 2021 and 11 May 2022 by the Cabinet Secretary for Justice & Veterans, his Special Advisors and Civil Servants and Police Scotland on the topic of cooperation, training and interaction between Police Scotland and the Colombian Police, security services and Government. Contained in [EMAIL CHAIN 1- 4](#) as follows:-

EMAIL CHAIN 1

4 June 2021 - Email discussions between Police Scotland, FM Private Office and SG Officials. Contains a briefing note referencing Colombia.

From: [REDACTED – Section 38(1)(b)] @gov.scot> **On Behalf Of** First Minister
Sent: 20 June 2021 15:09
To: Public Engagement Unit <CorrespondenceUnit@gov.scot>
Subject: FW: Launch of the Police Scotland International Academy [OFFICIAL]

For micase please, DR and fast track.

[REDACTED]

Deputy Private Secretary - Diary
Office of the First Minister

5th Floor | St Andrews House | Regent Road | Edinburgh | EH1 3DG | [REDACTED]

[REDACTED]

All e-mails and attachments sent by a Ministerial Private Office to any other official on behalf of a Minister relating to a decision, request or comment made by a Minister, or a note of a Ministerial meeting, must be filed appropriately by the recipient. Private Offices do not keep official records of such e-mails or attachments.

Please note Scottish Ministers, Special advisers and the Permanent Secretary to the Scottish Government are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot for information.

From: Kerr, Will <Will.Kerr@scotland.pnn.police.uk>
Sent: 04 June 2021 17:39
To: [REDACTED – Section 38(1)(b)] @gov.scot >
Subject: Launch of the Police Scotland International Academy [OFFICIAL]

OFFICIAL

Hi [REDACTED]

Many thanks for your time on the phone the other day. May I impose on your time again please to get an informal sense of how to handle the issue below?

Police Scotland have been developing their international work over the past few years, from a strong history of overseas work even in legacy structure days. The attached briefing note summarises some of the current programmes, and we're developing structured relationships with more countries. The outreach work to support the growing police reform agenda in the US is particularly interesting (essentially it's about advocating for a rights-based approach to policing and, in particular, the use of force, but also for more community engagement and involvement with policing – and we've developed a joint training programme for senior officers based on those principles). There's a significant international appetite for working with policing in Scotland and we have, for example, the FBI's senior leadership programme (which all major City Police Chiefs in the US complete) coming to Tulliallan in September this year, the first time it's been held outside the US in over 10 years.

To cut a long story short, we are formally launching Police Scotland's International Academy in the next month or two, and we are anticipating quite a bit of media interest in it (there will be a media facility at the launch). In many respects, it's as much about showcasing Scotland, and our values, on the international stage as it is just about the institution of policing. We've already made

the CabSec for Justice's office aware and he will, of course, be invited to attend the launch, along with the Chief Constable and Chair of the SPA, which will be at the new suite for the International Academy at Tulliallan Castle. The purpose of this email is just to see if this launch was something that the FM would be interested in attending too? It's a good opportunity to talk about Scotland's 'soft power' projection and influence, and policing is very much a topic of international debate at present. Our experience, setting up a single national service – one that keeps the community, and their rights, at its core – and our experience of policing over the pandemic (when public confidence in policing actually rose significantly, of itself an international outlier) is something we think we should be proud to market internationally.

Happy to chat on the phone and give you more detail on this, if you thought helpful.

In the meantime, thanks for your time again.

Will

EMAIL CHAIN 2

15 March 2022 - Email discussions between Police Scotland and Scottish Government Police Division Deputy Director.

From: Kerr, Will <Will.Kerr@scotland.police.uk>
Sent: 15 March 2022 12:43
To: Somers J (John) <John.Somers@gov.scot>
Subject: FW: Columbia papers [OFFICIAL SENSITIVE: POLICE AND PARTNERS]
Importance: High

OFFICIAL SENSITIVE: POLICE AND PARTNERS

Hi John

These are the background papers (on Columbia) that went to the Police Scotland International Development Board last month. Also attached is the Columbia paper that went to the SPA for their approval at a meeting yesterday (it was approved).

Let me know if you need anything else.

W

EMAIL CHAIN 3

From 5 April 2022 - Email discussions between Scottish Government Police Division officials and Police Scotland.

From: [REDACTED – Section 38(1)(b)]@gov.scot
Sent: 13 April 2022 13:52
To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Cc: [REDACTED – Section 38(1)(b)]@gov.scot>; [REDACTED – Section 38(1)(b)]@gov.scot>
Subject: RE: ICOP [OFFICIAL]

[REDACTED],

Just flagging this report: [A/HRC/49/19 \(ohchr.org\)](#). I imagine you'll have seen but external affairs colleagues drew it to my attention. Our reply to Katy Clark MSP (now with Cab Sec to sign) will briefly reference it. I think that's the only significant change since I sighted you on it.

A couple of other things to consider (not immediate!)... the same colleague mentioned the training of Mobile Anti-Disturbance Squadron (ESMAD) personnel and suggested that PS *weren't* doing this in Colombia, contrary to the answer to this UK Parliament [written question](#). Is that correct?

Appreciate [REDACTED] request to not highlight their relevant work in the letter, but is there anything that can be shared with SG for our own purposes/stakeholder engagement etc. Again, mostly for the benefit of external affairs/human rights team.

With regard to PS work in Colombia being delivered as part of a wider FCDO programme, are there broader financial incentives for this work?

Finally, * some rather than promising news. * I'm led to believe that Mr Brown is having to do a parliamentary debate on the afternoon of May 19 which, if true, would kybosh any possibility of him speaking to US officers that afternoon. I'm attempting to check that with his office but their a few staff members short due to the easter break. Parliamentary business is out of our hands I'm afraid! Suspect I know the answer to this but I assume beyond the broad timings you've set out, there's no opportunities to do this?

Regards

[REDACTED]

[REDACTED]

Head of Strategy
Police Division

He/him. I am working from home. Available by MS Teams or mobile [REDACTED]

*** [Clarification was obtained during case handler review – this para refers to disappointment that cab sec was unavailable to speak with US officers due to a conflict in his schedule between the visit and other key Parliamentary business] ***

From: : [REDACTED – Section 38(1)(b)]@gov.scot

Sent: 06 April 2022 13:33

To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>

Cc: : [REDACTED – Section 38(1)(b)]@gov.scot; : [REDACTED – Section 38(1)(b)]@gov.scot >

Subject: RE: ICOP [OFFICIAL]

Excellent, thanks [REDACTED]. No issue with either of the points you highlight and your own letter is fine for my interests too!

[REDACTED]
Head of Strategy
Police Division

He/him. I am working from home. Available by MS Teams or mobile [REDACTED]

From: [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Sent: 06 April 2022 13:09
To: : [REDACTED – Section 38(1)(b)]@gov.scot >
Cc: : [REDACTED – Section 38(1)(b)]@gov.scot >; : [REDACTED – Section 38(1)(b)]@gov.scot >
Subject: RE: ICOP [OFFICIAL]

OFFICIAL

[REDACTED]

Thanks for sharing this and it comes at an ideal time, as I am also preparing a response to a query about Colombia from [REDACTED] so important that responses are consistent and clear.

This is more detail that we previously would have gone into but I think it is really important to provide the detail and I think your letter is spot on in terms of approach and overall content. I have shamelessly stolen the four bullet points about mitigating risk – I think we have articulated them or something very similar on a paper sometime ago now and it completely slipped my mind so I have now included them in my draft response for my letter.

Other than that everything is very much consistent – the only points I would make are:

- 1) Professional standards is not a separate bullet point at the end of page 1 – that is throughout the gender work and not been created as a separate focus so maybe best to remove that one.
- 2) We have chosen not to name the NGOs we have engaged with as we have not got their agreement for this – we will ask when we debrief the trip with them but didn't feel it was right to list them at this stage, would you be happy to remove them from your letter at this time.

I like your reference to the ethics panel, which is moving forward and I hope will be progressed during April/May.

This is probably another MSP we should add to the list for the event.

Hope this is helpful – I attach the draft response to [REDACTED] just for your awareness although this has not been approved by ACC Bond yet. You might find the link to the article useful to reference should you wish.

Thanks
[REDACTED]

Superintendent [REDACTED]

International Development and Innovation Unit
Police Scotland International Academy
Scottish Police College
Kincardine
Scotland
FK10 4BE

Email: [REDACTED]
Tel: [REDACTED]
Direct: [REDACTED]
Mobile: [REDACTED]

We are working to support the realisation of the United Nations



From: [REDACTED – Section 38(1)(b)]@gov.scot >
Sent: 06 April 2022 11:35
To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Cc: [REDACTED – Section 38(1)(b)]@gov.scot >[REDACTED – Section 38(1)(b)]@gov.scot >
Subject: RE: ICOP

Hi [REDACTED],

One further thing you might be able to help with. You might also have received a letter from Katy Clark MSP around Sri Lanka/Colombia? I've attached what we've got through and my draft reply, which I'm also checking with colleagues in international and human rights areas – is there anything in this that sticks out as something that ought to be changed/removed, either on a factual or confidential basis? [REDACTED] did the groundwork on Colombia but is unfortunately off ill so I'm coming from a position of not having all the background nuances at my fingertips.

Thanks

[REDACTED]

[REDACTED]
Head of Strategy
Police Division

He/him. I am working from home. Available by MS Teams or mobile ([REDACTED])

From: [REDACTED – Section 38(1)(b)] @gov.scot>
Sent: 05 April 2022 16:21
To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Cc: [REDACTED – Section 38(1)(b)] @gov.scot; [REDACTED – Section 38(1)(b)] @gov.scot
Subject: ICOP

Hi [REDACTED],

As mentioned, I had a chat with DCC Kerr earlier, primarily around international issues. The MSP event came up and I advised that I'm working with you on a few of the logistics and he also noted that his strategic vision document could be ready as early as next week. Will may send it direct or to my deputy director but, if not, I'd be keen to see when ready, sounds like it'll help frame the MSP discussion.

We also spoke briefly about an event at Tulliallan where a number of senior US officers would hear from Police Scotland on legitimacy, confidence and policing by consent, and has suggested that Mr Brown may wish to participate if diaries allow. Off the top of my head, I think he would be interested in this but, as with the proposed MSP event it'll just depend what else is happening! What would be good to get is a few more details and we can start speaking to his office about logistics including:

- Date – Will mentioned 17/5, is this correct? Interestingly that's the same day as the next IDB, a day on which [REDACTED Section 30(c)]
- Likely timings – again, Will said that he envisaged late afternoon and that Mr Brown could almost do it on his way home. Suspect Decision Time in parliament (5pm!) would be a factor in that but a feel for the day and where he could fit in would be helpful.
- Who – a sense of US visitors would be good. not necessarily names but the forces they're representing i.e. NYPD, Massachusetts State Police etc would be nice.
- Media? – Will mentioned the possibility of developing a comms plan around this. We'd certainly be able to offer a quote and if it felt right, he might be up for doing something on camera if you were able to tempt BBC or whoever along.

Happy to chat further. I'm copying [REDACTED] (currently off) and [REDACTED] from my team in here. I've got a few pockets of leave scattered through April so good to keep them involved.

Cheers

[REDACTED]

[REDACTED]

Head of Strategy

Police Division | Scottish Government

He/him, currently working from home. Available by MS Teams or mobile [REDACTED]

EMAIL CHAIN 4

From 5 May 2022 - Email discussions between SG Police Division officials and Police Scotland.

From: [REDACTED – Section 38(1)(b)] @gov.scot>
Sent: 06 May 2022 11:30
To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>; [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Subject: RE: Mercedes Villalba [OFFICIAL]

Cheers – that date puts us past the deadline for the PQ so I'll not attempt to mention!

[REDACTED]
Head of Strategy
Police Division

He/him. I am working from home. Available by MS Teams or mobile (07796 335881)

From: [REDACTED – Section 38(1)(b)]@scotland.police.uk> >
Sent: 06 May 2022 11:29
To: [REDACTED – Section 38(1)(b)] @gov.scot> : [REDACTED – Section 38(1)(b)]@scotland.police.uk>
Subject: RE: Mercedes Villalba [OFFICIAL]

OFFICIAL

Hi [REDACTED]

Prior to the deployment to Colombia, and following the advice from Scottish Gvt.. we spoke with [REDACTED] and [REDACTED] to inform our understanding and approach. Subsequently, [REDACTED] put us in contact with [REDACTED] and we spoke with them on a conference call whilst we were over in Colombia.

We agreed to follow up on our return to Scotland and further conference call is scheduled for Friday 13 May.

Thanks

[REDACTED]

[REDACTED]
Academy: Country Programmes Lead
Police Scotland International Academy
Scottish Police College
Tulliallan Castle
Scotland FK10 4BE

Tel Direct Dial: [REDACTED]
Tel General Office: [REDACTED]
Tel Mobile: [REDACTED]

We are working to support the realisation of the United Nations



From: [REDACTED – Section 38(1)(b)] @gov.scot>

Sent: 06 May 2022 10:00

To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>[REDACTED – Section 38(1)(b)]@scotland.police.uk>

Subject: RE: Mercedes Villalba [OFFICIAL]

Just flagging that I'll share the answers to the PQs I referenced below once I'm happy that they're readable. [REDACTED], I think [REDACTED] asked you for a bit of further info on the NGO involvement, just checking you got that? [REDACTED] now on leave for a bit.

And before I make a pitch to his office, is the June 22 briefing pretty much set in stone?

Thanks

[REDACTED]

[REDACTED]

Head of Strategy

Police Division

He/him. I am working from home. Available by MS Teams or mobile [REDACTED]

From: [REDACTED – Section 38(1)(b)]@scotland.police.uk>

Sent: 05 May 2022 11:06

To: [REDACTED – Section 38(1)(b)] @gov.scot>

Subject: RE: Mercedes Villalba [OFFICIAL]

OFFICIAL

Thanks [REDACTED] yes it is now on my to do list to draft a letter from the Chief so I will be progressing that ASAP.

The briefing in June will also, as you say, address these points and keen to get the invite out for that soon!

Thanks

[REDACTED]

Superintendent [REDACTED]

International Development and Innovation Unit

Police Scotland International Academy

Scottish Police College
Kincardine
Scotland
FK10 4BE

Email: [REDACTED – Section 38(1)(b)]@scotland.police.uk>

Tel: [REDACTED]

Direct: [REDACTED]

Mobile: [REDACTED]

We are working to support the realisation of the United Nations



From: [REDACTED – Section 38(1)(b)] @gov.scot>

Sent: 05 May 2022 08:06

To: [REDACTED – Section 38(1)(b)]@scotland.police.uk>

Subject: Mercedes Villalba

[REDACTED]

You might already be aware, but Mercedes Villalba MSP raised Colombia at FMQs yesterday. I had no idea it was coming and will attempt to find out why that's the case at this end but the exchange is below.

Cab Sec and the Chief spoke yesterday and this was mentioned and there's an undertaking for Police Scotland to write to the MSP. I imagine a lot of your reply to Katy Clark could be used here and I know she's on your radar for the June briefing; we also have three written PQs on the same topic which [REDACTED] is speaking to my colleague [REDACTED] about.

[REDACTED]

Police Scotland Training (Colombia)

Mercedes Villalba (North East Scotland) (Lab):

Police Scotland's international development and innovation unit continues to provide training to some of the world's most serious human rights abusers. In Colombia, where there is evidence of human rights abuses being committed by the national police, including the killing of protesters, Police Scotland officers continue to provide training. Given the evidence of human rights abuses being committed by the national Colombian police, can the First Minister explain why the Scottish Government approved the deployment of Police Scotland officers to Colombia?

The First Minister (Nicola Sturgeon):

Operational matters are for the chief constable, and I am sure that he will pay attention to this exchange. I recognise that these issues can be sensitive and controversial. However, it is important to note that where Police Scotland provides support and training to police forces in other parts of the world, it is about enhancing human rights and ensuring that, in parts of the world where such an

approach has not always been taken, police forces are trained in taking a human rights approach to policing. I recognise the concerns that can be addressed. The chief constable is independent of the Government, but I will ask him to write to the member in more detail about the particular issues.

[REDACTED]

**Head of Strategy
Police Division | Scottish Government**

He/him, currently working from home. Available by MS Teams or mobile [REDACTED]

END OF EMAIL CHAIN

EXCEPTIONAL CIRCUMSTANCES COMMITTEE 14 MARCH 2022

A meeting of the **Scottish Police Authority Exceptional Circumstances Committee** will be held on **Monday 14 March 2022 at 2pm via Video-conference**

A G E N D A

1. Standing Items

- Welcome and Apologies
- Declarations of interest -
- Decision on taking business in private (Item 2)

2. International Deployment – Columbia

Report for **Approval** presented by the Acting Chief Executive, Resources

Notes

Membership

Martyn Evans (Chair), Tom Halpin, Mary Pitcaithly and Jane Ryder

If you have any questions about the agenda or meeting arrangements, please contact SPA Board Services Scottish Police Authority, c/o 1 Pacific Quay, Glasgow, G51 1DZ,

SPABoardServices@spa.pnn.police.uk

Subject to agreement by the Board at agenda item 1 above, the following Items of business will be considered in private for the reasons noted below:

Item 2 in accordance with the SPA's Standing Orders section 20 (h).



The Scottish Parliament
Pàrlamaid na h-Alba

Katy Clark MSP

Member of the Scottish Parliament for West Scotland Region

31 March 2022

Keith Brown MSP
Cabinet Secretary for Justice and Veterans

By email: CabSecJustice@gov.scot

Our Ref: Police Scotland International Training Academy

Dear Keith

I am writing further to previous discussions regarding the work of Police Scotland's International Training Academy having discussed the matter with various human rights campaigns. My concern, as you know, is that services have been provided to personnel who are actively involved in abuse of human rights. The implication is that by doing so we are giving support to such regimes. As you will appreciate the Scottish Government has a responsibility to assess how much of past training was to such regimes and whether there was direct involvement of those who received training in torture and human rights abuse. I believe that to improve practice, learn lessons and apply the Scottish Parliament's ambitions for ethical procurement we need a thorough inquiry into past projects. As you know the Sri Lankan contract has not been renewed, but was in place for a number of years when it was accepted that the human rights position in Sri Lanka was unacceptable. I met recently with Freedom from Torture who advised that they had been working with Sri Lankan nationals in recent years in Scotland who had been tortured. I understand that there were 19 Police Scotland deployments to Sri Lanka and senior Sri Lankan officers visited Scotland. There is evidence of continuing acts of torture by the police in the last 2–3 years. The testimonies of survivors of torture evidence a country where there is no commitment to improving human rights and the connection with Police Scotland has provided cover for their abusive police force and trained some of the most notorious elements of that force.

There is no shortage of evidence regarding many of the regimes Police Scotland have been involved in training and many of them make no effort to deny their actions. I note that as long ago as 2016 it was revealed through an FOI (Freedom of Information) that Police Scotland provided training to senior officers from Saudi and Bahraini police forces without carrying out any human rights checks. I have worked closely with human rights activists from both Saudi Arabia and Bahrain in the past on a range of human rights issues and am happy to provide more detail on the human



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rights concerns including treatment of women and girls, migrant and domestic workers, political dissidents in Saudi Arabia and torture and illegal detention of political activists by the police and security services in Bahrain. Both countries, as I am sure you know, even sentence children to the death penalty.

Police Scotland are also engaged in training of the Colombian police. I visited Colombia with the campaign Justice for Colombia a number of years ago and met with many human rights defenders, political activists and trade unionists who had been detained and tortured by the regime. Many had had members of their family killed by the security services. Colombia is of course the most dangerous place in the world to be a trade unionist. The situation in Colombia has obviously changed due to peace process, but I understand the killings have continued. I understand up to now the training to Colombia has been conducted online but due to lack of transparency I do not know if it was originally planned to be in person prior to pandemic restrictions. I am informed that this training is being delivered as part of the UK's Police Innovations for Stabilisation in Colombia (SCIP) project, a project funded by the Foreign, Commonwealth and Development Office and delivered through the UN Organisation for Migration and Police Scotland. The funding for the SCIP comes from the Conflict, Stability and Security Fund (CSSF) and worryingly this fund was criticised in 2018 by the Independent Commission for Aid Impact as being "impossible to be sure projects were achieving their intended results, delivering value for money, or even avoiding unintended harm to beneficiaries". The UK Government's refusal to adopt full transparency regarding these projects and to publish contents of Overseas Security and Justice Assistance assessments of individual programmes means that it is impossible to know if a new assessment was made after the Colombian National Police killed numerous protestors (44 according to local human rights groups) in April and June 2021. The situation in Colombia for human rights and community activists continues to worsen. Ongoing monitoring and evaluation for overseas work is essential, measuring impact, including negative human rights impact. I would be grateful if you could review contracts with Colombia.

I believe the current approval process for Police Scotland overseas projects is insufficient. There is no evidence of any human rights assessments being made independently of those of the OSJA, which are unsatisfactory as they sit with the FCDO and do not appear to have involvement from anyone with explicit human rights expertise. If the UK government is not taking the necessary steps, it is the responsibility of the Scottish Government to take political oversight when Police Scotland are involved. We cannot be complicit in providing the means for a regime such as Sri Lanka to use their connection with Police Scotland to deflect scrutiny as they did at the UN Committee Against Torture in 2016.

I note that OSJA guidance states that projects marked as high-risk must be signed off by a Minister. Can you provide clarification if Scottish Ministers have ever signed



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off overseas projects where Police Scotland are involved and if this is the case, details of the projects involved?

Do you agree with me that all overseas training projects for Police Scotland should require a ministerial sign off, this would enable the Scottish Government to maintain a consistent approach on human rights?

I look forward to your response.

With kind regards

Katy Clark MSP MSP for West Scotland Region

Dear Katy,

Thank you for your letter dated 31 March 2022 where you highlighted concerns around Police Scotland's activities overseas, with particular regard to Sri Lanka and Colombia.

You will be aware that United Kingdom police forces regularly engage in a range of international assistance activity including the delivery of training, capacity building, sharing best practice and the building of relationships which improve operational capability both at home and abroad.

It is a matter for the Chief Constable of Police Scotland, with oversight from the Scottish Police Authority (SPA), to agree and deliver any training programme through their International Development and Innovation Unit. However, Scottish Ministers have a role in approving the overseas deployment of individual Police Officers, under the Police Service of Scotland (Temporary Service) Regulations 2013. I can confirm that this was the case with regard to the Colombia deployment and I will outline some particular points to note around that the deployment shortly.

Firstly, in order to enhance oversight of Police Scotland's international projects, I can confirm that Scottish Government will now be attending the service's International Development Board (IDB) from. This will ensure that the Scottish Government is sighted on initial discussions about Police Scotland's intentions to engage in new programmes, before any are agreed. The Scottish Police Authority also sit on the IDB and are represented by board member Tom Halpin.

With regard to Colombia, I fully understand the concerns expressed around human rights issues in that country and others where officers have been deployed. However, these projects should not be seen as an endorsement of those carrying out such abuses. In fact, it's quite the opposite – Police Scotland want to enhance human rights in each of their deployments and I fully support them in this aim. The risks of such a deployment must always be balanced against the work Police Scotland will do to deliver practical training on taking a rights based approach to policing, in support of the Colombian Government's efforts to improve policing in their country.

The deployment is part of an FCDO programme that is seeking to modernise policing in Colombia, including the National Colombian Police (NCP), with human rights as a key element of the programme. Police Scotland's training and mentoring will be aimed at keeping communities safe, training officers about community engagement and delivering a people-centred approach to Policing based on Human Rights. Their focus under the programme is to provide assistance in four themes:

- crime prevention
- social conflict transformation
- gender mainstreaming
- professional standards

The Overseas & Security Justice Assistance (OSJA) assessment carried out for the programme noted that it was designed to support the NCP's own peacebuilding plan, developed to ensure that the institution is delivering upon its obligations under the peace accords with the FARC. The programme has as an express focus on the enhanced capacity of the police to help communities manage conflicts and protest

peacefully and freely, and that the programme also includes other actors from civil society and internationally including CINEP, the International Organisation of Migration, and local government authorities. There are also a number of mitigations in place should any human rights violations be identified in the course of a deployment. These are as follows:

- All interventions by Police Scotland incorporate measures to reduce the risk of human rights violations
- Training on Human Rights will be incorporated into all training courses and interventions
- Police Scotland retains and provides for reduction/suspension/stopping assistance, if they identify any human rights concerns
- Police Scotland staff are specifically briefed to, during their engagement, raise participants' awareness that good practice respects human rights at every opportunity.

Key elements of this particular deployment were a field trip to a community previously impacted by the previous conflict and to meet with the local police command team, delivery of workshops on the themes of Police Scotland approach to crime prevention, social conflict transformation and gender equality presentations to the NCP Academy, Graduate school - Master's program.

Ahead of the Colombia deployment, Police Scotland also engaged with two in-country NGOs (**[REDACTED]** and **[REDACTED]**) as well as the Scottish-based **[REDACTED]** on their work in the country. Furthermore, the service has proposed that a national ethics panel should be set up to discuss their wider engagement on international development and how they can further mitigate risk when they engage with other countries, where there are human rights concerns.

The panel would be independent of Police Scotland, will provide a wide breadth of expert views to inform their governance and activities, and its findings will be reported to the IDB. Police Scotland has proposed that Colombia is used as a case study on how to improve stakeholder engagement.

I understand that Police Scotland are planning further engagement to highlight their international deployments and their reasons for undertaking them and I'm sure you would be very welcome to participate in this.



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Letter from Katy Clark MSP

katy.clark.msp@parliament.scot

Our Reference: 202200292167

Your Reference: Letter from Katy Clark MSP

19 April 2022

Dear Katy

Thank you for your letter dated 31 March 2022 where you highlighted concerns around Police Scotland's activities overseas, with particular regard to Sri Lanka and Colombia.

You will be aware that United Kingdom police forces regularly engage in a range of international assistance activity including the delivery of training, capacity building, sharing best practice and the building of relationships which improve operational capability both at home and abroad.

It is a matter for the Chief Constable of Police Scotland, with oversight from the Scottish Police Authority (SPA), to agree and deliver any training programme through their International Development and Innovation Unit. However, Scottish Ministers have a role in approving the overseas deployment of individual police officers, under the Police Service of Scotland (Temporary Service) Regulations 2013. I can confirm that this was the case with regard to the Colombia deployment and I will outline some particular points to note around that deployment shortly.

Firstly, in order to enhance oversight of Police Scotland's international projects, I can confirm that Scottish Government will now be attending the service's International Development Board (IDB). This will ensure that the Scottish Government is sighted on initial discussions about Police Scotland's intentions to engage in new programmes, before any are agreed. The Scottish Police Authority also sit on the IDB and are represented by board member Tom Halpin.

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Tha Ministearanna h-Alba, an luchd-comhairleachaidh sònraichte agus Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot



I am aware of the strength of international concern about the human rights situation in Colombia, particularly within context of law enforcement, and of [recent calls](#) by the UN High Commissioner for Human Rights (“UNHCR”) for structural reform of the Colombian policing system. For our part, the Scottish Government condemns human rights abuses wherever they occur and has always been clear that Scottish public authorities, including Police Scotland, should act to promote human rights and to challenge poor practice in the context of any engagement with overseas partners. That is the intention of Police Scotland in each of their deployments and I support them in this aim. The risks of any deployment must always be balanced against the work Police Scotland will do to deliver practical training in rights-based approaches to policing and to support in-country efforts to improve policing practices. My officials have shared the UNHCR’s report with Police Scotland and I hope it can inform their ongoing work in Colombia.

The deployment is part of an FCDO programme that is seeking to modernise policing in Colombia, including the National Colombian Police (NCP), with human rights as a key element of the programme. Police Scotland’s training and mentoring will be aimed at keeping communities safe, training officers about community engagement and delivering a people-centred approach to Policing based on Human Rights. Their focus under the programme is to provide assistance across three main themes:

- crime prevention social
- conflict transformation
- gender mainstreaming.

The Overseas & Security Justice Assistance (OSJA) assessment carried out for the programme noted that it was designed to support the NCP’s own peacebuilding plan, developed to ensure that the institution is delivering upon its obligations under the peace accords with the FARC. The programme has as an express focus on the enhanced capacity of the police to help communities manage conflicts and protest peacefully and freely, and that the programme also includes other actors from civil society and internationally including the International Organisation of Migration, and local government authorities. There are also a number of mitigations in place should any human rights violations be identified in the course of a deployment, reducing opportunities for Colombian authorities to use their presence to whitewash the human rights performance of their agencies. These are as follows:

- All interventions by Police Scotland incorporate measures to reduce the risk of human rights violations
- Training on Human Rights will be incorporated into all training courses and interventions
- Police Scotland retains and provides for reduction/suspension/stopping assistance, if they identify any human rights concerns
- Police Scotland staff are specifically briefed to, during their engagement, raise participants’ awareness that good practice respects human rights at every opportunity.

Key elements of this particular deployment were a field trip to a community previously impacted by the previous conflict and to meet with the local police command team, delivery of workshops on the themes of Police Scotland approach to crime prevention, social conflict transformation and gender equality presentations to the NCP Academy.

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I understand that Police Scotland are planning further engagement to highlight their international deployments and their reasons for undertaking them and I'm sure you would be very welcome to participate in this.



KEITH BROWN

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