

IN THE UNDERCOVER POLICING INQUIRY

OPENING STATEMENT ON BEHALF OF CATEGORY H CORE PARTICIPANTS

**“LINDSEY”
“TBS”
SARAH HAMPTON
“ARB”
“AJA”
THOMAS FOWLER**

A. INTRODUCTION

1. The people we represent have had their lives turned upside down as a result of undercover police officers (UCOs) engaging in sexual and other intimate relationships on a thoroughly deceptive and completely illegitimate basis. Officers created an illusion of genuine intimacy via the projection of their fake identities; tricking, betraying and abandoning those who they used. There was never an operational justification for this grossly irresponsible and manipulative conduct; and the damage which it caused is profound.
2. This opening statement is made on behalf of the following individuals (Category H Core Participants)¹:
 - (a) “*Lindsey*” who was deceived into entering into a long-term sexual relationship with HN104; the UCO who used the cover name “*Carlo Neri*”. HN104 was deployed by the Special Demonstration Squad (SDS) between 2002 and 2006 and during this period he infiltrated the Socialist Party/Militant and No Platform/ ANTIFA.
 - (b) Sarah Hampton who was deceived into entering into a long-term sexual relationship with an UCO who used the cover name “*Mark Stone*” in 2005/6, but whose real name has been known for some time to be Mark Kennedy. Mark Kennedy was deployed by the National

¹ This document contains the gist of the proposed oral opening statement on behalf of our Category H CPs. It is not intended that every part of this document will be included within the oral delivery; in particular duplication with earlier opening statements will be avoided. The footnotes in this document are included simply to assist the reader and will not form part of the oral presentation. Where we are aware that a part of the text is unlikely to be used in the oral statement, we give that indication at this stage. Further revisions will be made, as necessary, to ensure that the oral opening statement does not exceed the time allotted for it.

Public Order Intelligence Unit (NPOIU) between 2004 and 2009 and during this period he infiltrated various environmental activist groups.

- (c) “AJA, “ARB” and Thomas Fowler who were members of the Cardiff Anarchist Network (CAN), which was infiltrated between 2005 - 2009; by EN1², the UCO who used the cover name “Mark/Marco Jacobs”. AJA and ARB were deceived into having sexual relationships with him. Thomas Fowler was duped into believing that he was his best friend;
 - (d) “TBS”’s mother, Jacqui, had a long-term sexual relationship with Bob Lambert, an undercover SDS officer, posing at the time as an animal rights activist under the cover name Bob Robinson. Born on 23 September 1985, TBS is Bob Lambert’s son, who he abandoned when he “disappeared” in late 1988.
3. By using their false personas as committed, like-minded activists the UCOs misled the genuine and the unsuspecting into establishing intimacies with them that they would never have agreed to or countenanced had the officers’ true identity been known. Their conduct was grossly offensive and wholly unwarranted. As the Operation Herne 2 Report of March 2014³ concluded: *“there are and never have been any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and position as a police officer and an individual and organisational failing.”*
4. In their February 2013 “Undercover Policing: Interim Report” the Home Affairs Select Committee (HASC) concluded: *“...there are some lines that police officers must not cross. Ministers and senior officers have said that officers would not be authorised to engage in sexual relationships while undercover, but could not rule out the possibility of such relationships occurring anyway. We do not believe that officers should enter into intimate, physical sexual relationships while using their false identities undercover without clear prior authorisation, which should only be given in the most exceptional circumstances. In particular it is unacceptable that a child should be brought into the world as a result of such a relationship and this must*

² At earlier stages the officer was referred to as N519; throughout this document we use his current cypher, EN1.

³ *Report 2: Allegations of Peter Francis*, published March 2014, authored by Mick Creedon, Chief Constable of Derbyshire Constabulary.

*never be allowed to happen again. We recommend that future guidance on undercover operations should make this clear beyond doubt*⁴.

5. In 2015, following protracted litigation, the Metropolitan Police Service (MPS) finally accepted that sexual relationships entered into by undercover officers were “*abusive, deceitful, manipulative and wrong*”, and a breach of the women’s human rights. Further, the MPS acknowledged that the fact these relationships happened, demonstrated that appropriate supervision and management by the MPS was lacking. A formal apology in those terms was provided to Sarah in January 2017. On 1 April 2020 the MPS extended an unreserved apology to TBS for the fundamental deceit in his father’s relationship with his mother, leading, in turn, to the circumstances in which his father had abandoned him. Those apologies were expressed in stark terms; they reflected our clients’ lived experience. The events we will outline have proved devastating for them in many inter-connected ways.
6. Given the absence of lawful justification or authorisation for this behaviour and the lasting adverse impact it has had, this Inquiry will ultimately be compelled to draw the most appalling conclusions in respect of the actions of multiple UCOs, their managers and supervisors and those responsible for governance and oversight. This Inquiry should not shirk from that responsibility.
7. In this statement, after briefly referring to the history of this practice and investigations which have so far taken place, we identify common themes that emerge from the personal experiences of Lindsey, Sarah Hampton, AJA, ARB, Thomas Fowler and TBS. We identify a series of questions that have preoccupied them over the last several years including why this abhorrent practice was permitted to develop and continue, at what level of seniority the practice was authorised and tolerated and why the MPS proved unwilling or incapable of fully acknowledging the abhorrent nature of what had occurred during these deployments until compelled to do so by litigation. Among their questions is whether a cadre of UCOs led new recruits to believe that unconscionable actions were expected of them and/or would be tolerated, and that by way of reciprocity they would ensure that the deployed officers would never be held personally accountable for their actions; and the extent to which the MPS’s response, including its stance at this Inquiry, still seeks to deliver on such a compact. Our clients

⁴ At [14].

also want to know the extent to which the entirely foreseeable damage they have suffered was actually foreseen at the time; were they simply disregarded as expendable “*collateral*” damage?

8. Those who have been victims of such fundamental deceit are compelled to participate in this Inquiry; they are driven by a strong sense of responsibility to those whose lives have been intruded upon without legitimate justification and to the new generation of activists - protesting around climate change and racial injustice – to ensure that they are not subjected to similar illegitimate intrusion. They consider, with ample justification, that their treatment involves one of the most serious breaches of human rights in this jurisdiction in our times. But it should not be overlooked that it is difficult and painful for them to participate in this process, which involves reliving such personal, distressing and unsettling experiences.
9. The Inquiry must respect their commitment and not shirk from its responsibility to hold police officers properly to account for the improper discharge of their public functions. It must not allow its task to be overwhelmed by engrained practices within undercover policing of protecting their own from legitimate exposure and attendant accountability.
10. This statement is also addressed to the MPS, the Home Office, the National Crime Agency and the College of Policing. These institutions are invited to take *immediate* steps to answer - to the fullest extent of their current knowledge – the questions that we go on to identify.

B. THE HISTORY IN SUMMARY⁵

The establishment of the SDS and NPOIU

11. The SDS, known until 1973 as the Special Operations Squad (SOS), and from 1997 as the Special Duties Section, was an undercover unit formed by the Metropolitan Police’s Special Branch; under its various guises it operated between 1968 and 2008. The SOS was created with direct support and funding from the Home Office and was authorised by the Deputy Under Secretary of State; renewed annually until 1989 when governance was placed with the MPS Special Branch. At Home Office insistence it operated under conditions of maximum secrecy⁶.
12. The NPOIU was formed within the MPS in 1999, in 2006 its governance was transferred to the Association of Chief Police Officers and in 2011 it was subsumed within the National Domestic

⁵ We anticipate that this section will be considerably shorter in the oral opening statement as much will have been covered by others. We have included it in this document in order to give a comprehensive account.

⁶ Operation Herne Report 2 at [4.1 – 4.6].

Extremism Units of the MPS. Both the SDS and NPOIU infiltrated and reported on activist, public protest and campaign groups. In its early years, the NPOIU had strong links with the SDS and a number of staff moved between the two units.

13. The SDS operated from within the MPS Special Branch, but separately from the MPS undercover unit, SO10. The remit of deployed UCOs did not include gathering evidence for use in criminal proceedings. SO10 was formed in 1988 and introduced a series of safeguards in respect of UCOs and their deployments including a set of instructions for deployments, accredited mandatory training and a formal authorisation process with regular reviews of authorised activity, usually with specific objectives and focused instructions⁷. It is believed that the SDS relied upon internal training and undertook its own selection and chose not to adopt developing MPS and national practice for the deployment of UCOs.
14. The Operation Herne 3 report⁸ concluded that the SDS was *“insulated from both internal scrutiny by the MPS Executive Leadership of the day and any realistic parallel external scrutiny. Over the forty years that the unit existed, senior MPS management of the day either knew nothing about the existence and activities of the unit, or when they did they appeared to have allowed the SDS to exist in secret isolation in a manner that was complacent and possibly negligent”*⁹. However, the annual reports of the SOS/SDS submitted in the period February 1969 to February 1975 in fact make repeated references to the Commissioner’s firm *“support”*, close *“personal interest”* in the unit’s operations and his having been *“fully consulted”* as to its continuance with other members of the MPS senior executive¹⁰.

Revelation of the misconduct and the subsequent investigations

15. In or about October 2011 the Metropolitan Police Service Directorate of Professional Services (MPS DPS) initiated a review of the activities and deployments of the SDS from its origin in 1968 to its closure in 2008, prompted by revelations in the *Guardian* newspaper from early 2011 including that a former SDS officer had formed a relationship with a woman while undercover and that there had been children(sic) born of that relationship. The focus of that review was one of damage limitation. Its terms of reference included: *“to identify potential vulnerabilities for the MPS arising from the work undertaken by the SDS over four decades and to offer a*

⁷ Operation Herne Report 2 at [26.1.5].

⁸ *Report 3: Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns*, July 2014.

⁹ At [1.14].

¹⁰ MPS0728973/1/18; MPS0728971/1; MPS0728970/7; MPS0730906/1/3/6.

historical context to the work undertaken by “field” officers” (emphasis added)¹¹. In August 2012 the review came under the direction of DAC Patricia Gallan and was renamed Operation Herne. Mick Creedon, the Chief Constable of Derbyshire Constabulary, was subsequently appointed to lead the operation.

Peter Francis

16. An article in the *Observer* newspaper published in March 2011 quoted a former UCO now known to be Peter Francis as stating that he had slept with two members of the target group he had been deployed to spy on and that, although not officially sanctioned, such actions by SDS officers – both male and female – was tacitly accepted by supervisory officers and in many cases were “*vital in maintaining an undercover role*”. In further articles he claimed that “*sex was used as a tool to help blend in*”. In a “*Dispatches*” programme broadcast on 24 June 2013 he stated that there were a “*couple of provisos*” in respect of sexual relationships; one was to use a condom and the other, not to fall in love. He stated that he had been warned by Bob Lambert (a more senior officer at the time) that “*another officer was allegedly tricked into having a child*”. “*Undercover – The True Story of Britain’s Secret Police*” by journalists Rob Evans and Paul Lewis, published in 2012, repeated many of Peter Francis’ allegations.

Operation Herne - Report 2: Allegations of Peter Francis (Operation Trinity)

17. Operation Herne was tasked with investigating Peter Francis’ accounts and published *Report 2: Allegations of Peter Francis* in March 2014. The report noted that individuals publicly claiming to be SDS UCOs had admitted involvement in inappropriate sexual relationships whilst they were deployed. The report found that there was no official sanction for the formation of intimate relationships while undercover and that the Tradecraft Manual (which we will refer to shortly) had provided “*informal tacit authority and guidance for officers faced with the prospect of a sexual relationship*”. The author said that: “*to date no evidence of sexual activity ever being utilised as a management supported tactic to aid infiltration has been found*”; rather, it had been identified that officers were provided with “*limited instructions and in effect left to make individual choices*”¹². The report found evidence of “*some managers with the SDS expressly forbidding sexual relationships*”¹³; but noted that officers’ training was unstructured and ad-hoc. We have already cited the report’s conclusion that there are and never have been any

¹¹ The review’s terms of reference also included the identification of any criminal or misconduct issues and the identification and dissemination of any organisational learning.

¹² At [16.1].

¹³ At [16.1].

circumstances where it would be appropriate for UCOs to engage in intimate sexual relationships with those they are paid to infiltrate. The conclusion also expressed: *“real concern that a distinct lack of management by senior leaders within the MPS appears to have facilitated the development and apparent circulation of internal inappropriate advice regarding an UCO’s engagement in sexual relationships”*¹⁴.

The Tradecraft manual

18. On 19 March 2018 the Inquiry published the Tradecraft manual. This is understood to be an internal SDS document providing guidance for UCOs that was drafted initially by Andy Coles, who was deployed by the SDS as Andy Davey between 1991 and 1995 and thereafter discharged senior roles in undercover policing; and was subsequently added to by Bob Lambert (who we have already referred to in this opening). The absence of any clear guidance in this document and the absence of any acknowledgement of the potential consequences or the potential harm that could be caused is striking. The text proposed that UCOs *“must make you own mind up”* if their attempts to avoid any sexual encounter leads to suspicion and *“if there is no other option but to become involved with a weary”*¹⁵, *you should try to have fleeting, disastrous relationships with individuals who are not important to your sources of information. One cannot be involved with a weary in a relationship for any period of time without risking serious consequences”*¹⁶.
19. By the time this flippant, complacent and offensive text appears to have been written, as we shall see, Bob Lambert had not only had at least one lengthy sexual relationship himself under his cover identity, but he had fathered and abandoned a child, TBS. The need for proper regulation of this gross practice must have been clear. However, whatever else this text lacks, it confirms that officers were aware of the practice and at least tacitly condoned it.
20. The Operation Herne 2 report concluded with regard to the manual¹⁷:

“Potentially confusing guidance was provided in order to advise and assist officers. It is believed that this guidance was not any type of official MPS policy, but was rather some form of tactical advice developed dynamically by operatives within the unit and based on their own experiences. It may have been deemed to be helpful at the time but there is no doubt that it allowed for and even condoned behaviours to develop which would not be accepted now. They would almost certainly not have been acceptable at the time to senior managers and Chief Officers had they been aware of it. Little or no support was in place to prevent or avoid such compromises for officers who were sometimes deployed and hugely isolated for many years. The internal

¹⁴ At [16.2].

¹⁵ A disparaging term used by the SDS for those they spied on.

¹⁶ At [5.6.3].

¹⁷ At [26.1.3].

“Tradecraft” document references concerns that officers were effectively operating in isolation. Ambiguous advice regarding sexual relationships was offered”.

The HMIC report

21. In 2012 Her Majesty’s Inspectorate of Constabulary (HMIC) published, *“A review of national police units which provide intelligence on criminality associated with protest”*. It was their conclusion that there were insufficient checks and balances to evaluate and manage Mark Kennedy’s deployment and that the NPOIU lacked effective governance¹⁸. Further:

“The sample of NPOIU records examined...should have contained much more detail on who the risks of intrusion were assessed and managed. For example, Mark Kennedy, by his own admission, had intimate relationships with a number of people while undercover and in doing so encroached very significantly into their lives. NPOIU documentation did not provide assurance that such risks of intrusion were being systematically considered and well managed across the organisation.”¹⁹

“Mark Kennedy operated outside the Code of Conduct for Undercover Officers. This suggests that NPOIU operational supervision, review and oversight were insufficient to identify that his behaviour had led to disproportionate intrusion ...

“No single authorising officer appears to have been fully aware either of the complete intelligence picture in relation to Mark Kennedy or the NPOIU’s activities overall, or of the other intelligence opportunities available to negate the need for an UCO. Additionally, it was not evident that the authorising officers were cognisant of the extent and nature of the intrusion that occurred; nor is it clear that the type and level of intrusion was completely explained to them by the NPOIU. This would have made it difficult for them to assess accurately whether deployments were proportionate”²⁰.

HSAC

22. The 26 February 2013 HSAC interim report (which we have referred to earlier) acknowledged *“the terrible impact on the lives of those women who had relationships with UCOs”*. The Commissioner of the Metropolitan Police acknowledged in evidence given to the Committee that whereas no authority had ever been granted for an UCO to engage in a sexual relationship whilst deployed it *“could almost be [seen as] inevitable that it would happen in some cases”*. Mark Kennedy’s evidence to the Committee was that it was *“highly unlikely”* that an UCO might enter into a relationship without his superiors knowing. He explained that his managers had access to all his communications, that he carried a tracking device so that they always knew his whereabouts and he was in regular contact with other UCOs and informants who would have

¹⁸ Page 30.

¹⁹ Page 8.

²⁰ Page 24.

reported back on his activities. He stated that it was “*beyond belief*” that his superiors did not know.

Taylor report

23. Stephen Taylor, a former Auditor General was asked to assess the extent of Home Office involvement in the operations of the SDS. In January 2015 he published his report “*Investigation into links between Special Demonstration Squad and Home Office*”. It suggests, at best, a head in the sand approach on the part of officials. The report said that the document review had not found any reference to sexual relationships entered into by UCOs²¹. Mr Taylor said that he had discussed the allegations with retired officials who “*could not recall the risk being considered*” and it was thought to be “*a matter for SDS management to deal with through promoting the appropriate culture and dealing with any issue that arose*”. However, he concluded that among the small number of officials in the Home Office who were close to SDS managers “*it is reasonable to suggest that some of these may have acknowledged and accepted that there was a risk of relationships forming which could potentially cause significant difficulties at a later date*”.

C. PERSONAL NARRATIVES

24. We turn to the experiences of those we represent, the very concerning picture that emerges from their experiences and the issues and questions that this gives rise to.

“Lindsey”

25. In April or May 2001 Lindsey met the UCO whom she knew under his pseudonym, Carlo Neri, through mutual friends in the Socialist Party. Carlo had made it known to Lindsey’s friends that he was unhappily single. Carlo presented with the fake persona of a committed activist. Lindsey consented to the sexual relationship as a direct result of that fraud and they began to see each other regularly; often at Carlo’s flat in Hackney but also at Lindsey’s flat in South London. The first few months of their “*relationship*” were for Lindsey a fun and sociable time. They socialised as a couple. Carlo’s cover story included working as a locksmith in North London and having a group of friends from work with whom he played football. Other than occasions when Carlo purported to be in those circles, they were together. Carlo told Lindsey that he had a son from a short previous relationship whom he had not seen since he was a baby. This confidence

²¹ At [10.2.2].

appeared to tighten their bond. By the autumn of 2001 the relationship became more serious. This was initiated by Carlo who was the first to use the word “love” and who made her believe that he was committed. He surprised Lindsey with a short break to Venice in December 2001. The manner in which he conducted the relationship gave Lindsey confidence in its longevity and meaning. Lindsey let her guard down and threw herself into the relationship introducing him to her family and politically active friends in Liverpool.

26. In the early months of 2002 Carlo began to withdraw emotionally. There was no explanation. He disappeared for days and switched off his phone. This was a marked change as he had previously been so attentive. He disappeared for a second time. Lindsey’s feelings of self-doubt surfaced, and she felt that Carlo had broken her trust. He told her that his mother was ill in Italy and he could not cope emotionally. As she felt pushed away by him, she ended the relationship in April 2002. The only remaining contact between Carlo and Lindsey was by text message.
27. Lindsey’s self-esteem and confidence were impacted, and she was left with painful feelings about the relationship.
28. In September 2015 an activist friend mentioned to Lindsey that there were doubts about Carlo’s authenticity; at first, she could not believe that the concerns were justified. However, in October 2015 she learned that there was evidence that Carlo was in fact an UCO. Lindsey went into a state of shock. She suffered sleeplessness; she ruminated on their time together and played over her recollections of the relationship. She suffered feelings of anger and vulnerability. She questioned her own judgment and suffered intense embarrassment. She dwelt on other past friendships and associations; questioning the motives and genuineness of many people.
29. Ultimately Lindsey’s perspective on the events is one of intense personal abuse. She feels deceived and made a fool of by accepting that the emotions engendered by Carlo were genuine. The months of her life when she devoted her physical and emotional energy to a person who did not actually exist feel utterly wasted.
30. The legal processes have necessitated discussions concerning her sexual history with lawyers and others. Lindsey has not found this aspect easy. Her litigation is not yet resolved.

Sarah Hampton

31. Sarah is an environmental activist who has been active in environmental politics since 1999. As a result of earlier events in her life, she was already vulnerable in the areas of trust and relationships when she met the man she knew as Mark Stone. She went on to have an intimate relationship with him in 2005 for about a year. Kennedy presented as a deeply committed and moral activist who shared her political convictions. Sarah would not have consented to the sexual element of their relationship but for those misrepresentations. Sarah was persuaded by Kennedy to enter into a polyamorous relationship, meaning that his primary relationship was with another activist, and Sarah was able to spend time with him only when his main partner permitted. This was Sarah's first and only polyamorous relationship. She was manipulated into this arrangement by Kennedy who exploited her vulnerabilities.
32. At the time "*Mark Stone*" seemed romantic and attentive: he pampered Sarah and showered her with love; he gave her gifts; he took her out to dinner; and he told her that he loved her. Occasionally she stayed at his home overnight and he visited her in Spain on two occasions after she moved there. Mark communicated with her by telephone and email when they were not together. Sarah believed at the time that they had fallen in love with one another and Mark encouraged her to think that notwithstanding his other relationship, theirs could be a serious emotional relationship too. Mark presented as open and vulnerable; he would cry and tell Sarah that he was scared. Sarah was especially vulnerable to this form of misrepresentation.
33. On one occasion at G8 demonstrations in Edinburgh, Sarah was held in a pen/kettle by the police with members of an anarchist group who were also present. Sarah was held longer than others, isolated, questioned and photographed by police. Afterwards she was distressed and tearful and she was consoled by Kennedy who stayed in her tent that night. She is now preoccupied by this image and the fact that she was actually being "*consoled*" by a police officer, who may well have been responsible for her having been detained.
34. Sarah ended the relationship when she learned that Kennedy had been spreading malicious rumours that she was mentally unstable and demanding. In retrospect, Sarah believes that Kennedy was by this stage struggling to divide his own fiction from his own reality but at the time she was distressed by this conduct.
35. It was in 2010 that Sarah learned that Kennedy was in fact an UCO. This caused her enormous stress and mental instability. Her mind scanned their relationship, over and over, obsessively.

She suffered insomnia, flashbacks and severe episodes of depression. She suffered strong feeling of revulsion arising from Kennedy's violation of her body and the duplicity of his superiors. She suffered intense paranoia and a fear of still being spied upon. Her identity – one built up around her role as an activist - was destabilised. She also felt guilty that she had introduced Kennedy to people who would never had wanted to meet him had they known he was a police officer. She continues to struggle with coming to terms with having had a sexual relationship with a police officer. She feels all her relationships have been marked; she now assumes that her partners are lying and feels that she can no longer place her trust in friends.

36. Sarah sued the Commissioner of the MPS, who settled her claim in 2017 upon payment of a substantial sum by way of compensation and an apology. The apology it was agreed she should receive included the following statement: *"a sexual relationship by an UCO cannot be authorised and is not a legitimate police tactic"* and that what had occurred *"was a violation of Sarah's human rights, an abuse of police power and a significant cause of trauma"*. The Metropolitan Police recognised *"that this should never happen again, and necessary steps must be taken to ensure that it does not"*.

Cardiff Anarchist Network (CAN) Members

37. EN1 under his cover name of *"Marco Jacobs"* met Thomas Fowler in about 2004 and began attending CAN meetings in 2005. He moved to the Cardiff area in 2006. EN1 told AJA, ARB and Thomas (who were members of CAN) that he was a truck driver from Northampton and that he had previously lived in Brighton. He told them that he had separated from his former partner who had psychically abused him. He purported to share their political beliefs. He integrated himself into the group and volunteered for a number of administrative tasks. EN1 made derisory and offensive remarks about members of the group and sought to cause conflict and disruption amongst them. EN1 became less involved in CAN towards the end of 2008 and he left the Cardiff area in August 2009 stating he was taking up a job in Corfu as a gardener.
38. In March 2010 the *Guardian* published an article about another UCO and our clients noticed that there were striking similarities between the way in which that officer had extracted himself from his undercover deployment and the manner in which EN1 had left Cardiff. Their concerns deepened after they became aware of Mark Kennedy's deployment. By January 2011 they had formed a clear belief that *"Marco Jacobs"* was in fact an UCO. They spoke to a journalist from the *Guardian* who confirmed that this was indeed the case.

39. Following numerous attempts to delay the progress of the litigation and block the disclosure of any relevant documentation, the Commissioner of the MPS finally agreed to settle the civil claims brought by our clients in relation to the wrongs inflicted on them including payment of substantial sums of compensation.

AJA

40. AJA met EN1 in about 2005 and what she believed to be a close friendship developed quickly. AJA trusted EN1 and she confided in him, telling him about a number of highly sensitive personal topics including matters in her past that she did not usually discuss with other people. AJA loved “Marco Jacobs” and he became the person she trusted most in the world. It would have been apparent to EN1 that AJA was vulnerable and that she had come to rely upon him heavily. In late May 2007 EN1 told AJA that he wanted to take their friendship to “*the next level*”. AJA and “Marco Jacobs” spent time together as a couple including at the G8 summit in Germany between 6 – 8 June 2007. Shortly after this they began a sexual relationship. AJA would never have consented to this had she not understood that they shared political perspectives and had a supportive relationship of trust. Over the next few weeks they had sex on a number of occasions and spent a lot of time together as a couple. Suddenly, EN1 telephoned AJA and told her that he could not continue the relationship because of their age difference; AJA was 26 and EN1 had told her that he was 41 years of age. She was hurt and upset. Some weeks later EN1 contacted her and suggested they get back together. The relationship began again for a short period, before AJA ended it. They remained close as he made her feel safe, secure and loved.
41. Upon learning that EN1 was in fact an UCO AJA felt extremely betrayed and violated by him both in terms of the sexual and the emotional relationship that she believed had existed between them. She was physically sick. She felt angry initially, then distressed and she remains plagued by intrusive recollections and a loss of self-worth in having been taken in by him. From AJA’s perspective, EN1 was paid to have sex with her; it was not his free choice. She lost confidence in her own attractiveness. The revolting thoughts of what EN1 did to her were present every day. She felt a weight of responsibility for having unwittingly helped EN1 betray other people around her. AJA abandoned her activism since EN1’s identity was revealed. Formerly she was involved in challenging racism and islamophobia, helping refugees, campaigning against war and environmental destruction. This was a devastating loss for her; she felt that she had let the people and causes she cared about down. She lost all trust in the police and was terrified by officialdom of every type, which was debilitating for her life and her work.

ARB

42. ARB first met EN1 at a CAN meeting in 2005 when she was 26 years of age. She got the impression that he was attracted to her and she found him to be warm, funny, friendly and attentive. They became close friends and he would often meet ARB for a drink after her work. EN1 also met ARB's parents on a number of occasions: he had a pint with ARB's father when he was visiting Cardiff for cancer treatment and on another occasion comforted ARB's mother when she confided in him regarding the extent of her husband's illness.
43. "*Marco Jacobs*" became a central person in ARB's life; she regarded him as her best friend. He presented as highly supportive of her and her views. ARB believed them to be kindred spirits. In March 2006 ARB and Thomas Fowler began a relationship. EN1 often ridiculed Thomas and pointed out his flaws.
44. When ARB's father died on 2 January 2008 EN1 told her that his mother had died when he was very young and that his father had died more recently. He talked of growing up without his mother and his father struggling financially. ARB was manipulated to feel guilty that she had not supported EN1 in what she believed to be his recent bereavement and about the privilege of having both her parents until she was 29 years old. EN1 attended her father's funeral and met with ARB's extended family.
45. Later in 2008 EN1 initiated a sexual relationship with ARB. EN1 told ARB that he loved her. She felt guilt and shame at having been unfaithful to Tom. ARB and EN1 slept together on further occasions and ARB then split with Tom. She did so anticipating a genuine relationship with "*Marco Jacobs*". EN1 seemed to lose interest in ARB and when she challenged him, he said that they should just be friends. ARB accused him of deliberately misleading her about his feelings in order to persuade him to sleep with her. The relationship ended and they saw much less of one another. In December 2008 ARB and Thomas rekindled their relationship and they remained together until 2016 when the relationship again faltered; both were deeply scarred by EN1's behaviour. ARB no longer has any relationship with Thomas.
46. EN1's conduct has irreparably damaged ARB's trust in other people and in her own judgement. She feels violated. She has suffered paranoia and a major loss of confidence. She has avoided many social situations and has been too anxious and afraid to remain politically active to this day. Her activism had been a central part of her life and identity. She suffered depression, anxiety and feelings of helplessness. She continues to suffer depression and is reliant upon anti-depressant medication. She feels that her life has been on hold since she learnt that "*Marco*" was an UCO.

She has not been able to come to terms with what happened and remains anxious about ongoing monitoring. She now works as a part time secretary as she has been unable to return to her full-time work in her previous field of social care. There have been enduring impacts on ARB's confidence and how others relate to her.

47. The events have also impacted on her family, particularly her mother who was shocked and distressed to learn that an UCO had manipulated his way into their family and had done so at such a difficult time around her late husband's untimely death.

Thomas Fowler

48. Thomas met EN1 at the Earth First summer gathering in 2004 and they began spending more time together the following year. EN1 purported to cultivate a close personal friendship with Thomas and Thomas came to think of him as his best friend and shared intimate personal information with him including about his ill grandmother and the recent death of his grandfather, with whom he had been very close. When his grandmother then died, "*Marco*" supported Thomas through the grieving process. Thomas spoke at length to EN1 about his relationship with ARB who he was in love with. EN1 purported to support Thomas when he and ARB split up in 2008 despite the fact that EN1 had initiated sex with ARB and this was in fact the reason why the couple had split up. After their relationship had restarted, in about June 2011, ARB explained about her sexual relationship with EN1.
49. When he learnt that "*Marco*" was in fact an UCO paid to target him and his friends, he was shocked and frightened. He felt that the whole time he had known "*Marco*" had been a lie. Thomas felt very betrayed, hurt and angry by the false friendship that EN1 formed with him and how the officer had caused him to reveal deeply personal information that he would not have shared with him had he known the truth. These feelings were compounded by the knowledge that EN1 had fraudulently induced ARB to enter into a sexual relationship with him. Since the revelation, Thomas has found it difficult to trust people, even those he has known since childhood. He has withdrawn from social contact and feels unable to face demanding situations. Ultimately the legacy of EN1's conduct caused his relationship with ARB to again falter in 2016.

"TBS"

50. Bob Lambert formed an intimate relationship with TBS's mother ("*Jacqui*") during the course of his undercover deployment as "Bob Robinson", a committed animal rights activist. The relationship was based on this deception and consent to the sexual relationship was achieved

by Bob Lambert's fraud. Bob Lambert had met Jacqui in about 1984 and began a relationship with her soon afterwards. By the time of TBS's birth on 23 September 1985 Jacqui and Bob Lambert had set up home together and he was present at the hospital when TBS was born. Continuing in his false persona as Bob Robinson, he purported to fulfil a father's role in the early years of TBS's life. They lived in the same house as part of an ostensible family unit until 1987 and after the relationship with his mother ended, "*Bob Robinson*" continued to visit his son until his abrupt departure the following year.

51. In late 1988 Bob Lambert told Jacqui that he had to leave the United Kingdom because of police interest in him following a fire bombing. After this he proved to be untraceable despite the sustained efforts of TBS's mother. When Jacqui formed a relationship with a new partner, a decision was made that his parental role would be formalised by adoption. An official adoption investigator appointed to try and trace TBS's biological father, reported that he had acquired information from an individual who had shared a flat with "*Bob Robinson*" in London "*that he was unlikely to surface in the future because of his intense political involvement in the Animal Liberation Movement activities. The child's natural father appears to be a wanted person by the police for interrogation*". Bob Lambert's cover story was thus perpetuated.
52. TBS was not aware of the identity of his biological father until the sudden death of his stepfather when he was 8 years old. In the aftermath of that bereavement TBS asked about his biological dad and wanted to see him. TBS's mother redoubled her efforts to trace him and encouraged the Child Support Agency (CSA) to assist her in finding him. The CSA reverted confirming again that TBS's father was a wanted man and on the run. As he grew up, TBS was troubled and distressed by the failure of the man he had known as his father to get in touch with him. He grew up with a false understanding of the person his father was.
53. It was only in 2012 and as a result of media attention that TBS learned via his mother of his father's true identity. Since learning that his father was an UCO, he has struggled to reconcile this with the understanding he had over the previous decades that he was the son of an animal rights activist who had gone on the run from the police.
54. TBS and Bob Lambert have now established a relationship. This was a painful and difficult process for TBS involving a complex set of emotions. The lost years can never be returned to him. He is preoccupied with the fact that the MPS were apparently prepared to let him go his whole life without learning the truth and having the opportunity to get to know his father.

Although he now values the relationship with his father, he is also deeply troubled by the fact that he was conceived through a deceitful act which has greatly impacted upon his mother.

55. TBS has been very hurt by this series of events. He has suffered a loss of identity and his sense of personal integrity. He has experienced considerable distress when exposed to triggers such as contact with the police.
56. When TBS issued a civil claim seeking damages for his appalling treatment, the Commissioner of the MPS responded by trying to have the claim struck out as being a legally unsound claim. That application was dismissed by the High Court and eventually this year the Commissioner agreed a settlement of TBS's claim, paying him a substantial sum of money and apologising to him unreservedly *"for the Metropolitan Police's role in the circumstances that led to your father's relationship as an UCO, with your mother, which culminated, years later, in the realisation that what you had been led to believe about your father and your home life and the reasons given by your father for leaving the family home were based on a fundamental deceit"*.

D. COMMON THEMES FROM THE PERSONAL NARRATIVES

Psychological impacts

57. Predictably those who were deceived into sexual and other intimate relationships have suffered intense psychological sequelae from which many will never recover. The officers were convincing and plausible liars; they had had the benefit – it is assumed - of training and mentoring, to convince even their most wary targets. That skill set was brought to bear in an entirely unacceptable sphere; the emotions of women whom they caused to sleep with them through manipulation and fundamental deceit.
58. In addition to the pervading sense of violation and loss of dignity, those who experienced this deceit have all felt a consequential paranoia and insecurity that has permeated every aspect of their private and personal lives. They have lost confidence both in their own ability to assess the world around them and in the extent to which they can rely on other people, even those who appear to be kindly and supportive. They feel utterly destabilised by the discovery that what they believed to be true was in fact fiction. They feel that they can trust no-one, not even themselves. AJA says: *"I don't trust my own mind any more"* and Sarah explains: *"I feel safe with my family but I do not feel safe with my friends. I cannot be certain who they are ... There is always a small part in the back of my mind which asks whether the person I am speaking to is genuine"*.

59. The SDS/NPOIU and its operatives gathered a formidable body of knowledge concerning the groups and individuals they targeted. Their knowledge can reasonably have been anticipated to include knowledge of the values of the individuals drawn to those groups including mutual respect and interdependence. It was inevitable that those who had been the conduits for the officers' deep cover would suffer appalling guilt at having brought duplicitous police officers into their friends and comrades' lives. Our clients have suffered the anguish of feeling that not only were they taken in by these officers, but that they unwittingly betrayed their own friends and comrades. Sarah reflects: *"I was the link to introducing him to people who would never have wanted to meet him had they known he was a police officer. I feel pretty guilty about that"*.
60. Central to the officers' manipulation was the presentation of an irresistible persona; the boyfriend who was kind, attentive, helpful and full of empathy; the friend with endless patience for shared problems and confidences, always willing to assist. The realisation that this exceptional person did not in fact exist was shattering. Sarah remembers the *"pampering"*; and AJA recalls of EN1: *"He was the perfect friend – always there, always generous with time and coffee and hugs. Absolutely dependable...He was – quite deliberately of course – the person I felt I could trust most in the world, more than absolutely anyone"*. Thomas says of *"Marco"*: *"He was what seemed to be the greatest friend, we shared so many of the same passions and connected on all sorts of matters personal, political, everything. He was always very supportive and quick to give advice, encouraging me to open up about personal issues ... in a way I wasn't used to and would never be able to do now"*. Allied to this was the presentation of a person who reflected their victim's interests; claiming to share their music tastes and their hobbies.
61. A particularly egregious aspect of the UCOS' conduct was their reliance upon techniques of psychological manipulation including preying upon individuals with pre-existing psychological vulnerabilities. Furthermore, they developed false narratives of their own vulnerability and victimhood in order to deepen the apparent bond. Lindsey recalls that *"Carlo Neri"*: *"confided in me early on that he had a son from a previous short relationship that he was estranged from...He agonised over whether to re-establish contact and drew me into helping him make the decision. He swore me to secrecy from our social circle. After our relationship finished he rang me again to 'confide' that his father (in Italy) was seriously ill. Not long after I wrote him a letter telling him I still loved him."* Officers have caused particular trauma by using false narratives to *"mirror"* genuine tragedy experienced by our clients, ARB says of *"Marco"* in relation to her father's death: *"he seemed so understanding of what I was going through as he told me he had"*

lost his mother at a very young age and his father more recently. I felt that we understood each other in this respect.”

62. In addition, the false narratives provided at the point of extraction left their victims engaging in fruitless searching for them and depleting their own emotional energies with concerns for their safety and welfare. When EN1 left Cardiff and stopped replying to AJA’s texts and postcards she felt terrible guilt; she was sure that she was responsible. She searched the internet for reports of a British man missing or dead or injured in Corfu. She placed advertisements on three websites to say that she was looking for him. She considered travelling abroad in an attempt to find him.
63. Inevitably, another feature for so many has been an overwhelming debilitating depression and a sense that life has lost all meaning. Enjoyment of work, friendships, intimate relationships and pastimes has disappeared, and they have been too frightened and damaged to return to the political activism that previously meant so much to them.
64. The knowledge that UCOs inserted themselves not only into their lives but those of their immediate families at times of personal emotional upheavals is hard to bear. “Marco” became a frequent visitor to Tom’s parents’ home, presenting as the supportive close friend when his grandmother died. He also visited ARB’s parents’ home and met her parents on numerous occasions; and attended her father’s funeral in Chepstow. The impact extended to family members too, ARB remembers: *“My mum was very touched by Marco’s kindness. Both she and my father liked Marco...and appreciated how he had helped and supported me as a friend through my father’s illness. She said she felt comforted that I had someone like this living close by as I lived on my own and had no other family in Cardiff”*.

The officers’ conduct

65. Having described some of the features of the long-term emotional havoc caused by the deceptive sexual relationships, we turn to some common themes relating to the conduct itself. We have already noted that UCOs preyed on the evidently vulnerable. We also observe:
 - (a) Our clients’ experiences indicate that UCOs acted with total disregard for their well-being. Officers indulged in gross escalations of the psychological risks associated with their abuse including through repeatedly speaking of love and communicating commitment.

- (b) Our clients' experiences have much in common in terms of the ways that the UCOs gained their trust, deceived them and behaved towards them. They do not believe this to be coincidence. They believe that the similarity of their experiences must have stemmed from a shared pool of knowledge, understanding, training or guidance that the officers received. They want to know more about this. In turn it likely indicates an awareness of the widespread nature of this practice at a more senior level within the policing hierarchy. There were, for example, particular similarities in the way that UCOs terminated their contact with those that they had deceived and infiltrated; this indicates the existence of a commonly shared exit strategy.
- (c) These emotional and sexual relationships were not fleeting or transitory. They were constructed over time, created deep emotional commitment on the part of the victim and often endured for a substantial part of the UCO's deployment. Given the longevity and nature of these relationships it appears inevitable that more senior officers were aware of what was taking place or, at the very least, wilfully blind to it.
- (d) The motivation behind these relationships remains unclear. Were they prompted by a twisted logic that it was in accordance with the imperative of maintaining the officers' cover; were they a means of accessing and gathering further "*intelligence*"; were they for sexual gratification; or did a combination of these reasons apply?
- (e) In any event our clients were simply political activists. Yet it was apparently considered acceptable for this grotesque and sustained psychological manipulation to be used against such individuals. As we will go on to show when we consider the legal position, this conduct was wholly disproportionate and unlawful.

Fathering children

- 66. Additionally, many questions arise from TBS' particular experiences. That children could be fathered as a result of these relationships was plainly foreseeable and must have been foreseen. What consideration was given to these risks and what steps, if any, were taken to guard against this kind of situation occurring? Most obviously, permitting an UCO to remain in the same deployment for a lengthy period of time substantially increases the risk of children being conceived.
- 67. Furthermore, what, if any, consideration was given to the fact that: (a) the officer would inevitably end up abandoning the child when his deployment came to an end; and (b) the child

would, on the face of it, never be able to trace or meet their biological father thereafter. As TBS found for many years, he was not able to even gain a sense of who this person was. Was this regarded as acceptable and what, if any, consideration was given to the child's best interests?

68. If fathering a child was not an approved tactic, then the question arises as to what steps, if any, were taken against officers who did this. It does not seem to have led to disciplinary action. After TBS was born, Bob Lambert was promoted and went on to manage the SDS unit in the 1990s.

E. THE LEGAL CONTEXT IN OUTLINE

69. We will briefly address the lack of any legal authority for these gross intrusions upon the lives of those we represent. We are mindful that section 2 of the Inquiries Act 2005 places a prohibition on determining any person's civil or criminal liability but the rights protected by Articles 3, 8 and 10 of the European Conventions on Human Rights are nevertheless relevant for two reasons: first, they offer a valuable framework for the Inquiry's investigations and conclusions and secondly, it is necessary for the Inquiry to consider whether there have been failures of the regulatory system to protect the fundamental human rights enshrined in Articles 3, 8 and 10.

Regulation

Home Office Circular 97/1969

70. Prior to the Regulation of Investigatory Powers Act 2000 (RIPA), there was no statutory regulation of undercover activities and no statutory requirement for a process of prior authorisation. Home Office Circular 97/1969 issued on 6 March 1969 provided instruction as to the restrictions on members of the police service and police informants inciting or committing crime, but it did not cover any other aspect of undercover deployments.

Regulation of Investigatory Powers Act 2000 (RIPA) and ACPO Code of Practice regarding Covert Human Intelligence Sources (CHIS)

71. From October 2000, Part II of RIPA has provided for the authorisation of the use and/or conduct of Covert Human Intelligence Sources (CHIS), including UCOs. The use and the conduct of a CHIS must be necessary in the circumstances of the particular case for one or more of the statutory reasons listed in section 29(3) of the Act and must be proportionate to that aim. Legitimacy is dependent upon a balancing of the seriousness of the intrusion into the private or family life of

the subject of the operation (or any collateral intrusion) against the need for the activity in investigative or operational terms. Section 29(5)(a) provides that the handler must have responsibility, among other things, for directing the day to day activities of the CHIS.

72. Our clients are not aware of any authorisation ever having been granted under RIPA that purports to authorise a CHIS to engage in sexual relationships under their cover identity. The public concessions eventually made by the MPS in relation to this practice appears to indicate that the Commissioner (rightly) accepts that such conduct could not fall within the terms of any lawful or proportionate RIPA authorisation.
73. The Association of Chief Officers of Police (ACPO) issued a *Code of Practice regarding Covert Human Intelligence Sources* under section 71 of RIPA. That Code envisages a degree of oversight and regulation that appears to have been singularly lacking in relation to the deployments that we have described.
74. The Code required care to be taken to ensure that the CHIS is clear “*on what is/is not authorised at any given time and that all the CHIS’s activities are properly risk assessed*” and to see that “*relevant applications, reviews, renewals and cancellations are correctly performed*”²². The Code provides that each CHIS must be fully aware of the extent and limits of any conduct that is authorised and that those involved in the use of a CHIS are also fully aware of the extent and limits of that authorisation²³. Measures should be taken, wherever practicable, to avoid or minimise interference with the private and family life of those who are not intended subjects of the CHIS activity (collateral intrusion)²⁴. Chapter 7 provides for the maintenance of centrally retrievable authorisation records; individual records of each authorisation and use of CHIS.

The European Convention on Human Rights

75. Section 6 of the Human Rights Act 1998 provides that it is unlawful for a public authority to act in a way that is incompatible with a right protected by the European Convention on Human Rights. All police officers are public authorities for these purposes, as are their police forces and the oversight bodies.
76. Article 3 of the Convention outlaws inhuman and degrading treatment. Article 8 of the Convention provides that: “*Everyone has the right to respect for...private and family life*”. Unlike

²² At [2.8].

²³ At [3.7].

²⁴ At [3.9].

Article 3, this is a qualified right which can be interfered with, but only where the strict requirements of Article 8(2) are met. Article 8(2) requires that the interference is “*in accordance with the law*”, in pursuit of a legitimate aim (one of those specified in the Article) and is necessary in a democratic society.

77. For an Interference to be in accordance with the law it must not only comply with domestic law but also the quality of the law in question must be compatible with the rule of law and be sufficiently clear in its terms. For a restriction to be “*necessary*” in this context it must reflect a “*pressing social need*” and it must be proportionate.
78. The deceptive and invasive conduct we have described undermined our clients’ human dignity, degraded and humiliated them and left them with intense, protracted mental suffering. As such, their rights protected by Article 3 were violated.
79. Furthermore, this conduct plainly amounted to a very substantial interference with their private and family lives so as to engage Article 8. In terms of justifying the same, the police do not get past the first hurdle. As we have described, there was no proper legal regulation for much of the time that this practice was used and even after RIPA had been enacted the statutory provisions were not sufficiently rigorous to prevent abuse. We have also explained this conduct was not and could not have been legitimately authorised under the terms of the Act. As such, the interference was not in “*accordance with the law*”. This in itself means that it amounted to a violation of Article 8. However, it is also the case that this deceptive conduct did not pursue any “*legitimate aim*” and it was wholly disproportionate. No information with an intelligence value appears to have been gained as a result of these relationships that could not have been obtained in any event and there were far less intrusive methods that could have been employed, in so far as there was any operational component to the officers’ actions.
80. Article 10 of the Convention protects the right to freedom of expression. The exercise of the right can be limited in circumstances similar to those that we have discussed in relation to Article 8. We have described how the abuses of power visited on our clients left them feeling unable to participate in political protest and engagement. This interference was also unjustified for similar reasons.
81. Accordingly, the police’s misconduct entailed repeated and long-standing interference with rights protected by Articles 3, 8 and 10 of the European Convention of the most serious and sustained complexion.

The Duty of Candour

82. The duty of public bodies to act with candour and to cooperate with the courts is now a settled public law principle: Lord Donaldson MR in *R v Lancashire County Council, ex p Huddleston* [1986] 2 All ER 941 at p945; Singh LJ in *R (Citizens UK) v Secretary of State for the Home Department* [2018] EWCA Civ 1812 at [106] and in *R (Hoareau) v Secretary of State for Foreign and Commonwealth Affairs* [2018] EWHC 1508. It is a self-policing duty requiring public bodies to provide full and accurate explanations of all the facts; “*the good, the bad and the ugly*” without “spin”. The State CPs responsibility to volunteer the full truth is all the more acute in the context of a public inquiry, where their responsibility is to assist the investigation by drawing attention to all relevant matters and to do so without any ambiguity and without any economy with the truth in order to contribute to a thorough, effective and efficient investigation.

F. QUESTIONS THE INQUIRY MUST ANSWER

83. We have already flagged a host of serious issues in describing our clients’ experiences and the emerging themes. In this section we draw together the central questions that our clients have in relation to those themes. It is incumbent on the Inquiry to address these issues. We also pose these questions to the State CPs involved in this Inquiry (who should be in a position to provide answers to some or all of these questions without further delay in accordance with their duty of candour).

The deceptive sexual relationships

- (1) To what extent did UCOs routinely or casually engage in sexual relationships with those they were charged with infiltrating? How common was it for UCOs to behave in this way?
- (2) What training or instruction did UCOs receive in relation to this either prior to or during their deployments? What information was shared between UCOs about these relationships?
- (3) To what extent were those who monitored / supervised these deployments aware of these relationships? What safeguards were in place?
- (4) Why were lengthy deployments permitted, given the evident risks of such relationships being formed?
- (5) To what extent were officers either encouraged or discouraged from forming such relationships? If they were encouraged to do so, why was this?

- (6) Did any written guidance exist other than the Tradecraft Manual? Who authored the parts of that manual dealing with sexual relationships and at what level of seniority was this content considered?
- (7) Was any documented authorisation ever granted that extended to such relationships?
- (8) What was the purpose behind officers entering into these relationships, if any?
- (9) What consideration, if any, was given to the impact, including the psychological impact, upon the women who were deceived into these relationships? To what extent did sexist and/or misogynist attitudes on the part of the UCOs or their managers play a part in the culture?
- (10) What consideration, if any, was given to the collateral impact on family members and friends of the women?
- (11) What records were made about the women with whom officers had relationships? What records were retained?
- (12) What advice were UCOs given about ending these relationships? What efforts were made to assist officers in avoiding subsequent discovery by the women involved?
- (13) After the relationship ended what level of surveillance was carried out to see if the women in question were making enquiries that posed a threat to the maintenance of the officer's cover identity?

Supervision and governance at a senior level

- (14) To what extent did senior officers and/or Home Office personnel know of this practice? What steps were taken in response to any such knowledge?
- (15) In so far as the SDS and/or the NPOIU was not required to conform to the governance or training requirements applied to other areas of undercover policing, who made these decisions and what was the rationale?
- (16) Was the relatively lax oversight of the SDS and NPOIU attributable to the fact that their officers undertook intelligence gathering, rather than evidential roles, which were not required to meet the standards of the criminal and/or civil justice system?
- (17) Did UCOs receive assurances, whether implied or explicit, that their anonymity would be protected irrespective of their engagement in discreditable and/or unlawful conduct whilst undercover?

Fathering of children

- (18) How many children were fathered as a result of UCOs' deceptive sexual relationships with those that they spied on?
- (19) What, if any, guidance, training or instruction were UCOs provided with in relation to this situation?
- (20) To what extent did managers and senior officers appreciate that this was a potential consequence of long-term undercover deployments? What steps did they take in consequence?
- (21) Was any consideration given to the impact upon a child who would, inevitably be abandoned by his/her biological father when his deployment came to an end? To what extent, if at all, were the child's best interests considered?
- (22) To what extent did police take steps to assist officers in avoiding subsequent discovery by the mother or child of this relationship?
- (23) What would have happened to an UCO if he had tried to make contact with his child after his deployment had ended? Would this have led to disciplinary action?
- (24) Additionally, the following specific questions arise in relation to TBS's experiences:
 - Were Bob Lambert's handlers and/or supervisors aware that he had conceived a child and if so, when did they become aware and what action was taken by them with regard to TBS and with regard to managing the risk of further conceptions and/or births?
 - Were those responsible for Bob Lambert's promotion within the SDS aware of TBS's birth?
 - Were Bob Lambert's handlers and/or supervisors involved in developing Bob Lambert's extraction strategy and the subsequent subterfuge aimed at protecting his identity from attempts to trace him (including by the adoption investigator and the CSA referred to earlier)?

G. OUR CLIENTS' EXPERIENCE OF THE INQUIRY TO DATE

84. Our clients are dismayed that some 5 years after the commencement of this Inquiry the evidential phase of the process is only now about to begin and that even now there will be a long additional gap before they are likely to receive any meaningful disclosure or opportunity

to participate in relation to the evidence that is heard. We know that concerns over procedural shortcomings have been raised in other opening statements and communications. We only intend to briefly highlight three issues that specifically impact upon those who we represent in Category H (without repeating detail that will be covered elsewhere).

The current position in respect of restriction orders

85. Given their public unmasking, Bob Lambert and Mark Kennedy have not sought a restriction order in relation to their real or cover names. The position could not have been otherwise. However, a more restrictive approach has been taken in relation to the other UCOs that we have focussed on in this statement.
86. HN104 – the officer who used the cover name “Carlo Neri” - was deployed against the Socialist Party/Militant and No Platform/ANTIFA. His application for a Restriction Order dated 25 July 2016 described those organisations as “*extreme left-wing groups*”. “Lindsey’s” association was with The Socialist Party; a political party that in fact advocates for change based on democratic principles. HN104 accepted in that application that the groups he targeted did not pose a threat of physical confrontation and violence. He admitted to sexual relationships with more than one woman during hid deployment. He was at that time married to his first wife with whom he had two children.
87. On 7 August 2018 the Chair ruled that HN104’s real name would be redacted from the evidence to this Inquiry and placed the responsibility upon Lindsey and others – who are aware of his real name from other sources – not to reveal it. The Order recorded that: “*in the final analysis, the decision whether or not to publish NH104’s real name will depend upon the judgement and humanity of those who already know it*”. To have put this responsibility upon Lindsey (and others in a similar position), couched in an appeal to her “*humanity*” was insensitive and inappropriate, given that she was treated by HN104 in a way that showed no respect for her humanity at all.
88. “Marco Jacob’s” real name has not been revealed; much to our clients’ shock and further anguish, he has denied that the sexual relationships which we have described even took place although as we note at §39 above, AJA and ARB have received substantial compensation in respect of the abusive sexual relationships they suffered because of his deceit.

89. On 2 May 2018 the Inquiry issued Ruling 1 and 'Minded to' note in respect of applications for restriction orders, including one made by EN1. The Inquiry noted that he denied conducting deceitful sexual relationships during his deployment. The Inquiry considered that until the facts were determined, it was not necessary to publish or to disclose to those women, his true identity and that all relevant issues concerning his deployment could be publicly explored in his cover name. Further, that if the real name of EN1 were to be published, he and his wife would face some risk of harassment and would undoubtedly be the subject of intense media interest. EN1 also relies upon health concerns but the Inquiry had not been provided with any medical evidence to that effect. The Chairman at that stage accepted "*the truth and accuracy of what I have been told*" and concluded that the publication of his real name and its possible consequences would be "*stressful events for him*" that might put his health seriously at risk. The ruling continued that "*if, for good reason, the truth and accuracy of what I have been told is put in question, I will require that a medical report is produced before maintaining the restriction order which I am minded to make*".
90. In submissions made on behalf of the NSCPs on 28 September 2018 it was noted that there had been inadequate disclosure in respect of the bases for EN1's applications, but that from the limited documentation that had been made available, it was clear that he had exaggerated the level of risk that publication of his real name would present. Further, the submissions made clear that the women emphatically maintained that they had been duped into sexual relationships with EN1. As far as we are aware, no further ruling or 'minded to' note has been issued in respect of EN1.

Disclosure and participation in evidence hearings

91. This opening statement has been based upon our clients' experiences and upon material, such as reports, that are already available in the public domain. They have received very little disclosure of contemporaneous documentation from the Inquiry. Given what they have been through, our clients want to understand as fully as possible what happened and why it happened, and they want to obtain answers to the questions and issues we have earlier flagged. They want to engage as much as possible with the evidential process and to assist the Inquiry in following the evidential chain, wherever it may lead. They seek a rigorous investigation across the wide range of issues identified and consider it of vital importance that factual findings are reached on sound evidential footings. However, we understand that they will only receive disclosure of documentation in advance of the hearings where they are perceived as having a

“direct” interest in doing so and that this will be largely limited to material relating to the particular undercover deployment which affected them.

92. We also understand that those we represent will only have the opportunity to participate at all (whether by themselves or their lawyers) in the evidential hearings where, again, they have what is deemed to be a *“direct”* interest in doing so. This will be limited to evidence concerning their own experiences.
93. In common with other CPs, those who we represent are very concerned that this narrow approach will not enable the Inquiry to fully and rigorously explore the fundamental issues that arise. By way of example, showing a pattern of common behaviour in the way that UCOs acted may strongly indicate that they were instructed or guided to behave in a particular way by superior officers. Similarly, common experiences of meeting official obstructiveness or obfuscation when trying to locate UCOs under their fake personas after they had disappeared, may speak of a sustained cover up, orchestrated at a higher level. Without the assistance of those affected by these forms of conduct, the Inquiry may not be aware of the material to explore or the questions to ask that would draw out this evidence.
94. Furthermore, some potential parallels are likely to only emerge from the details given in the officers’ witness statements and/or when they give their oral evidence. If our clients are not made aware of these accounts until after the evidence has been given at the Inquiry (as seems to be the present intention) then it may well be too late by then to explore these points.
95. One of the roles of the Inquiry will be to gain a clear picture of the extent to which deceptive sexual relationships occurred. In this way too, our clients and others in a similar position would be able to offer significant assistance in helping the Inquiry to join the evidential dots. For example, they may have information acquired over time from other activists, that would undermine a particular officer’s denial.
96. Accordingly, we believe that our clients should have much wider access to documentation and statements relating to this appalling practice and the opportunity to participate in hearings involving officers who are known to have had sexual relationships when undercover.

In addition, and in common with other Category H CPs, our clients have yet to receive any disclosure relating to the intrusion upon their personal lives and their data. They do not know what was recorded or reported back by the UCOs who deceived them and trampled over their

lives. They are left wondering and worrying and this uncertainty weighs heavily with them. Given the gross intrusions they have already experienced, we suggest that there is no good reason why this specific disclosure could not be provided to our clients significantly in advance of the currently planned tranche-based approach.

F. CONCLUSION

97. Our clients continue their engagement in this difficult process driven by their need to know and understand their own histories. They are driven to understand the full extent of the intrusion on their lives so that they might have some prospect of resolving the mental torture caused by the UCOs' conduct. They seek explanations as to the true purpose of the officers' actions and an understanding as to how high up the chain of command there was knowledge, encouragement or indifference. They seek to establish the depth and breadth of the intrusions upon their lives and in respect of the women, the gross interference with their bodily integrity. They seek a reliable official record of the chronology of events, the gross violation of their human rights and the impact that it had. They seek not only the learning of meaningful lessons but the implementation of tangible protections against future abuse.

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23 October 2020