

OPENING SUBMISSIONS ON BEHALF OF
CORE PARTICIPANTS SET OUT IN AN ANNEX
REPRESENTED BY
HODGE JONES & ALLEN, BHATT MURPHY AND BINDMANS SOLICITORS

INTRODUCTION

1. This opening statement is made on behalf of over 100 individuals and groups, all of whom are Core Participants in this Inquiry.
2. All of them were subjected to undercover police surveillance that was inappropriate, improperly regulated, and abused their rights. They want answers from this Inquiry and ask that this Inquiry makes recommendations that prevent this experience happening to others.
3. These Core Participants come from a wide variety of backgrounds, ages, ethnicities and political views. But they all share an outrage at the experience each of them suffered. They deserve answers for the experiences they suffered through undercover policing to which none of them should have been subjected. Those officers and their supervisors, who committed that wrongdoing must be called to account, as must be the system that permitted it.
4. The experiences of these Core Participants spans more than a 40 year period from 1968 to the present date. They are people who campaigned – and still campaign – on a variety of different issues. Some have remained community activists, others have continued to seek justice for family members who were killed. Others have become senior political figures – including Members of Parliament, and a member of the House of Lords who is also a former Secretary of State.
5. A common feature that unites their experience is that the police surveillance to which they were subjected was not merely out of control, but was politicised. They expect the evidence to show that through the entire period, undercover policing was severely

tainted – corrupted – by political motivations and political bias. A lack of structure and oversight allowed political biases and improper motives to become commonplace in the selection of target groups for surveillance. That bias infected the entire decision making process, from policy and strategic decisions, to how operations were carried out and what was considered acceptable.

6. It is also important to recognise, at this early stage, that for many of these Core Participants the bias that resulted in them being selected for surveillance – that caused their activity to be worthy of undercover information gathering – had a racial dimension. Racial bias is something these Core Participants want this inquiry to explore assiduously. You will hear how ordinary people campaigning against racism and police misconduct that unfortunately has been present in British policing for decades, were targeted for spying by undercover policing – apparently with a view to finding ways to discredit their legitimate campaigns.
7. Our democratic process has suffered as a result of illegitimate and inappropriate undercover surveillance. We will never know the true cost. Legitimate, important campaigns – such as one of the first to be considered by this Inquiry, the campaign against Apartheid in South Africa – were hindered and targeted inappropriately. Those campaigns and those voices that should have been amplified because their cause was the right one, were the ones targeted for police action. We will never know what progress we could have had today if it hadn't been for the political interference by police in these campaigns.
8. The kind of secret, unregulated, out of control, politically tainted undercover policing also discredits and undermines legitimate undercover policing work.
9. Spying took place on those involved in campaigns against apartheid; those seeking to achieve justice for loved ones wrongly killed; those campaigning on social and environmental issues. Policing decisions towards these people were deeply flawed: people whose efforts and struggles and the causes they espoused have been vindicated as time has passed – were treated as people to be spied on.
10. What they experienced is shocking. This Inquiry will hear that some of the Core Participants were convicted of criminal offences when they should not have been. The involvement of undercover officers (“UCOs”) in the very acts they were convicted for, was hidden even from the courts and prosecutors.

11. This Inquiry will also hear that some of these Core Participants were encouraged into activity by UCOs, only to then be targeted by authorities for the very activity into which the undercover police officers had encouraged them.
12. Most insidiously, all of these Core Participants were subjected to spying and reporting on their lives, with records and data stored for decades without any justifiable purpose. Information about them was used and shared and may have affected their lives in ways they still do not fully know and may never learn.
13. Of the more than 100 Core Participants for whom we make this Opening Statement, four are in Tranche 1: 3 Anti Apartheid Campaigners – Lord Peter Hain, Ernest Rodker and Professor Jonathan Rosenhead; and Celia Stubbs – the partner of Blair Peach who was killed by a police officer in 1979 and campaigned for police accountability for his killing and against the cover up that followed it. The remainder of these Core Participants have received no disclosure yet¹. That means that still – even at this stage as the evidence in the Inquiry is about to be heard – they do not know what records were kept about them, what was done to them, and why. It is a state of affairs that leaves them immensely frustrated. They find it wholly unacceptable.
14. The length of the period of undercover activity spanned by these Core Participants is also important because it reveals that the misconduct this Inquiry will be investigating do not belong to a bygone era. Improperly regulated undercover policing – and its part in serious injustices – has continued to the modern day.
15. The enactment of the Regulation of Investigatory Powers Act in 2000, designed to regulate unlawful behaviour and inappropriate covert surveillance, did not prevent this activity from continuing. The resilience and protean nature of this form of covert police misconduct, even after RIPA came into effect, is one of its most disturbing features.
16. The Core Participants are participating because they want the lessons and recommendations from this inquiry to be forward looking. The purpose of their participating is not only to understand what went so badly wrong in the past, but also to

¹ The Reel family have received some limited early disclosure as an exceptional case following the intervention of their local MP. John McDonnell. Members of London Greenpeace have also received very limited disclosure in Tranche 1.

ensure that relevant guidance is given to policing in the future – in an era of digital undercover policing – and to stop this kind of misconduct from continuing.

17. This Inquiry is investigating a dark and unpleasant chapter of British policing and political history. The difficulties, pain and challenges involved make this a unique opportunity for much needed reflection and change. If embraced properly, the Inquiry should be a moment of much needed change. These Core Participants are keen to finally learn the details of life-changing state interventions that have been kept hidden from them for so long.
18. The information made available to date by the police and the Inquiry has been incredibly limited and tightly controlled: these Core Participants all want full disclosure and transparency so all lessons can be learned. For one Core Participant, Robert Banbury, his frustration with the disclosure provided by the Inquiry to date is such that he wishes to say:

“I am making no statement because this Inquiry has been intentionally rendered incapable of achieving its objectives and is in contempt of its obligations”

OUTLINE AND OVERVIEW

19. This statement is divided into three sections, or parts, which explain how Core Participants were targeted and how they were affected:
 - (1) Section 1: Targeting of political and social justice campaigns.
 - (2) Section 2: Targeting of family justice campaigns and community organisations.
 - (3) Section 3: The participation of UCOs in protests and miscarriages of justice.

20. There are also recurring themes that occur within each section:
 - (1) The unjustified and politicised nature of undercover policing
 - (2) The lack of any effective system of checks and balances
 - (3) The lack of any proper oversight
 - (4) Racial bias/racism within undercover policing; and
 - (5) A culture of contempt and abuse towards rights of those targeted including gross disregard for breaches of fundamental human rights.

21. At the conclusion of this opening statement, we set out three questions each of these Core Participants want answered.

SECTION 1: THE UNJUSTIFIED AND DISPROPORTIONATE TARGETING OF POLITICAL AND SOCIAL JUSTICE CAMPAIGNS

22. For the entire period covered by these Core Participants, there was unjustified and disproportionate targeting of political and social justice campaigns.
23. On many occasions the activities of UCOs went beyond attendance and observation of groups: UCOs took on active roles within the campaigns, influencing the political direction of the campaigns and the means of protest chosen. At times they took key instigating roles in the very activity they were targeting for surveillance.
24. The implications of this are profound: police officers taking an active role in the political direction of movements they had infiltrated. This is the very antithesis of what many believe British political culture – our democracy – is about.
25. In his 1968 paper ‘Penetration of Extremist Groups’ in which Conrad Dixon suggested the set up of the SOS/SDS unit Conrad Dixon wrote:

“A firm line must be drawn between activity as a follower and a leader, and members of the squad should be told in no uncertain terms that they must not take office in a group, chair meetings, draft leaflets, speak in public or initiate activity”²

26. This ‘firm line’ was crossed by officers within the first few years of the unit’s existence.
27. The Home Office’s Terms of Reference for Special Branch produced in April 1970 stated:

“Special Branch is responsible for acquiring security intelligence, both secret and overt (a) to assist the Chief Officer in the preservation of public order (c) as directed by the Chief Officer to assist the Security Service in its task of defending the realm from attempts at espionage and sabotage and from actions of persons and organisations which may be judged to be subversive of the security of the State”³

² MPS-0724119/6

³ UCPI10000004459/2, emphasis in original.

“It is important that Special Branches should have a clear idea of what constitutes ‘persons and organisations which may be judged to be subversive of the security of the State’. Broadly speaking these are any organisation or individuals whose purpose is the undermining or overthrow of the established democratic order”⁴.

28. It is hard to see how the groups set out below could possibly meet this definition of organisations seeking ‘*overthrow of the established democratic order*’ unless this is read as a proxy for ‘*any group seeking meaningful social or political change*’.

Anti-Apartheid Movement – 1970s

29. The surveillance of these Core Participants begins in 1969, when officers from the Special Demonstration Squad (‘SDS’) began to target the Anti-Apartheid Movement (‘AAM’) and related groups.
30. It may be astonishing from the perspective of 2020, to learn how the British police mounted a concerted campaign of undercover policing aimed at anti-apartheid campaigners. These were campaigners advocating against UK support of one of the most vile and racist practices in the late 20th Century history. To the extent that the SDS viewed anti-apartheid campaigners or those with whom they associated as a greater threat to the stability of our society - than those who supported apartheid and often used violence in doing so is in many ways shameful. But that error is not something that could only be clear in hindsight. It should have been clear at the time. Unfortunately, it appears that undercover policing was, from the very beginning, deployed with strategic and policy decision making polluted by misguided political motives – some of which will seem abhorrent to the public listening to the evidence of this Inquiry.
31. A particular interest of Chief Superintendent Cunningham in coverage of ‘black power’ groups was noted in a Security Services file note of a joint meeting on 17 January 1969 with Conrad Dixon purportedly to discuss ‘*joint coverage of Trotskyist and Anarchist organisations*’ (UCPI0000030766/1). The AAM was identified as a target for surveillance in the first annual report of the Special Operations Squad⁵ in 1969 (MPS-

⁴ UCPI10000004459/4, emphasis added..

⁵ The unit was later renamed the Special Demonstration Squad in 1972, for convenience the name SDS will be used to refer to the unit through this period.

0728973/7 at [15]). Black power groups were also noted as an area where coverage was lacking by the unit (MPS-0728973/7 at [5]). The AAM and associated groups then feature in every following year either as groups where infiltration has been achieved or, if not, then where it is targeted.

32. A key feature of the AAM was sporting boycotts. They were a recognised part of the campaign against apartheid in South Africa. The South Africa cricket team planned to tour the UK in 1970 and a campaign was formed to protest against this: the Stop the Seventy Tour ('STST'). We represent three Core Participants active in the STST campaign and in the wider AAM in this period: Ernest Rodker, Professor Jonathan Rosenhead and Peter Hain – now Lord Hain of Neath.
33. The STST's aim was to stop the planned cricket tour by the all-white South African team, to England in summer 1970. As part of this, it used non-violent direct action to disrupt the all-white Springbok rugby tour of the UK in winter 1969/70 in order to make clear that the proposed cricket tour in the summer of 1970 should be cancelled. The wider objective was to isolate white South Africa from international sport and so help defeat apartheid itself.
34. The importance and contribution these campaigners made to our wider political culture in promoting anti-racism should not be overlooked or minimised. In December 2015, STST's role was recognised at the highest level when Lord Peter Hain received from South Africa the OR Tambo National Award in Silver for his 'excellent contribution to the freedom struggle'.
35. The hub of the STST campaign was the modest flat of Peter Hain's parents in Putney. Peter Hain, Ernest Rodker and Jonathan Rosenhead were all involved in the STST. But also involved were a number of UCOs.
36. One UCO was Mike Ferguson. He is unusual in this inquiry in that his real name is known but not his alias. His role has been described by other UCOs as acting as Peter Hain's "*right hand man*". The Core Participants have been unable to verify this claim because to date they do not know who Mike Ferguson was and his identity remains withheld from them by the Inquiry.
37. Lord Hain remains concerned about this. He is a Privy Councillor, a member of the House of Lords, a former cabinet minister and former Secretary of State for Northern

Ireland trusted with briefing of extreme sensitivity for both police and armed forces. Yet this Inquiry has still not allowed him to identify the police officer who spied on him, in his parents' home and was supposedly part of his close, inner circle. Notwithstanding his considerable experience in public office he finds this approach difficult to understand.

38. Assuming that Mike Ferguson did play such a role, it is also a serious matter that a police officer took on such a prominent position in such a large and significant campaign. This was not simply a case of the police using people within an organisation as informants ('covert human intelligence sources'). That would have been alarming enough. This was a case of the police trying to control the leadership and direction of a political movement. A serving police officer was put in place to play a key role in the political organisation and to help direct its activity. As a matter of principle, the activities of STST as a legitimate civil liberties campaign should have been conducted and directed and led by genuine campaigners, not UCOs. The actions of Mike Ferguson seem to have been well known to others in the SDS at the time, but he was allowed to continue. This appears to have been a pattern that recurred in the future.
39. The actions of UCOs also continued in the broader anti-apartheid movement. The Core Participants have the following concerns about the disproportionate level of UCO surveillance:
 - (1) What justification was there for surveillance of these groups? The AAM was merely a political campaign.
 - (2) Has there been 'retro-fitting' of justifications that were not present at the time? This Inquiry should treat with scepticism *ex post facto* claims seeking to justify surveillance, if there are not adequate records to support those claims.
 - (3) Why was there wide-ranging data gathering and a lack of proper checks and balances of that data gathering about people? How were those records retained, used, disseminated? The Core Participants are concerned that personal information that was recorded was of no possible policing use but was used to their detriment in other inappropriate ways.
 - (4) The Core Participants have concerns about collusion with the South African Government and Bureau Of State Security. It is also of concern that, from its

inception, the SDS appears to have targeted campaigns concerned with the struggle for racial equality.

London Greenpeace – 1970s, 80s and 90s

40. The issues raised in relation to the AAM also apply to actions of UCOs targeting environmental groups in the 1970s, 80s and 90s.
41. London Greenpeace ('LGP') was established following the publication in 1971 in the pacifist magazine *Peace News* of an influential article, subsequently expanded and re-issued as a separate broadsheet, '*Greenpeace - You And Your Environment*⁶. This was a compilation of ideas about how individuals could take action in their own lives to preserve the ecosystem. The group was the first Greenpeace group in Europe and one of the first three in the world.
42. LGP campaigned on environmental and social justice issues, initially primarily against nuclear weapons testing. It deliberately stayed as a small group of activists, without leaders, with decisions taken by initiative and consensus of those involved, whilst respecting the differences. It encouraged people everywhere to organise themselves to take practical action, and to network with others in order build up strong and lasting movements to effect real change.
43. In a flyer, produced in 1981, the group described itself as follows:

"The London Greenpeace Group has existed for a decade [since 1971] as an independent group of activists – We share a nonviolent and libertarian opposition to the exploitation of the eco-system. Our origins are a special concern for everyone's personal responsibility to the environment, and in a particular commitment to oppose the ravaging of the environment by militarism."

44. In the 1980's, both Bob Lambert and John Dines infiltrated LGP. Both men have been publicly identified. The actions of both, especially Mr Lambert, require serious scrutiny by this Inquiry.

⁶ *Peace News*, 9 July 1971, the original article was titled: 'The Greenpeace Guide - How to avoid personal pollution'

45. **Bob Lambert** was a key figure in the undercover surveillance of London Greenpeace and is a key figure featuring in the evidence to this Inquiry.
46. Many of his actions as a UCO are publicly known, including that he had several intimate relationships with women whilst undercover, and fathered a son with one of those women. These matters are truly shocking and unjustifiable and will be covered in the opening statements made by others on behalf of those he mistreated. Others will set out his role in the 'McDonald's/McLibel campaign'. Other aspects of his activities, including his alleged role in serious criminal activity, are mentioned later on in this opening statement.
47. Bob Lambert infiltrated LGP in the early 1980s. He took on an active campaigning role within the group in which he remained active for a number of years. Throughout much of this period he was simultaneously infiltrating animal rights groups. He would regularly encourage those in London Greenpeace to join with hunt sabotage and other protests, including offering them lifts to protests in his van.
48. Following his deployment, Bob Lambert returned to the SDS as a supervisor. This in part reveals how misconduct by officers became entrenched as they moved into senior positions and directed others.
49. Bob Lambert was still undercover in LGP in 1987 when another UCO, John Dines, joined the group. John Dines went on to become the group's treasurer. He also started an intimate relationship with Helen Steel, living with her in a flat in Tottenham. John Dines had a van and would offer to drive people home from meetings in order to find out their home addresses. He also regularly offered lifts to protests to those in London Greenpeace. John Dines was part of London Greenpeace at the time that McDonald's served libel writs on some of those involved in LGP, but despite playing an active role in the anti McDonald's campaign, he did not get served with a writ.
50. The Core Participants from LGP have the following particular concerns:
 - (1) Active involvement in the political decision making of LGP:

Bob Lambert was actively involved in influencing the political direction of LGP. He authored key documents. He was influential in moving the directions of the campaigning work away from mainly ecology and militarism and steering some of the work more towards animal rights and McDonald's. It was following a

conversation with Bob Lambert that LGP started working upon the McDonald's campaign that later led to the libel proceedings. Bob Lambert was on the first demonstration against the company at their outlet on The Strand during January 1985.

(2) Deliberate tactics of building relationships with women.

Both Bob Lambert and John Dines deliberately built relationships with women to further their infiltration. As well as the relationships with women who have already publicly come forward, Lambert had a further relationship with another woman who was part of London Greenpeace in the early 1980's. The repeated use of this tactic (in LGP and, as we shall see, in later groups) clearly demonstrates that it was a known and accepted method of infiltration shared between UCOs. The effect on the women concerned was truly devastating. The adoption of such tactics was unjustifiable by any measure.

(3) Collecting information without limits:

Again, there was unrestricted and unregulated collecting of information on those conducting legitimate political campaigns. The unregulated and unrestrained use, retention and sharing of that information is, of itself, deeply worrying and a breach of their Article 8 rights to privacy. The Core Participants have no idea of the extent to which their lives have been affected by that data gathering and sharing about them, much of which may be wholly inaccurate.

(4) Sharing of information with private companies:

Many of the targets of LGPs campaigns were large corporations such as McDonald's. The Core Participants understand that information collected by UCOs was shared with these private corporations who also influenced the surveillance operations. Some of those in London Greenpeace appear on the Consulting Association blacklist, listed as environmental campaigners. As their files were not seized by the Information Commissioners Office they do not know exactly what was recorded, but they share the concerns of blacklisted construction workers about collusion between Special Branch and the Consulting Association.

51. The roles of Bob Lambert and John Dines in LGP have been publicly acknowledged. Bob Lambert has apologised for his actions, stating:

"I apologise unreservedly for the deception I therefore practiced on law abiding members of London Greenpeace."

"I also apologise unreservedly for forming false friendships with law abiding citizens and in particular forming a long-term relationship with [the woman] who had every reason to think I was a committed animal rights activist and a genuine London Greenpeace campaigner."⁷

52. Bob Lambert explained his actions in the following way:

"As part of my cover story, so as to gain the necessary credibility to become involved in serious crime, I first built a reputation as a committed member of London Greenpeace, a peaceful campaigning group"⁸

53. To these Core Participants, Mr Lambert's attempt at justification for his actions is not acceptable. It undermines his admission and aggravates the harm already caused.

54. It cannot credibly be claimed that it was necessary to infiltrate LGP to achieve any supposed aim of preventing serious criminality, particularly since LGP were, on Bob Lambert's own admission, not involved in any such activity. Moreover, it was not necessary to attempt to influence the political directions of the group to achieve this aim, this was a subversion of the democratic process and an interference with their Article 10 and 11 rights. It certainly was not necessary to form an intimate relationship in order to achieve these aims.

55. The apologies are hollow whilst the full extent of the deception practices on LGP by the SDS remains unknown. In particular, LGP has concerns that other UCOs conducted surveillance on LGP prior to Bob Lambert infiltrating the group. The details of these UCOs have not been made known.

56. It appears very likely that the group was infiltrated by the SDS before Bob Lambert, since a report produced for the Cabinet Joint Intelligence Committee in 1980, stamped 'Secret UK EYES A', suggests that by the late 1970's LGP was already being spied upon by the state. Despite the report being titled 'The Current Threat to the United Kingdom From Terrorism', it states:

⁷ <https://www.theguardian.com/uk/2011/oct/23/police-spy-tricked-lover-activist>

⁸ <https://www.channel4.com/news/undercover-police-bob-lambert-exclusive>

“Anti-Nuclear Power groups have been active since 1977 in arranging demonstrations in various parts of the country. In the past two years there has been a marked increase in the number of small anarchist dominated or influenced groups in the United Kingdom, the most prominent being London Greenpeace; the latter plays a major co-ordinating role in anti-nuclear affairs and is responsible for many of the international links. During the same period there has also been a considerable increase in contact between British anti-nuclear power groups and their Western European counterparts.”⁹

57. The report goes on to state:

“The bulk of the anti-nuclear power lobby (including most of the anarchist groups) in the United Kingdom is opposed to the use of violence and there is no evidence of any current terrorist threat from that quarter”¹⁰.

58. London Greenpeace strongly supports the call for the release of group and individual SB registry files and all remaining cover names, accompanied by contemporaneous photographs of the officers while undercover, to enable all those spied on to give relevant evidence to the inquiry about the impact and scale of the spying.

Reclaim the Streets – 1990s / 2000s

59. Reclaim The Streets (‘RTS’) was a grassroots environmental campaigning group founded in the 1990s to challenge the dominance of ‘car culture’ over our lived environment. It favoured streets and communities where people could walk, breathe and live away from the noise, pollution and dominance of cars. Many of the ideas which RTS promoted have now been taken up by wider society, and are reflected in measures such as the increased number of pedestrianised zones and lower speed limits in residential areas. This demonstrates the role and value of campaign groups in creating progress within society.

60. It is publicly known that an UCO, James Boyling, infiltrated the group between 1996 and 2002, using the name ‘Jim Sutton’. He was centrally involved in planning protests

⁹ Page 12 paragraph 9

¹⁰ Page 12, paragraph 10.

during that time. Another UCO, known as 'Jason Bishop', was involved in RTS from around 1999 onwards. 'Jackie Anderson' was the cover name of another UCO involved with RTS. RTS remain concerned that there other UCOs whose names have not been revealed, who may also have infiltrated RTS.

61. During their infiltration of RTS UCOs were arrested for, and tried under, their false names and assumed identities. This was never disclosed to their co-defendants and the Core Participants do not know if it was ever disclosed to judges or prosecutors.

(1) Jim Boyling was arrested and tried for a public order offence arising from a protest in 1996 when activists cycled around Trafalgar Square in London to bring traffic to a standstill in support of a strike by Tube workers. He was one of a group of protesters who then occupied the nearby office of the chairman of London Transport.

(2) Jason Bishop was arrested a number of times during the period of his deployment. Both Jim Boyling and Jason Bishop were active in the May Day 2000 protests. Jason Bishop was alleged to have been arrested driving a van of manure for a 'Guerrilla Gardening' protest in Parliament Square. No charges were ever brought against him.

62. From 1999 to 2005, Jason Bishop was heavily involved with demonstrations against the biannual Defence and Security Equipment International Exhibition ('DSEI') arms fair at the Excel Centre in London. He attended planning meetings, provided logistical support as a driver and attended mass days of action.

63. The activity of these officers was not simply random or speculative, but was part of a continuous pattern of police surveillance and infiltration of grassroots environmental campaigns.

64. It appears that Bob Lambert was Jim Boyling's direct supervisor within the Special Demonstration Squad. Bob Lambert had himself spied on groups such as LGP. Many of the same tactics used by Bob Lambert in relation to LGP, apply here:

(1) The active involvement of UCOs in political campaigns

(2) The collection of data and sharing with private companies.

- (3) The political nature of the policing, targeting groups because of their campaigning objectives.
65. Most significantly, the tactic of abusing relationships with women as a means to further infiltration was used by Jim Boyling just as it had been by his supervisor Bob Lambert. It is public knowledge that Jim Boyling formed intimate relationships whilst a UCO with three women.
66. Again, the impact of this on the women concerned will be addressed by others. However, the wider impact of this on RTS as a whole should also be noted. There can be no justification for the use of such tactics as a means to obtain information about political campaign groups. The fact that this behaviour mirrors that of Bob Lambert several years strongly suggests it was a systematic tactic deployed against activists as a means to further infiltration by UCOs.

Genetic Engineering Network – Late 1990s

67. The Genetic Engineering Network ('GEN') was set up in 1996/7 to support local groups campaigning against GM food and crops nationwide. The network also disseminated information as well as liaised with many NGOs and other bodies campaigning on these issues in order for the wider campaign to be more effective.
68. Several UCOs infiltrated GEN including Jim Boyling, Jason Bishop and Mark Kennedy. UCOs were involved in direct action protest to pull up GM crops.
69. UCOs also travelled abroad with members of GEN:
- (1) Jim Boyling travelled to Rome with campaigners from GEN where they met 3rd World farmers and kick started the campaign in UK.
 - (2) Jim Boyling also travelled to Ireland where he took part in direct action to pull up GM crops.

This inevitably raises the question whether foreign governments were aware that British police officers were committing direct action on their soil. Was this activity

authorized by the UCOs' handlers. These examples demonstrate the limitations on the Inquiry focusing on activity in England and Wales only.

Aldermaston Women's Peace Camp – 2000s

70. Aldermaston Women's Peace Camp ('AWPC') is a women-only anti-nuclear, anti-war group based around a monthly peace camp at the Atomic Weapons Establishment (AWE) Aldermaston, the UK's nuclear weapons factory. It was set up in 1985 by women from Greenham Common Women's Peace Camp and it continues to this day. Women of all ages are involved, from 18 to 80. They are campaigning against nuclear weapons in particular, and war and militarism in general. The camp is a purely political campaign with the aim of stopping the design, development and production of nuclear weapons production at AWE Aldermaston. Their aim is for the plant to be safely decommissioned. They have maintained a camp there for 35 years, and continued to witness, monitor and protest against the ongoing deployment of the Trident nuclear weapons system. It is also one of the few women-only spaces in the country for protest.
71. It is known that an UCO called Lynn Watson attended the peace camp and training sessions between 2000 and 2004. Core Participants believe that she collected personal data and information about them to distribute to other police officers. Given the stated aims and objectives of the camp, there was no justification for such deployment of UCOs. They ask the Inquiry to consider the disproportionate collection of their data and how this data was retained, processed and shared.
72. There are a number of campaigns connected to AWPC which have not been given Core Participant status:
 - (1) AWPC Grew out of the Greenham Common Women's Peace Camp, and for several years the camps and their respective campaigns overlapped. Women from AWPC were often involved in Cruisewatch, a group tracking and making public the deployment of US nuclear Cruise missiles based at Greenham Common. Notwithstanding the involvement of another UCO HN33/'Kathryn Bonser' with Greenham Common, both Cruisewatch & Greenham Common have been refused Core Participant status.

(2) Women from AWPC were, and are still, involved in Nukewatch (which grew out of Cruisewatch) another nationwide group which monitors and tracks convoys of UK nuclear weapons manufactured at AWE Aldermaston and the related establishment at AWE Burghfield from the South of England to the Faslane Naval Base and the bomb store at RNAD Coulport. Nukewatch has also been denied Core Participation status.

(3) During the period of Lynn Watson's deployment other groups active at Aldermaston included: Trident Ploughshares, a nationwide group - also very active at Faslane - opposing the deployment of the Trident submarine system and Block the Builders a group opposing the construction of facilities for manufacturing a new weapons system at AWE Aldermaston. Lynn Watson appears to have attempted to infiltrate these groups as well.

73. These Core Participants are concerned that by not giving Core Participant status to these related campaigns the Inquiry is only obtaining a partial picture of this particular area of UCO deployment.

Trapese – 2000s

74. Another group targeted by UCOs at this time was Trapese, a popular education group that set up around the G8 summit in Scotland in 2005. It was an organisation that gave educational workshops in community centres and universities about climate change and debt. The group also ran pub quizzes and bingo nights on those themes.

75. UCO Mark Kennedy joined Trapese and for a significant 6 month period of time the group worked, lived and traveled together, often with Mark Kennedy driving (it was a roadshow). He also paid for members of Trapese to travel to Ireland and Germany to meet with other activists.

76. Considering the nature of the group and its activities, the Core Participants have concerns over how disproportionate the level of spying and invasion of their personal lives was.

Climate Camp – 2000s

77. In 2006, the First Camp for Climate Action took place at Drax Power Station following an idea formed by activists at the G8 conference in Stirling the year before.
78. In the UK, there were then regular Climate Camps held until 2010. The camps took place at: Drax Power Station, Heathrow Airport, Kingsnorth Power Station, the City of London, Mainshill Wood, Ffos-y-Fran Mine, Blackheath, Ratcliffe-on-Soar and Edinburgh. The camps were mainly large-scale gatherings bringing campaigners on climate change together to share ideas and support and to demonstrate sustainable means of living. The camps would also draw attention to major carbon emitters and form a base for protests.
79. Climate Camp were the target of numerous UCOs including:
 - (1) Mark Kennedy was involved in the planning for the first Climate Camp at Drax and was arrested twice during the camp. He also attended the Heathrow, Kingsnorth and City of London (G20) camps.
 - (2) Dave Jones was involved in setting up the Drax camp where he worked with Mark Kennedy leaving before the camp opened.
 - (3) Lynn Watson also attended the Drax camp where she is understood to have engaged in sexual activity with a male activist.
80. It is not known if more UCOs attended the camps.
81. The activities of UCOs raise concerns over: the political targeting of Climate Camp; the use of social and intimate relationships with activists to gain information; the widespread collection of data and its subsequent use; and, the active involvement of UCOs in protests leading to arrests.

Harry Halpin

82. The impact of undercover surveillance on those attending Climate Camp was felt in many areas. For example, Dr Harry Halpin is an academic expert in informatics and privacy who worked for Sir Tim Berners-Lee, the inventor of the Web, at MIT. He has

acted in an advisory role and given talks at forums such as the United Nations, OECD, and European Parliament.

83. Dr Halpin is also an environmental campaigner. He was spied on by Mark Kennedy at the Kingsnorth and London-G20 Climate Camps.
84. Dr Halpin has subsequently had difficulty when travelling. He has been stopped at airports and detained (including under anti-terrorism powers when coming into the UK). He has had difficulties obtaining necessary work permits to attend conferences abroad.
85. Mark Kennedy and the UK government also passed information on Dr Halpin to the US security services, which led them to harass Tim Berners-Lee, Dr Halpin and others when he interviewed for a job at MIT. Dr Halpin suspects that he has been subjected to a form of 'blacklisting' and this has had an impact on his personal and professional life.

Cardiff Anarchists Network ('CAN') /South Wales Anarchists ('SWA') (2005-2010)

86. The Cardiff Anarchists Network (also later called 'South Wales Anarchists') was formed in South Wales and was active between 2005 and 2010. The group had roughly 10 – 12 core members during this period with more outside activists taking part in their organised protests. The network consisted of autonomous collectives in opposition to all forms of exploitation and capitalism. Their campaigning tactics included direct action. The members of CAN regularly held meetings and socialised together.
87. CAN was infiltrated by an UCO with the cover name 'Mark/Marco Jacobs'. Marco Jacobs first met members of CAN in 2004 and began attending meetings the next year. He quickly integrated himself within the group; attending CAN meetings regularly and volunteering for a number of organisational tasks including taking notes at the meeting.
88. In spring 2006, he moved to the Cardiff area. He began building friendships with members of CAN and frequently causing rifts between them. He had at least two sexual relationships with members of CAN. He remained an active member for at least

four years, leaving Cardiff in 2009. *The Guardian* revealed his true identity in January 2011.

89. The Core Participants have grave concerns about the tactics used by Marco Jacobs when infiltrating CAN. There can be no justification of this form of exploitation. In addition to the abuse of intimate relationships, the tactic of forming false friendships within the group -he attended the funerals of family members of those he spied on and other personal events- constituted a gross invasion of the personal lives of those involved. The deliberate tactic of sowing rifts between members of the group was a distortion of the political process and their freedom of expression. Finally, Marco Jacobs' involvement in the organisation of a protest in 2006 brings into question the safety of subsequent convictions of others who took part in it (an issue which is addressed further in relation to other groups below).

Defend the Right to Protest ('DTRTP') - 2005-2010

90. Defend the Right to Protest is a national campaigning organisation, which includes a network of protester defendants, activists, trade unionists, academics and lawyers. The organisation campaigns against policing, policies and practices that threaten civil liberties and the right to protest.
91. The organisation was formed in 2010 following the mass student-led protests in November and December of that year in opposition to the then Conservative-Liberal Democrat Government's plans to implement spending cuts to further education and increase the cap on tuition. DTRTP's aim was to "*build a collective response to the criminalisation of large numbers of young protesters*".
92. DTRTP has also worked with and/or hosted events with a number of individuals (including high profile figures in British politics) and justice campaigns. Information gleaned through subject access requests has confirmed that DTRTP was an identified target of the National Domestic Extremism Unit (NDEU).
93. Hannah Dee is the chair of DTRTP. Prior to the formation of DTRTP, Hannah Dee was a political activist and attended Globalise Resistance events between 2001 and 2005.

94. 'Simon Wellings' is the cover name of UCO HN118. He was deployed between 2001 and 2007 infiltrating groups including, Dissent!, Globalise Resistance and the International Socialists/Socialist Workers Party. In 2001 Simon Wellings turned up in the Globalise Resistance group, claiming to have a job installing security systems. He spent four years in the group and was a member of the main committee of around 20 activists who ran the group.
95. Simon Wellings' infiltration was discovered after he accidentally called an activist friend on his mobile phone and was diverted to answerphone. On the recorded message he inadvertently left could be heard the sound of bleeping police radios. Wellings could be heard apparently identifying persons in photographs with another police officer. He was heard to make comments about the personal life of Ms Dee.
96. The Core Participants have concerns over the proportionality of infiltration of political campaigns by UCOs and the extend of data gathering, retention and sharing.

Activity outside England and Wales – 2000s

97. The activity of UCOs outside England and Wales has been noted above and is also seen in relation to Kirk Jackson. He is a political activist who was organising an anti-militarist campaign in Nottinghamshire. He was approached by UCO Mark Kennedy (cover name 'Mark Stone') in 2009.
98. Mark Kennedy asked Mr Jackson to organize a meeting at which a 'friend' of Mark Kennedy's from Berlin would speak to local activists about forthcoming anti-NATO protests in Strasbourg and Baden-Baden. Mark Kennedy instigated the meeting and the publicity for it, the purpose of which was to encourage UK activists to travel to France and Germany to participate in the protests – specifically the attempts to blockade the NATO summit, during which hundreds of activists were arrested.
99. Jason Kirkpatrick is a Core Participant who was himself resident in Berlin. He considered himself a close friend of Mark Kennedy during 2005 to 2010, and was invited by Mark Kennedy to stay at his Nottingham home in around 2007. Mark Kennedy visited Mr Kirkpatrick in his Berlin home multiple times between 2005 and 2009. Mr Kirkpatrick also met with Mark Kennedy across Europe, including: Germany, Poland, the Republic of Ireland, Scotland and Northern Ireland. The German press,

politicians and government ministers have repeatedly raised questions about Mark Kennedy's activities in Germany.

100. It is clear that UCOs like Mark Kennedy would regularly travel internationally. Their activities outside the UK, including potential involvement with the security services of other countries, cannot be dissociated from domestic activities.

Comment on Section 1

101. The concerns set out above, reveal:

- (1) The politicised nature of the way Core Participants were targeted.
- (2) There appears to have been no effective regulation and no system which constrained or ensured compliance with the law –including basic observance of the rights of those targeted.
- (3) As far as these Core Participants are concerned, the enactment of RIPA in 2000 did not appear to have the intended effect on the proper regulation of surveillance by UCOs.
- (4) The collection of data, its use and its retention and distribution appears to have had been conducted within little, if any, legal framework at all.
- (5) The system had wholly inadequate internal controls. The system of oversight that should have existed was dysfunctional. Courts and prosecutors were not informed as to what was going on. Senior officers either failed to control UCOs, or gave approval to their unacceptable conduct.
- (6) It also reveals a culture of abuse and flagrant disregard for the rights of those on whom they were spying. That culture became entrenched throughout the years of activity – dating from the very start; continued by Bob Lambert, John Dines, Jim Boyling and others during the 1980s and 1990s and leading to the activities of Mark Kennedy and others in the 2000s.

102. There are also concerns about those who have been affected by undercover policing but who do not have a voice in this inquiry. Restriction orders over the names and photographs of UCOs, redactions to material disclosed and restriction orders limiting the circulation of documents prevent groups who have been affected by undercover policing, without knowledge of its full extent, from engaging meaningfully with the Inquiry.

SECTION 2: THE UNJUSTIFIED AND DISPROPORTIONATE TARGETING OF FAMILY JUSTICE CAMPAIGNS AND COMMUNITY ORGANISATIONS

103. A number of these Core Participants became the subject of undercover policing when campaigning for justice either as bereaved families or as community organisations.
104. The Inquiry should note two things in relation to these Core Participants.
105. First, they were less political campaigns but more campaigns against police misconduct either in the death of a loved one, or in the course of the subsequent investigation.
106. Second, the preponderance of black family justice campaigns that are amongst those that were the subject of covert policing. The black campaigners who were targeted consider that race was a relevant factor in how they were viewed and the treatment they suffered. It was part of a broader policy for the SDS to target the activities of groups concerned with racial injustice.
107. For FOUR of these Core Participants, their campaigns concerned family members who had died as a direct result of police actions. They are:
- (1) **Celia Stubbs**, whose partner, Blair Peach, died following a police officer striking a blow to his head during a protest against racism in Southall in April 1979;
 - (2) **Lee Lawrence**, whose mother, Cherry Groce, was shot by a police officer in their Brixton family home on 28th September 1985;
 - (3) **Myrna Simpson**, whose daughter, Joy Gardner, died after being restrained by police officers at her home in Crouch End on 28th July 1993; and
 - (4) **Bernard Renwick**, whose brother, Roger Sylvester, died in January 1999 after being restrained whilst detained under the Mental Health Act 1983.

108. TWO family groups of Core Participants suffered bereavements as a result of racist attacks which the Metropolitan Police failed to investigate properly. They are:

- (1) **Sukhdev, and Tish Reel**, whose family member, Ricky Reel, died in 1997 during a night out with friends after they were attacked, it is believed, by two white youths shouting racist abuse; and,
- (2) **MSS and MWS**, in respect of Michael Tachie-Menson, who died in 1997 after being attacked and set alight by some white youths;

109. A further TWO Core Participants were targeted following disturbances at Broadwater Farm, North London, on 6 October 1985.

- (1) **Winston Silcott** was himself convicted of the murder of PC Blakelock, despite not having been near the scene. His conviction was subsequently quashed.
- (2) **Stafford Scott** was a founding member of the Broadwater Farm Defence Campaign, which supported those arrested and prosecuted in the aftermath.

110. Another THREE Core Participants were involved in establishing groups which campaigned for and supported those seeking justice and police accountability:

- (1) **Dr Graham Smith** and **Mark Metcalf** were founding members of the **Colin Roach Centre and Hackney Community Defence Association**.
- (2) A further Core Participant is **Sharon Grant OBE** whose late husband, **Bernie Grant MP**, supported many of these campaigns.

111. **Diane Abbot MP** and **Dame Joan Ruddock** are also included in this section because of their past connections to anti-racism campaigns and the similarities of some of their concerns arising from their role as MPS that are shared with Bernie Grant MP.

112. All of these Core Participants were doing no more than pursuing justice by lawful means.

113. In these submissions there is a particular focus on Celia Stubbs, whose case falls within Tranche 1.

Celia Stubbs and campaigns regarding the death of Blair Peach - 1979

114. On **23rd April 1979** there was an anti-racist protest in Southall. The intent of the protest and those supporting it was to show the National Front that they were not welcome.
115. Two of those in attendance were Celia Stubbs and her partner, Blair Peach. Celia Stubbs was, at that time, 38 years of age. Blair Peach was a well-respected teacher and a trade unionist.
116. The protest was met with police brutality. Celia Stubbs herself recalls police officers on horse and on foot chasing demonstrators into Southall Park and hitting people with truncheons.
117. Six officers from the Metropolitan Police's Special Patrol Group ("SPG") alighted from a van onto the junction of Orchard and Beechcroft Avenues. Blair Peach was present and one of those officers struck a blow to his head, killing him. The fatal blow was seen by 11 witnesses.
118. Blair Peach's death was followed by a determined cover-up that lasted decades. A Commander Cass conducted an investigation which concluded in 1980. He considered that officers *"were clearly obstructing police officers carrying out their duty of investigating this serious matter."*
119. Inspector Alan Murray was Commander Cass's primary suspect, but he refused to answer Commander Cass's questions, and then subsequently refused to attend any further interview. It was clear from Commander Cass's report that a police officer had killed Blair Peach and that the officers present intended to protect one another and keep the truth hidden. However, that internal report was not made public until April 2010.
120. The intervening 31 years were characterised by secrecy and obstruction. At the inquest into Blair Peach's death the officers who had been present all claimed not to recollect what had happened. But all of the damning information within Commander Cass's report which would have enabled effective questioning of the officers at the inquest was kept hidden.

121. The Coroner, John Burton, even wrote to Ministers part way through the inquest dismissing the belief that Blair Peach was even killed by a police officer as political fabrication. After the inquest Mr Burton wrote a draft Paper entitled 'Blair Peach – the unpublished story' which he proposed to publish. It expressed the belief that the National Front and the police were blameless, and the killing was the fault of the demonstrators, including Blair Peach himself. The Home Office, internally, shared concern that the report would discredit the impartiality of coroners and that its publication could do *“a great deal of harm ... in respect of the Home Secretary's decision that a public inquiry should be resisted.”* That is, Mr Burton's draft report had revealed to the Home Office that there had not been an impartial investigation and that there was every reason for a public inquiry. But that draft report was kept hidden.
122. None of that was known to Celia Stubbs at the time. But this context is important in understanding the harm done by the undercover policing with which this inquiry is concerned.
123. She was left to continue the fight for answers and for justice in respect of her partner's death. She finds it hard to describe how utterly exhausting and demoralising it was to suffer a bereavement and face such determined intransigence on the part of the authorities.
124. Despite Celia Stubbs' enduring and valiant efforts the lack of transparency means Justice for Blair Peach has never been achieved. No officer has ever been held accountable for his death. However, her contribution towards civil society on the issue of police accountability and support for bereaved families has been huge. That there is now a charity, INQUEST, which helps hundreds of families each year through the inquest process is in part in thanks to Celia Stubbs who was one of the founding members and at one point was its secretary. She was involved in the 31-year campaign following Blair's death and has been a member of the Hackney Community Defence Association (1988 to 1996). She has supported a number of campaigns for people who have died in police custody.
125. It was in the context of the killing of her partner, and of the determination on the part of police to maintain secrecy, that Celia Stubbs and the Friends of Blair Peach Committee was the subject of undercover surveillance. Her case – as a Core Participant - is one of the first instances, perhaps the very first, of undercover

surveillance of a grieving family member campaigning for police accountability in respect of the death of a loved one at the hands of the police.

126. Although she had been concerned that her phone may have been bugged, Celia Stubbs never suspected that she was the subject of undercover policing: she had not done anything that justified being spied on.
127. On no view can such surveillance have been justified. Whatever the purported rationale, Celia Stubbs finds it shocking. As she says in her statement, she finds it *“particularly worrying”* that her activities in commemorating Blair Peach’s life and seeking justice and accountability *“were considered worthy of being spied on”* and she finds it *“very distressing that there was undercover reporting of Blair’s funeral”* (paragraph 34). Blair Peach was a professional teacher with no history of violence and no criminal convictions. Everything that was done by the campaign following his death was open and in the public domain; there were no secret meetings. She describes that, when in 2019 she was provided with some of the documents detailing the surveillance by and attitude of the police towards the campaign regarding Blair’s death, she found it:

“extremely upsetting to see this material and to see how the police treated our actions and events that were law abiding and were simply trying to get to the truth of what happened. I was surprised by how upset and angry I felt. It seems that they lost all sense of the fact that Blair had been killed by police officers and that our distress about this was criminalised. It is hard to describe how violating this is” (paragraph 38).

128. Celia Stubbs is yet to gain any understanding from this inquiry as to why she was the subject of covert policing, what the rationale for such surveillance could possibly have been, or why no officer within the Metropolitan Police who knew of it had the moral compass to put a stop to it.
129. Hers, like the others, is not simply a case of disproportionate policing. It is far worse than that. It appears to be the police misusing their powers to spy on those campaigning to call them to account for criminal activity – in this case the killing of an innocent man by a police officer. It was a gross abuse of the trust given to the police to carry out undercover surveillance.

130. The Core Participants believe that it is difficult to reach any conclusion other than that the interest in Celia Stubbs and the campaign relating to Blair's death was to stay one step ahead of the campaign; to assist the police in maintaining secrecy and frustrating attempts to secure accountability.
131. Celia Stubbs received an apology from the Metropolitan Police in 2015. It does not come close to addressing or adequately acknowledging what she has been through. It should be, at the most, no more than a starting point for now trying to understand how and why such undercover policing was deployed, and how such catastrophic injustice can be avoided in the future.

Lee Lawrence and the campaign relating to the shooting of his mother, Cherry Groce - 1985

132. In the early hours of 28th September 1985 Lee Lawrence, then 11 years of age, was asleep with his parents at their home in Brixton.
133. They were woken by a bang and his mother, Cherry Groce, went to see what it was. Before she had taken more than a few steps, and while she was still in the bedroom, she was shot by Inspector Douglas Lovelock. Lee Lawrence saw his mother fall to the floor, wheezing and saying that she could not breathe.
134. The injury was to cause her paralysis below her waist and she was wheelchair bound for the remainder of her life. She died in 2011 as a result of the injuries she had suffered in 1985.
135. Officer Lovelock later maintained that his shooting of Cherry Groce was a terrible mistake. In echoes of the experiences Celia Stubbs, the Metropolitan Police produced an internal report which gave rise to significant concerns as to the circumstances of the shooting, but it was not made public until the inquest process some three decades later. On 10 July 2014 a jury at the inquest into Cherry Groce's death concluded that her death was the result of serious and multiple failures in the planning and implementation of the raid of the home.
136. Lee Lawrence has campaigned for police accountability for his mother's shooting and death. His achievements have been remarkable.

137. In 2013, having seen his mother struggle as a disabled woman, he founded Mobility Taxis with the hope of aiding those with disabilities providing accessible transport with patience, care and dignity. In 2016 he established the Cherry Groce Foundation which offers practical services such as assistance in social and restorative justice, education and guidance in overcoming adversity, which is often complex and multi-layered due to class, race and disability.
138. He has been notified by Operation Herne that undercover police intelligence entries, referring to him personally as well as his mother, have been retained by the Metropolitan Police.
139. Mr Lawrence has sat on advisory boards of various police departments in Brixton, and of Scotland Yard, helping to advise the police about their behaviour and tactics. As he has stated in his recently published book, 'The Louder I Will Sing', *"If I can use my experiences to help improve policing, then it feels as though my own personal journey will have been worthwhile."*¹¹
140. On any reasonable view, Mr Lawrence has made huge contributions to society – including his work on trying to ensure police accountability. He should have been regarded as an informed person whose experience and voice, as well as his positive reflective thinking, could help build bridges and trust with the communities the police are intended to serve. He is seeking answers as to why he was the subject of police surveillance.

Myrna Simpson and the campaign relating to the death of her daughter, Joy Gardner - 1993

141. Myrna Simpson is the mother of Joy Gardner.
142. On the morning of 28th July 1993 Joy Gardner was at her home in Crouch End with her then five-year-old son. Their home was raided by three officers of Metropolitan Police's so-called 'Aliens Deportation Group' (ADG) supported by two officers from Hornsey police station and an official from the UK Immigration Service. They had orders to detain and deport Joy Gardner and her son. Joy Gardner was forced face down on the floor and her hands were bound to her side with a leather belt. Her legs were strapped together, and yards of surgical tape were wound around her head. Her

¹¹ Lee Lawrence, *The Louder I Will Sing*, Sphere Publishing (2020), page 254

son saw some of the restraint and heard all of it. Lack of oxygen to her brain caused her death. The use of 'mouth gags' by the police was subsequently banned.

143. In 1995 three officers of the ADG stood trial on charges of manslaughter. They were acquitted. The calls of the 'Justice for Joy' campaign for an inquest or public inquiry have not been heeded. The 'Justice for Joy' campaign interlinked with a number of other justice campaigns, and was supported by Bernie Grant MP.
144. Myrna Simpson has been notified by Operation Herne that covert intelligence entries relating to her campaign and herself have been recorded and retained by the MPS.

Sukhdev, and Tish Reel and the campaign relating to the death Ricky Reel (1997)

145. On 14th October 1997, Lakhvinder 'Ricky' Reel, a 20-year-old student from London, went for a night out with friends. Two members of his group were attacked by two white youths shouting racist abuse and Ricky Reel went missing in the immediate aftermath of the scuffle. His body was found a week later in the Thames.
146. Ricky Reel's family have been campaigning for justice and information ever since his racist murder. No one has been arrested for his death. The police failed properly to investigate his death which was treated as an accident.
147. The police investigation was subject to two inquiries by the Police Complaints Authority -the predecessor of both the IPCC and the more recent IOPC.
148. The reports are confidential, but John McDonnell MP has made the following comments in Parliament:

"I simply want to place before the House some of the findings of the PCA report. Lessons must be learned from that report. The House has an important role, which is to learn those lessons and to ensure that all our public services also do so. ...

Overall, the report condemns the investigation because it lacked focus, it eliminated the racial incident earlier in the evening too readily, it lacked thoroughness, and there was a failure to initiate an early reconstruction of what happened that night. There was also confusion over the ownership of the investigation of the racial incident. The investigators came to the conclusion of

accidental death before there was corroboration, and there was a failure to adopt policies that would have ensured that professional standards were maintained in the detail of the investigation....”

149. In 2014 the family were informed by the police that they and the justice campaign surrounding them had been subject to surveillance and intelligence-gathering by UCOs. In July 2015 the family were told by the Metropolitan police that there were still in existence 13 ‘intelligence reports’ on the family. The family have no reason to believe that this is the full extent of the surveillance and records they have been subject to.
150. There was no reason for there to be any undercover policing of the Reel family campaign, it was not associated with any form of violence or criminality. The fact that UCOs conducted surveillance on the campaign suggests that undercover policing exceeded any possible legitimate remit.
151. Discovering they were subject to undercover policing, on top of Ricky’s death and the failed police investigation has had a serious impact on the family’s mental health. The family initially placed trust in police to find those who killed their son. That trust was abused by those who spied on them. That police resources - seemingly unavailable to provide an adequate investigation of his death - were nonetheless available to spy on the family is difficult to comprehend.
152. The family look to this Inquiry to thoroughly examine all aspects of what happened as a first step towards enabling the family to understand how and why they have been let down so badly for so long’

MSS and MWS and the campaign relating to Michael Tachie-Menson - 1997

153. On 21 January 1997 Michael Menson, a 30 year-old black man, was discharged from hospital where he had received treatment for mental health matters.
154. In the early hours of 28 January 1997 he was found in the street after his coat had been set on fire by three men. He was taken to hospital where he said that he had been attacked. No statement was taken from Michael by the police. His health began to decline and on 13 February 1997 he tragically died of his injuries.

155. The police originally treated the incident as self-immolation. However, the family campaigned for it to be treated as murder.
156. They police were wrong and the family were right.
157. In September 1998 an inquest returned a verdict of 'unlawful killing'. In November 1999 a man was found guilty in Cyprus of Michael's murder. In December 1999, two further men were found guilty at the Central Criminal Court of Michael's murder.
158. A report into the police investigation of Michael's murder for the Police Complaints Authority by Cambridgeshire Police found evidence of negligence and racism including an officer telling a pathologist: *'I don't know why they're worried – this only concerns a fucking black schizophrenic.'*¹²
159. The overwhelming and legitimate view of all those involved in this campaign is that if Michael not been a young black man suffering from mental health problems the police would have responded very differently.
160. Moreover, had it not been for the family's tireless campaigning, those responsible for his murder would never have been brought to justice. This was acknowledged by the head of the racial and violent crimes taskforce at Scotland Yard John Grieve who said the family: *"have been entirely steadfast in their determination to bring those responsible for his murder to justice... Their campaigning role was pivotal and can be seen as a model for keeping an investigation in the public mind."*
161. This context and background is important. Because in light of this, the family were shocked when in October 2014 the Metropolitan Police contacted them family and notified them that *'information was gathered and retained by the SDS in relation to their campaign'*. Heavily redacted 'intelligence reports' on the family were provided. The intelligence sources dated from 1998 and 1999.
162. The family have been distressed about Michael's death and what followed. They are upset by the circumstances of his death. They grieved for his passing. They feel let down by the standard and attitude of early police investigators. They are frustrated by the wall of secrecy which has been put up by the authorities – police, CPS etc – to this

¹² <https://www.theguardian.com/uk/2004/jun/10/ukcrime.rosiecowan>

day to keep from them information about what has happened. These emotions have been understandably revived by the latest revelations which suggest not merely incompetence but manipulation and disinterest. They are especially disturbed at the way the police have, thus far, been allowed to keep their actions secret

163. A full and thorough investigation of all aspects of the involvement of UCOs in the family's campaign is a necessary first step in mitigating the hurt caused to them.

Bernard Renwick and the campaign relating to the death of his brother, Roger Sylvester - 1999

164. Bernard Renwick is the brother of Roger Sylvester. Roger Sylvester suffered from poor mental health. On 11th January 1999 he was acutely unwell and was seen by neighbours standing naked and banging on the door outside his home in Summerhill Road, Tottenham. Police were called, and he was detained by eight officers who handcuffed him and took him to St Anne's Hospital. There, he was restrained over a prolonged period on the floor of a padded room by six officers and he died as a consequence of that restraint. In October 2003 a jury at the inquest regarding Roger Sylvester's death returned a verdict of unlawful killing. That verdict was subsequently quashed by the High Court, and no further inquest was ordered.

165. The family have been notified that various intelligence entries have been retained by the MPS, and 20 heavily redacted intelligence entries have been disclosed to the family including assessments of the risks to public order posed by the funeral, descriptions of peaceful vigils held by the family, and other demonstrations and organisations who came to support the family's campaign.

Winston Silcott

166. On 5th October 1985, four policeman entered the home of Cynthia Jarrett, a resident of Broadwater Farm in North London. Ms Jarrett had a heart attack and died. This happened only weeks after the shooting of Cherry Groce and the subsequent disturbances in Brixton. In this context, and in the wake of Ms Jarrett's death, there was an understandable sense within the community at Broadwater Farm that they were unsafe in their own homes. The following day, a protest against the conduct of the police at Broadwater Farm developed into a disturbance, in the course of which a

number of police officers and demonstrators were injured, including PC Keith Blakelock who was stabbed to death.

167. In March 1987 Winston Silcott, along with two others, was convicted of the murder of PC Keith Blakelock. He was sentenced to life imprisonment. In fact, Winston Silcott had not been at the scene and was innocent. The sole evidence against him was what investigating officers alleged to be his answers in interview. It subsequently transpired that what officers alleged to be a contemporaneous note of the interview had been fabricated. Two officers faced charges of conspiracy to pervert the course of justice and perjury. They were acquitted in 1994. Winston Silcott's conviction was quashed on 25th November 1991.
168. Winston Silcott has been provided with 16 redacted intelligence reports concerning the campaigns relating to his conviction, and his brother George. They date from 1995 to 2001 – 10 years after his acquittal. As has already been mentioned, between 1990 and 1991 UCO John Dines moved into a property in Tottenham, this was adjacent to Winston Silcott's family home. Mr Silcott wishes to understand whether John Dines conducted surveillance on his home and, if so, why.

Stafford Scott and the Broadwater Farm Defence Campaign

169. Stafford Scott was a founding member of the Broadwater Farm Defence Campaign ('BWFDC') which was set up to address issues of injustice and police-community relations following the mass arrest of 369 people during the disturbance at Broadwater Farm. He has continued to devote his career to addressing police accountability and obtaining justice for victims of police malpractice. BWFDC supported those arrested or prosecuted in the aftermath, including those arrested and prosecuted with the murder of PC Keith Blakelock.
170. Stafford Scott, with his brother and his mother, was amongst those arrested in connection with the murder of PC Blakelock. All three were eventually released without charge, and in due course the Metropolitan Police were required to pay a substantial sum of damages in satisfaction of their claims for false imprisonment. He gave evidence to the Broadwater Farm Inquiry chaired by Lord Gifford QC, and over the subsequent decades he has continued to devote his time to the cause of police accountability and justice for victims of police malpractice.

171. The BWFDC has not been notified of being the subject of attention of undercover units but Stafford Scott suspects that they were. The premises of the BWFDC were the subject of burglaries and confidential and privileged documents were stolen and there is concern that that the burglaries may have been connected with undercover policing. Stafford Scott is also aware that UCO John Dines attended at least one demonstration in support of the BWFDC campaign.

Dr Graham Smith and Mark Metcalf: Colin Roach Centre and Hackney Community Defence Association

172. Dr Graham Smith is a senior lecturer in Law at the University of Manchester. In the 1980s and 1990s he was a civil rights activist in Hackney, North London. Both he and Mark Metcalf were involved with and supported the Hackney Community Defence Association ('HCDA') which was established to respond to growing concerns of abuses of police power in East London. Those concerns included the coming to harm of Trevor Monerville after he was arrested and taken to Stoke Newington police station in January 1987, and then the death of Tunay Hassan at Dalston police station in June 1987. In November 1987 Gary Stretch was viciously assaulted by seven off duty police officers. The Trevor Monerville and 'Justice for Tunay' campaigns, with the support of Hackney Anti-Fascist Action, formed the HCDA, with the aim of providing the victims of police abuses of power with a campaigning voice. It described itself as a 'self help' group for victims of police crime, investigating allegations and providing mutual support for victims and campaigners.

173. In 1993 Dr Graham Smith and Mark Metcalf were involved in the establishment of the Colin Roach Centre ("CRC"), named after Colin Roach who was shot dead ten years previously in the foyer of Stoke Newington police station. It comprised a small number of civil rights activists committed to campaigning on issues including police injustice.

174. A year after its establishment the CRC was broken into and its computers were destroyed. The abiding concern is that the police or security services had something to do with the break-in.

175. In 1995 PC Mark Jenner, working undercover as 'Mark Cassidy', infiltrated the CRC. He quickly became active in most of the centre's political life, including writing for its internal bulletin. He attended member's meetings and was privy to confidential information concerning numerous cases against the MPS and its officers relating to

police misconduct. In the second half of the 1990s documents from the 'Friends of Blair Peach' campaign were held by the CRC and Mark Jenner had access to them. Mark Jenner was not simply targeting the CRC – he sought to embed himself in various connected campaigns and groups. As an example, Mark Jenner became involved in the Building Workers Group ('BWG') which was campaigning in respect of the significant number of workplace deaths. Mark Jenner attended picket lines. He wrote for the BWG newspaper, and came into contact with many union site representatives. He even became chair of a group responding to the chair of the UCATT union suing the BWG for libel. It is also known that he accompanied CRC members including Steve Headley on a number of railway worker disputes.

176. The Inquiry should also note, when examining the actions of UCO Mark Jenner, that he befriended Malcolm Kennedy (deceased). Mr Kennedy conducted a long running campaign arising from his own acquittal of a murder charge, and his conviction for manslaughter that he alleged had involved police hiding their own involvement in crime. Following his sentence, he complained that he had been spied upon by police. Mr Kennedy died before he could be given Core Participant status by this Inquiry. Dr Smith is the executor of Malcolm Kennedy's estate.

Sharon Grant OBE and the campaigning of her late husband, Bernie Grant MP

177. Sharon Grant OBE is the widow of the late Bernie Grant MP, Labour MP for Tottenham from 1987 until his death on 8th April 2000. Mr Grant was one of the first three black MPs, elected to Parliament in 1987. His work included supporting the family of Joy Gardner and supporting those arrested and prosecuted following the Broadwater Farm disturbances in 1985. He also drew attention to issues of stop and search by the Metropolitan Police and championed several victims of unfair policing. Bernie Grant was also active in the Anti-Apartheid Movement and progressive movements globally. He had many interactions and meeting with black politicians and frequently travelled abroad for such meetings.
178. In around March 2015 Peter Francis confirmed that he had gathered intelligence on a number of Labour Party MPs.
179. Ms Grant wishes to understand the extent of and justification for covert policing of her late husband Bernie Grant MP, but also on other Members of Parliament. She was also his office manager and an activist in her own right and wishes to understand if she

was also the subject of surveillance. She wishes to know what oversight existed that permitted covert surveillance on an elected member of Parliament; what justification was advanced at the time; what records were kept and how that data was retained and shared?

180. She wishes to know if the product of covert surveillance on him was shared outside the police service, in particular with the press, in order to smear Mr Grant's reputation and damage his electoral chances?
181. She wishes to understand the extent of scrutiny of her and her husband's life and work, and the identity of individuals in their close circle who may have been involved in it. This includes concern about her own work as a community activist. She also wishes to understand the reasons for certain unexplained anomalous events over the period in question which affected them and their families and the extent to which covert police surveillance was one of the means the police used to carry out activity against her husband and those associated with him, including herself.

Diane Abbott MP and Dame Joan Ruddock

182. Diane Abbott MP is the first black woman ever to have been elected to Parliament. She was elected in 1987 at the same time as Bernie Grant MP.
183. Ms Abbott supported the campaign in the 1970s to discover who killed Blair Peach. She has also been a leading anti-racism campaigner for many decades. She was active in the Black Sections movement within the Labour Party and she was an early campaigner for justice for the family of Stephen Lawrence. The former UCO Peter Francis has revealed that she was spied on by UCOs whilst she was an MP, when she talked at meetings and demonstrations he attended. He reported back details of her activities to his special branch superiors.
184. The Rt Hon Dame Joan Ruddock is an Anti-Apartheid campaigner and former Chair of CND. MI5 has revealed that she was subjected to unlawful surveillance in 1983. She was later MP for Deptford from 1987 to 2015. She forged close links throughout the country with the major green organisations. As Shadow Minister for Home Affairs (1992-1994) she championed the cause of victims of racial violence. She was also Minister for Women (1997-98), Minister for the Environment (2007-8) and Minister for Energy and Climate Change (2008-10). The former UCO, Peter Francis revealed that

undercover surveillance by the police had continued in the 1990s when she was an MP.

185. These Core Participants are concerned over the erosion of the Wilson doctrine against police surveillance of MPs, inappropriate collection of personal information; and Parliamentary privilege. The political connections the work of these Core Participants as Parliamentarians and the groups represented in this Inquiry are clear.

Comment on Section 2

186. It was wholly improper to engage undercover policing in connection with these campaigns and with the activities of Bernie Grant MP, Diane Abbot MP and Dame Joan Ruddock.
187. To the bereaved families this was not simply grossly insensitive to their circumstances and a serious invasion of their privacy. It is more sinister than that. It reveals a covert police unit that considered its remit was to act against them in order to shield other officers from legitimate criticism and campaigning work to expose police wrongdoing.
188. The targeting of campaigns around the deaths of black and Asian people or the activities of black MPs, uncomfortably mirror the very complaints that campaigners were making about the disproportionate policing of black people and the lack of respect for the rights of black and Asian communities.
189. It is shocking that in doing no more than seeking accountability by lawful means these families became the focus of unwarranted suspicion, and of covert and intrusive policing that the public might understandably presume would be reserved for those engaged in serious criminal activity, not civil liberties campaigners.
190. Celia Stubbs describes in her statement just how extremely upsetting and violating it is to have been spied on. Others will, in due course and when they are asked to provide statements, express similar sentiments.
191. This underlines how undercover policing undermined the rights on which our entire political process depends. Freedom of expression, freedom of association, the protection of privacy and political campaigning against injustice by the state are at the very heart of how a healthy democracy functions. Unjustified, unregulated, politicised

policing against legitimate campaigns and elected members of Parliament distorts the ability of the public to engage in the political process.

192. These Core Participants were not engaged in any criminal activity which warranted undercover policing. If that was clear, the intent of those sanctioning that spying could only have been to give the police an unwarranted and improper advantage in avoiding legitimate criticism and escaping sanction; or to find ways to discredit those who were leading the campaigns and dissuade them from doing so. Victims of wrongdoing were treated as perpetrators.

193. The Core Participants want this Inquiry to reveal who sanctioned such activity, and why? No adequate system of oversight would have permitted it.

194. The same issues we have highlighted in relation to the unjustified targeting of political and social justice campaigns are present here:

(1) A lack of regulation or checks and balances that should have provided a clear framework to keep undercover policing within legal and ethical boundaries.

(2) A lack of proper oversight by senior officers or others. The Inquiry will need to consider very carefully the level of seniority that was involved in approving, or failing to prevent undercover surveillance on a Members of Parliament.

(3) A culture of contempt for the rights of those who were targeted.

195. But there are two important additional features here.

196. First, because these were groups or activists campaigning about the very issue of police racism and police accountability, there is a particularly disturbing dimension of how undercover police officers abused the trust placed in them to act covertly by assisting in preventing police accountability.

197. Second, and importantly, the Core Participants wish this Inquiry to give close scrutiny to the apparent racial bias in the way this police activity was carried out. It is illustrated by the number of justice campaigns targeted for covert policing that related to black families but also, they anticipate, in the details of the evidence that will be heard.

198. We know there are others who will also mention the issue of racism in policing in their opening statements. They will develop that theme. But it is important to say now that all these Core participants – of all ethnicities, from across the decades and across the political spectrum – speak with one voice on urging you to be unflinching in exposing and criticising the racism that has been part of this police activity.

SECTION 3: ACTIVE INVOLVMENT OF UNDERCOVER OFFICERS IN PROTESTS AND MISCARRIAGES OF JUSTICE

199. The third and final section of this opening statement is about the activity of UCOs in direct action protests and miscarriages of justice. This activity is amongst that which the public may find the most shocking and which was one of the factors that gave rise to this Inquiry.
200. In many instances where the police have alleged criminality occurring on protests, UCOs were involved in the planning and performance of those actions.
- UCOs not only improperly influenced the lawful methods chosen by political campaigns, but at times encouraged those campaigns towards using unlawful methods.
 - UCOs encouraged, assisted and acted jointly with Core Participants in activities that were then criminalised. Some of the Core Participants served prison sentences as a result.
201. UCOs engaged in entrapment and acted as agent provocateurs. There appears to have been little, if any, compliance with basic legal principles or any meaningful oversight to discourage such unlawful behaviour. The only reasonable conclusion is the opposite: there was disregard for basic legal principles and what oversight there was encouraged – or at least, knowingly tolerated - that unlawful behaviour.
202. At times when it did occur it was not properly disclosed to prosecutors and courts. The trial process itself, including: legal privilege, proper disclosure and the integrity of evidence were at times compromised or disregarded.
203. The undercover misconduct towards these Core Participants not only showed the consistent theme we have outlined of contempt for the rights of those they targeted – but it also reveals the contempt they had for: the prosecutors, the courts, the legal system and the rule of law.

204. The actions of the UCOs was contrary to the Home Office Guidance on entrapment contained in 'Home Office Circular no 97/1969: Informants who take part in crime', which included the following:

- (a) *No member of a police force, and no police informant, should counsel, incite or procure the commission of a crime.*
- (b) *Where an informant gives the police information about the intention of others to commit a crime in which they intend that he shall play a part, his participation should be allowed to continue only where:-*
 - (i) *he does not actively engage in planning and committing the crime;*
 - (ii) *he is intended to play only a minor role; and*
 - (iii) *his participation is essential to enable the police to frustrate the principal criminals and to arrest them (albeit for lesser offences such as attempt or conspiracy to commit the crime, or carrying offensive weapons) before injury is done to any person or serious damage to property.*

The informant should always be instructed that he must on no account act as agent provocateur, whether by suggesting to others that they should commit offences or encouraging them to do so, and that if he is found to have done so he will himself be liable for prosecution.

- (c) *The police must never commit themselves to a course which, whether to protect an informant or otherwise, will constrain them to mislead a court in any subsequent proceedings. This must always be regarded as a prime consideration when deciding whether, and in what manner, an informant may be used and how far, it at all, he is to be allowed to take part in an offence. If his use in the way envisaged will, or is likely to, result in its being impossible to protect him without subsequently misleading the court, that must be regarded as a decisive reason for his not being so used or not being protected.*

...

- (g) *Where an informant has been used who has taken part in the commission of a crime for which others have been arrested, the prosecuting solicitor, counsel and (where he is concerned) the Director of Public Prosecutions should be informed of the fact and of the part that the informant took in the commission of the offence, although, subject to (c) above, not necessarily his identity.*

205. This guidance was issued with a direction from the Home Secretary to all Chief Police Officers to ensure *'means of commending them to anyone who may be concerned in your force'*¹³.
206. The principles above were flagrantly breached by officers of the SDS.
207. In many cases these breaches were a direct result of the policies of the unit and the training given to officer, which placed the security of the SDS above considerations of justice. The SDS Tradecraft Manual actively discouraged UCOs who were arrested from disclosing their status to the uniformed police who believed them to be suspects.
208. It stated: *"...disclosing your real self to an officer, particularly one in a different force causes serious problems for our security and must be avoided"* (at 5.8.3). The impact on genuine activists who were arrested at the same time, or even to the integrity of the legal process, does not appear to have been given any proper consideration.
209. The Manual also refers to asking genuine activists for recommendations for legal representation as an example of *"good fieldcraft"* (5.8.4). No consideration appears to have been given to the important issues of legal privilege that may arise.
210. We have summarised some of the instances of miscarriage of justice – in broadly chronological order and begin by returning to the Core Participants in Tranche 1 that we mentioned above, those who were involved in the AAM / STST.

Criminal Proceedings

Anti-Apartheid Movement / STST

211. In addition to UCO 'Mike Ferguson' allegedly taking a leading role in the AAM, other UCOs were involved in spying on the STST and AAM.
212. One of these used the cover name 'Mike Scott'. In 1972, there was a demonstration at the Star and Garter Hotel, Twickenham where activists sought to block the car park containing the coach due to take the British Lions rugby team to the airport for a tour of apartheid South Africa. Mike Scott attended the demonstration and was arrested. He

¹³ Home Office Circular no 97/1969 paragraph 4.

was then prosecuted alongside other activists for an offence of obstruction of the highway. He faced trial and was convicted under his false name of 'Mike Scott'. Core Participants, Jonathan Rosenhead and Ernest Rodker were also convicted.

213. Apparently not sanctioned by his superiors in advance, when senior officers learned of UCO Mike Scott's arrest and charge they endorsed the plan to proceed through the trial process. At no point was the existence of a UCO disclosed to the defendants or, it seems, the court. During the preparation for trial, Mike Scott became aware of confidential – potentially privileged – discussions, between the defendants and their lawyers. This was included in reports sent to the SDS. Such information should not have been obtained or passed to the police.
214. One of the issues in the case was whether the defendants were arrested on the public highway or not. The defendants had concerns that police officers would lie about them being arrested in the carpark. Mike Scott would have known that many defendants were not on the public highway, but nonetheless the prosecution was allowed to proceed on a false basis.
215. The actions at the demonstration of Mike Scott himself also appear to have been the basis on which some defendants were also prosecuted for obstruction of a police officer.
216. UCO reports disclosed to this Inquiry also provide a valuable insight into how uniformed officers behaved when they were unaware that people were UCOs – fellow officers – and not ordinary demonstrators. They support what the Core Participants and other activists have said about police activity for years. As stated in the SDS Tradecraft Manual:

“...the chance of being ‘fitted up’ by unscrupulous officers is a real if rare event”
(at 5.8.1)

217. Not only do these Core Participants have concerns about the safety of the criminal convictions of those involved in the demonstration but they are deeply disturbed at the apparent lack of any proper system of oversight of such activities. The officers involved in what was a very significant incident for that group were apparently out of any form of reasonable control, free to commit acts and encourage others to do so, and allow those they encouraged to be prosecuted while they remained untouched by any form

of meaningful accountability. The passage of time has done little to diminish the deep injustice felt by these Core Participants.

Andrew Clarke and Geoff Sheppard - 1980s and 1990s Animal Rights groups

218. A number of potential cases of miscarriage of justice concern much more serious offences for which those defendants convicted have served significant prison sentences.
219. Geoff Sheppard was an animal rights activist in the 1980s and 1990s. He was convicted of three sets of offences (two of which were serious) relating to this activity. In each case a different undercover police officer was active and engaged in conduct which was, at its lowest, inappropriate. The actions of the UCO casts doubt on the safety of his convictions.
220. First, in June 1988, Geoff Sheppard and another activist, Andrew Clarke, were convicted at the Central Criminal Court of offences including arson committed in July 1987. They were alleged to have been involved on a joint enterprise basis in the making and then planting of incendiary devices intended to set off sprinkler systems in Debenhams stores. The devices were planted in three separate locations in the country.
221. On learning that Bob Lambert was an UCO, Mr Clarke and Mr Sheppard have applied to the Court of Appeal to appeal their convictions, because of the following striking facts about their case as set out in their application to appeal:
- (1) At their trial it was alleged that Mr Clarke and Mr Sheppard were party the joint-enterprise of the co-ordinated attacks on Debenhams stores, albeit that they had not planted all of the devices themselves. Evidence connected Mr Sheppard to one store. No evidence was produced that Mr Clarke had planted any devices in any of the stores. The Crown's case was that some devices were planted by a third person.
 - (2) What was not revealed to them at their trial, but which they now believe to be true, was that the third man who participated in this activity with them, was, in fact, an UCO – Bob Lambert.

- (3) Most strikingly, it appears to be Bob Lambert who planted one of the incendiary devices.
222. Both Mr Clarke and Mr Sheppard served long prison sentences for their part in that activity. Their lives were dramatically changed as a result. In contrast Bob Lambert, the police officer who encouraged them and planted one of the incendiary devices, did not. His role was kept secret and he went on to take the senior position at the heart of supervising the future covert policing with which this inquiry is concerned.
223. Second, in August 1991, Geoff Sheppard was convicted of a public order offence at Marlborough Street Magistrates' Court. It arose from an incident in which flour was thrown at a hunt ball at Grosvenor House Hotel. A UCO, John Dines / Barker, was involved in the incident and in the criminal proceedings which followed.
224. Third, in September 1995, Geoff Sheppard pleaded guilty at Blackfriars Crown Court to charges of firearms offences committed in May 1995. He was alleged to have acquired and possessed a shotgun. An UCO, Matt Rayner, played a significant role in these offences, not least in encouraging Geoff Sheppard to commit them. These convictions are also currently subject to an appeal to the Court of Appeal, for which applications were submitted in December 2015. The cases remain adjourned *sine die* (with the agreement of the Court of Appeal and the Crown) pending evidence to the Inquiry.
225. These are examples of UCOs encouraging and assisting in the commission of serious criminal offences. In none of the cases above was the existence of a UCO disclosed to the Defence or, it seems, the Court. The UCOs are likely to have gained access to confidential – potentially privileged - discussions between defendants and their lawyers.

'Stop Huntingdon Animal Cruelty' Blackmail Trials – 2000s

226. Stop Huntingdon Animal Cruelty ('SHAC') were a group of animal rights activists campaigning to close down Huntingdon Life Sciences, Europe's largest contract animal-testing laboratory.
227. They campaigned to close Huntingdon Life Science, and to encourage disengagement in its live animal research by the drugs industry. Core Participants in this Inquiry were

prosecuted for a series of offences arising from the campaign from 2001 to 2013 and were convicted in a series of Blackmail trials in Winchester Crown Court.

228. The SHAC campaign was infiltrated by a number of UCOs including Rod Richardson, Mark Kennedy, Dave Evans and James Adams. In addition, corporate spies, including Adrian Radford (aka 'Ian Farmer'), were used against the group. These Core Participants do not accept that all UCO activity in relation to SHAC has been disclosed to them.
229. The level of deception in the face of court proceedings is extraordinary:
- (1) In the prosecution of Debbie Vincent the Prosecution served witness statements in which lay witnesses including James Adams himself were instructed to refer to Adams in his undercover role as a "Corporate Security, Special Projects' Manager" for Novartis (a drug company). They were instructed to do so even though he and others were aware this was untrue and he was in fact a deployed UPO.
 - (2) The deception contained in the served witness statements was apparently authorised by the CPS until the outset of Ms Vincent's trial when it was disclosed.
230. SHAC Core Participants are concerned that in their cases too, witness statements of UCO's have been served and used in their undercover names, without disclosure of their true status.
231. Adrian Radford has confessed in recorded interviews with Dutch TV to perpetrating crimes in his role as a corporate spy, but also claims to have reported regularly to police teams engaged in the monitoring of SHAC. Whether he was enrolled formally as an UCO, paid by the police, or by the drugs industry or others remains unclear.
232. The presence of UCOs in the SHAC campaign, which was either not disclosed at all or very late in the criminal proceedings, gives rise to concerns over the safety of the convictions. The connections between the police and corporate surveillance is also an area of concern. Some Core Participants are also concerned that the close relationship between police and the drugs industry seems to have generated the transfer of personnel between the two.

Trial of John Jordan and others following RTS Critical Mass demonstration -1997

233. In January 1997 John Jordan was convicted at Horseferry Road Magistrates Court of an offence of assaulting a police officer in the execution of his duty following a 'Reclaim the Streets Critical Mass' bicycle demonstration in London. All other defendants, including Jim Boyling, were acquitted. The only evidence identifying Mr Jordan came from PC Fenot who claimed that he was cycling to work when he happened to come upon the bicycle demonstration and decided to join it.
234. In 2011, when Mr Jordan discovered Jim Boyling was a UCO, he applied to the Criminal Cases Review Commission. The case was referred to the Crown Court and without making any disclosure the CPS conceded the appeal. When disclosure was sought by Mr Jordan in the Crown Court, the judge said 'everything will come out in the Inquiry'. Mr Jordan hopes that the judge's words will be true.
235. It is notable that publication of one HMIC report into undercover policing was stopped due to a failure to incorporate reference to Jim Boyling's actions, of which it appeared unaware¹⁴. This emphasises the need for engagement with Core Participants at all stages of the Inquiry process so that instances such as this are not missed.
236. Ten years after Mr Jordan's conviction, six protestors were convicted of Aggravated Trespass, at a protest at the Department of Transport. The UCO Lynn Watson was one of the defendants. Again, no disclosure of her role in the protest appears to have been made before the Magistrates' Court.

R v Barkshire - 20 wrongful convictions 2009/10

237. On 13th April 2009, 114 climate change campaigners were arrested on at a school in Nottingham for planning the imminent occupation of a coal-fired power station, Ratcliffe-on-Soar, as part of a campaign against the causes of climate change.
238. Unknown to the campaigners, one of their number was the UCO Mark Kennedy. He had been involved in advance reconnaissance trips to the power station and hired a

¹⁴ <https://www.bbc.co.uk/news/uk-15379882>

truck for the main protest. He was also seeking to recruit others to the action. He too was arrested at the school.

239. All those arrested were later released on police bail, but for a considerable period of time and with rigorous bail conditions.

240. Eventually the prosecution took no further action against most of those arrested (including Mark Kennedy). However, 26 activists were charged with conspiracy, for agreeing to commit aggravated trespass. They all pleaded not guilty at Nottingham Crown Court and were split into two trials:

(1) Twenty admitted the agreement but said that they were *justified* in their actions – they have commonly been described as ‘the Justifiers’. They were prosecuted and, after long trial, were convicted in 2010.

(2) Six *denied* that they had been part of an agreement to commit any offence – they were commonly known as ‘the Deniers’. They were due to be tried in January 2011 but just before their trial was due to begin, the prosecution discontinued their case.

241. The prosecution of ‘the Deniers’ appears to have been discontinued as a result of undisclosed evidence from Mark Kennedy which was relevant to the case, but not disclosed by the CPS at trial. The convictions of ‘the Justifiers’ were quashed on that basis by the Court of Appeal in 2011. In doing so, the Lord Chief Justice, Lord Judge, said:

‘It is a case which has given rise to a great deal of justifiable public disquiet, which we share. Something went seriously wrong with the trial. The prosecution’s duties in relation to disclosure were not fulfilled. The result was that the appellants were convicted following a trial in which elementary principles which underpin the fairness of our trial process were ignored. The jury were ignorant of helpful evidence to the defence which was in the possession of the prosecution but never revealed. As a result, justice miscarried’

242. It should be noted that during the appeal an application was made for disclosure relating to the details of the role played by Mark Kennedy. This was refused by the Court of Appeal on the basis that other inquiries were better placed to examine the matter.

243. The Court of Appeal ruled that its own investigations: *“would add nothing of importance to what will undoubtedly become known when the remaining inquiries are completed. Although this court cannot dictate the processes to be adopted by each review, we anticipate that those conducting them would consider any relevant contributions from the appellants.”* (at [31], emphasis added).

R v Bard – 29 Wrongful Convictions

244. Mark Kennedy’s role – and the failure of it properly to be disclosed in criminal proceedings - was also at the heart of successful appeals by protestors in the ‘Drax’ case.

245. On 13 June 2008 environmental protestors executed a plan to stop and occupy a freight train taking coal to Drax Power Station in North Yorkshire. As later described by the Court of Appeal:

“The train came to a halt by a bridge. Both the train and the bridge were occupied. There was no violence. It was a protest of a political nature, motivated out of concern for climate change. The train driver stated that he did not consider that he was threatened at all by the protesters. He said that he was free to stay or leave”¹⁵

246. In 2009, Twenty-nine protestors were convicted at Leeds Crown Court for offences arising from the action.

247. Mark Kennedy had been responsible for the transportation in relation to the action taken by the protestors. The importance of his role was acknowledged by police records (at [10]):

“...according to the records of [Mr Kennedy's] handler at the NDET, Mr Kennedy was the sole driver for this protest. A brief report prepared by the NDET [National Domestic Extremism Team] as part of an internal view into Mr Kennedy's involvement contains the following important concession at point 8: ‘It cannot be categorically stated that the event would or would not have taken place without 133 [Kennedy's code name] involvement’.”

¹⁵ (*R v Bard* [2014] EWCA Crim 463 at [1]).

248. Throughout the action Mark Kennedy had made reports which were forwarded on to the most senior officers in the West Yorkshire Constabulary, including the Assistant Chief Constable. None of this had been disclosed to the defendants at trial.

249. The Lord Chief Justice, Lord Thomas, made the following remarks when quashing the convictions (at [11] and [15], respectively):

“...the involvement [of Mark Kennedy] ought to have been disclosed. Had it been disclosed, no doubt issues would have been raised prior to the trial as to whether there had been an abuse of process or whether Mr Kennedy had acted as agent provocateur.”

“There was a complete and total failure, for reasons which remain unclear, to make a disclosure fundamental to the defence. In those circumstances this court has no alternative but to quash the convictions”.

250. However, the reasons for non-disclosure were not made clear to the Court of Appeal (at [8]):

“...although it was beyond argument that the involvement of Mark Kennedy should have been disclosed, it was not. It appears that this was either the fault of the police or someone in the Crown Prosecution Service, or possibly counsel involved at that time. Each of those interviewed has given a different account. It is not the function of this court to enquire into the position, save for one matter with which we shall deal at the conclusion of our judgment. What is important, however, is that the applicants were all convicted without disclosure having been made of the role of Mr Kennedy.”

251. The concerns over the failings in disclosure in this case have been articulated by the Court of Appeal above. The remaining areas of uncertainty are also set out. The Core Participants ask that this Inquiry fulfils the task left to it by the Lord Chief Justice.

252. It should be noted that the impact of the role of Mark Kennedy as an agent provocateur in the Drax cases was not limited to those subject to the initial prosecution. Decisions by the CPS as to the public interest in bringing prosecutions for alleged offences in later protests were based, in part, on attendance or involvement at earlier demonstrations. The Core Participants want to know to what extent the events at

DRAX, and the convictions which followed, carried over into 'intelligence' held on them and used in later policing, and prosecution decisions.

Civil Proceedings

253. Improper interference in the justice system has not been limited to criminal trials. Civil proceedings were also affected by the involvement of UCOs.
254. Those activists who famously represented themselves in the McLibel trial will make their own statement in these proceedings. We highlight similar concerns by other Core Participants.

Good Easter Hunt Saboteurs

255. On 10 February 1996, a group of animal rights campaigners travelled by van to protest against the fox hunt in Good Easter, Essex.
256. One van stopped at Danbury Sports Centre car park. Police officers purported to conduct a search of the van and its occupants under section 60 of the Criminal Justice and Public Order Act 1994. During the searches, a number of the group including Core Participants Simon Taylor, Brendan Delaney and Brendan Delaney were arrested.
257. In a similar incident involving a different van and occupants which had stopped by the side of the road, Brendan Mee was arrested also for a minor public order offence. Another Core Participant, 'GRD' witnessed this incident.
258. Police officers dealing with the protestors were extremely aggressive. This chimes with comments on the treatment of animal rights protestors made in the Tradecraft Manual, a document originally written by UCO HN02 Andy Cole/Davey, at §7.3.6:

“Another strange effect of my tour has been the slow development of my low opinion of uniformed police dealing with animal rights protests. I suppose that officers in all fields come across police officers who regard political protesters with contempt but their lack of sensitivity and occasional violent reaction to one as an animal rights activist is often out of proportion to your behaviour.”
(emphasis added)

259. All those arrested were taken to the police station and charged. Two trials followed. All were found not guilty. Civil proceedings were taken by some of those who had been arrested and prosecuted. These cases were settled by the police with financial compensation paid.
260. What was not disclosed to the Core Participants at the time of these events was that one of the persons travelling with them was the UCO, Jim Boyling.
261. He had witnessed acts of police aggression and gave a witness statement confirming that protesters had not been violent.
- (1) In examining the role of Jim Boyling in the criminal trial, this Inquiry will need to consider why prosecutors proceeded with evidence that contradicted that of an undercover police officer.
- (2) The Core Participants are also concerned that the failure to disclose that they had been convicted in contradiction to the evidence of an undercover police officer affected the basis on which their civil claim was negotiated to settlement.

Fairford Coach

262. The Fairford coach case arises from events on 22 March 2003, three days after the start of the US / UK war on Iraq.
263. Three coaches of anti-war protesters travelled from London to Gloucester. They aimed to attend Fairford airbase for a well-publicised protest against the use of the base in the Iraq war.
264. The three coaches were stopped by police officers, at Lechlade close to Fairford. The officers were acting under the direction of the Gloucestershire Constabulary. Its occupants were told to get out, searched and questioned and then directed back onto the coaches. After the passengers boarded, the three coaches were forced to return to London without stopping, escorted by Gloucestershire, Thames Valley and Metropolitan police officers. For the latter part of that forced journey, all exits from and entrances to the M4 motorway were blocked by police vehicles.

265. The police officers' purported justification for their actions was given by the key police officer, Chief Superintendent Lambert from Gloucestershire police, the Silver Commander on the day.
266. Chief Superintendent Lambert explained that his decision not to allow the coach to proceed to Fairford was based on the presence of protestors on the coaches ('the Wombles') who were intent on disorder. It was even suggested in the court proceedings that the coaches consisted entirely of the Wombles.
267. A judicial review challenge was brought to the police's decision to turn the coach back using powers to prevent a breach of the peace. The judicial review was brought by one representative passenger – Jane Laporte. It was litigated in the High Court, Court of Appeal and House of Lords (*R(Laporte) v Chief Constable of Gloucestershire* [2006] UKHL 166). The House of Lords judgment was in favour of Ms Laporte: the coaches should not have been turned away from going to the protest, and the passengers should not have been detained and forced to return to London.
268. The case presented by the police throughout the civil proceedings was that it simply was not possible to distinguish between the different passengers on the coaches. At times, it was suggested that the coaches may have consisted entirely of Wombles. The police asserted in their defence to the claim that: "*there was no basis for distinguishing between passengers – the intelligence and evidence in relation to each and every passenger was identical*". This position was maintained up to the House of Lords.
269. The true picture was that at least two UCOs played a role in the Fairford coach case. They were known by the cover names of 'Rod Richardson' and 'Jason Bishop'¹⁶:
- (1) Rod Richardson was on one of the coaches. He was also heavily involved in the Wombles - a London based anti-capitalist/anarchist group - movement over the years in which it was active. Rod Richardson must have known many of 'the Wombles' who were on the coaches. He must have known, in advance, that coaches were being laid on, the identity of some of the other 'Wombles' who were expected to be on the coach and their intentions at the demonstration

¹⁶ It should be noted that photographs produced by the police have assisted in the identification of these UCOs by CPs demonstrating the importance of providing such images to the aims of Inquiry.

planned for Fairford. He would also have known that many of the passengers were not 'Wombles'.

- (2) Jason Bishop was heavily involved in the group arranging the coaches and other support and is therefore also likely to have had relevant information about the plans and identities of those organising and on the coaches.

270. There is a significant discrepancy between the true picture of the police's intelligence sources and that presented in Court. The account given by the police in the legal proceedings suggested that the police decision to stop the coaches had to be made on the basis it was not possible to distinguish between different protestors in terms of their potential activity or their involvement as 'Wombles'. In reality, UCOs who were present in the coaches may well have had that very information. However, there is no evidence that the existence of UCOs or the extent of the intelligence they were able to provide was ever disclosed to the Court. It was certainly not disclosed to the claimant. Those managing the UCOs therefore appear to have been willing to allow the Appellate Committee of the House of Lords – the country's highest appeal court - to be misled about what the police knew about the people on the coach.

271. It should be noted that in addition to Rod Richardson and Jason Bishop, Mark Kennedy and Jacqueline Anderson were also UCOs who it is understood infiltrated The Wombles. These officers attended meetings and protests with the Wombles. Insofar as 'the history of the Wombles' was used by police in to justify turning back the Fairford coaches, this was a history that included the actions of several UCOs.

Use of information from UCOs in other legal proceedings

272. The Core Participants have concerns about the use of information obtained by UCOs in other civil and regulatory proceedings.

London Animal Action

273. London Animal Action ('LAA') was formed from a collective of animal rights groups in London in 1994.

274. LAA would fundraise for animal rights causes and initiate and take part in campaigns against animal cruelty. A series of UCOs joined LAA. The ones that have been identified are: Andy Coles, Matt Rayner, Christine Green and Dave Evans. Bob Lambert is understood to have had a managerial role for some of these officers.
275. Andy Coles, Matt Rayner and Christine Green had intimate relationships with activists they spied on.
276. Matt Rayner also took part in unlawful direct action and was arrested on at least one occasion. He is accused by Geoff Sheppard of inciting him into serious criminality while both were involved in LAA.
277. As well as infiltration by UCOs, LAA was the target of corporate spies who worked for the fur trade and vivisection industry.
278. In January 2005, LAA had to close down because its bank account was seized by lawyers acting for Huntingdon Life Sciences.
279. The Core Participants have concerns over the level of information sharing between UCOs and corporate spies and the subsequent use of this information in civil proceedings against LAA.

The Common Place

280. From 2007 to 2011, Anthony Thomson was director of the Common Place a community area in Leeds. It was a meeting place and resource centre for a variety of political, social and cultural activities. The Common Place was infiltrated by the UCO Lynn Watson from 2004 to 2008. She took on the role of founding director of the Leeds Social Centre Ltd the company set up to manage the Common Place. She was also treasurer which gave her access to the personal data of thousands of persons. In 2006 the Common Place secured an entertainment licence which was important for its financial sustainability. There was however a disproportionate police interest in the activities of the club such that it struggled to keep its licence. In 2008, Lynn Watson suddenly left. This sudden departure and the legal mess that arose when it was discovered that she had founded the company under a false name led to the winding up of the company. The net result of the activities of a UCO, was that a community resource was lost.

Comment on Section 3

281. The implications of undercover policing within protest groups for cases of miscarriage of justice is widespread. The Core Participants have concerns that the Inquiry is yet to identify all potential cases of miscarriage of justice.
282. There is further concern that the Inquiry is avoiding an examination of the role of the Crown Prosecution Service and the courts in dealing with cases involving UCOs. The Core Participants would like this to be examined in future tranches.
283. On behalf of these Core Participants, we ask the Inquiry to refer all cases to the proposed panel to look at miscarriage of justice cases as soon as they are identified. As far as we are aware the Home Office is yet to give a final sign off on arrangements for a panel.
284. In 2015 the Attorney General published a report entitled "Review of possible miscarriages of justice - impact of undisclosed undercover police activity on the safety of convictions". It had been commissioned by the government and completed by Mark Ellison QC and Alison Morgan. The report stated (at [16]):

“the material currently available confirms an almost universal practice of SDS secrecy. That is, withholding undercover intelligence, reporting and activity from investigating officers and prosecutors, even when (as it must have sometimes done) it touched on the activists who were arrested and prosecuted, and even when an undercover officer had also been involved in the events that were the subject of the prosecution, and/or had been arrested and prosecuted alongside the activists.”

285. Discussing the NPOIU, the Report states (at page 39):

“In the NPOIU era, it appears there was revelation to senior investigators and to the CPS – the Kennedy cases being examples. However, the current lack of CPS and court records, together with the limited work that Operation Herne has been able to conduct in this area means that it has not been possible to establish the extent and completeness of such revelations or disclosure. Very few of the case files submitted to the Working Group concern NPOIU undercover activity.”
(p39)

286. The Report states (at page 30):

“In so far as we are aware, all the cases that have reached the courts to date have been the result of those convicted having raised concerns, prompting reactive investigations by the Police and the Crown Prosecution Service.” (p30)

287. This picture is reflected in the experiences of the Core Participants we have mentioned. All the criminal miscarriage of justice cases concerning the Core Participants represented here –including the challenge to the prosecution in the Ratcliffe case, the appeals in the Ratcliffe, Drax and John Jordan cases and the appeals in Sheppard and Clarke– were all started by the activists. They were based on activists discovering for themselves the true identity of UCOs and then working out their role and the impact this had in the protest and subsequent prosecution. There can be no suggestion that state action alone would have remedied these cases of miscarriage of justice.

288. The findings of the Ellison Report include at (page 49):

“What has also become clear is that there are a large number of convictions where the lack of surviving records precludes a detailed analysis of the nature of the deployments such as to identify if there was, or was not, any relevant activity or observation by the undercover officer that might meet the disclosure threshold.”

“Having ascertained in more general terms how undercover activity at the time of the convictions was managed, as well as how the individual officers generally behaved, it may become necessary in those cases to focus more on the impact that the policy of total secrecy had in preventing the proper level of scrutiny taking place at the time of trial. The inevitable context being that the nature of the undercover deployments was such that on occasions they must have generated material which was disclosable in criminal proceedings but which was not revealed by the SDS to the responsible investigators and prosecutors.”

289. The Report’s final conclusion was (at page 50):

“The relative lack of progress of this Review over the last year, the complexity which has been encountered in making progress over any reasonable timescale, and the limitations that may exist as to either the CCRC or the CPS referring cases back to an appellate court, all suggest that it may now be appropriate for the Public Inquiry to become engaged in these issues.”

290. The Report was able to identify 26 SDS officers who were arrested on a total of 52 occasions. The police investigation into the Special Demonstration Squad - known as Operation Herne – was able to identify activists who were arrested on the same

occasions that UCOs were arrested and if they were then convicted of offences but was limited in its ability to identify all potential miscarriage of justice cases. We seek confirmation that these cases – and all other all potential cases of miscarriage of justice identified to date - have been provided by the police to the Inquiry.

291. The failure of the police and CPS independently to identify potential miscarriage of justice cases underscores the need for those spied upon to be given a central role in the Inquiry. It raises concerns for those without a voice in this Inquiry:

- (1) Those who are not aware of any UCOs in their lives because restriction orders prevent cover names being published.
- (2) Those with limited knowledge of UCOs but who are unable to identify the full extent of their actions.
- (3) Those who know about UCOs in their lives but who have not been made Core Participants.

292. There are clear concerns that there may be many other undiscovered cases of miscarriage of justice. The refusal of the police and the Inquiry to release into the public domain full details of the identity and role of UCOs, including contemporaneous photographs, adds to these concerns. The need to correct miscarriages of justice is an important matter which must be given proper weight in the balancing of factors when making, or reviewing, restriction orders.

CONCLUSION

Truth and findings of fact

293. The Core Participants want to know the truth about what happened to them. But after a process that has already taken five years, they are not yet confident this Inquiry will reach the truth. So far many have been told almost nothing about the way they were targeted for surveillance. They have many questions, and after years of waiting they are desperate for answers.
294. We do not repeat the very significant concerns set out in the joint written opening of the co-operating group of non-state Core Participants as to the steps taken by the Inquiry which frustrate its ability to do so. That we do not repeat those concerns should not be taken as indicating that those concerns are anything other than in the forefront of the minds of the Core Participants we represent. They make these opening submissions to an Inquiry to which they are purportedly participating, and have a right to participate, yet they have only a partial picture of who was and was not an UCO and, in most instances, no disclosure. It is a curious and wholly unsatisfactory position from which to seek to contribute to this Inquiry.
295. But the Core Participants believe one point is already clear: the undercover policing which they faced was disproportionate, politicised and wholly inappropriate. It resulted in abuses of power and criminal activity by police officers that should never have happened.
296. The Core Participants do not believe this wrongdoing is about a handful of rogue officers behaving contrary to their instructions and against the directions of their supervisors. It was the opposite. The unacceptable behaviour of UCOs was consistent with what they were told was acceptable. It was what their supervisors were permitting, even encouraging them to do.
297. It is important to remember two things: first, that the Core Participants have been critical in exposing the scandals of undercover policing; and, second, that there has been a severe human cost to those people who were subjected to infiltration by UCOs.
298. Many of the integral steps to the setting up of this Inquiry came about through the Core Participants themselves taking action to find out what took place and discover the

scale of the abuses perpetrated. The police have fought to protect the secrecy of their actions all stages. Had it been left solely to the state, nothing would ever be known about what occurred.

299. The personal impact of undercover policing on those spied upon should always be remembered. In the words of one Core Participant, Merrick Cork, who was involved in exposing Mark Kennedy:

It is only by chance that the Inquiry is happening, because it is only by chance that the catalogue of abuses was brought to light at all.

Ten years ago we started to see things about our friend Mark that weren't right. We suffered anguish of suspecting someone who you love of being something else, something that's the very opposite of who you know them to be. We were very much out of our depth. We had no experience, no knowledge of what exactly we were looking for. We doubted our own minds because the things we were suspecting were the kind of thing the Stasi perpetrated, surely they didn't happen in this country. We confronted Mark and confirmed the awful truth. It was worse than a bereavement. When a loved one merely dies they go away forever but, unlike a spycop, they don't undo all the shared experiences that made you love them when they were here.

He should never have been in our lives and families. But more than that, we should not have had to find the truth for ourselves, and by chance.

Seeing what we'd done, others have realised that their old friends were in fact nothing of the sort. The police, aided by an assortment of satellite bodies, have sought to prevent us from finding the truth of what was done to us. It still hurts to know that Mark was only ever in our lives as a trained, paid, monitored agent to undermine what we hold dear. But speaking to others who can't be sure which of their friends were spycops, I realise I have been spared something even more damaging. The thing worse than knowing is not knowing.

300. Discovering that they were subject to spying by UCOs has had profound and long lasting impact on many Core Participants and others. They have some limited information about what took place, but many, many unanswered questions remain.

Recommendations

301. This Inquiry should make clear recommendations to ensure that undercover policing of this kind does not happen again.
302. Disproportionate, politicised and unregulated undercover surveillance is never acceptable. The horrendous abuses of the rights of these Core Participants – the women who were abused, the bereaved families spied upon, the people who were wrongly convicted of offences, the racist targeting of campaigners - demand recommendations and changes to our existing system.
303. At the appropriate time these Core Participants will make submissions to this inquiry on recommendations based on the evidence that has been heard. These proposed recommendations will include changes to Part 2 of RIPA, the enactment of which in 2000 failed to prevent UCOs abusing the rights of so many of these Core Participants.

THE QUESTIONS FOR THIS INQUIRY TO ANSWER

304. At this stage, these Core Participants ask that, in relation to each of them, the Inquiry's approach to the evidence includes the following questions being properly considered:
- (1) What was the purpose of the surveillance on them in the first place?
 - Was the purpose legitimate?
 - Even if one of the purposes put forward was ostensibly legitimate, was there a different illegitimate and true purpose?
 - Was the purpose tainted by political motivations? Was it tainted by racism or other prejudices?
 - Is the purpose that is now being presented no more than an *ex post facto* justification?
 - Was the purpose even clear at the time?

 - (2) Was there an appropriate legal and supervisory framework for that surveillance?
 - What was the framework?
 - Is there evidence of that framework at the time?
 - Was the framework followed – what is the evidence to support that?
 - How was that legal and supervisory framework avoided or exploited by officers and their supervisors?

- Why did the framework not fulfil its purpose to protect the rights of these Core Participants?
 - Would the framework in place today have ensured a different outcome?
- (3) Was the activity carried out pursuant to the surveillance necessary and proportionate?
- What was the threat, if any, posed by those placed under surveillance?
 - Was the level of intrusion, or the unlawful activity pursuant to that surveillance justifiable?
305. The Core Participants believe that in taking an approach that includes answering those questions the extent of the wrongdoing committed against them will become clear.
306. It will reveal a system of surveillance carried out without proper justification, without an appropriate framework and in a way that was often illegitimate, unnecessary and disproportionate - involving unlawful activity, gross human rights abuses and complicity in crimes by the officers themselves.
307. If these hearings are an examination into a dark and unpleasant chapter of British policing and political history, then this Inquiry is also a test of whether the Inquiry process can deliver justice and explanations to those who have been wronged. But it must acknowledge that this Inquiry is not simply dealing with an historic problem. The Inquiry and its recommendations must also look forward to ensure that this type of state misconduct and abuse is not repeated. Not just undercover policing – but all forms of surveillance – must not be allowed to be carried out in a way that fails to respect the rights of the public and becomes a form of police activity that breaks the law rather than upholds it.
308. These Core Participants hope this Inquiry will deliver them the truth that they all deserve and have waited so long to hear and in doing so prevent others going through what they have experienced.

26 October 2020

Counsel for Core Participants

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Owen Greenhall – Garden Court Chambers

Sam Jacobs – Doughty Street Chambers

Solicitors for Core Participants

Mike Schwarz – Hodge Jones & Allen Solicitors

Simon Creighton- Bhatt Murphy Solicitors

Jules Carey and Tamsin Allen- Bindmans

ANNEX: LIST OF
CORE PARTICIPANTS REPRESENTED

Core Participants represented by Mike Schwarz of Hodge, Jones and Allen Solicitors

1. AH
2. Alexander, Alistair
3. AN
4. Banbury, Robert
5. Bayer, Olaf
6. Beale, Albert
7. Bosely, Gabrielle
8. Bright, Antonia
9. Bryan, Kim
10. Carroll, Malcolm Clive
11. Chatterton, Paul
12. Chivers, Danny
13. Clarke, Andrew
14. Climate Camp Legal Team
15. Collins, Shane (aka Collins, William)
16. Cooke, Spencer
17. Cork, Merrick
18. Cutler, Alice
19. Deen, Leila
20. Delaney, Brendan
21. Doyle, Karen
22. Evans, Melanie
23. Farrelly, Brian
24. Fauset, Claire
25. FCA
26. Frugal, William
27. Gannon, Gráinne
28. Gard, Tony
29. Geffen, Roger
30. Genetic Engineering Network
31. Gillett, Paddy
32. Gillett, Robbie Alistair
33. Glass, Dan
34. Gravett, Paul
35. Gray, Ippy
36. GRD
37. Gregory, Amelia
38. Hain, Peter (Lord)
39. Harris, Thomas
40. Healy, Brian
41. Hildreth, Claire

42. Hodson, Alex
43. Holcombe, Kate
44. Houghton, Trevor
45. Jackson, Kirk
46. 'Jane'
47. Jelinek, Alice
48. Jones, Kristina Bonnie (aka Miller, Tina)
49. Jones, Sian
50. Jordan, John
51. Kaplowitz, David
52. Kirkpatrick, Jason
53. Knowles, Oliver
54. Lane, Robin
55. Laporte, Jane
56. Leamy, Ben (aka Morgan, Mark)
57. Lewis, Hannah
58. Lewis, Simon
59. London Greenpeace
60. Lowe, Martyn
61. McBride, Juliet
62. Mee, Brendan
63. MSS
64. MWS
65. Morozzo, Paul
66. Morris, David
67. Movement for Justice by any means necessary
68. Mullan, Jason
69. Owolade, Alex
70. Potts, Ellen
71. Reclaim the Streets
72. Reel, Sukhdev
73. Reel, Tish
74. Remiarz, Tomas
75. Robertson, Andrew
76. Robinson, Paul
77. Rodker, Ernest
78. Rodker, Oliver
79. Rosenhead, Jonathan (Professor)
80. RTD
81. Salusbury, Matt
82. Schust, Jesse
83. Selby, Gerrah
84. Shaw, Martin
85. Sheedy, Jacqueline
86. Sheppard, Geoff
87. Shoraka, Sarah
88. Somerville, Gwynnedd
89. Steel, Helen
90. Stewart, Ben
91. Stratford, Alison Beth
92. Tapping, Nicola
93. Taylor, Simon
94. Thomson, Anthony
95. Trapese
96. Vincent, Debbie

97. Wilson, Carolyn
98. Wright, Frances
99. Wright, Kirsty
100. Young, Zoe

Core Participants represented by Simon Creighton of Bhatt Murphy Solicitors

1. Bernard Renwick (Roger Sylvester)
2. Celia Stubbs (Blair Peach)
3. Lee Lawrence (Cherry Groce)
4. Myrna Simpson (Joy Gardner)
5. Colin Roach Centre
6. Hackney Community Defence Association
7. Dr Graham Smith
8. Mark Metcalf
9. Broadwater Farm Defence Campaign
10. Stafford Scott
11. Winston Silcott
12. Sharon Grant OBE (Bernie Grant MP)

Core Participants represented by Jules Carey of Bindmans LLP

1. Cardiff Anarchist Network / South Wales Anarchists
2. Chris Dutton
3. Defend the Right to Protest
4. Hannah Dee
5. Terence Evans

Core Participants represented by Tamsin Allen of Bindmans LLP

1. Dame Joan Ruddock
2. Diane Abbott MP
3. Dr Harry Halpin