

03 November 2016

Our Ref: INQ/L1202/DM

BY POST & EMAIL

Rt Hon Amber Rudd
The Home Secretary
Home Office,
3rd Floor Peel Building,
2 Marsham Street,
London,
SW1P 4DF

Scott.Hudson3@homeoffice.gsi.gov.uk

Dear Sirs,

RE: Our Client: Sikh Federation (UK)

We refer to the above named for whom we act.

The Heywood Review

As you will be aware, on 3 February 2014 Sir Jeremy Heywood published his findings of a review ("The Heywood Review") of UK involvement in the massacre at Sri Harmandir Sahib (informally known as the Golden Temple Complex) in Amritsar in 1984 ("The Massacre") during the Indian military's 'Operation Bluestar'. This review was commissioned as documents were released 'inadvertently' which gave rise to concerns that the UK played a role in the massacre.

At this juncture, it is important to point out that these documents were uncovered by the expert archivist Mr Phil Miller who has been working closely with our clients, whom subsequently bought them to the attention of politicians and civil servants. Despite Phil Miller and our clients

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being pivotal in securing the review, the entire Heywood review was done in private. Our clients along with many others from the Sikh community were only invited to a meeting by Heywood at the eleventh hour on Wednesday 29 January 2014 leading our clients to publicly challenge the adequacy of the review before it was published.

In summary, the Heywood review found that the UK provided expert military advice, in response to an urgent request from the Indian Intelligence Co-Coordinator. It was confirmed that the UK Military adviser was in India between 8-17 February 1984, which included a ground reconnaissance with the Indian Special Group, of the temple complex where the massacre later took place. The Review is clear that the purpose of the visit was to 'advise the Indian Counter Terrorism Team commanders on the concept of operations'.

Importantly, the Heywood review only considered the UK files (approximately 200) from December 1983 through to June 1984. This narrow timeframe plainly omitted relevant and important documentary evidence. Our clients has come into possession of relevant UK documents, found by Mr Phil Miller while acting on their behalf, that were omitted from the Heywood review and undermine the conclusions reached therein.

Fresh Evidence

On 3rd July 1984, less than a month after the Indian army's massacre of Sikh pilgrims at Sri Harmandir Sahib, Amritsar, a letter was sent from J.C.J Ramsden of the Foreign and Commonwealth Office's South Asia Department to the FCO's Defence Department referring to 'an Indian request for Military assistance in the setting up of a National Guard for internal Security duties'. In response to this request, which India had made to the UK by at least 28 June 1984, the FCO's South Asia Department asked the FCO's Security Co-ordination Unit to '*comment on the possibility of an SAS involvement*'. We herewith attach a copy of the relevant correspondence for your consideration.

It is significant that the letter dates less than a month after the massacre. This letter clearly establishes that even in the immediate aftermath of the Operation Bluestar massacre, and while the associated Operation Woodrose counter-insurgency campaign was still underway throughout Punjab, the MOD and FCO considered the provision of Special Forces training to the Indian military.

It is a matter of fact that an Indian National Security Guard (NSG) was formed in July 1984 and went on to lead Operations Black Thunder I and II, which consisted of further assaults on the Sri Harmandir Sahib in 1986 and 1988. The NSG's [official website](#) states that "The NSG was modelled

on the pattern of the SAS". The FCO has withheld a 1984 file titled 'Indian National Security Guard' which our client has not been able to access.

The reference to SAS involvement in the formation of an Indian National Guard in June/July 1984 aggravates the need for a full, open and effective investigation. Such a revelation flies in the face of the conclusion reached by the Heywood review that the UK role was a one off.

On 4th February 2014 the then Foreign Secretary William Hague told Parliament that *'one of the questions raised is whether there could have been British Military involvement in subsequent operation Black Thunder I and II. From everything that the Cabinet Secretary has seen having examined hundreds of files - 200 files - the answer to that is no'*. This is a matter of deep concern, that it appears Parliament has been deliberately misled in relation to the UK's role and involvement.

It is an agreed fact that the Heywood review purported to review the documents pertaining to this period (namely June 1984) nevertheless in light of this discovery it is clear that the content, and conclusions of the Heywood review are inaccurate and misleading.

For the reasons cited above, our client has concerns regarding the effectiveness and integrity of the Heywood review and asks that, in light of their concerns, urgent consideration is given to a fresh independent investigation. In summary, we would like to draw the following concerns to your attention:

Key Concerns

1. The original Heywood review did not assess whether the UK assistance should have been provided. This remains extant.
2. The Heywood review concluded that the 'military advice was a one-off' and that it was 'not sustained'. We now know this finding is factually inaccurate, in part because it did not take into account UK involvement in subsequent Indian security operations against Sikhs during the 'emergency' period in the Punjab after June 1984.
3. The Heywood review concluded that the UK advice had 'limited impact in practice'. This conclusion is premised on a 'quick' analysis of the Indian operation to assess whether or not it was based, or influenced by the UK guidance provided, was done by current UK military staff. This is not an independent or effective comparison. In addition to the fact our clients take issue with the original comparison, there is clearly a need - in light of the fresh evidence, to reassess and analyse the impact the UK advice and training had in practice.

4. Further, in light of the fresh evidence it appears that on 4th February 2014 Parliament was deliberately misled.

Request for Fresh Investigation

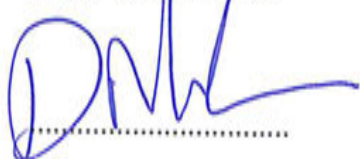
We herewith write to put you on notice that it is our intention to apply for a fresh investigation into the UK's involvement with the Indian security forces, and by extension the role in the Amritsar massacre and subsequent operations against Sikhs during the 'emergency' period (including but not limited to Operations Woodrose, Black Thunder I and II). We write initially to seek your views in respect of the possibility of a further investigation.

We do not ask you to take any action at this time but simply wish to put you on notice that our clients will seek a public inquiry if the Home Secretary is not in a position to commission an independent investigation, which would discharge our clients concerns.

If you consider we should apply to you for a public inquiry at this stage, then please let us know. Should you wish to establish a public inquiry at this stage then our clients request you involve them before deciding the format. There is a tension between the need to fully investigate the relevant issues in public, enabling our clients to participate effectively, and the need to conduct a prompt and expeditious inquiry.

We are grateful for your assistance in this matter and look forward to hearing from you. Should you require anything further please do not hesitate to contact our Mr Darragh Mackin.

Yours faithfully
KRW LAW - LLP



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