

Core Participants Ruling 13

1. The Inquiry has received three further applications for designation as core participant under rule 5 of the Inquiry Rules 2006 from the Lord (Peter Gerald) Hain, “TRJ” and “Lizzie”.
2. In [Core Participants Ruling 12](#), published on 15 December 2016, at paragraphs 2 – 21, I gave some guidance as to my approach to core participant applications. In particular, I wrote:
 - “17. In fairness to existing and future core participants, I shall in future require an explanation of the specific circumstances in which the application came to be made so late.
 18. I will be unlikely to grant applications that are founded merely on membership of a group that, it seems to the applicant, was a likely target of one or more undercover officers, particularly when the interests of that group are already represented by existing core participants in the Inquiry.
 19. An exception may be recognised when an application relies on a specific relationship with a suspected undercover police officer (whether intimate or not), if I also conclude that the relationship, and therefore the applicant’s role, is significant in the context of that part of the subject matter of the Inquiry with which the application is concerned.
 20. When the application raises a new and, in my view, important issue for consideration by the Inquiry, or exposes a new and important insight into an existing issue, and the applicant fulfils the criteria explained at paragraph 6 above, the application is likely to be granted.
 21. These are not hard and fast rules - each application will be considered according to its own facts. My intention is to provide some assistance to applicants so that time and effort is not wasted. Applications that are not granted will be kept under review, in the way that I have explained at paragraph 13 above, unless I conclude that the application is outside the terms of reference or otherwise without merit.”

Lord Hain

3. Lord Hain is well known for his anti-apartheid and anti-fascism activism in the United Kingdom during the late 1960s and early 1970s, particularly as chairman of the Stop the Seventy Tour Committee, formed to prevent or disrupt the visit of South African rugby and cricket touring parties to the United Kingdom in 1969 and 1970. In 1977 Peter Hain joined the Labour Party. He was press officer for the Anti-Nazi League between 1977 and 1980. In 1991 he was elected as Member of Parliament for the constituency of Neath which he served until 2015 when he was made a life peer. During the Labour Governments of Tony Blair and Gordon Brown, Peter Hain served as Minister of State for Foreign and Commonwealth Affairs, Minister of State for Europe, Lord Privy Seal, Leader of the House of Commons, Secretary of State for Northern Ireland, Secretary of State for Work and Pensions and Secretary of State for Wales.
4. On 27 October 2002 BBC 2 broadcast part one of its exposé, *True Spies*, of the alleged intelligence gathering activities of MI5 and Special Branch that had targeted left wing activism regarded as “subversive”. During the programme an interviewee called “Wilf” said that he had been employed by Special Branch between 1962 and 1977. He referred to the formation within Special Branch of the Special Demonstration Squad. One of its operatives, he said, was an undercover officer called Mike Ferguson, who reached the inner circle of the Stop the Seventy Tour Committee and used the opportunity to report back on the public order implications of its planned activities.
5. I have been provided with several publicly available photographic copies of Special Branch reports dating between 5 November 1969 and 4 June 1970 in which some of the meetings of the Anti-Apartheid Movement are described with particular reference to its support for the Stop the Seventy Tour Committee, Mr Hain and others. The report of 5 November 1969 concerns Mr Hain’s and the Committee’s intention to hold a demonstration three days later against the South African rugby team’s match at Leicester. A further report of 14 November 1980 concerns the recent activity of the Anti-Apartheid Movement. Mr Hain is mentioned as having resigned as chairman of the Stop the Seventy Tour Committee.
6. During part two of *True Spies*, broadcast on 3 November 2002, an interviewee called “Geoff” claimed to have been a member of Special Branch between 1974 and 2002. He recalled, as an undercover officer, collecting money for the Anti-Nazi League with Peter Hain, so much money that they had to call Securicor to convey it to headquarters.

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7. Peter Hain was, in 2002, Minister of State at the Foreign and Commonwealth Office when he was interviewed for the programme. He recalled that he had suspicions that the group had been infiltrated; specifically, that Mike Ferguson had accused another person of being a spy and that that person had been “thrown out”. Mr Hain said that the possibility of infiltration had not deflected him at the time because he had felt that “what we were doing was correct”. Mr Hain said that he had been unaware of Geoff and his role as an undercover officer infiltrating the Anti-Nazi League, and was unconcerned as long as support was forthcoming.
8. On 25 March 2015 the Guardian newspaper published an article online in which Rob Evans and Rowena Mason reported the allegations of Peter Francis that during his deployment with the Metropolitan Police Service Special Branch (1990 – 2002) he had, as an undercover officer, reported on the activities of the Labour Members of Parliament, Diane Abbott, Jeremy Corbyn and (the late) Bernie Grant, and had read Special Branch files on Harriet Harman, Peter Hain and Jack Straw. Mr Francis also claimed that Special Branch had gathered intelligence on Tony Benn (now deceased), Joan Ruddock and Dennis Skinner.
9. On 26 March 2015 Mr Hain raised in the House of Commons an urgent question, namely whether the Secretary of State for Home Affairs would make a statement to the House as to whether the recently announced “public inquiry into undercover policing will examine files held by special branch on Members of Parliament”. Several other members of the House expressed similar concerns. During the course of exchanges the Minister of State for Policing, Criminal Justice and Victims, Mike Penning, responded that the inquiry had been ordered for the purpose of investigating undercover policing but that, in the meantime, he would endeavour to ensure that as much information about such files as could be released would be provided to the members concerned.
10. As a consequence, on 16 April 2015 Mr Hain met with Detective Superintendent Neil Hutchison of the Assistant Commissioner’s public inquiry team to discuss his concerns. In a letter of 23 June 2015 Detective Superintendent Hutchison informed Mr Hain that a Metropolitan Police Service Special Branch file of which he had been the subject had been opened in 1969. The file had since been destroyed but the date of destruction had not been ascertained. There was nothing in the remaining records relating to other individuals or organisations that suggested Mr Hain had been subjected to intelligence gathering while he was a Member of Parliament, although Mr Hain’s association with individuals and organisations had been noted. Nothing Detective Superintendent Hutchison had seen appeared to breach the confidentiality

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between Mr Hain, as a Member of Parliament, and any other person on constituency matters.

11. Lord Hain acknowledges that his is a very late application for designation as core participant. None of the information to which I have referred is recent in origin. It is said by Mike Schwarz on Lord Hain's behalf that having received assurances, presumably from Detective Superintendent Hutchison, Lord Hain chose not to make an application in the absence of any material available to him that might undermine them. He has, however, been approached by others in the anti-apartheid movement and, as a result, he feels an obligation to apply. The application concludes:

“He wishes to find out what has happened to him and understand why it has happened. In doing so he wishes to further the interests of the individuals and movements with whom he has campaigned. He is also concerned about the integrity of the democratic and parliamentary system.”

12. The application makes no attempt explicitly to address the criteria for designation provided by rule 5 (2) of the Inquiry Rules 2006, as follows:

“(2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—

- (a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;
- (b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or
- (c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.”

13. In my view, Lord Hain meets the criteria for designation as core participant. There is evidence that he and his colleagues on the Stop the Seventy Tour Committee were or may have been under surveillance by at least one undercover police officer deployed by the Special Operations (or Demonstration) Squad in the early years following its formation in 1968. He was the subject of a Special Branch file that was subsequently destroyed in unknown circumstances. According to Peter Francis, however, that file was available to him for inspection at some time between 1991 and 2002 while Peter Hain was a serving Member of Parliament. To this extent Lord Hain played or may have played a direct and significant role in relation to matters to which

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the Inquiry relates and he has a significant interest in an important aspect of the matters to which the Inquiry relates.

14. I accept Lord Hain's explanation for his hesitation before applying for designation and that he has been persuaded by the arguments of others. I make it clear, however, that, while the Inquiry looks forward to his assistance, designation does not enable Lord Hain to act as a proxy for others.
15. I shall designate Lord Hain a core participant in Category [D] Political organisations and politicians and Category [K] Political activists.

“Lizzie”

16. On 26 February 2017 “Lizzie” was notified by the Inquiry in a hand delivered letter dated 20 February 2017 that the Inquiry intended to make public the fact that a person she had known as Mike Blake had been an undercover police officer whose real identity was Mike Chitty.
17. Lizzie now applies for designation as a core participant in the Inquiry. The factual basis for the application is that, having met Mike Blake in the early 1980s through her association with an animal rights group, and believing him to be a fellow activist, Lizzie engaged in an intimate relationship with the officer between October 1985 and May 1987, when Mike Blake told her he was going to the United States. Although, two years later, Mike Blake reappeared and they attempted more than once to rekindle their relationship, their attempts foundered. Lizzie says she last saw Mike Blake in 1993.
18. The claim of a deceitful intimate relationship formed by an officer while acting undercover is similar to that which has caused me to conclude in several other cases that the applicant has played, or may have played, a direct and significant role in the subject matter of the Inquiry and that the applicant has a significant interest in an important aspect of the Inquiry's work.
19. At the request of the Inquiry, on 9 May 2017 Ms Wistrich wrote to explain why Lizzie's application is made many months after the deadline of my request for applications expired. I need not rehearse the details. I accept that the applicant had good reason to make her application when she did.
20. I shall designate Lizzie a core participant in the Inquiry in Category H Individuals in relationships with undercover officers. Her identity will remain confidential pending receipt of a formal application for anonymity.

“TRJ”

21. The Inquiry has received a further application for designation from TRJ. My decision upon her first application appeared at paragraph 50 of my first Core Participants Ruling, revised on 26 October 2015, as follows:

“50. TRJ has submitted a written application for designation, supported by additional material received on 6 October 2015, in which she asserts that a man with whom she was in a consensual sexual relationship and who she accused of a serious sexual assault may not have been the person he claimed to be. However, he had a passport and driving licence in the name of the person he purported to be and was of Polish nationality. TRJ commenced civil proceedings against the police alleging a failure properly to investigate her complaint of assault. She was subsequently informed by the police at a public hearing in April 2014 that the man she had accused had diplomatic status. TRJ has a multitude of complaints about the way she was treated by investigating and other police officers but, in my view, none of the assertions she makes render this a suitable case for investigation by the Inquiry under its terms of reference. TRJ has not demonstrated that she falls within the rule 5(2) criteria.”

22. TRJ’s further application is made in a letter dated 29 March 2017. I have read the contents of the letter and the documents to which it refers carefully. I have also reviewed the original application. TRJ suggests, among other things, that the police officers who investigated her complaint of sexual assault may have been assisting the offender to conceal his true identity. I can find nothing to support TRJ’s assertion that she was or may have been affected by undercover police activity, let alone that she meets the criteria for designation set out in paragraph 12 above. I shall refuse the application.

10 May 2017

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry