

1 Thursday, 5 November 2020
2 (10.00 am)

3 MS PURSER: Good morning, everyone, and welcome to
4 the fourth day of opening statements in Tranche 1,
5 Phase 1 of the Undercover Policing Inquiry. My name is
6 Jacqueline Purser and I'm the hearings manager.

7 Today we will hear the conclusion of the opening
8 statement from Mr Menon for the core participants
9 represented by Richard Parry and Jane Deighton.

10 We will also hear opening statements from
11 core participants represented by Mike Schwarz,
12 Simon Creighton, Tamsin Allen and Jules Carey, and
13 Donal O'Driscoll.

14 For those of you in the virtual hearing room, please
15 remember that unless you are the Chairman or have been
16 asked to speak by the Chairman, please turn off both
17 your camera and microphone, as Zoom will pick up on all
18 noises and you will be on screen.

19 I will now hand over to our Chairman,
20 Sir John Mitting, to formally start proceedings.
21 Chairman.

22 THE CHAIRMAN: Thank you.

23 Mr Menon, would you like to resume your opening
24 statement, please?

1 Opening statement by MR MENON (continued)

2 MR MENON: Thank you, sir.

3 Good morning. Today I'm going to talk about the 12
4 individuals and organisations I represent; why they are
5 non-State core participants; what they think about being
6 spied on by the secret state; and what they would like
7 the Inquiry to investigate.

8 Firstly, Tariq Ali and Ernest Tate.

9 Tariq Ali will be the first witness to give evidence
10 to the Inquiry next Wednesday. Born in Punjab during
11 colonial times and now 76 years old, he is a public
12 political figure having been a life-long activist,
13 writer and broadcaster. He has been involved in many
14 political and campaigning organisations over the years,
15 including the Vietnam Solidarity Campaign, VSC,
16 the International Marxist Group, IMG, and the Stop the
17 War Coalition.

18 He has edited various publications and programmes
19 including Black Dwarf, Red Mole, New Left Review and
20 Channel 4's Bandung File. He has written more than
21 a dozen books on world history and politics and several
22 novels. His autobiography "Street Fighting Years,
23 a counter history of the 1960s" shows a radicalism that
24 has always been open and public.

25 Mr Ali was president of the Oxford Union in 1965,

1 the year that Special Branch or MI5 opened a file on
2 him. This file will probably remain sealed and labelled
3 "Top Secret" for years. It will certainly not be
4 disclosed to him, whatever the outcome of the Inquiry.

5 In 1965, Mr Ali attended the Helsinki Peace
6 Conference. Two years later he was sent by the Bertrand
7 Russell Peace Foundation to Hanoi in North Vietnam.
8 That experience was formative, and in London he became
9 active in the VSC, opposing the American war on Vietnam;
10 a war that between 1965 and 1976, according to varying
11 estimates, killed between half a million and
12 one-and-a-half million Vietnamese civilians and soldiers
13 and over 58,000 American soldiers, culminating in
14 American withdrawal and defeat.

15 Ernest Tate, who is 86 years old and lives in
16 Toronto, Canada, was excited to be contacted by
17 the Inquiry. He was planning to fly over and give
18 evidence in person, but the delay has been to his
19 detriment. He has recently been diagnosed with
20 pancreatic cancer, and is sadly unable to participate
21 any longer. Nevertheless. He still wants us to
22 represent his interests, because, as he puts it,
23 "the police harassment and violations of our civil
24 rights was a grave injustice to all the British people".

25 I hope Mr Tate is able to watch online today.

1 Mr Tate was born in Northern Ireland. He became
2 interested in socialist politics as a young man after he
3 emigrated to Canada in 1955. He came to the UK in 1965
4 and remained here for almost five years. He was one of
5 the founders of the Vietnam Solidarity Campaign in 1966,
6 the year that Special Branch or MI5 opened a file on
7 him. He remained on the National Council of the VSC
8 until April 1969, when he returned to Canada.

9 The VSC was a lawful, non-violent organisation that
10 held open meetings and never hid what it was doing or
11 planning. A comparison between information gathered on
12 the VSC by Special Branch prior to the formation of
13 the SDS and information gathered on the VSC by the SDS
14 subsequently will demonstrate that there was little, if
15 any, difference.

16 In 1968, Mr Tate was instrumental in founding
17 the International Marxist Group, the British section of
18 the Fourth International. The IMG, which grew from
19 a local group of about a dozen members in Nottingham to
20 a national group of about 1,000 members, was an
21 influential group of socialists. Ernie Tate became
22 a friend and comrade of Tariq Ali.

23 Mr Tate has written two volumes of political memoirs
24 entitled "Revolutionary Activism in the 1950s and 60s".
25 Volume 2 is about his time in Britain between 1965 and

1 1969. Like Mr Ali, Mr Tate has always been open about
2 his politics. There was never any need to spy on him.

3 I intend now, sir, to expand on what I said
4 yesterday about the formation of the SDS, because it is
5 of critical importance to the Inquiry and relates
6 directly to the VSC, Mr Ali and Mr Tate.

7 In 1968, Mr Ali and Mr Tate were involved with many
8 others in planning and organising two large VSC anti-war
9 demonstrations in London on 17 March and 27 October.

10 The March demonstration was the catalyst for
11 the formation of the SDS.

12 In the ITV news clip played by
13 Counsel to the Inquiry during his opening statement, you
14 can see some evidence of how the peaceful demonstration
15 turned violent and what the VSC later complained about.

16 Notwithstanding the pro-police commentary in the clip
17 about a hardcore of troublemakers inciting riot,
18 the footage itself paints a very different picture.

19 Instead of letting protests march around
20 Grosvenor Square in a peaceful and orderly way, on
21 a route agreed in advance between the VSC organisers and
22 the Metropolitan Police, uniformed officers crushed
23 the head of the march into a funnel by throwing a cordon
24 diagonally across North Audley Street.

25 THE CHAIRMAN: Mr Menon, forgive me for interrupting you,

1 but there has been a technical hitch, and it may be that
2 what you are saying is not being heard by all who need
3 to hear it. Would you pause while we try and correct
4 it?

5 MR MENON: Yes, sir.

6 THE CHAIRMAN: Very sorry to interrupt you.

7 MR MENON: No problem at all. Thank you.

8 MS PURSER: Apologies everyone. We will take a short break
9 while we correct a technical issue.

10 (10.07 am)

11 (A short break)

12 (10.25 am)

13 MS PURSER: Welcome back, everyone. Thank you for your
14 patience whilst we resolved a technical fault. I will
15 now hand over to our Chairman to resume proceedings.
16 Chairman.

17 THE CHAIRMAN: Thank you. Mr Menon, I'm afraid it looks as
18 though all of that which you have said was not properly
19 transmitted. If you wish to begin again, please do so.

20 MR MENON: Thank you, sir, I'll do that.

Good morning. Today I'm going to talk about the 12 individuals and organisations I represent; why they are non-State core participants; what they think about being spied on by the secret state; and what they would like the Inquiry to investigate.

1 Firstly, Tariq Ali and Ernie Tate.

2 Tariq Ali will be the first witness to give evidence
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18 Volume 2 is about his time in Britain from 1965 to 1969.
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20 politics. There was never any need to spy on him.

21 I intend now to expand on what I said about
22 the formation of the SDS yesterday, because it is of
23 critical importance to the Inquiry and relates directly
24 to the VSC, Mr Ali and Mr Tate.

25 In 1968, Mr Ali, Mr Tate and others were involved in

1 planning and organising two large VSC anti-war
2 demonstrations in London on 17 March and 27 October.
3 The March demonstration was the catalyst for
4 the formation of the SDS. In the ITV news clip played
5 by Counsel to the Inquiry during his opening statement,
6 you can see some evidence of how the peaceful
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9 Notwithstanding the pro-police commentary in
10 the clip about a hardcore of troublemakers inciting
11 riot, the footage itself paints a very different
12 picture. Instead of letting protesters march around
13 Grosvenor Square in a peaceful and orderly way on
14 a route agreed in advance between the VSC organisers and
15 the Metropolitan Police, uniformed officers crushed
16 the head of the march into a funnel by throwing a cordon
17 diagonally across North Audley Street. This led to
18 enormous pressure on the protesters and the police
19 lines.

20 As the police lines collapsed, protesters ran onto
21 the green space in front of the American embassy.
22 The police, caught unprepared, fought against this,
23 wrestling protesters to the ground, kicking them and
24 hitting them with truncheons. When this failed, mounted
25 officers on horseback rode into the tightly packed

1 crowd, a highly dangerous tactic. In short, the melee
2 was the result of a failure of public order policing by
3 the uniformed branch.

4 This was recognised by the Commissioner himself, who
5 ordered a complete review of public order policing, as
6 already mentioned in the opening statement of
7 the Designated Lawyer Group. This review resulted in
8 a new branch being set up called "A8", to coordinate
9 public order policing in the future.

10 The VSC gave a press conference the next day, at
11 which Mr Ali and Mr Tate were present, explaining that
12 the resulting injuries on both sides were not because
13 protesters were intent on violence or riot, but because
14 their delegation was prevented from handing in a letter
15 of protest to the US embassy, as the police had agreed
16 they could do, their route was blocked, and a crush had
17 ensued. The records on the demonstration kept in
18 the National Council for Civil Liberties' archives in
19 Hull largely support what the VSC said at the time. We
20 asked the Inquiry to obtain these, but they do not
21 appear in the hearing bundle.

22 So, what happened at the March demonstration was
23 not an intelligence failure. The police had not
24 expected the protesters to oppose their brutality.
25 The police had not expected the protesters to defend

1 themselves and fight back. This shocked the police,
2 the media and the government. In his inquiry witness
3 statement, SDS officer HN326, who used the cover name
4 "Doug Edwards", says he was chased and hit by a police
5 officer at another demonstration which he attended
6 whilst working undercover. To quote him directly:

7 "The police would see you with long hair and a beard
8 so you got clobbered."

9 It is important for context to look back and
10 remember what those times were like.

11 The lie by the police that violence at the March
12 demonstration was due to an intelligence failure is
13 the original sin that led to the formation of the SDS.
14 And it was this lie that led their political masters to
15 support and fund an entirely different approach to
16 policing.

17 When the October demonstration passed off largely
18 peacefully, the lie was elevated. The SDS took
19 the credit and claimed it was due to intelligence
20 obtained by undercover officers. But nothing was
21 further from the truth. There are two reasons why
22 the October demonstration was largely peaceful.

23 Firstly, the VSC wanted a peaceful March and planned
24 for it. They successfully stewarded the March from
25 Trafalgar Square to Hyde Park, with only a relatively

1 small number of protesters breaking away and heading for
2 Grosvenor Square. The repeated public calls by Mr Ali,
3 Mr Tate and others in the VSC for a peaceful March were
4 largely heeded by those who attended.

5 Secondly, whilst the police had a thick line of
6 about a thousand officers around the US Embassy, and had
7 occupied the grass space in front of it, they allowed
8 the breakaway protesters to protest around two sides of
9 Grosvenor Square. Although there were some attempts to
10 push through the police line, these were easily fended
11 off. Unlike the March demonstration, the October
12 demonstration was effectively policed by the uniformed
13 branch. This was how it was initially reported by
14 the press, including in the Pathé news clip played by
15 Counsel to the Inquiry during his opening statement,
16 where it was explicitly stated that "much credit was due
17 to demonstrators and police" and "the march stewards did
18 a good job in maintaining order".

19 In other words, intelligence played no real role in
20 ensuring that there was no repeat at the October
21 demonstration of the violence at the March
22 demonstration, but the die was cast.

23 A tame journalist at the Daily Express was fed
24 a story, writing that "an enormous undercover operation
25 was mounted to penetrate the secrets of the organisation

1 behind the march" and the police had "a man present at
2 nearly every meeting of the Ad Hoc Committee" organising
3 the march.

4 This was true, but the claim that this was why
5 the march had passed off largely peacefully was
6 disingenuous and allowed Special Branch to claim credit
7 where credit was not due. In fact, Sir John Waldron,
8 the new Metropolitan Police Commissioner, was so pleased
9 that he delivered a bottle of champagne to the new squad
10 safe house. The undercover officers themselves were
11 told, and came to believe, that their role had been
12 highly significant, although, as you can read in their
13 witness statements, they had no idea what was really
14 done with the product of their intelligence, especially
15 what MI5 did with it. They had in fact expected
16 the squad to be disbanded after the October
17 demonstration.

18 But MI5 saw all too clearly the value in maintaining
19 the new squad, as it facilitated long-term penetration
20 of groups they deemed subversive. It allowed the depth
21 of intrusive intelligence-gathering that was over and
22 above what they could achieve with informants and
23 telephone tapping. This was highlighted in the letter
24 sent by the Met's assistant commissioner for crime on
25 27 May 1969 to the Home Office in seeking future

1 funding. It states that the Commissioner himself was
2 "firmly in favour of our continuing SOS operations" and
3 "the Security Service fully supports our view". And he
4 adds, with sleight of hand, that there had been "no
5 criticism of undercover methods by the public,
6 extremists or civil liberties groups".

7 Unsurprisingly, the Home Office gave their blessing
8 to the Metropolitan Police continuing with the SDS. And
9 successive governments were happy to authorise funding
10 year after year. There should be no mistake: whilst
11 this squad was kept secret from the public, it was
12 completely integrated into the established security
13 apparatus of the British state, with a chain of command
14 through the senior ranks of the police to the highest
15 levels of government.

16 The original planning meetings in August and
17 September 1968 had on occasion been chaired by MI5
18 officers, and those present included the director of
19 "F" Department of the Home Office (Counter Subversion)
20 and the Commander of Special Branch. They reported to
21 the Undersecretary of State at the Home Office, who in
22 turn reported to the Minister.

23 Parts of the VSC file, now disclosed for the first
24 time in 50 years, shows that both the Prime Minister,
25 Harold Wilson, and the Home Secretary, James Callaghan,

1 were expecting a situation report prior to
2 the October 1968 demonstration, responsibility for
3 the production of which was to rest with MI5, but with
4 input from DCI Dixon. It could go no higher.

5 In the years that followed, hundreds of left-wing
6 and community organisations were targeted. The extent
7 of the spying is staggering. From the very start,
8 the police revelled in the apparent success of the new
9 squad and the gathering of what they called "superior
10 intelligence", by which they meant sensitive information
11 that could not be gathered by normal methods.
12 The police gleefully stated that "new entrants to
13 the extreme left-wing political scene are identified and
14 recorded within weeks" and that they have submitted
15 hundreds of reports and attended a thousand meetings
16 alone within the first year of operation.

17 Detective Chief Inspector Dixon, who was in charge,
18 had told his squad to "sweep wide, to include any group
19 sympathetic to involvement in the forthcoming October
20 1968 demonstration", and this soon developed into what
21 came to be called the "oblique approach". This meant
22 infiltrating groups that were of no threat whatsoever,
23 in order to provide cover for penetrating other groups
24 of perhaps more interest.

25 The problem with this was that everybody was now

1 fair game to be spied on and reported on to MI5.
2 The list of those spied on included the tiniest
3 political groups of just a few members. It included
4 housing rights groups, community enterprises,
5 cooperatives and campaigns to save a hospital or create
6 a public park.

7 Notwithstanding its chilling effect, the "oblique
8 approach" is still being defended by the police to this
9 day, most notably by the Designated Lawyer Group in its
10 opening statement.

11 At the end of the day, Tariq Ali expects nothing of
12 substance to come from the Inquiry. He has known since
13 2002, when he was told by the journalist Peter Taylor
14 during the BBC "True Spies" documentary, that an
15 undercover officer had infiltrated the IMG, and was so
16 trusted that he had been given the keys to the IMG
17 office. The officer made pressings of the keys using
18 plasticine, from which copies of the keys could be made.
19 We can be sure that MI5 later burgled the office,
20 stealing and copying whatever they wanted.

21 Interestingly, we now know that the undercover
22 officer, who used the pseudonym "Dan" when interviewed
23 by Peter Taylor, was in fact SDS officer HN336, who,
24 according to his Inquiry witness statement, used
25 the cover name "Dick Epps" when infiltrating the IMG.

1 Mr Ali has continued to participate in the Inquiry
2 because he thought something of interest might be
3 revealed in the statements of those who spied on him.
4 These were finally provided just a few weeks before he
5 is due to give evidence, with little time for him to
6 consider them carefully. So far, the witness statements
7 of 17 officers have been disclosed, of whom only eight
8 are scheduled to give live evidence in November;
9 although, unhelpfully, we have been refused disclosure
10 of the Rule 9 questions that the officers were asked by
11 the Inquiry.

12 On first reading, the statements are anodyne and
13 give little detail of any personal interactions. Only
14 one SDS officer, HN340, who either used the cover name
15 "Alan Nixon" or "Andy Bailey", admits to a brief
16 interaction at Conway Hall in 1970, when Mr Ali
17 suggested he attend meetings of the North London Red
18 Circle, which the officer did.

19 Mr Ali would like to hear some general condemnation
20 of the secret state and the mass spying on citizens, but
21 is resigned to the likelihood that there will instead be
22 posterior justification. He knew he was being spied on,
23 as did most activists at the time, but even he did not
24 expect such intimate betrayals. But this is exactly
25 what Special Branch and MI5 wanted, believing as they

1 do, to this day, that the humdrum of someone's life
2 might always be turned to the state's advantage. Every
3 bit of tittle-tattle ended up in the registry, where
4 Special Branch and MI5 could assess its usefulness, to
5 what end we will never know.

6 When Mr Ali gives evidence to the Inquiry, he will
7 no doubt be asked about his revolutionary beliefs and
8 whether violence is ever justifiable. He will answer
9 that he is proud to be a revolutionary, and proud to be
10 standing up for people fighting against oppression. He
11 will say yes, of course violence is justifiable in
12 certain circumstances. It is justifiable if you are
13 Vietnamese and your country has been invaded and
14 colonised by the Japanese, the French or the Americans,
15 just as it is justifiable if you are a British soldier
16 fighting against the Nazis in the Second World War.

17 Mr Ali is for peace, like most of us, but not at any
18 cost. He is a revolutionary because he believes in
19 socialism, the radical transformation of society and
20 a better life for the working class internationally.

21 Ernie Tate wants the Inquiry to reach a firm
22 conclusion that this type of secret political policing
23 should be outlawed. There is no justification for it in
24 a democratic society. If people are persuaded that
25 socialism is a better alternative to rampant capitalism,

1 should they not be allowed to exercise their democratic
2 right to pursue such politics without being spied on?
3 Socialism has a long and noble history in British, as
4 much as anywhere else. The ongoing struggle for
5 fundamental rights has been long and it will not end any
6 time soon.

7 Turning, then, to Piers Corbyn.

8 Piers Corbyn is now 73 years old, and his respect
9 notoriety as a speaker at anti-lockdown protests up and
10 down the country shows he has not given up his activism
11 and still retains the energy of his youth. Like
12 Tariq Ali and Ernie Tate, Mr Corbyn has always been open
13 about his politics and has nothing to hide.

14 Just over 50 years ago, in 1969, he was president of
15 the Imperial College Union. He was politically active,
16 attending VSC rallies. A Special Branch or MI5 file was
17 opened on him. Again, he does not have access to this
18 file.

19 In 1971, Mr Corbyn joined the IMG and attended
20 numerous political meetings, rallies and demonstrations
21 about the burning issues of the day, including Ireland,
22 anti-fascism, anti-racism and trade union struggles for
23 better pay and conditions. However, it was his role in
24 the squatting movement that seems to have triggered
25 the interest of the SDS. Squatting was a response to

1 the lack of affordable housing, especially for young
2 people, but also was a way of trying to establish a new
3 type of community in the form of communal living. In
4 1972, Mr Corbyn was instrumental in setting up
5 the Squatters Action Council and
6 the London Squatters Union, and he played a key role in
7 the victory of the Elgin Avenue squatters, all of whom
8 were rehoused by the Greater London Council.

9 In 1982, Mr Corbyn left the IMG and joined
10 the Labour Party, the year before his brother Jeremy was
11 elected as an MP for Islington North. In the 1980s, he
12 was active in the Fair Fight campaign to keep down
13 the cost of public transport. In 1986, Mr Corbyn became
14 a Labour councillor in Southwark for four years.

15 Mr Corbyn does not feature in Tranche 1, Phase 1,
16 but he will feature in Tranche 1, Phase 2, due to begin
17 in early 2021. He has been given a file of 53 SDS
18 intelligence reports from 1971 to 1990, and has made
19 a witness statement in response.

20 One of the SDS officers who features in some of
21 the intelligence reports relating to Mr Corbyn is HN338.
22 Although he has died, the Inquiry has ruled that his
23 real name cannot be published, as to do so would breach
24 his widow's article 8 right to respect for private and
25 family life. Oddly, the police claim they do not know

1 what cover name he used. How is this possible? Is
2 there really no record of HN338's cover name? Or is it
3 being deliberately withheld for some other reason?

4 One of the Rule 9 questions that Mr Corbyn was asked
5 by the Inquiry was whether he recalled an
6 undercover officer who used the cover name "Alan Nixon"
7 or "Andy Bailey". The Inquiry has now disclosed
8 a witness statement from HN340, who says he used one of
9 those cover names. But there's no mention of Mr Corbyn
10 in his statement. Why not, given HN340 apparently spied
11 on Mr Corbyn? Was he not asked a Rule 9 question about
12 Mr Corbyn? If not, why not?

13 Unsurprisingly, Mr Corbyn has been unable to
14 identify the officers who spied on him, because he's not
15 been provided with any witness statements or photographs
16 to assist him. In the circumstances, it is impossible
17 for him to assess what, if any, impact the spying has
18 had on him. He will say more in a further opening
19 statement when he receives the Tranche 1, Phase 2
20 hearing bundle, which will hopefully contain witness
21 statements from some of the officers who spied on him
22 all those years ago.

23 Mr Corbyn endorses the concerns raised in
24 the opening statement to be given by Dave Morris. He
25 sees no justification for the type of spying engaged in

1 by the SDS.

2 Next, the Advisory Service for Squatters and
3 Myk Zeitlin.

4 The Advisory Service for Squatters, ASS, is an
5 unpaid collective of workers who have been running
6 a daily legal and practical advice service for squatters
7 and homeless people since 1975. It exists to this day.
8 It grew out of the Family Squatters Advisory Service,
9 which was founded in the late 1960s. ASS produces
10 The Squatters Handbook, currently in its 14th edition,
11 which has sold in excess of 150,000 copies since first
12 being published in 1976. Over the years, many people
13 have passed through ASS and have been involved in one
14 capacity or another.

15 Although squatting in residential property only
16 became illegal on 1 September 2012, this did not stop
17 the SDS, and possibly the National Public Order
18 Intelligence Unit, from spying on ASS. The organisation
19 has little idea why and how they were spied on other
20 than the spying began in 1976. They've only been given
21 two documents so far, one being a survey of
22 the squatting scene by an undercover officer, in which
23 all the old prejudices come tumbling out. The SDS
24 Annual Reports indicate that housing rights groups and
25 tenants associations came onto the radar as early as

1 1971. In the SDS 1974 Annual Report, squatting is
2 described as "the nursery of extremists".

3 ASS has very little to say at this stage given
4 the absence of relevant disclosure. However, insofar as
5 ASS was penetrated due to the "oblique approach", they
6 say that this was indefensible and no such invasion of
7 privacy can be warranted.

8 Myk Zeitlin worked for ASS as a volunteer for many
9 years. He is also a non-State core participant in his
10 own right. He has no idea who spied on him or ASS.

11 Mr Zeitlin and Jim Paton, another volunteer for
12 ASS for many years, have been granted access to
13 the current hearing bundle as representatives of ASS.
14 Both have been involved in many related campaigns and
15 struggles, but the bundle reveals nothing about them.
16 They, too, endorse the opening statement to be given by
17 Dave Morris.

18 Next, sir, Friends of Freedom Press.

19 Founded in 1886, Freedom Press is the largest
20 anarchist publishing house in the country and the oldest
21 of its kind in the English-speaking world. Its
22 long-standing newspaper "Freedom", now online, was set
23 up by Charlotte Wilson and Peter Kropotkin and printed
24 at the offices of the Socialist League with the blessing
25 of William Morris. This was just a few years after

1 Special Branch was founded in 1883, and the anarchists
2 soon found themselves under surveillance.

3 During the first and Second World Wars, the premises
4 of Freedom were constantly raided by the police and
5 anarchists involved were imprisoned. From 1969, the
6 newspaper was produced in a tumbledown, four storey
7 tenement building down Angel Alley in Whitechapel.

8 The then director of Freedom, Vero Recchioni, an
9 anarchists of Italian descent, better known as
10 Vernon Richards, created the Friends of Freedom Press,
11 a limited company responsible for the building, while
12 the day-to-day running of the bookshop and the building
13 was done by the Freedom Collective. Several other
14 groups were also housed in the same premises, including
15 ASS, which no doubt made them a target of the ASS.

16 The building was firebombed by fascists in
17 March 1993. The Friends of Freedom Press are keen to
18 know if intelligence about this attack was gathered by
19 any SDS or other undercover police officer infiltrating
20 the fascist group responsible for the firebombing, and,
21 if so, whether the attack could have been prevented.

22 The Friends of Freedom Press was granted
23 core participant status when it was discovered that
24 Roger Pearce, an SDS spy who used the cover name
25 "Roger Thorley", had been working in their midst between

1 1979 and 1984. Roger Pearce went on to become the head
2 of SDS and later the Commander of Special Branch itself.

3 It came as no surprise to the Friends of
4 Freedom Press that they had been spied on. It is now
5 apparent from the current hearing bundle that anarchists
6 were seen by the SDS as a primary target from
7 the outset. HN326, who used the cover name
8 "Doug Edwards", was told by his bosses to infiltrate
9 anarchist groups, and consequently attended meetings of
10 the West Ham Anarchists and Freedom Press. It was not
11 until 1974 that the Freedom Collective featured as
12 a target in an SDS annual report. Many other targets
13 remain secret some 45 years later, their names having
14 been redacted by the police, MI5 or the Inquiry.

15 The Friends of Freedom Press have had disclosure of
16 11 SDS intelligence reports from 1974 to 1977. However,
17 they have not yet been asked to provide a witness
18 statement. What is apparent from the limited disclosure
19 they have is that the privacy redactions have been
20 applied, making it impossible to approach anybody for
21 their recollections. Most of the redacted names are
22 probably known to the current directors of Friends of
23 Freedom Press, and it is imperative, if they are to be
24 able to say anything useful in a witness statement, that
25 these names are disclosed to them.

1 On a sadder note, sir, Donald Rooum, life-long
2 anarchist and cartoonist, who attended meetings with you
3 and was keen to be engaged in the Inquiry, simply had to
4 wait too long. He died last year at the age of 83. He
5 knew all the people around Freedom Press from the 1960s
6 onwards. It shows how delay has led to potential
7 witnesses dying, unable to give evidence and unable to
8 assist the Inquiry in getting to the truth.

9 The Friends of Freedom Press will have more to say
10 in later tranches and phases.

11 Next, Norman Blair.

12 Norman Blair has been a teacher for the last
13 20 years -- a yoga teacher, excuse me, for the last
14 20 years. Prior to this, he worked for Hackney Council
15 as a housing benefit adviser and was a union shop
16 steward. He has been a political, social and
17 environmental activist since the early 1980s when he
18 joined London Greenpeace. He met undercover officers
19 Bob Lambert and John Dines. Special Branch and MI5 no
20 doubt have a thick file on him.

21 At the G8 anti-globalisation protests in Genoa in
22 2001, Mr Blair was badly assaulted by Italian riot
23 police. With others, he co-operated with the Italian
24 prosecuting authorities to convict senior police
25 officers of this assault. It was during this protest

1 that the police shot and killed Carlo Giuliani, injured
2 scores, and attacked demonstrators with armoured cars
3 and tear gas. Mr Blair has yet to receive any
4 disclosure about the spying on him. He, too, endorses
5 the opening statement to be given by David Morris.

6 Mr Blair believes that the SDS officers on
7 the ground, who he came across in the 1980s and 1990s,
8 were out of control and had been tasked to raise
9 the stakes by those higher up the chain of command.
10 They tried to incite criminal offending. They were
11 unafraid of assaulting others. They were experts at
12 instigating division in political groups, in order to
13 try and render them ineffective. They had become
14 increasingly proactive and engaged as agents
15 provocateurs, almost certainly to prove their worth to
16 their superiors and political masters, thereby
17 perpetuating the myth that the intelligence they
18 provided had real value. Mr Blair hopes these themes
19 will be explored during the evidence to be given in
20 tranches 2 and 3 that cover the period after 1982.

21 In fact, almost all the other groups
22 that undercover officers infiltrated had in them
23 ordinary, and extraordinary, people, who wanted to make
24 a difference and had the best of intentions. This meant
25 protesting and campaigning for change. This is how

1 society evolves for the better, with people struggling
2 for their rights.

3 Next, the Adams family: Audrey, Nathan and
4 Richard Adams.

5 In 1991, the Adams family had been settled in their
6 home in Abbey Wood, south-east London, for five years.
7 Richard Adams worked as a station supervisor at
8 Blackfriars Station. Audrey Adams was a pensions
9 manager at the London Borough of Lewisham. When Richard
10 and Audrey Adams were at work, it was Rolan, aged 15,
11 their oldest child, who took responsibility for his
12 younger brother and sister, Nathan, aged 14, and Lauren,
13 aged 6. Rolan took Lauren to school and picked her up
14 after to take her home, feed her and start her on her
15 homework, until their parents arrived home from work.

16 Rolan was a studious young man about to take his
17 GCSEs. He was a talented footballer who had been
18 scouted by West Ham United. Was also a talented
19 musician. Music was his passion. Rolan built a music
20 studio in his bedroom. He performed live and wrote
21 scores of songs which remain unpublished.

22 Nathan was academically gifted, too. He was
23 a footballer as well. In 1990, he signed a lucrative
24 apprenticeship with Wimbledon Football Club, who were
25 then a top-flight team.

1 On 21 February 1991, Rolan and Nathan played table
2 tennis at a youth club in nearby Thamesmead. They left
3 the club and waited at the bus stop to go home. A gang
4 of about 12 to 15 white youths saw them and chased them,
5 some shouting racist abuse. Almost immediately, Rolan
6 was fatally stabbed in the throat with a butterfly
7 knife. He started to run, shouting to Nathan to run
8 also. That is how they became separated. Nathan was
9 chased around Thamesmead but managed to escape. When he
10 returned to the scene, he found his brother dying.

11 Rolan and Nathan were not the first black boys to be
12 brutally attacked in the area; several others had been
13 hospitalised in the months leading up to Rolan's tragic
14 murder. The substantial increase in racist attacks in
15 the area had begun when the British National Party moved
16 its headquarters to nearby Welling in 1989. The attack
17 on the brothers and Rolan's murder brought to a head
18 simmering racial tensions and violence.

19 The brothers' attackers were among those who had
20 been regularly terrorising the local black community.
21 Some called themselves the Nazi Turn Outs. Richard and
22 Audrey Adams believe that had the police effectively
23 policed these earlier attacks, they might have prevented
24 the attack on their sons.

25 As it was, the attackers were already known to

1 the police, so it was easy for the police to identify
2 and arrest them. However, most of them were bailed and
3 continued to cause problems.

4 From the outset, neither the police nor the Crown
5 Prosecution Service would accept that Rolan's murder
6 was racially motivated. They deracialised the crime and
7 mischaracterised it as a fight over territory. This has
8 been an age-old problem that victims of racist crime
9 have had to endure, namely a refusal by the police and
10 other public authorities to recognise the racist motives
11 and intentions of perpetrators. The police branded
12 Rolan and Nathan with the racist stereotype that black
13 boys cannot be innocent.

14 Nathan, only 14 years old at the time, was
15 ill-treated by the police. Although he, too, was
16 attacked, nobody was ever prosecuted for assaulting him.
17 Within weeks of Rolan's murder and for the first time in
18 his life, Nathan started getting harassed and
19 criminalised by the police. He was regularly stopped
20 and searched on the street. He was detained and
21 charged. He was told that he was banned from going to
22 Thamesmead.

23 Of the white youths arrested, only Mark Thornborrow
24 was charged with murder. He stood trial and was
25 convicted. Despite the prosecution deracialising

1 the crime, the trial judge summed up the case on
2 the basis that the attack on Rolan was racially
3 motivated and sentenced Mark Thornborrow accordingly.
4 This was the first official recognition by the state
5 that the murder of Rolan Adams was a racist attack.

6 Given the willingness of the police and the CPS to
7 use the principles of joint enterprise to product as
8 many members of a group as possible on the basis that
9 they are accessories who assisted or encouraged
10 violence, why did such willingness dissipate when it
11 came to the prosecution of these racists? The failure
12 to product any of the other attackers with murder was
13 indefensible.

14 After Rolan's murder, and in the face of a lack of
15 support from the police and the local authority, Richard
16 and Audrey Adams, together with relatives and friends,
17 formed the Rolan Adams Family Campaign to secure justice
18 for Rolan. Over the years, the family campaign grew,
19 reaching out to other victims of racist violence and
20 racism. It also played an integral part in efforts to
21 shut down the British National Party's headquarters in
22 Welling. Maybe Mark Thornborrow's trial judge learned
23 something about the true nature of Rolan's murder from
24 the family campaign.

25 The police were hostile to the family campaign from

1 the very beginning. For months after Rolan's murder,
2 the police stopped friends and relatives who came to
3 visit the family. The Adams asked the Inquiry to
4 explain why they were stopped and how the police knew
5 who they were.

6 Meanwhile, the Adams were receiving threatening
7 telephone calls, with some callers gloating about
8 Rolan's murder. They were getting harassed, as were
9 their friends and relatives.

10 So bad was the harassment and so absent was any
11 police protection that the Adams were advised by
12 the local authority and the local Commission for Racial
13 Equality that they were in danger. They were told to
14 leave their home that very night. This they did, just
15 three months after Rolan's murder and while the family
16 were still in dreadful shock and mourning. The Adams
17 ask the Inquiry to consider whether, if the undercover
18 police activity had been focused on the white racists
19 and not on themselves, the family could have been kept
20 safe.

21 It was the most terrible time for all the family.
22 Nathan Adams says:

23 "I was broken by the attack, the police and the
24 trial. I was a mess, destitute, at war with the world. I
25 was a child. It makes how I was treated even more

1 unacceptable. I withdrew from society. I became
2 paranoid, looking for exits when I went inside, and
3 checking out if there were any instruments that I could
4 use to defend myself if I were attacked. I wore loose
5 clothing, so my movements were not restricted. I would
6 not let people hug me. I came to understand that being a
7 victim did not mean I was treated fairly. Instead it had
8 put my life in jeopardy. It brought to light how
9 everyone was not treated equally. Being murdered did not
10 mean Rolan's name was treated with respect."

11 Nathan lost his apprenticeship with
12 Wimbledon Football Club.

13 When granting the Adams core participant status,
14 the Inquiry indicated that there was mention in the SDS
15 intelligence files of infiltrated groups allegedly
16 trying to exploit the family campaign for their own
17 purposes and mention of the family campaign and
18 the issues it was raising featuring prominently in
19 the regular protests in the early 1990s outside
20 the British National Party headquarters in Welling.
21 This is all the Adams have been told so far.

22 In the nearly 30 years since Rolan was murdered by
23 racists on the streets of London, the pain, grief and
24 anger that the Adams feel have not diminished. They are
25 angry that only one of Rolan's killers was prosecuted

1 and convicted of murder, with four others given
2 community service for minor public order offences. They
3 are angry at the culture of denial that has seen Rolan's
4 racist murder largely airbrushed from history. They are
5 angry about today's knife crime crisis that they believe
6 is a manifestation of the police targeting of black
7 youths in the aftermath of increasing racist violence in
8 the 1980s and 90s. They feel let down by the police,
9 the justice system and politicians. The delay in
10 the Inquiry starting and the failure to provide them
11 with any disclosure enhance their anger.

12 They believe that if the police had taken decisive
13 action following Rolan's murder to tackle racist
14 violence in the area, if the police had turned their
15 intelligence-gathering away from them and on to
16 the racists, it is possible that the police could have
17 prevented other racist attacks and other racist murders
18 in the area. They ask whether, for instance, the life
19 of Rohit Duggal, murdered in a racist attack in
20 July 1992, could have been saved.

21 They ask whether, for instance, the racist attack on
22 Duwayne Brooks and the racist murder of Stephen Lawrence
23 in April 1993, which happened in very similar
24 circumstances just a few miles away, could have been
25 prevented.

1 And whilst they note that there have been some
2 advances since the 1990s, and racism is taken more
3 seriously in some circles now than it was then, they
4 believe that institutional racism remains endemic in our
5 society and that there remains a toxic culture of
6 racism, one that is more covert, nuanced and
7 sophisticated than it was 30 years ago.

8 It is a culture that is even more ominous when it is
9 the culture of those who have power over us, such as
10 the police, operating under cover and hidden from public
11 scrutiny.

12 Richard and Audrey Adams demand an explanation as to
13 why the police spied on their family, given they were
14 parents who had lost a child and were law-abiding
15 citizens who simply wanted justice for their murdered
16 son. They question whether the police would spy on
17 a white family in similar circumstances. Any inquiry
18 worth having will answer that question.

19 Richard Adams says:

20 "The backdrop at the time was rising racist attacks
21 and murders. Contrast that with increasing arrests and
22 convictions of young black men. It was really, really
23 frightening and disturbing for black parents. Every
24 time the phone rang, we feared the worst. Is it death
25 or is it prison for Nathan? Who was protecting our

1 young black boys? We had to try our best to keep my
2 surviving son, and all the other black boys and girls
3 who were affected, safe, owing to the lack of police
4 protection. And to think we were the ones who were
5 subjected to undercover police surveillance. Who could
6 have sanctioned such an unjustifiable travesty?"

7 The Adams are concerned that you, sir, are not being
8 assisted by a diverse panel during your determination of
9 the facts. They are worried that the role of racism in
10 undercover policing will remain hidden.

11 Nathan Adams says:

12 "Learning that I had been spied on made me a bit
13 sane again. It closed a chapter in my life as to my
14 thought processes. Before I had had that sense that
15 something was not right. It had made me paranoid. It was
16 surreal. I am 44 now. The delay of 30 years before
17 telling me confirmed that no one cared about Rolan's
18 name, my family or me, nor what the effect might have
19 been on us.

20 "I want the Inquiry to get to the truth, to be
21 transparent and to hold people in high places
22 accountable. I feel that the Inquiry is not interested
23 in the truth and seems to be more about damage
24 limitation. The further delay by the Inquiry in giving
25 us information at all about the spying is downright

1 rude. Its processes disregard our human rights. There is
2 no real reason for not live streaming the evidence, so
3 we can see and hear it. It seems they just want to
4 remain in control. They just don't care how it looks."

5 Richard and Audrey Adams would like to add that they
6 have long believed that they were spied on. Over
7 the years, they've taken steps to limit the intrusion.
8 For example, they stopped using their landlines because
9 they thought they were being bugged. They had nothing
10 to hide, but they had their privacy to protect. When
11 they raised the matter with several agencies, they were
12 made to feel as if they were paranoid and stupid.

13 Confirmation of their fears leads them to ask on whose
14 side is the criminal justice system?

15 Ultimately, the treatment of Audrey, Nathan and
16 Richard Adams by the police and the producing
17 authorities is emblematic of how our criminal justice
18 system can risk dehumanising black people and black
19 families. That it should include undercover
20 surveillance of the family of a boy murdered in a racist
21 attack heightens the urgency of a thorough and
22 open-minded public inquiry.

23 Next, sir, Duwayne Brooks OBE.

24 In 1993, Duwayne was 18 years old. He lived in
25 Charlton, south-east London. He was at college,

1 training to be an electrical engineer. The police had
2 not featured in his life. Stephen Lawrence was his
3 close friend.

4 On the night of 22 April, the two black teenagers
5 were waiting at a bus stop in Eltham when they were
6 attacked by a group of white youths shouting racist
7 abuse. Stephen was murdered. Duwayne suffered
8 post-traumatic stress disorder for the following decade.
9 He is now 46. The trauma shapes his life even today.

10 Duwayne told the police about the racist abuse.
11 The police were so hostile about it that Duwayne felt
12 the police were playing Jedi mind tricks on him. Scared
13 and alone, Duwayne had the courage to stick to
14 the truth. It is his courage that enabled the racist
15 nature of the attack to be exposed.

16 It is chilling how the experience of Duwayne Brooks
17 and his treatment by the police mirror the earlier
18 experience of Nathan Adams and his treatment by
19 the police. Both were black boys from south-east
20 London. Both were the surviving victims of murderous
21 attacks. Both were harassed by police officers who
22 sought to undermine their accounts. Both suffered
23 severe trauma that was ignored by the police. Both
24 were racially stereotyped by the police. Both were
25 treated like criminal suspects, not victims of crime,

1 with no charges ever brought in relation to the racist
2 attacks on them. Both were victims of institutional
3 racism that permeated the police. Both were subjects of
4 undercover policing.

5 Despite his treatment by the police, Mr Brooks has
6 done everything that was asked of him. He has assisted
7 three separate police investigations. He made at least
8 nine statements during the first investigation alone and
9 attended three identification parades and various
10 drive-arounds. During the private prosecution in 1996,
11 he gave evidence as requested, despite being medically
12 unfit to do so. He was taken into a scary form of
13 witness protection, guarded by a police officer linked
14 to the family of one of the suspects. During the 2011
15 trial of Gary Dobson and David Norris, Mr Brooks gave
16 evidence, despite the death of his father the night
17 before. His self-effacing efforts were largely
18 unappreciated. The two men were convicted.

19 Mr Brooks has been equally committed to exposing
20 racism and corruption in the police generally. Amongst
21 others, he has assisted the Macpherson Inquiry,
22 the Independent Police Complaints Commission,
23 the Independent Office for Police Conduct,
24 Operation Herne and the Ellison Review. Largely hidden
25 from the limelight, Mr Brooks continues to be dedicated

1 to the pursuit of the truth.

2 Despite this, or maybe because of this, Mr Brooks
3 has been subjected to shocking levels of police
4 harassment and covert surveillance, as revealed by
5 the Ellison Review. Mr Brooks has been told he was
6 targeted by an undercover officer, in order to try and
7 discredit him. Counsel to the Inquiry mentioned in his
8 opening statement that Mr Brooks has faced serious
9 criminal charges. It is important to add that Mr Brooks
10 was acquitted of those criminal charges.

11 Deputy Assistant Commissioner John Grieve of
12 the Metropolitan Police has admitted covertly recording
13 a meeting with him and Mr Brooks' solicitor,
14 Jane Deighton, in May 2000. This was one of a series of
15 meetings requested by the police in order to brief
16 Mr Brooks about the current state of the investigation
17 into Stephen Lawrence's murder, a meeting that took
18 place during the post-Macpherson era, when the police
19 were supposed to have learned lessons from the past.

20 Mr Brooks argued for and welcomed the Inquiry and
21 the discussions he had with the then Home Secretary and
22 the Inquiry team in the build-up to its opening. Since
23 then, he's become increasingly despondent, but currently
24 remains prepared to stay involved. His continued
25 participation is all the more praiseworthy given

1 the treatment he and other non-State core participants
2 have had at the hands of the Inquiry.

3 Firstly, Mr Brooks has received no disclosure from
4 the Inquiry. Secondly, Mr Brooks, along with all
5 the other non-State core participants, bar one, is being
6 denied live streaming of the evidence. Unless they can
7 attend the Inquiry venue, they are being deprived of
8 the opportunity to see and hear the evidence and
9 participate effectively. Thirdly, you, sir, sit alone
10 during the evidence without a diverse panel to assist
11 you.

12 As far as the Inquiry itself is concerned, I can be
13 brief about Mr Brooks' position. It's simple. When
14 Mr Brooks is provided with full disclosure about
15 the undercover policing against him, he will address it.
16 But not until then. He is the first to accept that he
17 has, as a result of a long struggle, received far more
18 information about the spying on him from
19 the Metropolitan Police and others. He has more than
20 most. But he has received nothing from the Inquiry, and
21 there is a lot more to come.

22 What Mr Brooks is not prepared to do is be treated
23 like a suspect all over again, giving yet another
24 account, answering the Inquiry's questions in advance,
25 as if the burden is on him to establish that there was

1 no good reason for the police spying on him.

2 Finally, sir, Ken Livingstone.

3 Ken Livingstone needs little introduction. He is
4 best known for being the leader of the Greater London
5 Council, the GLC, from 1981 until its abolition by
6 Margaret Thatcher in 1986, the Member of Parliament for
7 Brent East from 1987 to 2001 and the first elected Mayor
8 of London from 2000 to 2008. However, he was
9 politically active long before 1981.

10 In his memoirs "You Can't Say That", Mr Livingstone
11 describes himself throughout 1968 as "an observer glued
12 to the TV, hoping that a new politics would be born".

13 By the end of the year, he had decided to join
14 the system and change it from within. Against
15 a backdrop of protests and anti-immigrant rhetoric,
16 including Enoch Powell's "Rivers of Blood" speech,
17 Mr Livingstone took the leap and joined the Labour Party
18 in 1969, a move he called "a rare example of a rat
19 boarding a sinking ship".

20 Within months, Mr Livingstone was elected to various
21 positions within his local Labour Party branch in
22 Norwood. Initially, his primary focus was on
23 the housing crisis in Lambeth. In 1973, he was elected
24 for Norwood to the GLC. In 1977, he was elected for
25 Hackney North and Stoke Newington to the GLC.

1 Mr Livingstone has received a minuscule amount of
2 disclosure from the Inquiry. It is not clear from
3 the material disclosed why the police and MI5 starting
4 spying on Mr Livingstone. It appears to have started in
5 the 1970s. It may have been because of Mr Livingstone's
6 involvement on the left of the Labour Party, or his
7 involvement in campaigning for British troops to get out
8 of Northern Ireland.

9 In 1981, Mr Livingstone was elected for Paddington
10 to the GLC as the Labour Party took control. Within
11 24 hours, Mr Livingstone was elected leader, a position
12 he retained until the abolition of the GLC in 1986.

13 From the moment he was elected GLC leader,
14 Mr Livingstone was subjected to relentless abuse and
15 vilification by the press and the Tory government.
16 Fears began to mount for his safety. It was
17 Special Branch that warned the head of security at
18 the GLC that extremist groups were monitoring
19 Mr Livingstone's movements, albeit they said they could
20 not provide him with protection.

21 Despite the threats to his life, Mr Livingstone
22 continued to raise issues about racism, sexism,
23 homophobia, Ireland and Palestine. On Ireland,
24 Mr Livingstone insisted that there could never be peace
25 in Northern Ireland without a negotiated settlement with

1 Irish Republicans.

2 When he went to Belfast in 1983 and met Gerry Adams
3 of Sinn Fein, he was denounced by the press and the Tory
4 government as an enemy of the people. But history has
5 proven him right, although it was not until April 1998
6 that the Good Friday Agreement was reached.

7 After the Tory government abolished the GLC,
8 Mr Livingstone was selected as the Labour parliamentary
9 candidate for Brent East and was duly elected in the
10 1987 general election. He found the atmosphere in
11 Parliament uncomfortable, labelling it "absolutely
12 tribal" and asserting that "it's like working in
13 the National History Museum, except not all the exhibits
14 are stuffed."

15 In his maiden speech, Mr Livingstone used
16 Parliamentary privilege to highlight the allegations of
17 a former MI6 operative in Northern Ireland that there
18 had been MI5 collusion with Ulster loyalist
19 paramilitaries. Soon after he received a visit from
20 Special Branch. He was told that extremist groups were
21 monitoring his whereabouts, and he was advised to vary
22 his pattern of travel. Years later, after being elected
23 Mayor of London, it was made public that an
24 Ulster Defence Association assassin had followed him but
25 the shooting was cancelled at the last minute.

1 In his memoirs, Mr Livingstone writes about meeting
2 Sir John Stevens, the Metropolitan Police Commissioner,
3 and getting the distinct impression that a British agent
4 on the UDA army council had talked them out of it.

5 Mr Livingstone adds that when he met MI5 boss
6 Eliza Manningham-Buller, he said he would like to buy
7 the agent concerned a meal, but she never got back to
8 him.

9 This is an example of legitimate and necessary
10 undercover policing by a Security Service operative,
11 namely the infiltration of the UDA, a prescribed
12 terrorist organisation that was engaged in serious and
13 violent organised crime.

14 Mr Livingstone remained an MP until 2001. Many
15 years later, in 2015, Peter Francis, the former SDS
16 undercover officer turned whistleblower, publicly
17 revealed that the police had conducted spying operations
18 on a string of elected Labour politicians during
19 the 1990s, including Mr Livingstone. Peter Hain,
20 another former MP and non-State core participant, raised
21 the matter in the House of Commons.

22 This raises fundamental questions about
23 Parliamentary sovereignty and privilege, principles that
24 are vital to our democracy. It is unconscionable that
25 the secret state spies on elected politicians

1 representing the will of the people. It endangers
2 the liberty of us all.

3 When asked for his views, Mr Livingstone had this to
4 say:

5 "Did they think we were a threat to the western
6 system? What's so ridiculous is that we were being
7 subjected to IRA bombings right the way through that
8 period and they were wasting officers spying on me and
9 Tony Benn. It's a complete waste of police resources.
10 People like me and Tony Benn were never a threat to
11 capitalism because we never had the powers and always
12 opposed violence. I'd love to see the files. My kids
13 would love to see the files. I hope they get around to
14 releasing them before I die."

15 In 2000, Mr Livingstone was elected Mayor of London
16 as an independent candidate. He introduced
17 the congestion charge, the Oyster card and free bus and
18 tube travel for 11 to 18-year-olds. In 2004, he was
19 re-elected, this time as the Labour candidate. He was
20 Mayor at the time of the 7 July 2005 bombings. His
21 handling of the situation was widely praised. He also
22 oversaw London's successful bid for the 2012 Olympics.

23 As Mayor of London, Mr Livingstone had oversight
24 over the Metropolitan Police. We have yet to receive
25 any disclosure from the Inquiry to indicate whether

1 Mr Livingstone was spied on whilst Mayor. Neither of
2 the Metropolitan Police commissioners, whom
3 Mr Livingstone met regularly during his eight years as
4 Mayor, let him know. If he was being spied on during
5 this period, this raises yet another set of
6 constitutional questions. Mr Livingstone hopes
7 the Inquiry will provide the answers.

8 Mr Livingstone has been a public political figure
9 for more than 50 years. He has never had anything to
10 hide. His views on a range of issues are well known and
11 have always been stated in public. He has no doubt that
12 it was his activism and his position on the left that
13 led to him being targeted by the secret state. He is
14 convinced that his phone was being bugged when he was
15 leader of the GLC. He cannot see any justification for
16 any spying on him by the state, either before or after
17 he was elected to public office. He believes that
18 the threat of serious violence or other serious crime,
19 a threat he most definitely did not pose to anybody, is
20 the only justification for that kind of invasive
21 scrutiny.

22 Sir, in conclusion, the Special Demonstration Squad
23 was a weapon in the arsenal of the British state from
24 1968 to 2008 when it was disbanded, although other units
25 continued to engage in secret, anti-democratic political

1 policing thereafter. The objectives of the SDS were to
2 prevent positive social change, keep people in their
3 place and allow the established order to thrive. To
4 answer the question posed by counsel for the Designated
5 Lawyer Group: the ends do not justify the means as far
6 as the non-State core participants who I represent are
7 concerned.

8 It is important to remember at all times that
9 the victims of undercover policing were not just those
10 spied on, some of whom had their lives ripped apart by
11 the consequences. The victims include all of us who
12 want to see a more open, fair and democratic society.

13 The non-State core participants who I represent --
14 and many, many others as well, I should add -- are here
15 to try and shine a light, to let the world see into
16 the dark den of secret police, spooks and spies,
17 although they know that most of this world will remain
18 hidden forever. They hope their participation in
19 the Inquiry will have some value, and will allow people
20 to discover at least some of the truth.

21 In 1962, Martin Luther King Jr made a speech in
22 which he stated that "the guardians of the status quo
23 are always on hand with their oxygen tents to keep
24 the old order alive." We trust that the Inquiry will not
25 prove to be such a guardian.

1 Thank you.

2 THE CHAIRMAN: Thank you, Mr Menon. I apologise for
3 the interruption that you sustained, but you triumphed
4 by surmounting it. Thank you.

5 MR MENON: Thank you, very much.

6 THE CHAIRMAN: Can we begin again, please, not at 11.55 as
7 the current timetable says, but at 11.45.

8 MS PURSER: Thank you, everyone. We will now take a break
9 until 11.45, where we will hear the opening statement
10 for the core participants represented Mike Schwarz,
11 Simon Creighton, Tamsin Allen and Jules Carey.

12 Thank you.

13 (11.30 am)

14 (A short break)

15 (11.45 am)

16 MS PURSER: Welcome back, everyone. I will now hand over to
17 the Chairman to continue proceedings.

18 Chairman.

19 THE CHAIRMAN: Mr Ryder, thank you for your patience during
20 this morning's disruptions. I understand that your
21 opening statement is going to be broken into three parts
22 and the first part may take you a little beyond
23 1 o'clock. Don't worry if that happens. Pause at
24 a natural time to suit you.

25

Opening statement by MR RYDER

MR RYDER: Thank you very much, sir.

I make this opening statement on behalf of over 100 individuals and groups, all of whom are core participants in this Inquiry.

All of them were subject to undercover police surveillance that was inappropriate, improperly regulated, and which abused their rights. They want answers from this Inquiry, and ask that this Inquiry make recommendations that prevent this experience happening to others.

They come from a wide variety of backgrounds, ages, ethnicities and political views. They share an outrage at the experience that each of them suffered. They deserve answers for the experience 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.

Sir, their experiences span a period of more than 40 years, from 1968 to the present day. 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

1 senior political figures, including Members of
2 Parliament and a member of the House of Lords who is
3 also a former Secretary of State.

4 A common feature that you might, sir, experience is
5 that the political surveillance to which they were
6 subjected was not merely out of control but it was
7 politicised. They expect the evidence to show that
8 through the entire period, undercover policing was
9 severely tainted, corrupted, by political motivations
10 and political bias.

11 A lack of structure and oversight allowed political
12 biases and improper motives to become commonplace in
13 the selection of target groups for surveillance. That
14 bias infected the entire decision-making process, from
15 policy and strategic decisions, to how operations were
16 carried out and what was considered acceptable.

17 Sir, it is also important to recognise at this early
18 stage that for many of these core participants, the bias
19 that resulted in them being selected for surveillance
20 had a racial dimension. Racial bias is something these
21 core participants would like this Inquiry to explore
22 assiduously. You will hear how ordinarily people
23 campaigning against racism and police misconduct that
24 unfortunately had been present in British policing for
25 decades were targeted for spying by undercover policing,

1 apparently with a view at times to finding ways to
2 discredit their legitimate campaigns.

3 Our democratic process has suffered as a result of
4 illegitimate and inappropriate undercover surveillance
5 of this kind. We will never know the true cost.

6 Legitimate, important campaigns, such as the one first
7 to be considered by this Inquiry, the campaign against
8 Apartheid in South Africa, were hindered and targeted
9 inappropriately. The campaigns and the voices that
10 should have been amplified because their cause was
11 the right one were the ones targeted for police action.

12 We, as a society, will never know what progress we
13 could have had today, or how much sooner the progress we
14 have reached would have come, if it hadn't been for
15 the political interference by police in those campaigns.

16 That kind of secret, unregulated, out of control,
17 politically-tainted undercover policing importantly also
18 discredits and undermines legitimate undercover policing
19 work.

20 Spying took place on those involved in campaigns
21 against apartheid, those seeking to achieve justice for
22 loved ones wrongly killed, those campaigning on social
23 and environmental issues. Policing decisions towards
24 those people were deeply flawed, people whose efforts
25 and struggles and the causes they espoused have been

1 vindicated over the years as time has passed. Those are
2 the people who were treated as people to be spied on.

3 What they experienced is shocking. This Inquiry
4 will hear that some of the core participants were
5 convicted of criminal offences when they should not have
6 been. The involvement of undercover officers in
7 the very acts that the people were convicted of was
8 hidden even from courts and prosecutors.

9 This Inquiry will also hear that some of
10 the core participants were encouraged into their
11 activity by the undercover officers, only then to be
12 targeted by authorities for the very activity into which
13 the undercover police officers had encouraged them.

14 Most insidiously, all of these core participants
15 were subject to spying and reporting on their personal
16 lives. Records and data was stored about them for
17 decades without any justifiable purpose. Information
18 about them was used and shared, and may have affected
19 their lives in ways they still do not fully know and may
20 never learn.

21 Of the more than 100 participants for whom I'm
22 making this only statement, four are in Tranche 1.
23 Three are anti-apartheid campaigners: Lord Peter Hain,
24 Ernest Rodker and Professor Jonathan Rosenhead.
25 The fourth is Celia Stubbs. She was the partner of

1 Blair Peach who was killed by a police officer in 1979,
2 and she campaigned for police accountability for his
3 killing and against the cover-up that followed it.

4 The remainder of these core participants who are not
5 in Tranche 1 have received no disclosure yet. That
6 means that still, even at this stage, as the evidence in
7 the Inquiry is about to be heard, they do not know what
8 records were kept about them, what was done to them, and
9 why it was done. It is a state of affairs that leaves
10 them immensely frustrated. They find it unacceptable.

11 The length of the period of undercover activity
12 spanned by these core participants is also important
13 because it reveals that the misconduct this Inquiry will
14 be investigating does not belong to a bygone era.

15 Improperly regulated undercover policing and its part in
16 serious injustices has continued to the modern day.

17 The enactment of the Regulation of Investigatory
18 Powers Act in 2000 was designed to regulate unlawful
19 behaviour and inappropriate covert surveillance, but it
20 did not prevent this activity from continuing. In fact,
21 the resilience and protean nature of this form of police
22 misconduct, even after RIPA came into effect, is one of
23 the more disturbing features.

24 The core participants are participating in this
25 Inquiry because they want the lessons and

1 recommendations from this Inquiry -- from you, sir -- to
2 be forward-looking. The purpose of their participating
3 is not only to understand what went so badly wrong in
4 the past, but also to ensure that there is relevant
5 guidance for policing in the future, in an era of
6 digital undercover policing, in order to stop this kind
7 of misconduct and what led to it from continuing.

8 This Inquiry will be investigating a dark and
9 unpleasant chapter of British policing and British
10 political history. The difficulties, pain and
11 challenges involved make this a unique opportunity for
12 much needed reflection and change. If embraced
13 properly, the Inquiry should be a moment for much needed
14 change. These core participants are keen finally to
15 learn the details of the life-changing state
16 interventions that have been kept hidden from them for
17 so long.

18 The information made available to date by the police
19 and the Inquiry has been limited and tightly controlled.
20 These core participants all want the fullest disclosure
21 and transparency so that all lessons can be learned.

22 For one core participant, Robert Banbury, his
23 frustration with the disclosure provided by the Inquiry
24 to date is such that he wishes to say:

25 "I make no statement because this Inquiry has been

1 intentionally rendered incapable of achieving its
2 objectives and is in contempt of its obligations."

3 That was his view.

4 Sir, in order to give some structure to the rest of
5 the opening, it might be helpful to indicate it falls in
6 three parts which explain how the core participants were
7 targeted and how they were affected.

8 Section or part 1 -- section 1 is the targeting of
9 political and social justice campaigns. That is
10 a section I will be dealing with for most of the rest of
11 this morning.

12 Section 2 is the targeting of family justice
13 campaigns and community organisations.

14 And section 3 is the participation of
15 undercover officers in protests and the miscarriages of
16 justice.

17 In covering those three sections, there are also
18 five recurring themes that occur within each section.

19 First, the unjustified and politicised nature of
20 undercover policing.

21 Second, the lack of any effective system of checks
22 and balances.

23 Third, the lack of any proper oversight.

24 Fourth, racial bias and racism that occurred within
25 undercover policing.

1 And, fifth, a culture of contempt and abuse towards
2 the rights of those targeted, including gross disregard
3 for breaches of fundamental human rights.

4 Sir, at the conclusion of this opening statement, we
5 set out the questions each of those core participants
6 want this Inquiry to answer.

7 So I begin with section 1: the unjustified and
8 disproportionate targeting of political and
9 social justice campaigns.

10 This occurred for the entire period for which these
11 core participants are covered in this Inquiry.

12 On many occasions, the activities of
13 undercover officers went beyond just attendance and
14 observation of groups. Undercover officers took on
15 active roles within the campaigns, influencing
16 the political direction of the campaigns and the means
17 of protest chosen. At times, they took key instigating
18 roles in the very activity they were targeting for
19 surveillance.

20 The implications of this are profound: police
21 officers taking an active role in the political
22 direction of the movements they infiltrated. This, we
23 suggest, is the very antithesis of what many believe
24 British political culture, our democracy, should be
25 about.

1 In his 1968 paper, "Penetration of Extremist
2 Groups", in which Conrad Dixon suggested setting up
3 the SDS, he wrote:

4 "A firm line must be drawn between activity as
5 a follower and a leader, and members of this squad
6 should be told in no uncertain terms that they must not
7 take office in a group, chair meetings, draft leaflets,
8 speak in public or initiate activity."

9 We will hear evidence that this firm line was
10 crossed by officers within the first few years of
11 the unit's existence.

12 The Home Office's terms of reference for
13 Special Branch produced in April 1970 stated:

14 "It is important that special branches should have
15 a clear idea of what constitutes 'persons and
16 organisations which may be judged to be subversive ...
17 [by] the State'."

18 And it went on to say:

19 "Broadly speaking these are any organisation or
20 individuals whose purpose is the undermining or
21 overthrow of the established democratic order."

22 Sir, it is hard to see how the groups we describe
23 below could possibly meet this definition of
24 organisations seeking "overthrow of the established
25 democratic order", unless this is read as a proxy for

1 meaning "any group seeking meaningful, social or
2 political change".

3 The Anti-Apartheid Movement of the 1970s.

4 The surveillance of these core participants began in
5 1969, when officers from the SDS began to target
6 the Anti-Apartheid Movement and related groups.

7 I wonder if we could have image 1, document 008,
8 please -- document 008 on the screen. {DOC008/1}.

9 Thank you.

10 These were campaigners advocating against UK support
11 of one of the most vile and racist practices of the late
12 20th century. To the extent that the SDS viewed
13 anti-apartheid campaigners, or those with whom they
14 associated, as a greater threat to the stability of our
15 society than those who supported apartheid and often
16 used violence in their support of apartheid is in many
17 ways shameful. And that shameful error is not something
18 that could only be clear with hindsight; it should have
19 been clear at the time.

20 Could you take the image down now, please. I seem
21 to have lost my connection.

22 Sorry, sir, for a moment I thought I'd lost my
23 connection. I think I'm back now. Can I continue?

24 Unfortunately, it appears that undercover policing
25 was, from the very beginning, deployed with strategic

1 and political decision-making polluted by misguided
2 political motives, and the Anti-Apartheid Movement
3 illustrates this well -- there were misguided political
4 movements [sic], some of which will seem abhorrent to
5 the public listening to the evidence of this Inquiry.

6 A particular interest of Chief Superintendent
7 Cunningham in the coverage of Black Power groups was
8 noted in a Security Services file of a joint meeting on
9 17 January 1969 with Conrad Dixon, purportedly to
10 discuss joint coverage of Trotskyist and anarchist
11 organisations. The Anti-Apartheid Movement was
12 identified as a target for surveillance in the first
13 annual report of the Special Operations Squad in 1969.
14 Black power groups were also noted as an area where
15 coverage was lacking by the unit.

16 A key feature of the Anti-Apartheid Movement was
17 sporting boycotts. They were recognised as part of
18 the campaign against apartheid in South Africa.
19 The South African cricket team planned to tour the UK in
20 1970, and a campaign was formed to protest against this,
21 the Stop the Seventy Tour, or "STST".

22 At this point I turn to the three core participants
23 active in the STST campaign and in the wider
24 Anti-Apartheid Movement in this period: Ernest Rodker,
25 Professor Jonathan Rosenhead and Peter Hain, now Lord

1 Hain of Neath.

2 The STST's aim was to stop the planned cricket tour
3 by the all-white South African team to England in
4 the summer of 1970. As part of this, it used
5 non-violent direct action to disrupt the all-white
6 Springbok rugby tour of the UK in winter 1969-1970, in
7 order to make clear that the proposed cricket tour in
8 the summer of 1970 should be cancelled. The wider
9 objective was to isolate white South Africa from
10 international support and so help defeat apartheid
11 itself.

12 The importance and contribution these campaigners
13 made to our wider political culture in promoting
14 anti-racism should not be overlooked or minimised. It
15 was significant, in many ways historic. In
16 December 2015, STST's role was recognised at the highest
17 level when Lord Hain received from South Africa the OR
18 Tambo National Award in Silver for his excellent
19 contribution to the freedom struggle.

20 With that background in mind, we noted the way this
21 Inquiry was urged to view matters in the opening
22 statement of the Designated Lawyer. It said this:

23 "The reality is that a significant number of
24 the groups reported on by the SDS had twin objectives,
25 which were essentially totalitarian: furtherance of

1 their own views and suppression of conflicting views.

2 The job of the police in a liberal democracy is to
3 maintain order and enforce the law as determined by
4 Parliament and the courts."

5 And the Designated Lawyer's opening statement went
6 on to say:

7 "The SDS cannot fairly be criticised for assisting
8 the MPS to do its job, or the fact that this was
9 incompatible with the totalitarian objectives of a small
10 minority."

11 If that comment is supposed to explain the spying on
12 those in the Anti-Apartheid Movement, it is, we suggest,
13 a bewildering explanation.

14 But there is also a more general problem with that
15 suggestion. It is not simply the job of the police to
16 maintain law and order. It is the job of the police in
17 a liberal democracy, as part of that liberal democracy,
18 to protect and respect our rights. They go hand in
19 hand. They are part of the same process.

20 The hub of the STST campaign was the modest flat of
21 Peter Hain's parents in Putney. Peter Hain,
22 Ernest Rodker and Jonathan Rosenhead were all involved
23 in the STST. But along with them were also involved
24 a number of undercover officers.

25 One undercover officer involved was Mike Ferguson.

1 He is unusual in this Inquiry in that his real name is
2 known but not his cover name. His role has been
3 described by other undercover officers as acting as
4 Peter Hain's "right hand man". The core participants
5 have been unable to verify this claim because to date
6 they do not know who Mike Ferguson was. His identity
7 remains withheld from them by the Inquiry, even though,
8 as we understand it, he is now deceased.

9 Lord Hain, in particular, remains concerned about
10 this. He is a Privy Councillor, he is a member of
11 the House of Lords, he is a former cabinet minister,
12 a former Secretary of State for Northern Ireland,
13 trusted with briefing of extreme sensitivity for police
14 and armed forces. Yet this Inquiry has still not
15 allowed him to identify the police officer who spied on
16 him in his parents' home, and was supposedly part of his
17 close, inner circle. Notwithstanding his considerable
18 experience in public office, he finds that approach
19 difficult to understand.

20 Assuming that Mike Ferguson did play such a role, it
21 is also a matter of concern that a police officer took
22 on such a prominent position in such a large and
23 significant campaign. This was not simply a case of
24 the police using people within an organisation as
25 informants or covert human intelligence sources. That

1 might have been alarming enough. This was a case of
2 the police trying to control the leadership and
3 direction of a political movement. A serving police
4 officer was put in place to play a key role in
5 the political organisation and to help direct its
6 activity.

7 As a matter of principle, the activities of STST as
8 a legitimate civil liberties campaign should have been
9 conducted and directed and led by genuine campaigners,
10 not by police officers. The actions of Mike Ferguson
11 seem to have been well known to others in the SDS at the
12 time, but he was allowed to continue. And this appears
13 to have been a pattern that recurred into the future.

14 As Ernest Rodker has described in his witness
15 statement to this Inquiry -- and I quote:

16 "We were involved in civil disobedience. We were
17 putting our bodies in the way of Apartheid South African
18 tourists. We were not planting bombs. We were not even
19 carrying out wanton acts, like going into the South
20 Africans' rooms and trashing their belongings. We were
21 doing nothing on the scale of what the South African
22 state regime was doing to its majority black citizenship
23 under apartheid, systematically and repeatedly under
24 cover of the law."

25 The actions of undercover officers also continued in

1 the broader Anti-Apartheid Movement.

2 The core participants have the following concerns about
3 the disproportionate level of undercover police officer
4 surveillance. And there, sir, under this heading, four
5 points.

6 First, what justification was there for surveillance
7 of these groups? The Anti-Apartheid Movement was merely
8 a political campaign.

9 Secondly, when you hear what the explanations are
10 supposed to have been, has there been a retrofitting of
11 justifications that were not actually present at the
12 time? We would ask this Inquiry to treat with
13 scepticism *ex post facto* claims seeking to justify
14 surveillance if there are no adequate records to support
15 those claims.

16 Thirdly, why was there wide-ranging data-gathering
17 and a lack of proper checks and balances about
18 the data-gathering on people? How were those records
19 retained, used, disseminated and shared?

20 The core participants are concerned that personal
21 information that was recorded about them was of no
22 possible policing use, but may have been used to their
23 detriment in other inappropriate ways.

24 Lord Hain, in particular, has expressed concern
25 about not knowing how such reports may have been shared

1 and used against those seeking to carry out legitimate
2 public functions. Ernest Rodker's view of the retaining
3 of personal information over a long period is as
4 follows. He says this:

5 "This is also quite sinister. It is not as if I was
6 an international criminal. It is reminiscent of
7 the behaviour of authoritarian states."

8 For Ernest Rodker, it has no legitimate
9 justification.

10 And fourth, the core participants have concerns
11 about collusion that took place with the Apartheid South
12 African government and Bureau of State Security. It is
13 of concern that, from its inception, the SDS appears to
14 have targeted campaigns concerned with the struggle for
15 racial equality.

16 I turn next to London Greenpeace through the 1970s,
17 80s and 90s.

18 The issues raised in relation to the Anti-Apartheid
19 Movement also apply to actions of undercover officers
20 targeting environmental groups in the 1970s, 80s and
21 90s.

22 London Greenpeace was established following
23 the publication in 1971 in the pacifist magazine Peace
24 News of an influential article subsequently expanded and
25 reissued as a broadsheet, "Greenpeace -- You and Your

1 Environment". This was a compilation of ideas about how
2 individuals could take action in their own lives to
3 preserve the ecosystem. The group was the first
4 Greenpeace group in Europe; one of the first three in
5 the world.

6 London Greenpeace campaigned on environmental and
7 social justice issues, initially primarily against
8 nuclear weapons testing.

9 Could we have document 009 on the screen, please
10 {DOC009/1}.

11 This is the London Greenpeace broadsheet, and
12 although it's impossible to read the text on this
13 screen, if you were able to, you would see the sort of
14 activity, the kind of revolutionary activity it promoted
15 was home composting, turning off the lights when they
16 are not in use, putting a brick in your toilet cistern
17 to reduce the amount of water it uses, doing this in
18 the place of work or study and saying why you've done it
19 and planting trees, possibly, the way it's described,
20 "guerilla tree planting in your area". That was what
21 London Greenpeace was promoting.

22 You can take the image down now, please.

23 London Greenpeace deliberately stayed as a small
24 group of activists, without leaders, with decisions
25 taken by initiative and consensus of those involved,

1 whilst respecting differences of views. It encouraged
2 people everywhere to organise themselves to take
3 practical action and to network with others in order to
4 build up strong and lasting movements to effect retail
5 change. In a flyer produced in 1981, the group
6 described itself as follows:

7 "The London Greenpeace Group has existed for
8 a decade as an independent group of activists -- we
9 share a non-violent and libertarian opposition to
10 the exploitation of the ecosystem. Our origins are
11 a special concern for everyone's personal responsibility
12 to the environment, and in particular commitment to
13 opposing the ravaging of the environment by militarism."

14 That is how the group described themselves. And in
15 the 1980s, both Bob Lambert and John Dines infiltrated
16 London Greenpeace. Both men have been publicly
17 identified. The actions of both, especially Mr Lambert,
18 will require serious scrutiny by this Inquiry.

19 Could you please put up document 010 on the screen
20 {DOC010/1}.

21 That is an image of Bob Lambert. He was a key
22 figure in the undercover surveillance of
23 London Greenpeace, and is a key figure featuring in
24 the evidence in this Inquiry in many ways.

25 Many of his actions as an undercover officer are

1 publicly known, including that he had several intimate
2 relationships with women whilst undercover, and fathered
3 a son with one of those women. His behaviour, those
4 matters, are truly shocking and unjustifiable, and they
5 will be covered in the opening statements made by
6 others; as will other activities of Bob Lambert,
7 including his role in the McDonald's/McLibel campaign.

8 You can take down the picture, please.

9 Bob Lambert infiltrated London Greenpeace in
10 the early 1980s. He took on an active campaigning role
11 within the group, and remained active for a number of
12 years. Throughout much of this period, he was
13 simultaneously infiltrating animal rights groups, but he
14 would regularly encourage those in London Greenpeace to
15 join with hunt sabotage and other protests, including
16 offering them lifts to protests in his van.

17 Following his deployment, Bob Lambert returned to
18 the SDS as a supervisor. The story of Bob Lambert in
19 part reveals how misconduct by officers became
20 entrenched as they moved into senior positions and
21 directed others to carry out similar misconduct.

22 Bob Lambert was still undercover in
23 London Greenpeace in 1987 when another
24 undercover officer, John Dines, joined the group.

25 Could we have document 011 on the screen, please

1 {DOC011/1}.

2 That is an image of John Dines at an anti-McDonald's
3 fair -- at a London Greenpeace stall at an
4 anti-McDonald's fair. John Dines, who we can see there,
5 went on to become the group's treasurer. He also
6 started an intimate relationship with Helen Steel,
7 living with her in a flat in Tottenham. John Dines had
8 a van and would offer to drive people home from meetings
9 in order to find out their home addresses. He also
10 regularly offered lifts to protests to those in
11 London Greenpeace.

12 John Dines was part of London Greenpeace at the time
13 that McDonald's served libel writs on some of those
14 involved in London Greenpeace, but despite playing an
15 active role in the anti-McDonalds campaign, he did not
16 get served with a writ.

17 You can take the picture down now, please.

18 The core participants from London Greenpeace have
19 the four following concerns -- four concerns.

20 First, the active involvement in the political
21 decision-making of London Greenpeace. As I have said,
22 Bob Lambert was actively involved in influencing
23 the political direction of London Greenpeace. In fact,
24 he authored key documents.

25 Bob Lambert was influential in moving the directions

1 of the campaigning work away from mainly ecology and
2 anti-militarism and steering it towards some of the work
3 around animal rights and the anti-McDonald's campaign.

4 In fact, it was following a conversation with
5 Bob Lambert that London Greenpeace started working on
6 the McDonald's campaign that later led to the libel
7 proceedings.

8 Bob Lambert was on the first demonstration against
9 the company at their outlet on the Strand in
10 January 1985.

11 The second concern London Greenpeace have is
12 the deliberate tactics of building relationships with
13 women.

14 Both Bob Lambert and John Dines deliberately built
15 relationships with women to further their infiltration.
16 As well as the relationships with women who have already
17 publicly come forward, Bob Lambert had a further
18 relationship with another women who was part of
19 London Greenpeace in the early 1980s.

20 The repeated use of this tactic in London Greenpeace
21 and, as we shall see, in later groups, clearly
22 demonstrates that it was a known and accepted method of
23 infiltration that was shared between
24 undercover officers. The effect on the women concerned
25 was truly devastating. The adoption of such tactics was

1 unjustifiable by any measure.

2 London Greenpeace's third concern is the way
3 information was collected: a similar concern to that
4 which I have outlined in relation to the Anti-Apartheid
5 Movement.

6 Again, there was unrestricted and unregulated
7 collection of information on those conducting legitimate
8 political campaigns. That is a serious infringement of
9 their fundamental rights. The core participants have no
10 idea of the extent to which their lives have been
11 affected by that data-gathering, about the data sharing
12 about them; much of which, of course, may have been
13 wholly inaccurate.

14 London Greenpeace's fourth concern is the way
15 information was shared with private companies.

16 Many of the targets of London Greenpeace's campaigns
17 were large corporations such as McDonald's.
18 The core participants understand that information
19 collected by undercover officers was shared with these
20 private companies, who also influenced the surveillance
21 operations. Some of those in London Greenpeace appear
22 on the Consulting Association blacklist, listed as
23 environmental campaigners. As their files were not
24 seized by the Information Commissioners Office, they do
25 not know exactly what was recorded, but they share

1 the concerns of blacklisted construction workers about
2 collusion between Special Branch and the Consulting
3 Association.

4 Bob Lambert said this about his role in
5 London Greenpeace:

6 "I apologise unreservedly for the deception
7 I therefore practised on law-abiding members of
8 London Greenpeace.

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

15 But Bob Lambert has also explained his actions in
16 the following way:

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

21 To these core participants, Mr Lambert's attempt at
22 justification for his actions is not acceptable. It
23 undermines his admission; it aggravates the harm he has
24 already caused. Because it cannot credibly be claimed
25 that it was necessary to infiltrate London Greenpeace to

1 achieve any supposed aim preventing serious criminality,
2 particularly since London Greenpeace were, on
3 Bob Lambert's own admission, not involved in any such
4 activity.

5 It was not necessary to attempt to influence
6 the political directions of the group to achieve his
7 purported aim. This was a subversion of the democratic
8 process. It was an interference and a breach of their
9 article 10 and article 11 rights: the freedom of
10 expression and the freedom of association. It certainly
11 was not necessary to form an intimate relationship in
12 order to achieve those aims.

13 For that reason, the apologies are hollow whilst
14 the full extent of the deception practices on
15 London Greenpeace by the SDS still is unknown.

16 In particular, London Greenpeace has concerns that
17 other undercover officers conducted surveillance on
18 London Greenpeace prior to Bob Lambert infiltrating
19 the group, and the details of those undercover officers
20 have not been made known. They have those concerns
21 because it appears very likely that the group was
22 infiltrated by the SDS before Bob Lambert, since
23 a report produced by the Cabinet Joint Intelligence
24 Committee in 1980 stamped "Secret UK EYES A", suggests
25 that by the late 1970s, London Greenpeace was already

1 being spied on by the state.

2 Sir, we've referred to this in detail at
3 paragraph 56 of our written opening statement. I won't
4 quote all of that now, but it is there set out in
5 detail. And it's for that reason that London Greenpeace
6 strongly supports the call for the release of group and
7 individual Special Branch registry files and all
8 remaining cover names, accompanied by contemporaneous
9 photographs of the officers while undercover.

10 That would enable those who were spied on to give
11 relevant evidence to the Inquiry about the impact and
12 the scale of the spying.

13 The next group I'll be referring to is Reclaim
14 The Streets in the 1990s and the 2000s.

15 Reclaim The Streets was a grassroots environmental
16 campaigning group. It was founded in the 1990s to
17 challenge the dominance of car culture over our lived
18 environment. It favoured streets and communities where
19 people could walk, breathe and live, away from
20 the noise, pollution and dominance of cars.

21 It's self-evident that many of the ideas which
22 RTS promoted have now been taken up by wider society and
23 public bodies. They are reflected in measures such as
24 the increased number of pedestrianised zones and lower
25 speed limits in residential areas. It demonstrates --

1 they demonstrate the role and value of campaign groups
2 in creating progress within society.

3 It's publicly known that an undercover officer,
4 Jim Boyling, infiltrated the group between 1996 and
5 2002, using the cover name "Jim Sutton". He was
6 centrally involved in planning protests during that
7 time.

8 Another undercover officer, using the cover name
9 "Jason Bishop", was involved in Reclaim The Streets from
10 around 1999 onwards. "Jackie Anderson" was the cover
11 name of yet another undercover officer involved with
12 Reclaim The Streets.

13 Reclaim The Streets remains concerned that there
14 were other undercover officers whose names have not been
15 revealed who may have infiltrated their group.

16 During the infiltration of Reclaim The Streets,
17 undercover officers were arrested and tried under their
18 false names and assumed identities. This was never
19 disclosed to the people who were their co-defendants in
20 those trials. The core participants do not even know if
21 people being tried under false names was disclosed to
22 judges and prosecutors.

23 By way of example, Jim Boyling was arrested and
24 tried for a public order offence arising from a protest
25 in 1996, when activists cycled around Trafalgar Square

1 in London to bring traffic to a standstill in support of
2 a strike by tube workers. He was one of a group of
3 protesters who then occupied the nearby office of
4 the chairman of London Transport.

5 Jason Bishop was arrested a number of times during
6 the period of his deployment. And both Jim Boyling and
7 Jason Bishop were active in the May Day 2000 protests.

8 Could we have document 014 on the screen, please
9 {DOC014/1}.

10 There is the protest. And in the middle of
11 the picture, with his back sort of to the camera, but
12 wearing sunglasses with a shaved head and white T-shirt,
13 is Jim Boyling.

14 Jason Bishop was alleged to have been arrested
15 driving a van of manure for a "Guerrilla Gardening"
16 protest in Parliament Square, but no charges were
17 brought against Jason Bishop.

18 You can take the image down now, please.

19 From 1999 to 2005, the undercover officer with
20 the cover name "Jason Bishop" was heavily involved with
21 demonstrations against the biannual Defence and Security
22 Equipment International Exhibition arms fair at
23 the Excel Centre in London. He attended planning
24 meetings. He provided logistical support as a driver.
25 He attended mass days of action.

1 Sir, the activities of these officers was
2 not random, nor was it speculative. It was part of
3 a continuous pattern of police surveillance and
4 infiltration of grassroots environmental campaigns.

5 From what we know, it appears that Bob Lambert was
6 Jim Boyling's direct supervisor within the SDS, and we
7 know that Bob Lambert had himself spied on groups such
8 as London Greenpeace.

9 Many of the same tactics used by Bob Lambert in
10 relation to London Greenpeace apply here -- and we've
11 mentioned them because it shows the continuation and
12 the entrenchment of the way Bob Lambert carried out
13 surveillance as those he was supervising carried it
14 out: the active involvement of undercover officers in
15 political campaigns; the collection of data and sharing
16 with private companies, as we've already mentioned;
17 the politicised and political nature of the policing,
18 targeting groups because of their campaigning
19 objectives.

20 And most significantly, the tactic of abusing
21 relationships with women as a means to further
22 infiltration was used by Jim Boyling just as it had been
23 used by his supervisor Bob Lambert. It is public
24 knowledge that Jim Boyling formed intimate relationships
25 with -- whilst an undercover officer with three women.

1 Again, I leave it to others to express the points
2 that must be made about the effect on those women.

3 However, the wider impact of this on the Reclaim The
4 Streets group should also be noted. There can simply be
5 no justification for the use of such tactics as a means
6 to obtain information about political campaign groups.

7 And the fact that this behaviour mirrors that of
8 Bob Lambert several years earlier emphasises that this
9 was a systematic tactic deployed against activists as
10 a means to further infiltration by undercover officers.

11 I move to the next group now, the Genetic
12 Engineering Network, and the time period is around
13 the late 1990s.

14 The Genetic Engineering Network, or GEN, was set up
15 in 1996 to support local groups campaigning against
16 GM food crops nationwide. The network also disseminated
17 information, as well as liaising with many NGOs and
18 other bodies campaigning on these issues, in order for
19 their campaign to be more effective.

20 Several undercover officers infiltrated GEN,
21 including Jim Boyling, Jason Bishop and an officer we'll
22 be hearing more about, Mark Kennedy.

23 Undercover officers were involved in direct action
24 protests to pull up GM crops. Undercover officers also
25 travelled abroad with members of GEN. For example,

1 Jim Boyling travelled to Rome with campaigners from GEN,
2 where they met Third World farmers and kick started
3 the campaign in the UK.

4 Jim Boyling also travelled to Ireland, where he took
5 part in direct action to pull up GM crops.

6 Knowing that, inevitably raises the question whether
7 foreign governments were aware that British police
8 officers were committing direct action on their soil.

9 Was this activity authorised by the undercover officers'
10 handlers? On what basis? These examples demonstrate
11 the limitations on the Inquiry focusing on England and
12 Wales only, because that foreign activity is important
13 and has significance but will not be investigated.

14 I turn now to the Aldermaston Women's Peace Camp in
15 the 2000s.

16 Could we have document 015 on the screen, please,
17 {DOC015}.

18 The Aldermaston Women's Peace Camp is a women-only
19 anti-nuclear, anti-war group based around a monthly
20 peace camp at the Atomic Weapons Establishment in
21 Aldermaston, the UK's nuclear weapons factory. It was
22 set up in 1985 by women from Greenham Common Women's
23 Peace Camp and it continues to this day. Women of all
24 ages are involved, from aged 18 to 80. They are
25 campaigning against nuclear weapons in particular, and

1 war and militarism in general. The camp is a purely
2 political campaign with the aim of stopping the design,
3 development and production of nuclear weapons production
4 at AWE Aldermaston.

5 Their aim is for the plant to be safely
6 decommissioned, and they have maintained a camp there
7 for 35 years, and continue to witness, monitor and
8 protest the ongoing deployment of the Trident nuclear
9 weapons system. Aldermaston Peace Camp is also one of
10 the few women-only spaces in the country for protest.

11 You can take down the image, please.

12 An undercover officer using the cover name "Lynn
13 Watson" attended the police camp and training sessions
14 between 2000 and 2004. Core participants believe that
15 she collected personal data and information about them
16 to distribute to other police officers. Given
17 the stated aims and objectives of the camp, there can be
18 no justification for such deployment of
19 undercover officers.

20 They ask the Inquiry to consider
21 the disproportionate collection of their data, how that
22 data was retained, how it was processed, how it was
23 shared.

24 But there are a number of other campaigns connected
25 which have not been given core participant status.

1 Because AWPC, Aldermaston Women's Peace Campaign,
2 grew out of the Greenham Common Women's Peace Campaign,
3 and for several years the camps and their respective
4 campaigns overlapped, women from AWPC were involved in
5 Cruisewatch, a group tackling and making public
6 the deployment of US nuclear cruise missiles based at
7 Greenham Common. Notwithstanding the involvement of
8 another undercover officer, with the cover name
9 "Kathryn Bonser", with Greenham Common, both Cruisewatch
10 and Greenham Common have been refused core participant
11 status.

12 Women from AWPC were and are still involved in
13 Nukewatch, which grew out of Cruisewatch. Another
14 nationwide group which monitors and tracks convoys of UK
15 nuclear weapons manufactured at AWE Aldermaston and
16 the related establishment at AWE Burghfield from
17 the South of England to the Faslane Naval Base and
18 the bomb store at RNAD Coulport. Nukewatch has also been
19 denied core participation status.

20 During the period of Lynn Watson's deployment, other
21 groups active at Aldermaston included Trident
22 Ploughshares, which is a nationwide group also very
23 active at Faslane, opposing the deployment of
24 the Trident submarine system, and Block the Builders,
25 a group opposing the construction of facilities for

1 manufacturing a new weapons system at AWE Aldermaston.

2 Lynn Watson appears to have attempted to infiltrate
3 those groups as well.

4 I mention those other groups and their connection
5 with AWE Aldermaston because these core participants are
6 concerned that by not giving core participant status to
7 those related campaigns, the Inquiry is only obtaining
8 a partial picture of this particular area of undercover
9 deployment.

10 I turn next to Trapese, and the period covered here
11 is the 2000s.

12 Another group targeted by undercover officers at
13 this time was Trapese, a popular education group that
14 set up around the G8 summit in Scotland in 2005. It was
15 an organisation that gave educational workshops in
16 community centres and universities about climate change
17 and debt. The group also ran pub quizzes, bingo nights
18 along those themes.

19 An undercover officer named Mark Kennedy joined
20 Trapese, and for a significant six-month period of time
21 the group worked, lived and travelled together, often
22 with Mark Kennedy driving. He also paid for members of
23 Trapese to travel to Ireland and Germany to meet with
24 other activists. He paid for it.

25 Considering the nature of the group and its

1 activities, the core participants have concerns over how
2 disproportionate the level of spying and invasion was
3 into their personal lives.

4 Moving from Trapese, I turn now to the climate
5 camps, also during the period of the 2000s.

6 In 2006, the first climate camp for -- sorry I'll
7 start again.

8 In 2006, the First Camp for Climate Action took
9 place at Drax Power Station. It followed an idea formed
10 by activists at the G8 conference in Stirling the year
11 before.

12 Could you put up document 017 on the screen, please,
13 {DOC017/1}. That's an image of Kingsnorth Climate Camp.

14 In the UK, there were then regular Climate Camps
15 held until 2010. The camps took place at Drax Power
16 Station, Heathrow Airport, Kingsnorth Power Station,
17 the City of London, Mainshill Wood, Ffos-y-Fran Mine,
18 Blackheath, Ratcliffe-on-Soar and Edinburgh.

19 The camps were mainly large-scale gatherings,
20 bringing campaigners on climate change together to share
21 ideas and support and to demonstrate sustainable means
22 of living. The camps would also draw attention to major
23 carbon emitters and form a base for protests.

24 You can take the image down now, please.

25 Climate Camp were the target of numerous

1 undercover officers, including the following.

2 Mark Kennedy was involved in the planning for
3 the first Climate Camp at Drax, and was arrested twice
4 during the camp. He also attended the Heathrow,
5 Kingsnorth and City of London G20 camps.

6 Along with Mark Kennedy, an officer using the cover
7 name "Dave Jones" was involved in setting up the Drax
8 Climate Camp, where he worked with Mark Kennedy, leaving
9 before the camp actually opened.

10 Third, Lynn Watson also attended the Drax camp,
11 where it's understood she engaged in sexual activities
12 with a male activist.

13 But it's not known if more undercover officers
14 attended the camps.

15 The activities of undercover officers raise
16 concerns. The concerns are over the political targeting
17 of Climate Camp, the use of social and intimate
18 relationships with activists to gain information,
19 the widespread collection of data and its subsequent
20 use, and the active involvement of undercover officers
21 in the protests that led to arrests.

22 The next person I deal with is Harry Halpin, in
23 connection with the Climate Camps.

24 The impact of undercover surveillance on those
25 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. Harry Halpin has acted in an advisory role and given talks at forums such as the UN, the OECD and the European Parliament. Dr Halpin is also an environmental campaigner. And Dr Halpin was spied on by Mark Kennedy at the Kingsnorth and London G20 Climate Camps.

Dr Halpin has subsequently had difficulty when travelling. He's been stopped at airports and detained, including being detained under anti-terrorism powers when coming into the UK. He has difficulties obtaining necessary work permits to attend conferences abroad.

Mark Kennedy and the UK Government also passed information about Dr Halpin to the US security services, which led them to harass Tim Berners-Lee, Dr Halpin and others, when Dr Halpin interviewed for a job at MIT.

Dr Halpin suspects that he has been subjected to a form of a blacklisting, and this has had an impact on his personal and professional life.

The next group is the Cardiff Anarchists Network and the South Wales Anarchists, and the period is 2005 to 2010.

The Cardiff Anarchist Network, also later called

1 the South Wales Anarchists was formed in South Wales and
2 was active between 2005 and 2010. The group had roughly
3 10 to 12 core members during this period, with more
4 outside activists taking part in their organised
5 protests. The network consisted of autonomous
6 collectives in opposition to all forms of exploitation
7 and capitalism. Their campaign tactics included direct
8 action. The members of the group regularly held
9 meetings and socialised together.

10 Cardiff Anarchists Network was infiltrated by an
11 undercover officer with the cover name
12 "Mark/Marco Jacobs". Marco Jacobs first met members of
13 the group in 2004 and began attending meetings the next
14 year. He quickly integrated himself within the group,
15 attending meetings regularly and volunteering for
16 a number of organisational tasks, including taking notes
17 at the meetings.

18 In spring 2006, Marco Jacobs moved to the Cardiff
19 area. He began building friendships with members of
20 the group and frequently causing rifts between them. He
21 had at least two sexual relationships with members of
22 the group. He remained an active member for at least
23 four years, leaving Cardiff in 2009. It was
24 The Guardian who revealed his true identity in
25 January 2011.

1 The core participants have grave concerns about
2 the tactics used by Marco Jacobs were infiltrating
3 Cardiff Anarchists Network. There can be no
4 justification for his form of exploitation. In addition
5 to the abuse of intimate relationships, the tactic of
6 forming false friendships within the group is something
7 that raises significant concern. He attended
8 the funerals of family members of those he spied on, as
9 well as other personal events. From their perspective,
10 this constituted a gross invasion of the personal lives
11 of those with whom he became involved. The deliberate
12 tactic of sewing rifts between members of the group was
13 a distortion of the political process that they were
14 trying to achieve and an abuse of their freedom of
15 expression and freedom of association.

16 Finally, Marco Jacob's involvement in
17 the organisation of a protest in 2006 brings into
18 question the safety of subsequent convictions of others
19 who took part in it, and we will address the issue in
20 relation to miscarriages of justice and the involvement
21 of undercover officers in criminal activity further in
22 this opening statement.

23 The next group I'll deal with is Defend the Right to
24 Protest, and the period is 2005 to 2010.

25 Defend the Right to Protest is a national

1 campaigning organisation, which includes a network of
2 protester defendants, activists, trade unionists,
3 academics and lawyers. The organisation campaigns
4 against policing, in terms of its policies and
5 practices, where they threaten civil liberties and
6 the right to process.

7 The organisation was formed in 2010 following
8 the mass student-led protests in November and December
9 of that year in opposition to the then Conservative and
10 Liberal Democrat government's plans to implement
11 spending cuts to further education and increase a cap on
12 tuition fees. The group's aim was to build a collective
13 response to the criminalisation of large numbers of
14 young protesters.

15 The group has also worked with and/or hosted events
16 with a number of individuals, including high profile
17 figures in British politics and justice campaigns.
18 Information gleaned through subject access requests has
19 confirmed that the group was an identified target of
20 the National Domestic Extremism Unit. Hannah Dee is
21 the chair of the group. Prior to formation, Hannah Dee
22 was a political activist and attended Global Resistance
23 events between 2001 and 2005.

24 An undercover officer with the cover name
25 "Simon Wellings" was deployed between 2001 and 2007,

1 infiltrating groups such as Dissent!,
2 Globalise Resistance and the International
3 Socialists/Socialist Workers Party.

4 In 2001, Simon Wellings turned up in
5 the Global Resistance group claiming to have a job
6 installing security systems. He spent four years in
7 the group and was a member of the main committee of
8 around 20 activists who ran the group. Simon Wellings'
9 infiltration was discovered after he accidentally called
10 an activist friend on his mobile phone and was diverted
11 to an answer phone. On the recorded message he
12 inadvertently left -- sorry, on the recorded message he
13 inadvertently left could be heard the sound of bleeping
14 police radios. Wellings could be heard apparently
15 identifying persons in photographs with another police
16 officer. He was heard to make comments about
17 the personal life of Ms Dee.

18 The core participants have concerns along exactly
19 the same lines as the other groups that I've mentioned,
20 on the proportionality of the infiltration, on
21 the politicised nature of the surveillance, and on
22 the extent of the data-gathering, retention and sharing
23 about their personal lives.

24 I'll deal now with a general heading of: activity
25 outside the England and Wales that took place in

1 the 2000s. I've touched already on concerns that
2 core participants have about this Inquiry's ability to
3 examine activity outside England and Wales.

4 The activity of undercover officers outside England
5 and Wales has been noted above and is also seen in
6 relation to Kirk Jackson. I've mentioned it already,
7 but it comes into focus in this way. Kirk Jackson is
8 a political activist who was organising an
9 anti-militarist campaign in Nottinghamshire. He was
10 approached by undercover officer Mark Kennedy in 2009.
11 Mark Kennedy asked Mr Jackson to organise a meeting at
12 which a friend of Mark Kennedy's from Berlin would speak
13 to local activists about forthcoming anti-NATO protests
14 in Strasbourg and Baden-Baden. Mark Kennedy instigated
15 the meeting, and the publicity for it, and the purpose
16 of that publicity was to encourage UK activists to
17 travel out of the UK to France and Germany in order to
18 participate in the protests. Specifically, he attempted
19 to blockade a NATO summit during which hundreds of
20 activists were arrested.

21 Jason Kirkpatrick is a core participant who was
22 himself at the time resident in Berlin. He considered
23 himself to be a close friend of Mark Kennedy during 2005
24 to 2010. He was invited by Mark Kennedy to stay at his
25 Nottingham home in around 2007. Mark Kennedy visited

1 Mr Kirkpatrick in his Berlin home multiple times between
2 2005 and 2009.

3 Mr Kirkpatrick also met Mark Kennedy across Europe,
4 including in Germany, Poland, the Republic of Ireland,
5 Scotland and Northern Ireland. The German press,
6 politicians and government Ministers have all repeatedly
7 raised questions about Mark Kennedy's activities in
8 Germany.

9 It's clear that undercover officers like
10 Mark Kennedy would regularly travel internationally.
11 Their activities outside the UK, including potential
12 involvement with the security services of other
13 countries, cannot and should not be disassociated from
14 their domestic activities.

15 Sir, having looked at that section in relation to
16 this element of the opening, I have a few comments to
17 make on pulling together the themes that we have talked
18 about in section 1 on targeting of political and
19 social justice campaigns. I'd like to pull them
20 together really to make six points about that section of
21 this opening statement. The concerns we've set out
22 above about the targeting of political and
23 social justice campaigns reveal the following. Firstly,
24 it demonstrates, we say clearly, the politicised nature
25 of the way core participants were targeted.

1 Secondly, there appears to have been no effective
2 regulation, no system in place which constrained or
3 ensured compliance with the law, and that included
4 observing the basic rights of those who were being
5 targeted.

6 Third, as far as the core participants are
7 concerned, the enactment of RIPA in 2000 did not appear
8 to have the intended effect on the proper regulation of
9 surveillance by undercover officers. This isn't
10 a matter of legal nicety. We have set out how this
11 activity continued far into the 2000s at the time when
12 RIPA, in particular Part II of RIPA, should have been
13 providing a framework and a constraint. It did not, and
14 it is important that this Inquiry looks carefully at why
15 an act of Parliament that was supposed to provide
16 a legal framework to regulate this kind of activity,
17 where Parliamentarians trusted those who were allowed to
18 act covertly to comply with that regulation, why that
19 failed so comprehensively.

20 Fourth, the collection of data, its use, its
21 retention and its distribution is a theme and a concern
22 I have outlined in relation to many of
23 the core participants. Again, it seems to have been
24 conducted with little, if any, legal framework in mind.

25 Fifth, the system not only didn't comply with

1 the legal framework, but internally it seemed to have
2 inadequate controls. There was no meaningful system of
3 oversight that should have constrained the conduct of
4 the officers. The system of oversight appears to have
5 been entirely dysfunctional. Courts and prosecutors
6 were not informed of what was going on, even as they
7 were carrying out legal processes and trying defendants.
8 Senior officers either failed to control
9 undercover officers, or gave approval to entirely
10 unacceptable conduct.

11 And finally, sixth, the treatment of
12 the core participants I've outlined in section 1 reveals
13 a culture of abuse and flagrant disregard for the rights
14 of the people on whom they were spying. That culture
15 became entrenched. It happened over years, from
16 the very start, continued by Bob Lambert, John Dines,
17 Jim Boyling and others, during the 1980s and 90s, but it
18 was continued -- the activities of Mark Kennedy, Lynn
19 Watson and others -- into the 2000s.

20 The core participants also have concerns about those
21 who have been affected by undercover policing but who do
22 not have a voice in this Inquiry. Restriction orders
23 over the names and photographs of undercover officers,
24 redactions to material disclosed and restriction orders
25 limiting the circulation of documents prevent groups who

1 have been affected by undercover policing knowing
2 the full extent of what was done to them and prevents
3 them from engaging meaningfully with this Inquiry.

4 Sir, at this point I will be turning to the second
5 section of our opening statement: the unjustified and
6 disproportionate targeting of family justice campaigns
7 and community organisations. Would that be a convenient
8 moment?

9 THE CHAIRMAN: It would indeed, and would you be content to
10 restart at 2.05?

11 MR RYDER: Yes, thank you.

12 THE CHAIRMAN: Thank you. Then we'll restart at 2.05.

13 MS PURSER: Thanks everyone. We will now take a break for
14 lunch and we will start our afternoon session at 2.05.

15 (1.05 pm)

16 (The short adjournment)

17 (2.05 pm)

18 MS PURSER: Good afternoon, everyone, and welcome to
19 the afternoon session of the Day 4 opening statements of
20 the Undercover Policing Inquiry. As a reminder to those
21 of you in the virtual hearing room, please turn off both
22 your camera and microphone, unless you are invited to
23 speak by the Chairman.

24 I will now hand over to our Chairman,
25 Sir John Mitting, to continue proceedings.

1 Chairman.

2 THE CHAIRMAN: Thank you.

3 Mr Ryder, your second leg.

4 MR RYDER: Thank you very much, sir.

5 The second section, as I've said, is the unjustified
6 and disproportionate targeting of family justice
7 campaigns and community organisations. A number of
8 those core participants became the subject of undercover
9 policing when campaigning for justice, either as
10 bereaved families or as community organisations. We ask
11 you, sir, that this Inquiry should note two things in
12 relation to those core participants.

13 First, they were less political campaigns but more
14 campaigns against police misconduct, either in the death
15 of a loved one or in the course of a subsequent
16 investigation.

17 Second, the preponderance of black family justice
18 campaigns amongst those who were the subject of covert
19 policing. The black campaigners who were targeted
20 consider that their race was a relevant factor in how
21 they were viewed, how they were perceived, the threat
22 they were thought to pose and the treatment that they
23 suffered. It was a part of a broader policy for the SDS
24 to consider it appropriate to target the activities of
25 groups concerned with racial injustice.

1 For four of these core participants in this section,
2 their campaigns concerned family members who had died as
3 a direct result of police actions.

4 They are, firstly, Celia Stubbs, whose partner
5 Blair Peach died following a police officer striking
6 a blow to his head during a protest against racism in
7 Southall in 1979.

8 Second, Lee Lawrence, whose mother, Cherry Groce,
9 was shot by a police officer in their Brixton family
10 home on 28 September 1985.

11 Thirdly, Myrna Simpson, whose daughter, Joy Gardner
12 died after being restrained by police officers at her
13 home in Crouch End, North London, on 28 July 1993.

14 And fourth, Bernard Renwick, whose brother
15 Roger Sylvester died in January 1999 after being
16 restrained whilst detained under the Mental Health Act.

17 In addition to those four, two family groups of
18 core participants suffered bereavements as a result of
19 racist attacks which the Metropolitan Police failed to
20 investigate properly.

21 They are, firstly, Sukhdev and Tish Reel, whose
22 family member, Ricky Reel, died in 1997 during a night
23 out with friends after they were attacked, it is
24 believed, by two white youths shouting racist abuse.

25 Secondly, two people who, for the purposes of this

1 Inquiry, are denoted as "MSS" and "MWS", in respect of
2 Michael Tachie-Menson, who died in 1997 after being
3 attacked and set alight by some white youths.

4 In addition to those six, a further two
5 core participants were targeted following disturbances
6 at Broadwater Farm, Tottenham, North London, on 6
7 October 1985.

8 The first is Winston Silcott, who was wrongly
9 convicted of the murder of PC Blakelock, despite not
10 having been near the scene. His conviction was
11 subsequently quashed.

12 And Stafford Scott, who was a founding member of
13 the Broadwater Farm defence campaign, which supported
14 those arrested and prosecuted in the aftermath.

15 An additional three core participants in this
16 section were involved in establishing groups which
17 campaigned for, and supported those seeking, justice and
18 police accountability.

19 Dr Graham Smith and Mark Metcalf were founder
20 members of the Colin Roach Centre and Hackney Community
21 Defence Association. A further participant is Sharon
22 Grant OBE, whose late husband, Bernie Grant MP,
23 supported many of those campaigns.

24 The last two in this section are Diane Abbot MP and
25 Dame Joan Ruddock. They are included in this section

1 because of their past connections to anti-racism
2 campaigns and the similarities of some of their concerns
3 that arise from their role as Members of the Parliament,
4 they're the same concerns that are shared in relation to
5 Bernie Grant MP.

6 All of those core participants were doing no more
7 than pursuing justice by lawful means. But in this
8 section I will give particular focus to Celia Stubbs,
9 because her case, as I've indicated, sir, falls within
10 Tranche 1.

11 So I begin with Celia Stubbs and her campaign
12 regarding the death of Blair Peach in 1979.

13 Could we have image 12 -- sorry, document 019 on
14 the screen, please, {DOC019/1}.

15 This is a poster of the Indian Workers Association
16 relating to a demonstration on 23 April 1979, because on
17 that date there was an anti-racist protest in Southall,
18 West London. The intent of those involved in the
19 protest and those supporting the protest was to show
20 the racist organisation, the National Front, that they
21 were not welcome there.

22 You can take the image down now, please.

23 Two of those who were in attendance at that protest
24 were Celia Stubbs and her partner Blair Peach.

25 Could you put up document number 020, please,

1 {DOC020/1}.

2 This is a picture of Blair Peach. Two of those who
3 were in attendance on that day were Celia Stubbs,
4 the core participant in this Inquiry, and her partner
5 Blair Peach, who you can see in that picture.

6 Celia Stubbs was at that time 38 years old. Her
7 partner Blair Peach was a well-respected teacher and
8 a trade unionist.

9 That protest in 1979 was met with police brutality.
10 Celia Stubbs herself recalls police officers on
11 horseback and on foot chasing demonstrators into
12 Southall Park and hitting people with truncheons. Six
13 officers from the Metropolitan Police Special Patrol
14 Group, the SPG, alighted from a van onto the junction of
15 Orchard and Beechcroft Avenues. Blair Peach was
16 present. One of those officers struck a blow to his
17 head, killing him. The fatal blow was seen by 11
18 witnesses.

19 You can take the image down now, please.

20 Blair Peach's death was followed by a determined
21 cover-up that lasted decades. A Commander Cass
22 conducted an investigation which concluded in 1980. He
23 considered that officers "were clearly obstructing
24 police officers carrying out their duty of investigating
25 this serious matter".

1 Inspector Alan Murray was Commander Cass' primary
2 suspect, but he refused to answer Commander Cass'
3 questions, and then subsequently refused to attend any
4 further interview. It was clear from Commander Cass'
5 report that a police officer had killed Blair Peach and
6 that officers present intended to protect one another
7 and keep that truth hidden. However, that internal
8 report was not made public until April 2010.

9 The intervening 31 years was characterised by
10 secrecy and obstruction. At the inquest into
11 Blair Peach's death, the officers who had been present
12 all claimed not to recollect what had happened. All of
13 the damning information within Commander Cass' report
14 which would have enabled effective questioning of
15 the officers at the inquest was kept hidden.

16 The coroner, John Burton, even wrote to ministers
17 part way through the inquest dismissing the belief that
18 Blair Peach was even killed by a police officer
19 as political fabrication. And the after the inquest,
20 the Coroner, Mr Burton, wrote a draft paper entitled
21 "Blair Peach -- the unpublished story", which he
22 proposed to publish. It expressed the view that
23 the National Front and the police were blameless and
24 the killing was the fault of demonstrators, including
25 Blair Peach himself.

1 The Home Office, internally, shared concern
2 the report would discredit the impartiality of current
3 coroners and that its publication would do "a great deal
4 of harm ... in respect of the Home Secretary's decision
5 that a public inquiry should be resisted." That is,
6 Mr Burton's draft report had revealed to the Home Office
7 that there had not been an impartial investigation, and
8 that there was every reason why there needed to be
9 a public inquiry. But that draft report was kept
10 hidden.

11 None of that was known to Celia Stubbs at the time.
12 Sir, the reason we focus on this context and why it is
13 important is to understand the harm that was then done
14 by undercover policing with which this Inquiry is
15 concerned.

16 Celia Stubbs was left to continue the fight for
17 answers and for justice in respect of her partner's
18 death. She finds it hard to describe how utterly
19 exhausting and demoralising it was to suffer
20 a bereavement and face such determined intransigence on
21 the part of the authorities.

22 Despite Celia Stubbs' enduring and valiant efforts,
23 the lack of transparency means justice for Blair Peach
24 has never been achieved. No officer has ever been held
25 accountable for his death.

1 However, her contribution towards civil society on
2 the issues of police accountability and in support of
3 bereaved families has been immense. There is now
4 a charity, INQUEST, which helps hundreds of families
5 each year through the inquest process. And it is in
6 part thanks to Celia Stubbs, who is one of the founding
7 members and at one point was its secretary that the work
8 of INQUEST was started and has continued.

9 She was involved in the 31-year campaign following
10 Blair's death and has been a member of the Hackney
11 Community Defence Association between 1988 to 1996. She
12 has supported a number of campaigns for people who have
13 died in police custody.

14 Sir, it was in the context of the killing of her
15 partner and of the determination on the part of
16 the police to maintain secrecy about that killing that
17 Celia Stubbs and the Friends of Blair Peach Committee
18 was the subject of undercover surveillance. Her case as
19 a core participant to this Inquiry appears to be one of
20 the first instances, perhaps the very first instance, of
21 undercover surveillance being carried out on a grieving
22 family member campaigning for police accountability in
23 respect of the death of a loved one at the hands of
24 the police.

25 Although she had been concerned that her phone may

1 have been bugged, Celia Stubbs did not suspect that she
2 was the subject of undercover policing. She had not
3 done anything that justified being spied on.

4 On no view can such surveillance have been
5 justified. Whatever the purported rationale that will
6 now be attempted to be put forward, Celia Stubbs finds
7 it shocking.

8 As she says in her statement, she finds it
9 particularly worrying that her activities in
10 commemorating Blair Peach's life and seeking justice and
11 accountability were considered worthy of being spied on.
12 And she finds it very distressing that there was
13 undercover reporting at Blair's funeral. Blair Peach
14 was a professional teach with are no history of violence
15 and no criminal convictions. Everything that was done
16 by the campaign following his death was open and in
17 the public domain; there were no secret meetings. She
18 describes that when, in 2019, she was provided with some
19 of the documents detailing the surveillance by, and
20 the attitude of the police towards, the campaign --
21 sorry, let me say that again.

22 She describes that when, in 2019, she was provided
23 with some of the documents they detailed
24 the surveillance, they detailed the actions of
25 the police towards the campaign regarding Blair's death,

1 and she says, when she saw that, she found it:

2 ".... extremely upsetting to see this material and to
3 see how the police treated our actions and events that
4 were law abiding and were simply trying to get to the
5 truth of what happened. I was surprised by how upset and
6 angry I felt. It seems that they lost all sense of the
7 fact that Blair had been killed by police officers and
8 that our distress about this was criminalised."

9 She adds:

10 "It is hard to describe how violating this is."

11 Celia Stubbs is yet to gain any understanding from
12 this Inquiry as to why she was the subject of covert
13 policing, or what the rationale for such surveillance
14 could possibly have been, or why no officer within
15 the Metropolitan Police who knew of that surveillance
16 had the moral compass and fortitude to stop it.

17 Hers, like the others, is not simply a case of
18 disproportionate policing, it is much worse than that.

19 It appears to be the police misusing their powers to spy
20 on those campaigning to call them to account for their
21 criminal activity, in this case the killing of an
22 innocent man by a police officer. It was a gross abuse
23 of the trust given to the police to carry out undercover
24 surveillance.

25 The core participants believe that it is difficult

1 to reach any conclusion other than that the interest in
2 Celia Stubbs and the campaign relating to Blair's death
3 was to stay one step ahead of the campaign.

4 The purpose, they believe, was to assist the police in
5 maintaining secrecy and in frustrating the campaign's
6 attempts to secure accountability.

7 Celia Stubbs received an apology from
8 the Metropolitan Police in 2015, but it does not come
9 close to addressing or adequately acknowledging what she
10 has been through. It should be, at the most, no more
11 than a starting point for this Inquiry now trying to
12 understand how and why such undercover policing was
13 deployed and how such catastrophic injustice can be
14 avoided in the future.

15 Sir, if you are following our written statement, you
16 will see that in our written statement I would now be
17 moving on to the next core participant, Lee Lawrence.
18 But I'm not going to do that because, in light of
19 the opening statement by the Designated Lawyer, there is
20 an additional observation, an important observation
21 I would like to make in public on behalf of Celia
22 Stubbs.

23 Both the written and oral opening by the Designated
24 Lawyer for the officers said this -- and I quote:

25 "There were thousands and thousands of public order

1 events in the Metropolitan Police district between 1968
2 and 1982 which required special police arrangements."

3 And he went on to say:

4 "These ..."

5 Meaning the public order events:

6 "... resulted in thousands of arrests, thousands of
7 injuries to police officers, hundreds and hundreds of
8 injuries to members of the public and the deaths of
9 Kevin Gateley and Blair Peach."

10 These public order events resulted in the death of
11 Kevin Gateley and Blair Peach.

12 Sir, Blair Peach was killed by a police officer, and
13 the truth of that killing has been covered up for
14 decades.

15 These public order events resulted in the death of
16 Blair Peach. We suggest this was an extraordinary
17 comment. It was misjudged, it was insensitive, it was
18 offensive. It was not appropriate to invoke the memory
19 of Blair Peach to justify police action against
20 demonstrators, when Blair Peach was a demonstrator
21 killed by police action.

22 The Designated Lawyer's opening failed completely to
23 acknowledge that Blair Peach was not killed by or
24 because of protesters -- and in this instance he was
25 campaigning against the National Front -- Blair Peach

1 was killed by an officer of the Metropolitan Police who
2 struck a blow to his head.

3 To suggest that Blair Peach's death somehow stands
4 as justification for the SDS is utterly misconceived.

5 We suggest that was an astonishing way to open this
6 Inquiry. What would have saved Blair Peach is not
7 undercover policing but restraint from police brutality
8 against a teacher and a peaceful campaigner against
9 racism.

10 Now, having made those comments, I will move on to
11 the next person, Lee Lawrence, and the campaign relating
12 to the shooting of his mother, Cherry Groce.

13 In the early hours of 28 September 1985,
14 Lee Lawrence, who was then 11 years old, was asleep with
15 his parents at their home in Brixton, South London.
16 They were woken by a bang and his mother, Cherry Groce,
17 went to see what it was. Before she had taken more than
18 a few steps and while she was still in the bedroom, she
19 was shot by Inspector Douglas Lovelock. Lee Lawrence
20 saw his mother fall to the floor wheezing and saying
21 that she could not breathe.

22 The injury was to cause her paralysis below her
23 waist and she was wheelchair-bound for the remainder of
24 her life. She died in 2011 as a result of the injuries
25 she had suffered in 1985.

1 Officer Lovelock maintained that the shooting of
2 Cherry Groce was a terrible mistake. In echoes of
3 the experience of Celia Stubbs, the Metropolitan Police
4 produced an internal report which gave rise to
5 significant concerns as to the circumstances of
6 the shooting. But it was not made public until
7 the inquest process such three decades later.

8 On 10 July 2014, a jury at the inquest into
9 Cherry Groce's death concluded that her death was
10 a result of serious and multiple failures in
11 the planning and implementation of the raid on her home.
12 Lee Lawrence has campaigned for police accountability
13 for his mother's shooting and death. His achievements
14 have been remarkable.

15 In 2013, having seen his mother struggle as
16 a disabled woman, he founded Mobility Taxis, with
17 the hope of aiding those with disabilities, providing
18 accessible transport with patience, care and dignity.

19 In 2016, he established the Cherry Groce Foundation,
20 which offers practical services such as assistance in
21 social and restorative justice, education and guidance
22 in overcoming adversity, which is often complex and
23 multi-layered due to class, race and disability.

24 Lee Lawrence has been notified by Operation Herne
25 that undercover policing intelligence entries refer to

1 him personally as well as his mother have been retained
2 by the Metropolitan Police.

3 Mr Lawrence has sat on advisory boards of various
4 police departments in Brixton and in Scotland Yard,
5 helping to advise the police about their behaviour and
6 tactics. As he has stated in his recently published
7 book, "The Louder I Will Sing", he says:

8 "If I can use my experiences to help improve
9 policing, then it feels as though my own personal
10 journey will have been worthwhile."

11 On any reasonable view, Mr Lawrence has made huge
12 contributions to society, including his work in trying
13 to ensure police accountability. He should have been
14 regarded as an informed person whose experience and
15 voice, as well as his positive reflective thinking,
16 could help build bridges and trust with the communities
17 the police are intended to serve. So he is seeking
18 answers as to why, with all that he could have brought
19 in a positive way, he was the subject of police
20 surveillance.

21 I turn to Myrna Simpson, who campaigned relating to
22 the death of her daughter, Joy Gardner, who died in
23 1993. As I said, Myrna Simpson is the mother of Joy
24 Gardner.

25 On the morning of 28 July 1993, Joy Gardner was at

1 her home in North London with her five-year-old son.
2 Their home was raided by three officers of
3 the Metropolitan Police's so-called "Aliens Deportation
4 Group". It was supported by two officers from Hornsey
5 police station and an official from the UK Immigration
6 Service.

7 They had orders to detain and deport Joy Gardner and
8 her son. Joy Gardner was forced face down on the floor.
9 Her hands were bound to her side with a leather belt.
10 Her legs were strapped together and yards of surgical
11 tape were wound around her head. Her son saw some of
12 the restraint and heard all of it. The lack of oxygen
13 to her brain caused her death. The use of mouth gags by
14 the police was subsequently banned.

15 In 1995, three officers of the ABG stood trial on
16 charges of manslaughter and they were acquitted.
17 The calls of the Justice for Joy campaign for an inquest
18 or public inquiry have not been heeded. The Justice for
19 Joy campaign interlinked with a number of other justice
20 campaigns and was supported by Bernie Grant MP.

21 Like Lee Lawrence, Myrna Simpson has been notified
22 by Operation Herne that covert intelligence entries
23 relating to her campaign and herself have been recorded
24 and retained by the Metropolitan Police.

25 I turn now to Sukhdev Reel and Tish Reel and

1 the campaign relating to Ricky Reel.

2 Could we have document 021 on the screen, please,
3 {DOC021}.

4 On 14 October 1997, Lakhvinder Reel, also known as
5 "Ricky Reel", a 20-year old student from London, went
6 out for a night with friends. Two members of his group
7 were attacked by two white youths shouting racist abuse
8 and Ricky Reel went missing in the immediate aftermath
9 of that scuffle. His body was found a week later in
10 the Thames just metres away from the location of
11 the racist attack.

12 Ricky Reel's family have been campaigning for
13 justice and information every since his racist murder.
14 No one has been arrested for his death. The police
15 failed properly to investigate the death and it was
16 treated as an accident.

17 You can take the image down now, please.

18 The police investigation was subject to two
19 enquiries by the Police Complaints Authority,
20 the predecessor of both the IPCC and the more recent
21 IOPC. The reports are confidential, but the MP John
22 McDonnell has made the following comments in Parliament,
23 and I quote from those comments:

24 "I simply want to place before the House some of
25 the findings of the PCA report. The House has an

1 important role, which is to learn those lessons and to
2 ensure that all of our public services also do so.

3 "Overall, the report condemns the Investigation
4 because it lacked focus, it eliminated the racial
5 incident earlier in the evening too readily, it lacked
6 thoroughness, and there was a failure to initiate an
7 early reconstruction of what happened that night. There
8 was also confusion over the ownership of the
9 investigation of the racial incident. The investigators
10 came to the conclusion of accidental death before there
11 was corroboration, and there was a failure to adopt
12 policies that would have ensured that professional
13 standards were maintained in the detail of
14 the investigation ..."

15 In 2014, the family were informed by the police that
16 they and the justice campaign surrounding them had been
17 subject to surveillance and intelligence-gathering by
18 undercover officers. In July 2015, the family were told
19 by the Metropolitan Police that there were still in
20 existence 13 intelligence reports on the family.
21 The family have no reason to believe that this is
22 the full extent of the surveillance and records they've
23 been subjected to.

24 There was no reason for there to be any undercover
25 policing of the Reel family campaign; it was not

1 associated with any form of violence or criminality.

2 The fact that undercover officers conducted surveillance
3 on the campaign suggests that undercover policing
4 exceeded any possible legitimate remit.

5 Discovering that they were subject to undercover
6 policing on top of Ricky's death and the failed police
7 investigation has had a serious impact on the family's
8 mental and physical health. The trust the family should
9 have been able to put in the police was abused by those
10 that spied on them.

11 The fact that police resources seemingly unavailable
12 to provide an adequate investigation into his death were
13 nonetheless available to spy on the family is difficult
14 to understand and it's difficult to comprehend.

15 The family look to this Inquiry to thoroughly examine
16 all aspects of what happened as a first step towards
17 understanding why Ricky's death was so poorly
18 investigated by the police.

19 I next turn to MSS and MWS. And they relate to
20 the campaign relating to Michael Tachie-Menson who died
21 in 1997.

22 On 21 January 1997, Michael Menson, a 30-year old
23 black man, was discharged from hospital where he had
24 received treatment for mental health matters. In
25 the early hours of 28 January, he was found in

1 the street after his coat had been set on fire by three
2 men. He was taken to hospital where he said that he had
3 been attacked. No statement was taken from Michael by
4 the police. His health began to decline and on
5 13 February 1997, he tragically died of his injuries.

6 The police treated the incident as self-immolation.
7 However, the family campaigned for it to be treated as
8 murder. The police were wrong; the family were right.

9 In September 1998, an inquest returned a verdict of
10 unlawful killing. In November 1999, a man was found
11 guilty in Cyprus of Michael's murder. In December 1999,
12 two further men were found guilty at the Central
13 Criminal Court of Michael's murder.

14 A report into the police investigation of Michael's
15 murder for the Police Complaints Authority by
16 Cambridgeshire police found evidence of negligence and
17 racism -- negligence and racism -- including an officer
18 telling a pathologist:

19 "I don't know why they're worried -- this only
20 concerns a fucking black schizophrenic."

21 The overwhelming and legitimate view of all those
22 involved in the campaign is that if Michael had not been
23 a young black man suffering from mental health problems,
24 the police would have responded very differently.

25 Moreover, had it not been for the family's tireless

1 campaigning, those responsible for his murder would
2 never have been brought to justice. This was
3 acknowledged by the head of the racial and violent
4 crimes taskforce at Scotland Yard, John Grieve, who said
5 to the family having been entirely steadfast in their
6 determination -- I'm sorry, I'll start that again.

7 This was acknowledged by the head of the racial and
8 violent crimes taskforce at Scotland Yard, John Grieve,
9 who said of the family:

10 "[They] ... have been entirely steadfast in their
11 determination to bring those responsible for his murder
12 to justice ... Their campaigning role was pivotal and
13 can be seen as a model for keeping an investigation in
14 the public mind."

15 Sir, once again, the context and background is
16 important. Because it's in that context that this
17 family were shocked when, in the October 2014,
18 the Metropolitan Police contacted them and notified them
19 that information was gathered and retained by the SDS in
20 relation to their campaign. Heavily redacted
21 intelligence reports on the family were provided.

22 The intelligence sources dated from 1998 and 1999.

23 The family of course have been distressed about
24 Michael's death and what followed. They are upset by
25 the circumstances of his death. They grieved for his

1 passing. They felt let down by the standard and
2 attitude of early police investigators. They still feel
3 let down. They are frustrated by the wall of secrecy
4 which has been put up by the authorities -- police,
5 CPS and others -- to this day, because it has kept from
6 them information about what has happened. But those
7 emotions, those years of turmoil, have understandably
8 been revived by the latest revelations, which suggest
9 not merely incompetence but manipulation.

10 They're especially disturbed at the way the police
11 have thus far been allowed to keep their actions secret.
12 A full and thorough investigation of all aspects of
13 the involvement of undercover officers in the family's
14 campaign is a necessary first step in mitigating
15 the hurt caused to them.

16 The next person I turn to is Bernard Renwick and
17 the campaign relating to the death of his brother, Roger
18 Sylvester, who died in 1999.

19 Bernard Renwick is the brother of Roger Sylvester.
20 Roger Sylvester suffered from poor mental health. On
21 11 January 1999, he was acutely unwell and was seen by
22 neighbours standing naked and banging on the door
23 outside his home in Tottenham. Police were called and
24 he was detained by eight officers, who handcuffed him
25 and took him to St Anne's Hospital. There, he was

1 restrained over a prolonged period on the floor of
2 a padded room by six officers. He died as a consequence
3 of that restraint.

4 In October 2003, a jury at the inquest regarding
5 Roger Sylvester's death returned a verdict of unlawful
6 killing. That verdict was subsequently quashed by
7 the High Court and no further inquest was ordered.

8 The family have been notified that various
9 intelligence entries have been retained by
10 the Metropolitan Police Service, and 20 heavily redacted
11 intelligence entries have been disclosed to the family,
12 including assessments of the risks to public order posed
13 by the funeral, descriptions of the peaceful vigils held
14 by the family, and other demonstrations, as well as
15 information on organisations who came to support
16 the family's campaign.

17 I turn now to Winston Silcott.

18 On 5 October 1985, four policemen entered the home
19 of Cynthia Jarrett, who was a resident of
20 Broadwater Farm in North London. Ms Jarrett had a heart
21 attack and died. And this happened only weeks after
22 the shooting of Cherry Groce and the subsequent
23 disturbances in Brixton.

24 In this context, and in the wake of Ms Jarrett's
25 death, there was an understandable sense within

1 the community of Broadwater Farm that they were unsafe
2 in their own homes. So, the following day, a protest
3 against the conduct of the police at Broadwater Farm
4 developed into a disturbance, in the course of which
5 a number of police officers and demonstrators were
6 injured, and it included PC Keith Blakelock, who was
7 stabbed to death.

8 In March 1987, Winston Silcott, along with two
9 others, was convicted of the murder of PC Keith
10 Blakelock. He was sentenced to life imprisonment. In
11 fact, Winston Silcott had not been at the scene and he
12 was innocent.

13 The sole evidence against him was what investigating
14 officers alleged to have been his answers in an
15 interview. It subsequently transpired that what
16 officers had alleged to be contemporaneous notes of
17 the interview had been fabricated. Two officers faced
18 charges of conspiracy to pervert the course of justice
19 and perjury. They were acquitted in 1994. Winston
20 Silcott's conviction was quashed on 25 November 1991.

21 Winston Silcott has been provided with 16 redacted
22 intelligence reports concerning the campaigns relating
23 to his conviction, and his brother George. They date
24 from 1995 to 2001. 1995 to 2001, 10 years after his
25 acquittal. As has already been mentioned, between 1990

1 and 1991, undercover officer John Dines moved into
2 a property in Tottenham. This was adjacent to
3 Winston Silcott's family home. Mr Silcott wishes to
4 understand whether John Dines conducted surveillance on
5 his home, and if so why.

6 I now turn to Stafford Scott and the Broadwater Farm
7 Defence campaign. Stafford Scott was a founding member
8 of the Broadwater Farm Defence Campaign, which was set
9 up to address issues of injustice and police community
10 relations following the arrest of 369 people during
11 the disturbance at Broadwater Farm. Mr Scott has
12 continued to devote his career to addressing police
13 accountability and obtaining justice for victims of
14 police malpractice. The campaign supported those
15 arrested or prosecuted in the aftermath, including those
16 arrested and prosecuted for the murder of
17 PC Keith Blakelock.

18 Stafford Scott, with his brother and his mother, was
19 amongst those arrested in connection with the murder of
20 PC Blakelock. All three were eventually released
21 without charge, and in due course the Metropolitan
22 Police were required to pay a substantial sum of damages
23 in satisfaction of their claims for false imprisonment.
24 Stafford Scott gave evidence into
25 the Broadwater Farm Inquiry, chaired by Lord Gifford QC,

1 and over the subsequent decades he has continued to
2 devote his time to the cause of police accountability
3 and justice for victims of police malpractice.

4 The Broadwater Farm Defence Campaign has not been
5 notified of being the subject of attention of undercover
6 units, but Mr Scott suspects that they were.

7 The premises of the campaign were the subject of
8 burglaries and confidential and privileged documents
9 were stolen, and there is concern that the burglaries
10 may have been connected with undercover policing.

11 Stafford Scott is also aware that the undercover officer
12 John Dines attended at least one demonstration in
13 support of the Broadwater Farm Defence Campaign.

14 Next, Dr Graham Smith and Mark Metcalf,
15 the Colin Roach Centre and
16 the Hackney Defence Association.

17 Dr Graham Smith is a senior lecturer in law at
18 the University of Manchester. In the 80s and 90s, he
19 was a civil rights activist in Hackney. Both and
20 Mark Metcalf were involved with and supported
21 the Hackney Community Defence Association. That
22 association was established to respond to growing
23 concerns about abuse of police power in East London.
24 Those concerns included the coming to harm of
25 Trevor Monerville, after he was arrested and taken to

1 Stoke Newington police station in January 1987 and
2 the death of Tunay Hassan at Dalston police station in
3 June 1987. In November 1987 Gary Stretch was viciously
4 assaulted by seven off duty police officers.

5 The Trevor Monerville and "Justice for Tunay" campaigns,
6 with the support of Hackney Anti-fascist Action formed
7 the Hackney Community Defence Association with the aim
8 of providing the victims of police abuses of power with
9 a campaigning voice. It described itself as a "self
10 help" group for victims of police crime, investigating
11 allegations and providing mutual support for victims and
12 campaigners.

13 In 1993 Dr Graham Smith and Mark Metcalf were
14 involved in the establishment of the Colin Roach Centre.
15 It was named after Colin Roach who was shot dead
16 ten years previously in the foyer of Stoke Newington
17 police station. It comprised a small number of civil
18 rights activists committed to campaigning on issues
19 including police injustice.

20 A year after its establishment
21 the Colin Roach Centre was broken into and its computers
22 were destroyed. The remaining concern is that
23 the police or security services had something to do with
24 the break in.

25 In 1995 Mark Jenner, working as an undercover

1 officer with the cover name "Mark Cassidy", infiltrated
2 the Colin Roach Centre. He quickly became active in
3 most of the centre's political life, including writing
4 for its internal bulletin. PC Mark Jenner attended
5 members' meetings and was privy to confidential
6 information concerning numerous cases against the police
7 and its officers relating to police misconduct. In
8 the second half of the 1990s, documents from
9 the "Friends of Blair Peach Campaign" were held by
10 the Colin Roach Centre, and Mark Jenner -- undercover
11 officer Mark Jenner had access to those documents.

12 Mark Jenner was not simply targeting
13 the Colin Roach Centre, he sought to embed himself in
14 various connected campaigns and groups. As an example,
15 Mark Jenner became involved in
16 the Builders Working Group, the BWG. That group was
17 campaigning in respect of the significant number of
18 workplace deaths. Mark Jenner attended picket lines.
19 He wrote for the BWG newspaper. He came into contact
20 with many union site representatives. He even became
21 chair of a group responding to the chair of the UCATT
22 union suing the BWG for libel. It's also known that he
23 accompanied Colin Roach Centre members, including
24 Stephen Headley, on a number of railway worker disputes.

25 Sir, the Inquiry should also note, when examining

1 the actions of undercover officer Mark Jenner, that he
2 befriended Malcolm Kennedy, who is now deceased.

3 Mr Kennedy conducted a long-running campaign arising in
4 his own acquittal of a murder charge and his conviction
5 for manslaughter that he alleged had involved police
6 hiding their own involvement in crime. Following his
7 sentence, he complained that he had been spied upon by
8 the police. Mr Kennedy died before he could be given
9 core participant status by this Inquiry. Dr Smith, who
10 is a core participant, is the executor of Mr Kennedy's
11 estate.

12 Next I turn to Sharon Grant OBE and the campaigning
13 of her late husband, Bernie Grant. Sharon Grant is
14 the widow of Bernie Grant, who was the Labour MP support
15 Tottenham from 1987 until his death in 2000. Mr Grant
16 was one of the first three black MPs elected to
17 Parliament in 1987. His work included supporting one of
18 the campaigns we've already heard about, the family
19 campaign related to Joy Gardner, and supporting those
20 arrested and prosecuted following the Broadwater Farm
21 disturbances in 1985.

22 Bernie Grant also drew attention to issues of stop
23 and search by the Metropolitan Police and championed
24 several victims of unfair policing. Bernie Grant was
25 also active in the Anti-Apartheid Movement, as well as

1 in progressive movements globally. He had many
2 interactions and meetings with black politicians; he
3 frequently travelled abroad to attend such meetings.

4 In around 2015, Peter Francis confirmed that he had
5 been gathering intelligence on a number of Labour MPs.

6 Ms Grant wishes to understand the extent of, and
7 justification for, covert policing of her late husband
8 Bernie Grant MP and also on other Members of Parliament.

9 She was also his office manager and an activist in her
10 own right. She wishes to understand if she also became
11 a subject of surveillance. She wishes to know what
12 oversight existed that could have permitted covert
13 surveillance on an elected Member of Parliament. What
14 justification was even advanced at the time; what
15 records were kept; how was that data retained and
16 shared?

17 She wishes to know if the product of the covert
18 surveillance on Mr Grant was shared outside the police
19 service, in particular with the press, in order to smear
20 Mr Grant's reputation and damage his electoral chances.
21 She wishes to understand the extent of scrutiny of her
22 and her husband's life, and of his work; the identity of
23 the individuals and their close circle who may have been
24 spied on. This includes concerns about her own work as
25 a community activist, and she also wishes to understand

1 the reasons for certain unexplained anomalous events
2 over that period. It affected her, and her husband and
3 their families, and she wishes to know the extent to
4 which covert police surveillance was one of the means
5 the police used to carry out activity against her
6 husband and those associated with him, including
7 herself.

8 Sir, can you give me a moment? I've just been
9 passed a note and I just wanted to make sure it's
10 nothing I have to deal with urgently.

11 THE CHAIRMAN: Of course.

12 MR RYDER: No, it's fine, I can continue. Thank you.

13 I now turn to one of the other black MPs who was
14 elected at the same time as Bernie Grant,
15 Diane Abbot MP, and also Dame Joan Ruddock.

16 Diane Abbot MP is the first black woman ever to have
17 been elected to Parliament, and as I said, she was
18 elected in the 1987 general election at the same time as
19 Bernie Grant.

20 Ms Abbot supported the campaign in the 1970s to
21 discover though killed Blair Peach. She has been
22 a leading anti-racism campaigner for decades. She was
23 active in the Black Sections movement within
24 the Labour Party and she was an early campaigner for
25 justice for the family of Stephen Lawrence. The former

1 undercover officer Peter Francis has revealed that
2 Diane Abbot was spied on by undercover officers while
3 she was a Member of Parliament. This is when she talked
4 at meetings, when she was at demonstrations he attended.
5 He reported back details of her activities to his
6 Special Branch superiors.

7 Dame Joan Ruddock was herself an anti-apartheid
8 campaigner and former chair of the Campaign for Nuclear
9 Disarmament. MI5 has revealed that she was subjected to
10 unlawful surveillance in 1983. She was later the Member
11 of Parliament for Deptford from 1987 to 2015. She
12 forged close links throughout the country with the major
13 green organisations -- environmental organisations. As
14 a Shadow Minister for Home Affairs between 1992 and 1994
15 she championed the cause of victims of racial violence.
16 She was also the Minister for Women from 1997 to 1998,
17 the Minister for the Environment, 2007 to 2008, Minister
18 for Energy and Climate Change, 2008 to 2010. Once
19 again, the former undercover officer Peter Francis
20 revealed that undercover surveillance by the police had
21 continued on Dame Joan Ruddock into the 90s when she was
22 a Member of Parliament. These core participants are
23 understandably concerned over the erosion of the Wilson
24 doctrine against police surveillance of MPs, that there
25 was inappropriate collection of personal information

1 about them, and that Parliamentary privilege was not
2 properly observed or maintained. The political
3 connections and the work of these core participants as
4 Parliamentarians and the groups that they represent at
5 that inquiry appear to have been the subject of
6 surveillance. Why that happened is still unclear.

7 Sir, having dealt with the core participants within
8 section 2 -- that's family justice campaigns and
9 community organisations -- I'd like to spend a moment
10 just to pull together some of the strands that we say
11 are common to all of those.

12 It was wholly improper to engage undercover policing
13 in connection with these campaigns and the activities of
14 Members of Parliament Bernie Grant, Diane Abbot,
15 Joan Ruddock. To the bereaved families, this was not
16 simply grossly insensitive to their circumstances and
17 a serious invasion of their privacy, it is more sinister
18 than that. It reveals a covert police unit that
19 considered its remit was to act against them in order to
20 shield officers from legitimate criticism and
21 campaigning work that would expose police wrongdoing.

22 Sir, the point here is that undercover policing was used
23 to gain information about those who were seeking to call
24 police misconduct to account.

25 The targeting of campaigns around the deaths of

1 black and Asian people or the activities of black MPs
2 uncomfortably mirrors the very complaints that
3 campaigners were making about the disproportionate
4 policing of black people and the lack of respect for
5 the rights of black and Asian communities.

6 It is shocking that in doing no more than seeking
7 accountability by lawful means these families became
8 the focus of surveillance and unwarranted suspicion.
9 They were subjected to covert and intrusive policing
10 that the public might understandably presume would be
11 reserved for those engaged in serious criminal activity,
12 not for civil liberties campaigners.

13 As I have said, Celia Stubbs describes in
14 her statement just how extremely upsetting and violating
15 it is to discover she had been spied on. Others who are
16 core participants will in due course, when they are
17 asked to provide statements, express similar sentiments.

18 This underlines how undercover policing undermined
19 the rights on which our entire political process
20 depends. Freedom of expression, freedom of association,
21 the protection of privacy and the protection of privacy
22 in particular for those involved in political
23 campaigning against injustice by the state. Those
24 rights are at the very heart of how a healthy democracy
25 functions. But unjustified, unregulated politicised

1 policing against legitimate campaigns and elected
2 Members of Parliament distorts the ability of the public
3 to engage in the political process. It has a chilling
4 effect on the very exercise of the rights that are
5 essential to maintaining a healthy democracy.

6 These core participants were not engaged in any
7 criminal activity which warranted any undercover
8 policing. If that was clear, then the intent of those
9 sanctioning that spying could only have been to give
10 the police an unwarranted and improper advantage in
11 avoiding legitimate criticism and escaping sanction; or,
12 and additionally, it was to find ways to discredit those
13 who were leaving the campaigns and dissuade them from
14 doing so. Victims of wrongdoing were treated as
15 perpetrators.

16 The core participants want this Inquiry to reveal
17 not just what was done but, sir, who sanctioned such
18 activity and why. No adequate system of oversight
19 should have permitted it. No adequate system of
20 oversight could have been in place to permit this kind
21 of surveillance.

22 The same issues we have highlighted in relation to
23 the unjustified targeting of political and social
24 justice campaigns are also present here: a lack of
25 regulation or checks and balances that should have

1 provided a clear framework to keep undercover policing
2 within legal and ethical boundaries; a lack of proper
3 oversight by senior officers.

4 Sir, we suggest this Inquiry will need to consider
5 very carefully how high this was -- how high up this was
6 sanctioned, what level of seniority was involved in
7 approving or failing to prevent undercover surveillance
8 on Members of Parliament, and also of course the culture
9 of contempt for the rights of those who were targeted.

10 But in addition to those factors which are present
11 in section 1, there are two additional factors here.

12 First, because these were groups or activists
13 campaigning about the very issue of police racism and
14 police accountability, there is a particularly
15 disturbing dimension of how undercover police officers
16 abused the trust placed in them to act covertly by
17 assisting in preventing -- sorry, I'll say that again.

18 One of the first additional factors that we are
19 concerned about is that because these were groups and
20 activists campaigning about the very issue of police
21 racism and police accountability, there was
22 a particularly disturbing dimension. Undercover police
23 officers abused the trust placed in them; they acted
24 covertly to assist in preventing police accountability.
25 It is abuse of the trust for which -- in the context of

1 which they are given these powers and they were using it
2 to assist officers in avoiding accountability.

3 Second, and also importantly, the core participants
4 wish this Inquiry to give close scrutiny to the apparent
5 racial bias in the way this police activity was carried
6 out. It's illustrated by the number of justice
7 campaigns targeted for covert policing that relates to
8 black families, but also they anticipate you will see
9 evidence of that racism in the detail of the evidence
10 that will be heard.

11 We know there are others who also mention the issue
12 of racism in policing in their opening statements, and
13 you will hear that in other opening statements and we
14 know they will develop that theme. But I think I should
15 also say, and it's important to emphasise, sir, that all
16 these core participants -- of all ethnicities, from
17 across the decades and across the political spectrum --
18 speak with one voice in urging you to be unflinching in
19 exposing and criticising the racism that has part of
20 this policing activity

21 Sir, I now move to section 3 and that is the active
22 involvement of undercover officers in protests and
23 miscarriages of justice.

24 Sir, can you give me a moment.

25 Sir, I'm happy to continue on to 3.30, or if it

1 would be more convenient to break here, I'm happy to do
2 so.

3 THE CHAIRMAN: The purpose of the breaks is principally so
4 that the shorthand writers are not exhausted, and
5 breaking after about an hour and 25 minutes/an hour and
6 a half is actually more helpful to them than doing it
7 now. If it doesn't interrupt your flow, I would prefer
8 you to continue. If it does, say so, and I will
9 reconsider.

10 MR RYDER: I'm happy to continue, and I'll try and find
11 a suitable moment to break around 3.30.

12 THE CHAIRMAN: Yes, please.

13 MR RYDER: Sir, thank you. The third and final section of
14 this opening statement is about the activity of
15 undercover officers when they were taking part in direct
16 action protests, and their connection with miscarriages
17 of justice. We suggest this activity is amongst that
18 which the public may find the most shocking. It was one
19 of the factors that gave rise to this Inquiry.

20 In many instances where the police have alleged
21 criminality occurring on protests, the public may be
22 shocked to learn that undercover officers were
23 themselves involved in planning and -- sorry, were
24 involved in the planning and performance of those very
25 actions. Undercover officers not only improperly

1 influenced the lawful methods chosen by political
2 campaigns, but at times they encouraged those campaigns
3 towards using unlawful methods. Undercover officers
4 encouraged, assisted and acted jointly with
5 core participants in activities that were then
6 criminalised. Some of the core participants served
7 prison sentences as a result. Undercover officers
8 engaged in entrapment. Undercover officers acted as
9 agent provocateurs. There appears to have been little,
10 if any, compliance with basic legal principles, and --
11 a recurring theme -- little, if any, meaningful
12 oversight that would discourage that unlawful behaviour.

13 We suggest the only reasonable conclusion is that
14 there was a disregard for basic legal principles, and
15 not only was there a lack of oversight, but those who
16 should have been providing oversight were encouraging,
17 or at the very least knowingly tolerating that unlawful
18 behaviour.

19 Sir, at times when that unlawful behaviour did
20 occur, it was not even properly disclosed to prosecutors
21 and courts. The trial process itself was compromised.
22 Legal privilege, proper disclosure and the integrity of
23 evidence were disregarded in the context of undercover
24 policing in a number of cases.

25 The undercover misconduct towards these

1 core participants in this section not only showed
2 the consistent theme we've outlined of contempt for
3 their rights, but we suggest it also reveals a contempt
4 for the legal process. It reveals a lack of proper
5 understanding of the role of prosecutors, the courts,
6 and a contempt for the legal system and the rule of law.
7 There should have been guidance and it should have been
8 observed.

9 The actions of undercover officers was contrary to
10 the Home Office guidance that had been issued relating
11 to informants who take part in a crime, and, sir, we set
12 some sections of that guidance out in our written
13 opening statement at paragraph 204, so I don't propose
14 to read it all out in detail here, but it is significant
15 and it is relevant. It includes, as you will
16 appreciate, that that an informant must not actively
17 engage in planning and committing the crime. An
18 informant should always be instructed that he must on no
19 account act as an agent provocateur, whether by
20 suggesting to others that they should must commit
21 a crime, or by encouraging them to do so. The police
22 must never commit themselves to a course which, whether
23 to protect an informant or otherwise, will constrain
24 them to mislead a court in any subsequent proceedings.
25 The prosecuting solicitor, counsel, and, where he is

1 concerned, the director of public prosecution, should be
2 informed of the fact and of the part played by an
3 informant in the commission of an offence.

4 This guidance was issued with a direction from
5 the Home Secretary to all chief police officers to
6 ensure "means of commanding them to anyone who may be
7 concerned in your force". But that guidance and those
8 principles were flagrantly breached by officers of
9 the SDS.

10 In many cases these breaches were a direct result of
11 the policies of the unit. They were a direct result of
12 the training given to the officer, which placed
13 the security of the SDS above the considerations of
14 justice. The SDS Tradecraft Manual actively discouraged
15 undercover officers who were arrested from disclosing
16 their status to the uniformed police who believed them
17 to be suspects. I quote from that manual:

18 "... disclosing your real self to an officer,
19 particularly one in a different force, causes serious
20 problems for our security and must be avoided."

21 The manual also refers to asking genuine activists
22 for recommendations for legal representation as an
23 example of good fieldcraft. No consideration appears to
24 have been given to the important issue of legal
25 privilege and how that might arise.

1 We've summarised some of the instances of
2 miscarriages of justice in broadly chronological order,
3 and I'll go through them in a moment. So I begin by
4 returning to the core participants in Tranche 1 that
5 I've mentioned above, those who are involved in
6 the Anti-Apartheid Movement, and under the overall
7 heading of "Criminal Proceedings", I will begin with
8 the Anti-Apartheid Movement.

9 Sir, I've already mentioned an undercover officer
10 whose cover name is "Mike Ferguson" and the suggestion
11 that he took a leading role in the Anti-Apartheid
12 Movement. You'll recall I referred to him as the -- or
13 we have understood he has been referred to as
14 "Peter Hain's right-hand man".

15 But Mike Ferguson was not the only
16 undercover officer who was involved in spying on
17 the Anti-Apartheid Movement. One of those involved used
18 the cover name "Mike Scott". In 1972 there was
19 a demonstration Star & Garter Hotel in Twickenham,
20 West London, where activists sought to block the car
21 park containing the coach due to take the British Lions
22 rugby tour to the airport for a tour of apartheid
23 South Africa. That undercover officer, Mike Scott,
24 attended the demonstration and Mike Scott was arrested.
25 He was then prosecuted alongside other activists for an

1 offence of obstruction of the highway. He faced trial
2 and he was convicted under his false name of
3 "Mike Scott". The core participants Jonathan Rosenhead
4 and Ernest Rodker were also convicted.

5 When senior officers learned of undercover officer's
6 Mike Scott's arrest and charge, they endorsed a plan to
7 proceed through the trial process even though it appears
8 it may not have been sanctioned in advance. So they
9 learned of it and endorsed it. At no point was
10 the existence of an undercover officer disclosed to
11 the defendants, or, it seems, even to the court. During
12 the preparation of the trial, Mike Scott became aware of
13 confidential -- potentially privileged -- discussions
14 between other defendants and their lawyers. This was
15 included in the reports sent to the SDS. Such
16 information should not have been obtained, let alone
17 passed to the police.

18 One of the issues in the case was whether
19 the defendants were arrested on the public highway or
20 not. The defendants had concerns that police officers
21 would lie. They would lie about whether they were
22 arrested in the car park and they would put them in
23 a different location in order to establish the offence.
24 Mike Scott would have known that many of the defendants
25 who were arrested were not on a public highway but

1 nonetheless the prosecution against them was allowed to
2 proceed on that false basis.

3 The actions at the demonstration of Mike Scott
4 himself also appear to have been the basis on which some
5 of the defendants were prosecuted for obstruction of
6 a police officer.

7 Undercover officers' reports disclosed to this
8 Inquiry provide a valuable insight into how uniformed
9 officers behaved when they were unaware that police were
10 undercover officers and not ordinary demonstrators.

11 Those reports support what core participants and other
12 activists have said about police activity for years, and
13 many would find it alarming to read that in the SDS's
14 own Tradecraft Manual it makes it clear -- and I quote:

15 "The chance of being 'fitted up' [framed] by an
16 unscrupulous officer is a real if rare event."

17 This is undercover officers in a Tradecraft Manual
18 explaining how the risk of being fitted up by
19 unscrupulous officers is a real if rare event. Not only
20 do these core participants have concerns about
21 the safety of the criminal convictions of those involved
22 in the demonstration, but they're deeply concerned at
23 the apparent lack of any proper system of oversight of
24 such activities. The officers were involved in what was
25 a very significant incident for that group.

1 The officers who were involved, we suggest, were out of
2 control. They were free to commit acts and encourage
3 others to do so, and they allowed those encouraged to be
4 prosecuted while they remained untouched from any form
5 of meaningful accountability. It may have happened
6 a long time ago, but the passage of time has done little
7 to diminish the deep injustice felt by those
8 core participants for what happened.

9 I move next to Andrew Clarke and Geoff Sheppard.
10 The period is the 1980s and 1990s, and the subject
11 matter relates to animal rights groups.

12 A number of potential cases that this Inquiry will
13 be considering are miscarriages of justice which relate
14 to more serious offences for which some defendants were
15 convicted and served significant prison sentences.

16 The case of Andrew Clarke and Geoff Sheppard is one of
17 them.

18 Geoff Sheppard was an animal rights activist in
19 the 1980s and 1990s. He was convicted of three sets of
20 offences -- two of which were serious -- relating to
21 this Inquiry. In each case, when he was convicted,
22 a different undercover police officer was active and
23 engaged in conduct which was, at its lowest
24 interpretation, highly inappropriate. The actions of
25 the undercover officers cast doubt on the safety of his

1 convictions.

2 First, in June 1988, Geoff Sheppard and another
3 activist, Andrew Clarke, were convicted at
4 the Central Criminal Court of offences including arson
5 committed in July 1987. They were alleged to have been
6 involved on a joint enterprise basis in the making and
7 then planting of incendiary devices intended to set off
8 sprinkler systems in Debenhams stores. The devices were
9 planted in three separate locations in the country.

10 On learning that Bob Lambert was an
11 undercover officer, Mr Clarke and Mr Sheppard applied to
12 the Court of Appeal to have those convictions quashed,
13 and they did so because of the following striking facts
14 about their case that are set out in their application
15 to appeal.

16 At their trial it was alleged that Mr Clarke and
17 Mr Sheppard were party to a joint enterprise of
18 coordinated attacks on the Debenhams stores, albeit that
19 they had not necessarily planted the devices themselves.

20 Sorry, I'll say that again. The way I've expressed
21 that, I probably need to start it again. I'm sorry
22 about that.

23 So, to make it clear, at the trial it was alleged
24 that Mr Clarke and Mr Sheppard were party to the joint
25 enterprise of the attacks on the Debenhams stores,

1 albeit that they had not necessarily planted the devices
2 themselves. The evidence connected Mr Sheppard to one
3 store. No evidence was produced that Mr Clarke has
4 planted any devices in any of the stores. The Crown's
5 case was that some of the devices were planted by
6 a third person; not Mr Sheppard, not Mr Clarke, but
7 a third person.

8 What was not revealed to Mr Clarke and Mr Sheppard
9 at their trial, but they now believe to be true, was
10 that the third man who participated in this activity
11 with them was in fact an undercover officer,
12 Bob Lambert. Most strikingly, as it is set out in their
13 application to appeal, it appears that Bob Lambert was
14 the person who planted one of the incendiary devices.

15 Both Mr Clarke and Mr Sheppard served long prison
16 sentences for their part in that activity. Their lives
17 were dramatically changed as a result. But in contrast,
18 Bob Lambert, the police officer who they say encouraged
19 them and planted one of the incendiary devices, did not.
20 His role was kept secret. In fact, he went on to take
21 the senior position at the heart of supervising
22 the future covert policing unit with which this Inquiry
23 is concerned.

24 Second, in August 1991, Geoff Sheppard was convicted
25 of a public order offence at Marlborough Street

1 Magistrates' Court. It arose from an incident in which
2 flour was thrown at a hunt ball at
3 Grosvenor House Hotel. The undercover officer
4 John Dines was involved in the incident and in
5 the criminal proceedings which followed.

6 Third, in September 1995, Geoff Sheppard pleaded
7 guilty at Blackfriars Crown Court to charges of firearms
8 offences committed in May 1995. It was alleged that he
9 had acquired and possessed a shotgun. An
10 undercover officer, Matt Rayner, played a significant
11 role in those offences, not least in encouraging
12 Geoff Sheppard to commit them. These convictions are
13 also currently subject to appeal to the Court of Appeal
14 for which applications to appeal were submitted in
15 December 2015. The cases remain adjourned, with
16 the agreement of the Court of Appeal and
17 the prosecution, pending the evidence that will be heard
18 in this Inquiry.

19 These are examples of undercover officers
20 encouraging and assisting in the commission of serious
21 criminal offences, as alleged in these applications to
22 the Court of Appeal. In none of these cases above was
23 the existence of undercover officers ever disclosed to
24 the defence, or, it seems, even to the court.
25 The undercover officers are likely to have gained access

1 to confidential -- potentially privileged -- discussions
2 between the defendants and their lawyers and were
3 including extremely serious criminal matters.

4 THE CHAIRMAN: Would that be a convenient moment to you at
5 which to break?

6 MR RYDER: Sir, I think it would be. The next one is of
7 some length and will take me more than five minutes.

8 THE CHAIRMAN: Then we'll break now and we'll resume in
9 a quarter of an hour's time.

10 MR RYDER: Thank you.

11 MS PURSER: We will now take a short break and resume at
12 3.40. Thank you.

13 (3.25 pm)

14 (A short break)

15 (3.40 pm)

16 MS PURSER: Welcome back, everyone. I will now hand over to
17 the Chair to continue proceedings.

18 Chairman.

19 THE CHAIRMAN: Thank you.

20 Mr Ryder.

21 MR RYDER: Yes, sir. Before I continue, there is a matter
22 which I have been asked to deal with, and I was going to
23 deal with it at the end of my opening. But I am told,
24 for reasons which are slightly urgent, it would be more
25 appropriate for me to deal with it now. And

1 I'll mention it, because it's something which I think
2 might have arisen from a misunderstanding, and we're
3 anxious that the misunderstanding is clarified.

4 It's to do with an exchange, including a statement
5 from yourself, sir, that was published on the website
6 I think around 1 November, around Sunday. And it's to
7 do with a submission that was made. I think there has
8 been a misunderstanding, if I may say so, sir, and I am
9 hoping I might just address it very shortly to just
10 clarify it.

11 The submission was made about some of the orders
12 that had been made by the Inquiry. And, sir, you
13 expressed your view about its submission in an opening
14 statement.

15 I just thought we should raise on behalf of
16 the lawyers particularly, the senior lawyers who are
17 involved in this, that there may have been
18 a misunderstanding, because whatever your unhappiness
19 and your uncomfortableness with the submissions or their
20 timing, we would wish to make it clear that that was
21 a submission that came from all lawyers, and came from
22 all lawyers including the senior lawyers, leading
23 counsel and senior lawyers. We wouldn't want it to be
24 misunderstood as coming from one particular individual.
25 And for that reason, we wouldn't want there to be

1 a suggestion that there should be any form of personal
2 criticism against any one individual or one person,
3 particularly in relation to anybody that would be
4 viewing material on the Inquiry website.

5 Those submissions, we hope -- I hope you will
6 understand from me, or you will accept from me, were
7 intended to ensure openness and try to be helpful.
8 Whether they had that effect or not of course is
9 a matter for you, sir, but that was the intention. And
10 importantly, for these purposes, they were submitted on
11 behalf of everyone: solicitors, leading counsel, others.
12 And we would like to make it clear that if there is to
13 be any criticism, it should be of all of us. No one
14 should be singled out.

15 It's for leading counsel like myself to take that
16 criticism and to address you about it, sir. But we
17 would like to try and clear up that misunderstanding, so
18 that doesn't remain in the public website as
19 a misunderstanding or some element of error.

20 THE CHAIRMAN: Well, it's right and proper that those who
21 made the submissions should accept responsibility for
22 them.

23 MR RYDER: Yes.

24 THE CHAIRMAN: I'm grateful to you for doing so.

25 The purpose of identifying a single individual was

1 simply so that the document itself was identified and
2 there was no mistake about it. I intended no criticism
3 whatever of the individual named.

4 MR RYDER: Well, I think we're very grateful for that, sir.

5 Might it be possible that the statement could be
6 amended to reflect that, so that once we're clear of
7 what the document is, that it's clear that it comes from
8 everybody, and so there isn't one person named in a way
9 that might -- to someone who reads it out of context,
10 might appear as though it's dealing with one person or
11 one person's error.

12 And I'm certainly happy for all of our names, or,
13 more easily, all the lawyers to the Inquiry, to be
14 attributed to that document rather than one person.

15 THE CHAIRMAN: I will certainly see that that is done. In
16 the expectation that those who need to do it are
17 listening to this exchange, I would ask them to do it
18 with immediate effect.

19 MR RYDER: I'm very grateful for that, sir. Thank you.

20 Well, sir, with that in mind, I'm going to continue.
21 I'm in part 3, or section 3. And the next group in
22 relation to miscarriages of justice is the Stop
23 Huntingdon Animal Cruelty blackmail trials in the 2000s.

24 Stop Huntingdon Animal Cruelty, or SHAC, were
25 a group of animal rights activists campaigning to close

1 down Huntingdon Life Sciences, which was Europe's
2 largest contract animal testing laboratory.
3 They campaigned to close Huntingdon Life Sciences and to
4 encourage disengagement in its live animal research by
5 the drugs industry. Core participants in this Inquiry
6 were prosecuted for a series of offences arising from
7 the campaign from 2000 to 2013, and were convicted in
8 a series of blackmail trials at Winchester Crown Court.

9 The SHAC campaign was infiltrated by a number of
10 undercover officers, including Rod Richardson,
11 Mark Kennedy, Dave Evans and James Adams. In addition,
12 there were a number of corporate spies, including
13 Adrian Radford, also known as "Ian Farmer", who were
14 used against the group. These core participants do not
15 accept that all the undercover activity in relation to
16 SHAC has yet been disclosed to them.

17 We suggest the level of deception in the face of
18 those court proceedings is extraordinary. In
19 the prosecution of Debbie Vincent, the prosecution
20 served witness statements in which lay witnesses,
21 including James Adams himself, were instructed to refer
22 to Adams in his undercover role as "corporate security".
23 In other words, officers being told to write witness
24 statements that put them forward to the court in their
25 undercover role. They were instructed to do so even

1 though he and others were aware this was untrue, an
2 untrue statement to the court, and he was in fact
3 employed as an undercover officer.

4 The deception continued in the served witness
5 statements and was apparently authorised by the CPS, if
6 they knew of it, until the outset of Ms Vincent's trial
7 when it was disclosed.

8 SHAC core participants are concerned that in their
9 cases, too, witness statements of undercover officers
10 have been served and used in their undercover names and
11 without disclosure of their true status.

12 Adrian Radford has confessed in recorded interviews
13 on Dutch television to perpetrating crimes in his role
14 as a corporate spy, but also claimed to have reported
15 regularly to police teams engaged in the monitoring of
16 SHAC. Whether he was enrolled formally as an
17 undercover officer, whether he was paid by the police,
18 or whether he was paid by the drugs industry remains
19 unclear.

20 But the presence of undercover officers in the SHAC
21 campaign, which was either not disclosed or disclosed
22 very late in criminal proceedings, understandably gives
23 rise to the safety of the convictions. The connection
24 between the police and corporate surveillance is of
25 course an area of concern.

1 Some core participants are also concerned that
2 the close relationship between police and the drugs
3 industry seems to have generated the transfer of
4 personnel between the two.

5 Next is the trial of John Jordan and others,
6 following Critical Mass -- Reclaim The Streets Critical
7 Mass demonstration in 1997.

8 In January 1997, John Jordan was convicted at
9 Horseferry Road Magistrates' Court for an offence of
10 assaulting a police officer in the execution of his
11 duty. It followed a Reclaim The Streets Critical Mass
12 bicycle demonstration in London. All the other
13 defendants, including the undercover officer
14 Jim Boyling, were acquitted. The only evidence
15 identifying Mr Jordan came from a PC Fenot, who claimed
16 that he was cycling to work when he happened upon
17 the bicycle demonstration and decided to join it.

18 But in 2011, when Mr Jordan discovered Jim Boyling
19 was an undercover officer, he applied to the Criminal
20 Cases Review Commission. His case was referred to the
21 Crown Court and without making any disclosures
22 the CPS conceded the appeal.

23 When disclosure was sought by Mr Jordan in order to
24 put the reasons for his appeal in context in the Crown
25 Court, the judge said, "Everything will come out in

1 the Inquiry".

2 Mr Jordan had hoped, therefore, that in his appeal
3 he would learn what had happened and why he was
4 convicted in circumstances where the CPS were just
5 dropping his appeal when it was revealed Jim Boyling was
6 an undercover officer.

7 He hopes, sir, that that suggestion by the Crown
8 Court judge dealing with the appeal will be observed and
9 taken up by this Inquiry.

10 It's notable that publication of one HMIC report
11 into undercover policing was stopped due to a failure to
12 incorporate reference to Jim Boyling's actions, of which
13 it appeared to be aware. So the emphasis, the need for
14 engagement with core participants at all stages of
15 the inquiry process so that those sorts of instances are
16 not missed, is important.

17 Ten years after Mr Jordan's conviction, six
18 protesters were convicted of aggravated trespass at
19 a protest at the Department of Transport.

20 The undercover officer Lynn Watson was one of
21 the defendants. Again, no disclosure of her role in
22 the process appears to have been given to
23 the Magistrates' Court.

24 I turn next to two cases that I'll deal with one
25 after the other. The first is the case of Crown

1 v Barkshire, which involved 20 wrongful convictions in
2 2009/2010. And they both concern the undercover officer
3 Mark Kennedy.

4 On 13 April 2009, 114 climate change campaigners
5 were arrested at a school in Nottingham for planning
6 the imminent occupation of a coal-fired power station,
7 Ratcliffe-on-Soar, as part of their campaign against
8 the causes of climate change.

9 But unknown to the campaigners, one of their number
10 was the undercover officer Mark Kennedy. Mark Kennedy
11 had been involved in advance reconnaissance trips to
12 the power station. He had hired a truck for the main
13 protest. He was also seeking to recruit others to
14 the action, and Mark Kennedy was arrested at the school
15 with the others.

16 All those arrested were later released on police
17 bail pending the outcome, but for a considerable period
18 of time they were released with rigorous bail
19 conditions.

20 Eventually, the prosecution took no action against
21 most of those arrested, including Mark Kennedy. But 26
22 activists were charged with conspiracy for agreeing to
23 commit aggregated trespass. They all pleaded guilty at
24 Nottingham Crown Court, and their case was split into
25 two trials.

1 Sir, at paragraph 240 of the written opening
2 statement, we've set out some of the explanation as to
3 how they were split. I don't think I need to go into
4 that for the purposes of this statement, but it's there
5 in our written document.

6 Suffice it to say that 20 were prosecuted and, after
7 a long trial, were convicted in 2010. A further six
8 were due to be tried in January 2011. But just before
9 their trial was due to begin, the prosecution
10 discontinued their case.

11 The prosecution of the six who had their case
12 discontinued was as a result of undisclosed evidence
13 from Mark Kennedy which was relevant to the case, but it
14 hadn't been disclosed by the CPS at trial.

15 The 20 convictions of the others who had been tried
16 before them were quashed on that basis by the Court of
17 Appeal in 2011; and in doing so, the Lord Chief Justice,
18 Lord Judge, said this:

19 "It is a case which has given rise to a great deal
20 of justifiable public disquiet, which we share.
21 Something went seriously wrong with the trial.
22 The prosecution's duties in relation to disclosure were
23 not fulfilled. The result was that the appellants were
24 convicted following a trial in which elementary
25 principles which underpin the fairness of our trial

1 process were ignored. The jury were ignorant of helpful
2 evidence to the defence which was in the possession of
3 the prosecution but never revealed. As a result,
4 justice miscarried."

5 It should be noted that during the appeal an
6 application was made for disclosure relating to
7 the details of the role played by Mark Kennedy. This
8 was the issue in the case. But that disclosure was
9 refused by the Court of Appeal, but on the basis that
10 they believed other inquiries were better placed to
11 examine that matter.

12 The Court of Appeal indicated that its own
13 investigations -- and I quote:

14 "... would add nothing of importance to what will
15 undoubtedly become known when the remaining inquiries
16 are completed."

17 In our submission, it is clear indication of how
18 important it is that this Inquiry is able to do an
19 examination of that -- what went wrong in that case in
20 relation to Mark Kennedy that was declined by the Court
21 of Appeal on the basis that it would be carried out
22 elsewhere.

23 The second that goes alongside that case is a set of
24 29 wrongful convictions in the case of R v Bard, again
25 to do with Mark Kennedy. Mark Kennedy's role -- sorry,

1 I'll start that again.

2 This was once again about the failure to properly
3 disclose in criminal proceedings Mark Kennedy's role,
4 and it was at the heart of the successful appeals by
5 these protesters in what became known as "the Drax
6 case".

7 The Drax case occurred on 13 June 2008 when
8 environmental protesters executed a plan to stop and
9 occupy a freight train taking coal to the Drax Power
10 Station in North Yorkshire.

11 For the avoidance of doubt, it should be noted that
12 the Court of Appeal described the background to that in
13 this way:

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

21 In 2009, 29 protesters were convicted at Leeds Crown
22 Court for offences arising from that action.

23 The undercover officer Mark Kennedy had been
24 responsible for the transportation in relation to that
25 action taken by the protesters. The importance of his

1 role was acknowledged in police records, as shown by
2 the Court of Appeal; and it's set out at paragraph 247
3 of our written opening statement in detail. But that
4 explains how his role was in police records.

5 Throughout the action, Mark Kennedy had made reports
6 which were forwarded to the most senior officers in
7 the West Yorkshire Constabulary, including the Assistant
8 Chief Constable, but none of this was disclosed to
9 the defendants at trial.

10 The then Lord Chief Justice after Lord Judge, Lord
11 Thomas, made the following remarks when quashing
12 the convictions:

13 "The involvement [of Mark Kennedy] ought to have
14 been disclosed. Had it been disclosed, no doubt issues
15 would have been raised prior to the trial as to whether
16 there had been an abuse of process or whether Mr Kennedy
17 had acted as agent provocateur.

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

22 The concerns over failings in disclosure in this
23 case have been articulated by the Court of Appeal.
24 The remaining areas of uncertainty, though, are set out.
25 And the core participants are keen in this case, too,

1 that this Inquiry fulfills the task that was set out by
2 the Lord Chief Justice.

3 It should be noted that the impact of the role of
4 Mark Kennedy as an agent provocateur in the Drax case is
5 not as simple as being limited to the initial
6 prosecution. Decisions by the CPS as to the public
7 interest in bringing prosecutions for alleged offences
8 in later protests was based in part on their attendance
9 and involvement in earlier demonstrations. It
10 illustrates, sir, how, once the problems with undercover
11 policing inquiries start, they spread and infect not
12 just one case but the intelligence and the approach
13 taken towards people in other cases.

14 The core participants want to know to what extent
15 the events at Drax, and the convictions which followed,
16 carried over into the intelligence held on them and used
17 in other policing operations as well as prosecution
18 decisions.

19 Sir, I now turn, still under the heading of
20 miscarriages of justice, from criminal proceedings to
21 civil proceedings.

22 Improper interference in the justice system includes
23 interference in civil proceedings which were affected by
24 the involvement of undercover officers.

25 Those activists who famously represented themselves

1 in the McLibel trial will of course be making their own
2 statement in these proceedings. I won't trespass there.
3 But simply to indicate that we highlight similar
4 concerns by other core participants. And I'll set out
5 some of those cases.

6 First, the Good Easter hunt saboteurs.

7 On 10 February 1996, a group of animal rights
8 campaigners travelled by van to protest against a fox
9 hunt in Good Easter, Essex. One van stopped at Danbury
10 Sports Centre car park. Police officers purported to
11 conduct a search of the van and its occupants under
12 section 60 of the Criminal Justice and Public Order Act
13 1994. During the searches, a number of the group,
14 including the core participants, Simon Taylor and
15 Brendan Delaney were arrested.

16 In a similar incident involving a different van and
17 occupants which had been stopped by the side of
18 the road, Brendan Mee was arrested for a minor public
19 offence, and another core participant, GRD, witnessed
20 the incident.

21 Police officers dealing with those protesters were
22 extremely aggressive. This chimes with comments on
23 the treatment of animal rights protesters made in
24 the Tradecraft Manual. And we set that out at
25 paragraph 258 of our written submissions -- or written

1 opening statement, rather. I'll quote in this way:

2 "Another strange effect of my tour ..."

3 And this is reported by undercover officer Andy

4 Cole/Davey:

5 "Another strange effect of my tour has been the slow

6 development of my low opinion of uniformed police

7 dealing with animal rights protests."

8 This is an undercover officer who is experiencing

9 policing from the point of view of being an

10 undercover officer.

11 "I suppose that officers in all fields come across

12 police officers who regard political protesters with

13 contempt but their lack of sensitivity and occasional

14 violent reaction to one as an animal rights activist is

15 often out of proportion to your behaviour."

16 All of those arrested were taken to the police

17 station and charged. Two trials followed. All were

18 found not guilty. Civil proceedings were taken by some

19 of those who had been arrested and prosecuted, and those

20 cases were settled by the police with financial

21 compensation paid.

22 But what was not disclosed to the core participants,

23 the litigants in the civil proceedings at the time of

24 these events, was that one of those persons travelling

25 with them was the undercover officer, Jim Boyling.

1 He had witnessed acts of police aggression. He gave
2 a witness statement confirming that protesters had not
3 been violent. But in examining the role of Jim Boyling
4 in the criminal trial, this Inquiry will need to
5 consider why prosecutors proceeded with evidence when an
6 undercover officer had given a statement saying they had
7 not been violent.

8 The core participants are also concerned that
9 the failure to disclosure that they had been convicted
10 in contradiction to the evidence of an
11 undercover officer affected the basis upon which their
12 civil claim was negotiated and settled. They didn't
13 know, when they were settling legal proceedings, that an
14 undercover officer had been amongst their number, and
15 had given a statement that to some extent supported
16 their position. Had they known that, it would have been
17 a different matter.

18 I turn next to the Fairford Coach case, another
19 civil case.

20 The Fairford Coach case arises from events on
21 22 March, three days after the start of the US/UK war in
22 Iraq.

23 Could we have document 022 on the screen, please.
24 {DOC022}.

25 I think if it's causing difficulty, I will just keep

1 going and it will come up at the appropriate time.

2 Sir, three coaches of anti-war protesters travelled
3 from London to Gloucester. They aimed to attend
4 Fairford airbase for a well publicised protest against
5 the use of the base in the Iraq war.

6 The three coaches were stopped by police officers at
7 Lechlade close to Fairford. You can see an image there
8 of the event.

9 The officers were acting on the direction of
10 the Gloucestershire Constabulary. Its occupants were
11 told to get out. They were searched and questioned and
12 then directed back onto the coaches. After
13 the passengers boarded, the three coaches were forced to
14 return to London without stopping. In other words, they
15 weren't allowed to go to the protest.

16 Sorry, I've been handed a note. (Pause)

17 After the passengers boarded, the three coaches were
18 forced to return to London without stopping, escorted by
19 Gloucestershire, Thames Valley and Metropolitan Police
20 officers. For the latter part of the journey, all exits
21 and entrances to the M4 motorway were blocked by police
22 vehicles.

23 Thank you, you can take the image down now.

24 The police officers' purported justification for
25 their actions was given by the key officer at the scene,

1 Chief Superintendent Lambert from Gloucestershire
2 Police, who was the silver commander on the day.

3 Chief Superintendent Lambert explained that his
4 decision not to allow the coach to proceed to Fairford
5 was based on the presence of protesters on the coach
6 described as "the Wombles", who was allegedly intent on
7 disorder. It was even suggested in the court
8 proceedings that the coaches consisted entirely of
9 people belonging to the Wombles.

10 A judicial review challenge was brought to
11 the police's decision to turn the coach back using
12 powers to prevent a breach of the peace. The judicial
13 review was brought by one representative passenger of
14 the coach, Jane LaPorte. It was litigated in the High
15 Court, the Court of Appeal and litigated to the House of
16 Lords, the case being Laporte v Chief Constable of
17 Gloucestershire.

18 The House of Lords judgment was in favour of
19 Ms LaPorte. The coaches should not have been turned
20 away from going to the protest and the passengers should
21 not have been detained and forced to return to London.

22 But the case presented by the police throughout
23 the civil proceedings -- this is litigation High Court,
24 Court of Appeal, House of Lords -- was that it was
25 simply not possible to distinguish between different

1 passengers on the coaches. And, as I said, at times it
2 was suggested that the coaches may have consisted
3 entirely of those who the police feared would create
4 violence, allegedly, the Wombles.

5 The police asserted in their defence to the claims
6 that "there was no basis for distinguishing between
7 passengers -- the intelligence and evidence in relation
8 to each and every passenger was identical". And this
9 position was maintained all the way to the House of
10 Lords.

11 But the true picture was that at least two
12 undercover officers played a role in the Fairford Coach
13 case. They were known by their cover names "Rod
14 Richardson" and "Jason Bishop". Rod Richardson was on
15 one of the coaches. He was also heavily involved in
16 the Wombles, who were an anti-capitalist, anarchist
17 group.

18 Rod Richardson must have known many of the Wombles
19 who were on the coaches. He must have known in advance
20 the coach to have been laid on, the identities of some
21 of the other Wombles who were expected to be on
22 the coach, and their intentions at the demonstration.
23 But he would also have known that many of the passengers
24 were not Wombles.

25 Jason Bishop was heavily involved in the group,

1 arranging the coaches and other support, and is also
2 therefore likely to have had relevant information about
3 the plans and identities of those organising and those
4 on the coaches.

5 It's obvious, sir, there is a significant
6 discrepancy between the true picture of the police's
7 intelligence sources and what was presented in court
8 proceedings. The account given by the police in
9 the legal proceedings suggested that the police decision
10 to stop the coaches had to be made on the basis that it
11 was not possible to distinguish between different
12 protesters in terms of potential activity or involvement
13 of the Wombles. But in reality, undercover officers who
14 were present in the coaches may well have had the very
15 information which in the proceedings it was said
16 the police didn't have.

17 However, there's no evidence that the existence of
18 the undercover officers or the extent of
19 the intelligence they were able to provide was ever
20 disclosed to the court. It was certainly not disclosed
21 to the claimants.

22 Those managing the undercover officers, on the face
23 of it, appear to have been willing to allow
24 the Appellate Committee of the House of Lords,
25 the country's highest appeal court at that time, to be

1 misled about what the police knew about the people on
2 the coach. If that is right, we say, sir, that is
3 something that needs to be investigated.

4 It should be noted that in addition to Rod
5 Richardson and Jason Bishop, Mark Kennedy and Jacqueline
6 Anderson were also undercover officers, who it's
7 understood infiltrated the Wombles. Those officers
8 attended meetings and protests with the Wombles.

9 Insofar as the background and history of the Wombles and
10 allegations against them was used by police to justify
11 turning back the Fairford Coaches, this is a history and
12 a background that would have included the actions of
13 several undercover officers.

14 In addition to the matters I've set out above,
15 the core participants remain concerned that the use of
16 information obtained by undercover officers was used in
17 civil and regulatory proceedings in ways that they still
18 don't understand and may be unaware of.

19 I turn next to London Animal Action.

20 They formed a collective of animal rights groups in
21 1994 under the name "London Animal Action". It would
22 fundraise for animal rights cases and initiate and take
23 part in campaigns against animal cruelty.

24 A series of undercover officers joined London Animal
25 Action. The ones that have been identified are Andy

1 Coles, Matt Rayner, Christine Green and Dave Evans.

2 Bob Lambert is understood to have had a managerial role
3 for some of those officers.

4 Andy Coles, Matt Rayner and Christine Green had
5 intimate relationships with activists they spied on.

6 Matt Rayner also took part in unlawful direct action
7 and was arrested on at least one occasion. You will
8 recall, sir, he is accused by Geoff Sheppard of inciting
9 Mr Sheppard into serious criminality while they were
10 both involved in London Animal Action.

11 As well as infiltration by undercover officers,
12 London Animal Action was the target of corporate spies
13 who worked for the fur trade and vivisection industry.

14 In January 2005, London Animal Action had to close
15 down because its bank account was seized by lawyers
16 acting for Huntingdon Life Sciences.

17 The core participants have concerns over the level
18 of information sharing between undercover officers and
19 corporate spies and the subsequent use of that
20 information in various civil proceedings against London
21 Animal Action.

22 I turn next to The Common Place.

23 From 2007 to 2011, Anthony Thompson was director
24 The Common Place, a community area in Leeds. It was
25 a meeting place and a resource centre for a variety of

1 political, social and cultural activities.

2 The Common Place was infiltrated by
3 the undercover officer, Lynn Watson, from 2004 to 2008.
4 She took on the role of founding director of the Leeds
5 Social Centre Limited, the company set up to manage
6 The Common Place. She was also the treasurer, and that
7 gave her access to the personal details of thousands of
8 persons.

9 In 2006, The Common Place secured an entertainment
10 licence, which was important for its financial
11 sustainability. There was, however, a disproportionate
12 police interest in the activities of the club, and as
13 a result it struggled to keep its licence.

14 In 2008, Lynn Watson suddenly left. This sudden
15 departure and the legal mess that arose when it was
16 discovered that she had founded the company under
17 a false name led to the winding-up of the company.
18 The net result of the activities of an undercover
19 officer, Lynn Watson, was that a community resource was
20 lost.

21 Sir, this illustrates again how undercover officers
22 carrying out activities unnecessarily in a false name
23 can have impact for community groups far beyond simply
24 their activities that the police are purportedly
25 surveilling but into the centres that they run,

1 the affairs that they have, and the services they
2 provide to members of the communities that they're in.

3 So, sir, pulling together the strands in relation to
4 section 3 and the participation of undercover officers
5 in protests and miscarriages of justice, we make
6 the following points.

7 The implications of undercover policing within
8 protest groups for cases of miscarriages of justice is
9 serious and is widespread. The core participants have
10 concerns that the Inquiry is yet to identify all
11 potential cases of miscarriages of justice. They have
12 further concern that the Inquiry is avoiding an
13 examination of the role of the Crown Prosecution Service
14 and the courts in dealing with cases involving
15 undercover officers. The core participants would like
16 this to be reconsidered and to be examined in future
17 tranches.

18 On behalf of these core participants, we ask
19 the Inquiry to refer all cases to the proposed panel, to
20 look at miscarriages of justice as soon as they are
21 identified. As far as we are aware, the Home Office is
22 yet to give a final sign-off on arrangements for
23 a panel.

24 But the case of miscarriages of justice and
25 the concerns the core participants have has been

1 underlined in earlier reports.

2 In 2015, the Attorney General published a report
3 entitled, "Review of possible miscarriages of justice --
4 impact of undisclosed undercover police activity on
5 the safety of convictions". It had been commissioned by
6 government and it was completed by Mark Ellison QC and
7 Alison Morgan, now QC also.

8 The report stated:

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

18 Sir, this is the conclusion of Mark Ellison QC and
19 Alison Morgan in their independent report; and it needs
20 a little attention to compare that to the requirements
21 of the Home Office guidance I read out earlier, which
22 indicated that it is unacceptable for that information
23 to be hidden from prosecutors and from courts, and
24 others who are involved in the legal process.

25 Discussing the National Public Order Intelligence

1 Unit, that same report states:

2 "In the NPOIU [National Public Order Intelligence
3 Unit] era, it appears there was revelation to senior
4 investigators and to the CPS -- the Kennedy cases being
5 examples. However, the current lack of CPS and court
6 records, together with the limited work that Operation
7 Herne has been able to conduct in this area means that
8 it has not been possible to establish the extent and
9 completeness of such revelations or disclosure. Very few
10 of the case files submitted to the Working Group concern
11 NPOIU undercover activity."

12 And the report also states:

13 "In so far as we are aware, all the cases that have
14 reached the courts to date have been the result of those
15 convicted having raised concerns, prompting reactive
16 investigations by the Police and the Crown Prosecution
17 Service."

18 Taking those things together, from the report
19 written by those asked to examine it, it makes clear
20 that not only were prosecutors not told when it came to
21 SDS secrecy, but that there is a lack of clarity about
22 what was told at later times; and also, perhaps most
23 disturbingly, that it was those convicted themselves who
24 had to have the wherewithal, the energy,
25 the determination and the resilience to be able to push

1 to get information that would result in their
2 convictions being overturned. That is not how a legal
3 process should function. And if it didn't function
4 properly, it is because of the way the material around
5 undercover policing was handled.

6 The picture that is described by Mr Ellison QC is
7 reflected in the experiences of the core participants we
8 have mentioned. All the criminal miscarriages of
9 justice cases concerning the core participants
10 represented here, including the challenge to
11 the prosecution in the Ratcliffe case, the appeals in
12 the Ratcliffe, the Drax case, the John Jordan case,
13 the appeals in Sheppard and Clarke -- all of those cases
14 were started by the activists. They were based on
15 activists discovering for themselves the true identity
16 of undercover officers, and then working out their role
17 and the impact this had in the protest and subsequent
18 prosecution.

19 There can be no suggestion that state action alone
20 would have remedied these cases of miscarriages of
21 justice. That is not an acceptable situation for our
22 legal system.

23 The findings of Mark Ellison's report also include
24 this. He says:

25 "What has also become clear is that there are a

1 large number of convictions where the lack of surviving
2 records precludes a detailed analysis of the nature of
3 the deployments such as to identify if there was, or was
4 not, any relevant activity or observation by the
5 undercover officer that might meet the disclosure
6 threshold.

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

19 Sir, we submit that is, especially for those of us
20 who have some knowledge of the legal system, but also to
21 ordinary members of the public, an extremely disturbing
22 finding. It is indicating that the secrecy of the SDS
23 not only failed to generate disclosable material, but it
24 means that the explanations for what they did, even
25 the facts of what they did, were deliberately withheld,

1 and miscarriages of justice may have been attained which
2 will never be rectified.

3 The report's final conclusion at page 50 was this:

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

11 Sir, that is, we submit, a clear indication from
12 those who examined these issues carefully that this is
13 something which requires careful scrutiny by this
14 Inquiry.

15 The report was able to identify 26 SDS officers who
16 were arrested on a total of 52 occasions. The police
17 investigation into the SDS, known as "Operation Herne",
18 was able to identify activists who were arrested on
19 the same occasions that undercover officers were
20 arrested and if they were then convicted of offences.
21 But it was limited in its ability to identify all
22 miscarriages of justice cases.

23 We seek through this Inquiry confirmation that these
24 cases and all other potential cases of miscarriages of
25 justice identified to date have been provided by

1 the police to the inquiry so that you are able to
2 properly examine them.

3 The failure of the police and the CPS independently
4 to identify potential miscarriages of justice cases
5 underscores the need for those spied upon to be given
6 a central role in the Inquiry. They have been the ones
7 who have unearthed information that is now before you.
8 It means their role must be at the heart of this inquiry
9 and they believe it raises concerns for those who have
10 not been given a voice in this Inquiry.

11 That includes those who are not aware of any
12 undercover officers in their lives, because restriction
13 orders will prevent their names being published. It
14 includes those with limited knowledge of
15 undercover officers, but who are unable to identify
16 the full extent of the undercover officers' actions.
17 And it includes those who do know about
18 undercover officers in their lives but who have not been
19 made core participants, and so you will not get to hear
20 their account or their voice.

21 There are clear concerns that there may be many
22 other undiscovered cases of miscarriages of justice.
23 The refusal of the police and the Inquiry to release
24 into the public domain full details of the identity and
25 role of undercover officers, including contemporaneous

1 photographs, simply adds to these concerns.

2 The need to correct miscarriages of justice is an
3 important matter and it must be given proper weight in
4 the balancing of factors when making or reviewing
5 restriction orders and in working out what information
6 needs to be in the public domain in order for you to be
7 able to carry out that inquiry, and for the public to
8 understand what happened.

9 Sir, that now brings me -- having dealt with
10 the three sections of my opening, it now brings me to my
11 conclusion. And I begin, really, under the heading
12 of: truths and findings of fact.

13 The core participants want to know the truth about
14 what happened to them. But after a process that has
15 already taken five years, they are not confident this
16 Inquiry will reach the truth.

17 So far, many have been told almost nothing about the
18 way they were targeted for surveillance. And so they
19 have many questions, and after the years of waiting
20 there are desperate for answers.

21 I'm not going to repeat the very significant
22 concerns that have been set out in the joint written
23 opening of the co-operating group of non-State
24 core participants. That sets out the steps taken by
25 the Inquiry and how, in those submissions, the Inquiry's

1 steps have frustrated its ability to be able to carry
2 out its task in the way that was anticipated.

3 But the fact that we do not repeat those concerns
4 here should not be taken as indication that those
5 concerns are not taken seriously by
6 the core participants I represent. Those concerns are
7 in the forefront of their mind.

8 I'm making these opening submissions to the Inquiry
9 because they are purportedly participating and have
10 a right to participate, and yet they feel they only have
11 a partial picture of who was and who was not an
12 undercover officer, and in most instances they're yet to
13 have disclosure. It is a curious and wholly
14 unsatisfactory position for them, and they find it
15 difficult in those circumstances to contribute to this
16 Inquiry in the way they want to.

17 The core participants believe, though, on
18 the information that they do have, one point is already
19 clear. It's the point I began with. The undercover
20 policing which they faced was disproportionate,
21 politicised and inappropriate. It resulted in abuses of
22 power, and it resulted in criminal activity by police
23 officers that should never have happened.

24 In the Designated Lawyer's opening statement, he
25 said this:

1 "Much of the criticism directed at the SDS refers to
2 or is couched in terms about the well meaning political
3 objectives and motivations of those reported on."

4 And according to that opening, that misses
5 the point. The Designated Lawyer's opening statement
6 then went on to explain that, and it said this. It
7 postulated the proposition:

8 "If [he said] there were a right to be heard or
9 listened to or a right to disrupt or enforce one's own
10 view on others in the pursuit of political objectives
11 --without the police knowing in advance or maintaining
12 public order at the time -- that right would have to be
13 enjoyed by all, regardless of their place on the
14 political spectrum ..."

15 And then he said:

16 ".... the result would be pandemonium."

17 "If there were a right to be heard or listened to or
18 a right to disrupt or enforce one's own view on others
19 in the pursuit of political objectives - without the
20 police knowing in advance or maintaining public order at
21 the time - that right would have to be enjoyed by all,
22 regardless of their place on the political spectrum and
23 the result would be pandemonium."

24 Well, sir, these core participants take the view
25 that the right to be heard or listened to without

1 the police knowing in advance is emphatically not
2 a right that should be limited to those who are
3 considered to be on an acceptable point on the political
4 spectrum. The right to be heard or listened to without
5 the police knowing in advance is our human right of
6 freedom of thought, freedom of expression. The result
7 of allowing people to be heard or listened to without
8 the police knowing in advance does not result in
9 pandemonium, it is at the heart of a liberal democratic
10 society.

11 The core participants do not believe, as appears to
12 have been suggested that it was a handful of rogue
13 officers behaving contrary to their instructions and
14 against the direction of their supervisors. That is
15 a simplification and an evasion that they don't accept.

16 From what they know, it was the opposite.
17 The unacceptable behaviour of undercover officers was
18 consistent with what they were told was acceptable. It
19 is what their supervisors were permitting, even
20 encouraging them to do.

21 Approaching this as though it were rogue officers
22 rather than a problem with supervision and oversight is
23 exactly the approach these core participants do not want
24 you to take. They want you to look into why supervision
25 wasn't done properly, why people who were doing

1 undercover work were encouraged to do what they did, and
2 why it was kept secret from those who should have been
3 told about it.

4 It is important to remember two things. First, that
5 the core participants, as we've identified above, were
6 critical in exposing the scandals of undercover
7 policing. But second, and in doing so, there has been
8 a severe human cost to those people who were subjected
9 to infiltration by undercover officers.

10 Many of the integral steps to the setting-up of this
11 Inquiry came about through the core participants
12 themselves taking action to find out what took place and
13 discover the scale of the abuses perpetrated.

14 That is a traumatic task in itself, but it is made
15 harder because the police have fought to protect
16 the secrecy of their actions at all stages. From
17 the core participants' point of view, had it been left
18 solely to the state, nothing about what happened would
19 ever have been known.

20 The personal impact of undercover policing on those
21 spied upon should also be remembered. In the words of
22 one core participant, Merrick Cork, who was involved in
23 exposing Mark Kennedy, he emphasised it or he expressed
24 it in this way:

25 "It is only by chance that the Inquiry is happening,

1 because it is only by chance that the catalogue of
2 abuses was brought to light at all.

3 "Ten years ago we started to see things about our
4 friend Mark . . ."

5 That's Mark Kennedy:

6 "We suffered anguish of suspecting someone who you
7 love of being something else, something that's the very
8 opposite of who you know them to be. We were very much
9 out of our depth. We had no experience, no knowledge of
10 what exactly we were looking for. We doubted our own
11 minds because the things we were suspecting were the
12 kind of thing the Stasi perpetrated, surely they didn't
13 happen in this country. We confronted Mark and confirmed
14 the awful truth. It was worse than a bereavement. When a
15 loved one merely dies they go away forever but, unlike a
16 spycop, they don't undo all the shared experiences that
17 made you love them when they were here.

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

21 "Seeing what we'd done, others have realised that
22 their old friends were in fact nothing of the sort. The
23 police, aided by an assortment of satellite bodies, have
24 sought to prevent us from finding the truth of what was
25 done to us. It still hurts to know that Mark was only

1 ever in our lives as a trained, paid, monitored agent to
2 undermine what we hold dear. But speaking to others who
3 can't be sure which of their friends were spycops, I
4 realise I have been spared something even more damaging.
5 The thing worse than knowing is not knowing."

6 Discovering that they were the subject to spying by
7 undercover officers has had profound, long-lasting
8 damaging impact on many core participants and many
9 others. They have some limited information about what
10 took place, but many, many unanswered questions remain.

11 Sir, we hope this is an inquiry that is focused not
12 only on finding out what happened, but also on, as
13 I said at the beginning, looking forward. And
14 the core participants I represent are keen that even at
15 this early stage there is some consideration of
16 the recommendations this Inquiry might be thinking about
17 as it moves forward.

18 This Inquiry, they suggest, should make clear
19 recommendations to ensure that undercover policing of
20 this kind does not happen again. The disproportionate
21 politicised and unregulated undercover surveillance that
22 happened here is never acceptable.

23 The horrendous abuses of the rights of some of these
24 core participants, the women who were abused,
25 the bereaved families spied upon, the people wrongly

1 convicted of offences, the racist targeting of
2 campaigners -- all those things demand not just
3 acknowledgement but recommendations to change our system
4 to prevent them from happening.

5 At the appropriate time, these core participants
6 will make submissions to this Inquiry on
7 recommendations, based of course on the evidence that
8 has been heard. But even now, one of the things that
9 must be considered are proposed recommendations that
10 will consider changes to Part 2 of the Regulation of
11 Investigatory Powers Act that of course still remains in
12 force, the enactment of which in 2000 failed to prevent
13 undercover officers abusing the rights of so many of
14 these core participants.

15 In going through the Inquiry process, there are some
16 questions the core participants would like the Inquiry
17 to consider as it approaches the evidence and considers
18 what recommendations might be made.

19 Firstly, what was the purpose of the surveillance on
20 them?

21 Was the purpose legitimate?

22 Even if one of the purposes put forward
23 was ostensibly legitimate, they ask the Inquiry to
24 consider was there a different illegitimate purpose,
25 a true purpose?

1 Was that purpose tainted by political motivations?
2 And importantly, sir, for you to examine, was it tainted
3 by racism or other prejudices?

4 Is the purpose that is now being presented no more
5 than *ex post facto* justification?

6 You've heard, from Mark Ellison's report and others,
7 about the lack of documentation. We ask you to treat
8 with suspicion and scepticism those who now put forward
9 easily fitting justifications in the absence of any
10 records to justify that.

11 And most of all when looking at the purpose, was
12 the purpose even clear at the time to any of the people
13 supervising them? Was there a structure? Were things
14 being done within a legal framework and an operational
15 framework and with oversight?

16 Which brings us to the second point: was there an
17 appropriate legal and supervisory framework for that
18 surveillance?

19 What was the framework that they were working to,
20 and what is the evidence that they actually worked to
21 it?

22 Is there any evidence of that framework being used
23 at the time?

24 Is there any evidence that supports that it was
25 followed rather than just lip service to that fact?

1 Or, looking at it differently, how was the purported
2 legal and supervisory framework avoided or exploited,
3 not just by officers but by their supervisors?

4 And if there was a purported framework, why did that
5 framework not fulfil its purpose? Why did it not
6 protect the rights of those core participants, as it
7 should have done?

8 Would the framework that should be in place today
9 have ensured a different outcome? And if the answer to
10 that is no, then surely the question must be: should we
11 change the existing framework that we have to make sure
12 it is effective?

13 And, thirdly, was the activity carried out pursuant
14 to the surveillance necessary and proportionate? What
15 was the threat, if any, posed by those placed under
16 surveillance? And what was the level of intrusion or
17 the unlawful activity pursuant to that surveillance that
18 they're supposed to have taken on that -- supposed to be
19 involved in that made that level of intrusion
20 justifiable?

21 They will submit, when one looks at necessary --
22 whether the surveillance was necessary and
23 proportionate, the answer is clear: this was
24 surveillance that was done without proper attention to
25 the most fundamental principles which should have guided

1 it.

2 The core participants believe that in taking an
3 approach that includes answering those questions,
4 the extent of the wrongdoing committed against them will
5 become clear.

6 It will reveal a system of surveillance carried out
7 without proper justification. But their concern is that
8 there is insufficient information and insufficient
9 transparency to bring that clarity to this process.

10 Without an appropriate framework in the way
11 the surveillance was carried out, it was often
12 illegitimate, unnecessary and disproportionate. It
13 involved unlawful activity, human rights abuses and
14 complicity in crimes by officers themselves.

15 Sir, if, as I stated at the beginning of this
16 opening, these hearings are an examination into a dark
17 and unpleasant chapter of British policing and political
18 history, then this Inquiry, the Inquiry itself, is also
19 a test of whether the Inquiry process can deliver
20 justice and explanations to those who have been wronged.
21 But it must acknowledge that this Inquiry is not simply
22 dealing with a historic problem. As I've indicated,
23 the Inquiry and its recommendations must look forward to
24 ensure that this type of state misconduct and abuse is
25 not repeated. Not just undercover policing but all

1 forms of surveillance can learn from the errors that
2 were made in the areas that this Inquiry will consider.
3 And not just undercover policing, but all forms of
4 surveillance must not be allowed to be carried out in
5 the way that failed to respect the rights of the public
6 and became a form of police activity that broke the law
7 rather than upheld it.

8 These core participants hope that this Inquiry will
9 deliver them the truth that they all deserve and have
10 waited so long to hear; and in doing so, they hope that
11 it will prevent others going through what they have
12 experienced.

13 Thank you, sir.

14 THE CHAIRMAN: Thank you, Mr Ryder. That was a formidable
15 effort. I suspect, in hindsight, you're glad it was
16 broken into two days.

17 MR RYDER: Yes, sir. Thank you.

18 THE CHAIRMAN: Thank you.

19 We'll now adjourn for 15 minutes, when our last
20 person to make an opening statement, Mr O'Driscoll, will
21 do so in person.

22 MS PURSER: Thank you, everyone. We will now take a break
23 until 5 pm.

24 (4.41 pm)

25 (A short break)

1 (5.00 pm)

2 MS PURSER: Welcome back, everyone. I will now hand over to
3 the Chairman, to continue proceedings.

4 Chairman.

5 THE CHAIRMAN: Mr O'Driscoll, you've had a long wait, but
6 now it is your turn to make a statement to the Inquiry.

7 Opening statement by MR O'DRISCOLL

8 MR O'DRISCOLL: Thank you, Chair.

9 I shall make additional oral points as well as
10 addressing my written statement.

11 I'm aware other opening statements make points and
12 criticisms which I simply adopt rather than repeat in my
13 limited time. I believe them to be justified from my
14 own experience of the often high-handed approach taken
15 towards those of us on the non-state side.

16 I have been left with the impression the Inquiry
17 believes it can do its work without the non-State,
18 non-police core participants if needed, that it can
19 learn the truth adequately enough from material provided
20 by the police, that it can interpret the events we lived
21 through, the moments and movements we were part of,
22 without our help, that the truth can be obtained from
23 the words and documents of units whose core training was
24 to lie to people and was willing to pervert the course
25 of justice.

1 It's precisely the opposite. Without
2 the understanding and knowledge we bring, there is no
3 hope to penetrate the half-truths, the outright lies and
4 the self-justification we know is in the police files.
5 Further, this Inquiry will be hollow, sorely lacking
6 the public's trust.

7 My experience representing myself is that this
8 attitude towards us permeates everywhere. The bias is
9 visible in many of its decisions. Time and time again
10 we have come up against it, either being stonewalled or
11 finding the ground shifts beneath us; or just being
12 denied basic consideration around disclosure.
13 The constant prioritising of police needs over ours
14 exacerbates the pain we all feel.

15 For five years we have been waiting for this grim
16 chapter in all our lives to close, to get disclosure.
17 Yet decision after decision effectively excludes many of
18 us. This is made all the worse when we are told these
19 decisions are for our own benefit.

20 For example, disclosure of material the police had
21 years to pore over we are given at the eleventh hour,
22 with insufficient time to process properly. I have
23 personally explained to the Inquiry legal team
24 the problems with this approach on various occasions.

25 As an aside, I am very grateful at receiving access

1 to the current hearing bundle. Though, as it was quite
2 late in the day and it takes some time just to read
3 the many thousand pages, I hope there will be some
4 latitude in submitting delayed Rule 10 questions.

5 To continue, non-police core participants remain
6 part of the inquiry despite everything. Trauma, pain
7 and injustice are at the heart of the matter.
8 The undercover policing scandal has its impact because
9 this is what it caused in myriad different ways. Once
10 one takes away the jargon around human rights and
11 legality, it is what is left. The Inquiry has its terms
12 of reference, but what drives the outrage, the need for
13 justice, the public interest are the abuses these
14 officers carried out. And people were abused.

15 Democracy was attacked by these ideologically motivated
16 units, utterly callous in their disrespect for people,
17 yet we are told they are the ones who need protecting.

18 To replicate the police's tactics of justification
19 and secrecy as the Inquiry so often has distresses us,

20 though it does not erase our need for answers.

21 Throughout the next few years, we will continue to

22 remind the Inquiry about that pain and injustice and

23 press for processes that respects us instead of

24 constantly prioritising of needs of the abusers, or

25 finding the flimsiest of reasons to exclude so many of

1 us targeted by the SDS and NPOIU.

2 I have been misfortunate enough to see some of
3 the records the undercover police kept on us. I know
4 how extensive the reporting goes, how personal and vile
5 it is, and how many lies and inaccuracies are in them.

6 So I say the Inquiry cannot get to the truth without
7 us, it is based on this knowledge. It will not get
8 through the layers of deception where the police have
9 covered their tracks. There will be so many moments
10 that only we can explain the significance of, because
11 the documents deliberately obscure the truth. To draw
12 any sort of conclusions from some such distorted
13 material without our effective participation is to build
14 an edifice on sand.

15 The same applies to the evidence of
16 the undercover officers. They are trained to lie. It
17 was their job. To penetrate that veil to ask them
18 the necessary questions cannot be done without our
19 knowledge. Regardless of any statement to the contrary,
20 the police committed serious crimes and are clearly
21 approaching the Inquiry as an adversarial process.

22 It is somewhat unfortunate the public are not privy
23 to the many behind-the-scenes representations by
24 the non-State, non-police core participants. If they
25 were, they would see just how laughable some of

1 the police's claims over the last few days have been.

2 I have many questions I need answering myself. I've
3 been politically active for three decades, targeted by
4 a number of the undercover officers, some named and some
5 not named. I grew up in Northern Ireland with the army
6 pointing guns at me as I walked to school. I was aware
7 of state-sponsored murder gangs and shoot-to-kill
8 policies. We knew what the British state is capable of
9 and what it is willing to cover up or justify to itself.
10 So I come to this with no illusions.

11 However, I will not stand by when the Inquiry tells
12 me it can get to the truth without letting me know
13 the names of the undercovers who spied on me. When
14 the Inquiry insists on withholding those basic facts
15 from myself and others, it is not getting to the truth,
16 it's helping cover it up.

17 There are a number of issues which inform my
18 core participancy, and I apologise that not all in my
19 written statement. In '98 I was hospitalised, having
20 been almost killed when pushed under a moving car by
21 a police officer during a demonstration, a deeply
22 traumatising moment that still affects me. In
23 subsequent months, I was targeted by the police for
24 increased attention which furthered that trauma. I now
25 believe Christine Green would have been around for that.

1 I wish to know what reporting she and other undercovers
2 made in relation to that period of my life and how that
3 impacted on the civil claim I was then preparing against
4 the police.

5 In the late 1990s, I was placed on
6 the Consulting Association's so-called "green list" and
7 experienced the impact of that, having job offers
8 withdrawn at the last minute.

9 In 2005 I was involved in organising the protest
10 camp at Stirling during the G8 summit, an event at which
11 there were multiple undercovers, a number of whom I knew
12 personally. The intense police harassment of that camp
13 while trying to accommodate over 5,000 people safely
14 directly resulted in me developing a chronic illness
15 which will remain with me for the rest of my life.

16 I would like answers as to not only why that level of
17 intrusion was considered proportionate, but what
18 consideration was given to the impact the resulting
19 policing pressure would have on campaigners generally.

20 Throughout the 2000s I was involved in defending
21 animal rights groups against civil injunctions that
22 sought to undermine their right to protest. I now know
23 that not only were the domestic extremism units overtly
24 active around this, they were covertly active as well,
25 including one corporate spy now known to have passed

1 material to the police. I want to know to what extent
2 undercovers active at the time, at least one close to
3 me, were disrupting our legal defences and who
4 sanctioned that.

5 During one of those injunction cases it emerged that
6 Superintendent Stephen Pearl, head of the National
7 Extremism Tactical Coordination Unit, NETCU, a sister
8 unit to the National Public Order Intelligence Unit,
9 handed over to lawyers representing a number of private
10 companies the names, details and convictions of 52
11 individuals, including myself. It was clear this type
12 of assistance was done as a matter of course, and
13 the practice only emerged when they sought to formalise
14 it for proceedings. I managed to successfully intervene
15 on that occasion, but the question remains as to how
16 much other material, including that gathered by
17 undercovers, was being passed over.

18 Superintendent Pearl went on to become a director of
19 a vetting and security firm, Agenda. It raises
20 the question of just how seriously we should take claims
21 of risk facing NPOIU officers when, as of yesterday, he
22 was still listing his NETCU role and his business
23 interests on LinkedIn along with a photograph of
24 himself.

25 His co-director for a time at Agenda was

1 Gordon Meldrum, a Strathclyde Special Branch officer who
2 oversaw the 2005 G8 policing operation and who
3 the National Crime Agency remember as their one-time
4 director of intelligence. I refer back to my third
5 witness statement for more details there.

6 Around 2010 I was with Bobby Vincent, another
7 core participant, in talking to the pharmaceutical giant
8 Novartis negotiating in good faith regarding their
9 injunction. As mentioned by Mr Ryder, we were not
10 talking to Novartis, as we had been led to believe, but
11 to an undercover officer, James Adams. I was arrested
12 for conspiracy to blackmail, something I believe was
13 done to undermine my work on the injunctions more
14 generally. The charges were later dropped.

15 I also flag that it was around this time
16 Jim Sheldrake of Neptune and Melvin Young,
17 the Deputy National Extremism Coordinator overseeing
18 Neptune and the NPOIU, both joined Novartis, Young in
19 particular as its Global Head for Extremism and Risk.

20 Mark Kennedy, when he left the police for private
21 intelligence firm Global Open, used his friendship with
22 me, forged while he was undercover, to facilitate
23 targeting other groups I have been active with that he
24 did not have access to otherwise. How much other
25 information gathered on me by him and other undercovers

1 were passed on to the likes of Global Open? How often
2 were other undercover identities used in this way, and
3 how much were management aware? Especially given
4 Global Open was founded by Rod Leeming, the former head
5 of the Animal Rights National Index, the very
6 organisation that became the National Public Order
7 Intelligence Unit. A pertinent question is how Kennedy,
8 as a serving police officer, came to be recruited by
9 Global Open.

10 These are not the only times when I know
11 undercovers, informers and corporate spies targeted me,
12 and I am sure there are more to emerge, given the many
13 other campaigns and groups I was involved in, not least
14 of which is Climate Camp, again, already covered.

15 I would like to make it clear, though, as an animal
16 rights activist, environmentalist, anarchist and
17 anti-fascist, I remain proud of all I have been involved
18 in and continue to be committed to those causes.

19 I regret very little.

20 I am sure the state will happily label me as
21 a criminal, but that does not bother me. First and
22 foremost, I have always fought for and been motivated by
23 a sense of justice. It is at the core of who I am where
24 one does not stand idly by in the face of cruelty or
25 oppression. Positive change comes only through people

1 standing up to the powerful, and as such, I will not
2 accept such criticism from a state that has and is
3 prepared to give its agents unchecked powers to abuse,
4 rape and even murder and will spend millions, if
5 necessary, to cover for them. Whatever I have done that
6 some might find disagreeable, it is nothing, I say, it
7 compared to the police.

8 The above are just my examples of how
9 undercover police in my life was not merely
10 inconvenience, but actively impacted on me. If there is
11 to be one key point from this opening statement I wish
12 the Inquiry to take away, it is that my story is far
13 from unique.

14 In October 2010 I was among the first to get
15 the phone call, a friend telling me they had just
16 confirmed that Mark Stone was in fact the undercover
17 Mark Kennedy. I had considered Mark a friend, invited
18 him to help us set up the Activist Tat Collective,
19 campaigned alongside him, been on actions with him,
20 visited his house and socialised with him. I was asked
21 to let others close to him know about what had just been
22 exposed, and over the next few months I watched the pain
23 and tears as that knowledge rippled through our
24 movements. I watched my good friends and colleagues be
25 broken by that fact. I knew a number of those he had

1 relationships with, and could only try to console them
2 as they processed that horror. The shockwave of that
3 moment reverberates to this day.

4 I may be better known to the Inquiry as a researcher
5 but I would like to disabuse it of any notion it is my
6 primary reason for participating. I am involved to
7 support all those affected, to help them find a way
8 through the pain and get at least a modicum of justice
9 and answers. In the last decade I have spoken to over
10 150 people who have been part of it from all forms of
11 campaigns and groups, some friends, many whom I'd never
12 met before. Probably better than most, I know how far
13 and deep the emotional scars of this scandal go.

14 The impact is far beyond those accepted as
15 core participants. There are many out there still
16 struggling with the facts of how they were targeted.
17 Campaigning is hard enough, causes enough burnout and
18 trauma in itself, without knowing there are those
19 working alongside you to directly undermine all you are
20 seeking to achieve. The horror of sharing intimate
21 moments and times when you've put your life on the line,
22 literally in some cases, with someone who was betraying
23 you is distressing and a deep deception that cannot but
24 affect people. I can attest how often that story plays
25 out time and time again, and how deep the scarring goes.

1 In talking to all these people, I have come to
2 understand how far the issues reach beyond the headline
3 accounts, that are on you themes the Inquiry cannot
4 avoid. There are three in particular I wish to
5 highlight.

6 Firstly, it is apparent the undercovers have access
7 to medical records and were willing to use health issues
8 to facilitate access to people. They were close to
9 people suffering serious medical trauma and inserting
10 themselves in their lives and care.

11 Secondly, in a number of cases, the undercovers were
12 involved in the lives of children of activists. I've
13 listened to those parents tell of the guilt of leaving
14 their loved ones in the care of people who didn't really
15 exist, the doubt that develops around their own
16 judgment, and the anger towards the police that
17 sanctioned this. I am also very aware of how much it
18 impacted those children, some having to live with
19 parents processing that trauma, others damaged by
20 the knowledge that someone they thought was a friend who
21 could be depended on was lying to them about everything.

22 Thirdly, undercovers pointed the fingers at other
23 people alleging them to be police or informers. How
24 many people were wrongly accused in this way,
25 effectively driven out and denied their ability to

1 partake? This is a profoundly cynical, destructive and
2 anti-democratic thing to do, and the interference with
3 their rights should not be glossed over.

4 None of these were one-off cases; they happened
5 multiple times.

6 I do not accept the narrative that these units were
7 rogue. They were known of at the highest levels and as
8 such their activities were condoned. That a number of
9 undercovers and unit managers went on to senior
10 management tells us that knowledge permeated despite
11 the normal silos between the undercover units and
12 the rest of the police. Any investigation into
13 the truth must air how far that knowledge went, but also
14 how much there was a wilful blindness to those abuses.

15 We have already seen the police want to focus on
16 the alleged criminality of some protesters to justify
17 undercover deployments. I wish to present a different
18 picture. These were units that were ideologically
19 motivated, individually and systemically racist and
20 sexist, with little care or interest in the rights of
21 those they targeted. They did not send the officers in
22 to tackle the alleged criminality of one or two people,
23 but targeted groups wholesale for exercising their right
24 to protest and seeking positive social change.

25 In doing so, they effectively criminalised these

1 communities, and once that was accepted practice, it
2 became reason enough to justify everything else.
3 A fundamental question facing the Inquiry is was all
4 this ever acceptable in a democratic society. Because
5 of this, it is my position that the notion of
6 "collateral intrusion" has no real place in this
7 Inquiry. These units saw nobody as collateral and
8 reported on everybody regardless. The concept has no
9 meaning than everyone and their families being
10 systematically target on the basis of their beliefs,
11 a common pattern among the police even today. It is an
12 aspect the Inquiry needs to look at in order to fully
13 understand how these units approached their work. Even
14 if it can be said that management did not know of
15 individual abuses, they do not escape responsibility for
16 creating a culture where anything went and they were
17 content to fund it, or that they actively signed off on
18 the choice of targets.

19 I do not think I was the only one surprised that
20 reporting on the Schools Action Union was considered
21 sufficiently positive an achievement as to make the SDS
22 annual report twice.

23 The following points may be considered outside
24 the Inquiry's terms of reference, however I continue to
25 press them because I know them to be significant and

1 that no inquiry into the truth can avoid them. We now
2 know that the undercovers and their managers went on to
3 work for private firms, taking their knowledge and
4 experience with them. In doing so, they perpetrated
5 the same intrusion and abuses they carried out as
6 undercovers.

7 It is not simply a matter of whether they continue
8 to work undercover, or worked undercover subsequently,
9 but whether they also took information with them, or
10 used contacts back at Special Branch to obtain that
11 information. I note that in 1988, two journalists wrote
12 of Special Branch files being shared by these types of
13 firms.

14 The story of the undercovers is an international
15 one; these units did not respect orders. No account can
16 turn a blind eye to the bigger picture of their
17 operations abroad, particularly the 2005 G8 protest in
18 Scotland or, for example, the multiple visits to
19 Ireland, Germany and Iceland.

20 I note with considerable interest the extent to
21 which MI5 has been cited over the last few days by
22 the police themselves and I hope this bears further
23 fruit as it is clear the full picture includes them.

24 Finally, I wish to address a couple of matters from
25 preceding opening statements. Much was made of

1 the pressures on the police. Repeat mention was made of
2 two people killed during protests as justifying
3 undercover policing. For many of us listening, it was
4 just another example of the contempt police clearly hold
5 us with. Having almost joined that number, I fully
6 endorse the words of Mr Ryder on behalf of Celia Stubbs
7 and hope there is no further expressions of this
8 breathtaking callousness.

9 The (inaudible) of Public Order Branch sticks in
10 the throat when so many fellow campaigners have accounts
11 of the wanton violence from them, or being provoked and
12 attacked. I have my own. On one protest, while
13 assisting someone on the ground, I was batoned across
14 the face hard enough to snap my glasses in two. There's
15 a phrase we had when returning from demos in London,
16 "I've met the Met and I've the bruises to prove it",
17 because we all knew how prone they were to violence.
18 The tragic murder of Ian Tomlinson wasn't a surprise.
19 It was only a matter of time.

20 Ironically, many of the undercovers make out it was
21 they who were at risk. Personally I find that
22 incredulous. They have the backing of
23 the Metropolitan Police, itself an organisation
24 responsible for a staggering number of deaths at
25 the hand of its own officers, many in custody.

1 No, what this is about is accountability.
2 The police are given extensive powers, which they have
3 abused. What they are most worried about is being held
4 responsible for that. As far as I am concerned,
5 undercovers hiding behind restriction orders is
6 a cowardly refusal to acknowledge they have no right to
7 carry out the political, sexist, racist and
8 anti-democratic policing. And there is no doubt that it
9 is still going on. We know domestic extremism units
10 continue to exist and monitor protests to this day. The
11 fact they remain embedded in counter-terrorism units
12 show nothing has fundamentally changed in how they view
13 campaigners. Changing unit names has not altered the
14 ideological foundation that gave rise to the abuses in
15 the first place. These counter-terrorism units are
16 merely a rebranding of Special Branch while their
17 special project teams continue to deploy undercovers.
18 The spycops scandal is not an issue of the past; it
19 remains relevant right up to the current moment.

20 For all these reasons, I urge the Inquiry to
21 investigate thoroughly undercover policing units fully
22 in the public eye where justice can be seen to be done.
23 It remains my position that the police should not be
24 allowed to escape accountability as that is something
25 that only exacerbates the many injustices we have

1 already lived through.

2 I would like to offer a final observation. On
3 Tuesday we were treated to a fanciful view of a bygone
4 age. It would have been time better spent on
5 a different lesson from that era, the Widgery Tribunal's
6 whitewashing of the Bloody Sunday massacre. As a young
7 man in Northern Ireland, Widgery was a byword for
8 the extent the state was willing to cover up its crimes.
9 Today I argue it teaches another lesson, that the fight
10 for truth around great injustices can never be brushed
11 under the carpet though legal proceeding. People cannot
12 and will not be fobbed off. Growing up aware of
13 the injustice that was Widgery is in itself, in part,
14 why I am here today and continue to wish to partake.

15 Like the Shrewsbury, Orgreave, Blacklisting and so
16 many family justice campaigns, the issue of spycops will
17 not go away until answers are had in public. I urge
18 the Inquiry and the police to reflect on that. Thank
19 you.

20 THE CHAIRMAN: Thank you, Dr O'Driscoll. I apologise again
21 for you having to wait until the end of the day.

22 You raised three particular issues that you wanted
23 the Inquiry to explore. First, the interaction between
24 an undercover unit, or undercover units and the private
25 sector, including the migration of some who were in

1 undercover units into private sector positions.

2 Secondly, the international element. And thirdly,
3 the relation between the SDS in particular and
4 the Security Service.

5 The first two of those issues are issues within my
6 terms of reference that I intend to investigate.

7 The second isn't and I can't. Thank you.

8 MR O'DRISCOLL: Thank you.

9 THE CHAIRMAN: That concludes proceedings for today. We
10 will resume at 10 tomorrow.

11 MS PURSER: Thank you everyone, the opening statements have
12 now finished for the day and we will be back at 10 am
13 tomorrow.

14 (5.27 pm)

15 (The hearing adjourned until 10.00 am on Friday,
16 6 November 2020)

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